

Nor is there any provision in the Constitution of the Union which confers jurisdiction upon the federal courts in any case where a body politic is a party; because of its having been concurrently incorporated by two or more states. *The Chesapeake and Ohio Canal Company* has been incorporated by the governments of the District of Columbia, and those of the states of Virginia, Pennsylvania, and Maryland; and now holds, or may hold, much immovable property, which must be subject to the exclusive jurisdiction of each of them.

It necessarily follows, that this body politic, must, for the purposes of justice, be treated as a separate corporation by the courts of justice of each government, from which it has derived its being; that is, as a domestic legal entity to the extent of the government, under which the court acts, and as a foreign corporation so far as regards the other sources of its existence; that although the direct and strict merits of its title to the immovable property it holds, under the other governments of its origin, cannot be determined in any of the courts of this republic; yet, that the body politic itself may, because of its being found here, be restrained from wasting its funds, or expending them for any other than corporate purposes any where, in violation of the delegated authority with which it has been clothed; that, so far as regards the title to its immovable property, where it becomes necessary to restrain the making of any excavation, or erection upon it, or to obtain redress for any injury done to it, the courts of justice under whose jurisdiction it lies must have exclusive cognizance of the matter; and that, in all other cases, they must have concurrent jurisdiction. (y)

The dam, the erection of which is complained of, is to be extended entirely across the river Potomac; and therefore, one part of it must rest upon the territory of Maryland and the other upon that of Virginia; consequently, to that extent each state must have an exclusive jurisdiction, so far as it may be necessary to prevent its erection by injunction. But the object of preventing the erection of this dam is to put a stop to the expenditure of the funds of the body politic, for other than corporate purposes, within the District of Columbia; and consequently, so far only as the body politic

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& *Dundas v. Ellzey*, 2 Cran. 445; *Bank U. S. Deveaux*, 5 Cran. 90; *The Corporation of New Orleans v. Winter*, 1 Wheat. 91; *U. S. Bank v. Planters' Bank*, 9 Wheat. 911; ante 109, note (q).

(y) *Drybutter v. Bartholomew*, 2 P. Will. 128, note.