designed to be adapted to each other and to work harmoniously together; [53] and each is supreme within its appropriate sphere.[54] Together they make one whole, furnishing the people of the United States with a complete government,[55] and the people of a state owe allegiance both to the state government and to the national government.[56]

The federal government and state government exercise their respective powers in the same territory,[57] but each is a distinct entity acting independently of the other,[58] and each has its separate governmental organization.[59] The several states are, however, an entirety, and their people constitute one nation.[60] The United States is not, as to one of the states, a foreign nation, or foreign sovereignty; [61] but it is a concurrent, and, within its jurisdiction, paramount, sovereignty.[62]

The states have no existence politically, outside and independent of the Constitution of the

N.J.—Kersting v. Hardgrove, 48 A.2d 309, 24 N.J.Misc. 243.
Ohio.—Home Owners' Loan Corp. v. Sherwin, 18 N.E.2d 992, 59 Ohio App. 567, appeal dismissed Home Owners' Loan Corp. v. Welsh, 17 N.E.2d 270, 134 Ohio St. 356.
Kirschbaum v. Mobley, 12 Ohio Supp. 6.
Pa.—U. S. v. Board of Finance and Revenue, 85 A.2d 156, 369 Pa. 386—Commonwealth v. First Nat. Bank & Trust Co. of Easton, 154 A. 379, 303 Pa. 241.
Wash.—Boeing Aircraft Co. v. Reconstruction Finance Corp., 171 P.2d 838, 25 Wash.2d 652, 168 A.L.R. 539, appeal dismissed B. A. Co. v. King County, Wash., 67 S.Ct. 972, two cases, 330 U.S. 803, 91 L.Ed. 1262.
12 C.J. p 742 note 73—59 C.J. p 28 note 6.

53. Mass.—In re Opinion of the Justices, 8 N.E.2d 753, 297 Mass. 567.

54. U.S.—Carter v. Carter Coal Co., App.D.C., 56 S.Ct. 855, 298 U.S. 238, 80 L.Ed. 1160.
U. S. v. Certain Lands in City of Louisville, Jefferson County, Ky., C. C.A.Ky., 78 F.2d 684, affirmed 56 S. Ct. 594, 297 U.S. 726, 80 L.Ed. 1009.
Cal.—Redding v. City of Los Angeles, 185 P.2d 430, 81 C.A.2d 888, certiorari denied 68 S.Ct. 1338, 334 U.S. 825, 92 L.Ed. 1754, rehearing denied 68 S.Ct. 1511, 334 U.S. 854, 92 L.Ed. 1776.
Ill.—Henrys v. Raboin, 69 N.E.2d 491, 395 Ill. 118, 169 A.L.R. 927.
Mass.—In re Opinion of the Justices, 8 N.E.2d 753, 297 Mass. 567.
Wash.—Boeing Aircraft Co. v. Reconstruction Finance Corp., 171 P.2d 838, 25 Wash.2d 652, 168 A.L.R. 539, appeal dismissed B. A. Co. v. King County, Wash., 67 S.Ct. 972, two cases, 330 U.S. 803, 91 L.Ed. 1262.
12 C.J. p 742 note 73.
Ill.—Henrys v. Raboin, 69 N.E.2d 491, 395 Ill. 118, 169 A.L.R. 927.

Doctrine of separation of powers without application

Doctrine of separation of powers is not clearly stated in constitution but flows naturally from division of federal government into three branches, each given enumerated powers, and it operates as a constitutional limitation between branches of federal government but has no application in area of federal-state relations.
U.S.—Kwai Chiu Yuen v. Immigration and Naturalization Service, C.A.Cal., 406 F.2d 499, certiorari denied 89 S.Ct. 1750, 395 U.S. 908, 23 L.Ed.2d 221.

55. U.S.—U. S. v. Cruikshank, La., 92 U.S. 542, 23 L.Ed. 588.
59 C.J. p 28 note 7.

56. Mass.—In re Opinion of the Justices, 8 N.E.2d 753, 297 Mass. 567.

57. U.S.—Stamphill v. U. S., C.C.A. Okl., 135 F.2d 177.
Pa.—U. S. v. Board of Finance and Revenue, 85 A.2d 156, 369 Pa. 386.
59 C.J. p 28 note 9.

58. U.S.—Feldman v. U. S., N.Y., 64 S.Ct. 1082, 322 U.S. 487, 88 L.Ed. 1408, 154 A.L.R. 982, rehearing denied 65 S.Ct. 26, 323 U.S. 811, 89 L.Ed. 646.
Stamphill v. U. S., C.C.A.Okl., 135 F.2d 177—U. S. v. Certain Lands in City of Louisville, Jefferson County, Ky., C.C.A.Ky., 78 F.2d 684, affirmed 56 S.Ct. 594, 297 U.S. 726, 80 L.Ed. 1009.
Pa.—U. S. v. Board of Finance and Revenue, 85 A.2d 156, 369 Pa. 386.
59 C.J. p 28 note 10.

Other statement of rule

U.S.—Carter v. Carter Coal Co., App. D.C., 56 S.Ct. 855, 298 U.S. 238, 80 L.Ed. 1160.
Buffington v. Day, Mass., 11 Wall. 113, 20 L.Ed. 122.
Utah.—Van Cott v. State Tax Commission of Utah, 79 P.2d 6, 95 Utah 43, certiorari dismissed State Tax Commission of Utah v. Van Cott, 59 S.Ct. 358, 305 U.S. 592, 83 L.Ed. 375, vacated on other grounds 59 S.Ct. 605, 306 U.S. 511, 83 L.Ed. 950, mandate conformed to Van Cott v. State Tax Commission, 96 P.2d 740, 98 Utah 264.

Agency

While states may be agents for the federal government, the general, ordinary, and juristic concept of the relationship is not that of governmental principal and agent, and the term "agency" in governmental parlance, referring to agencies of the United States, is not used as encompassing the states as such.
Idaho.—Twin Falls County v. Hulbert, 156 P.2d 319, 66 Idaho 128, reversed on other grounds 66 S.Ct. 444, 327 U.S. 103, 90 L.Ed. 560.

59. U.S.—U. S. v. Cruikshank, La., 92 U.S. 542, 23 L.Ed. 588.
59 C.J. p 29 note 11.

60. U.S.—White v. Hart, Ga., 13 Wall. 646, 20 L.Ed. 685.
59 C.J. p 29 note 12.

61. U.S.—Claflin v. Houseman, N.Y., 93 U.S. 130, 23 L.Ed. 833.
Ala.—Jeffreys v. Federal Land Bank of New Orleans, 189 So. 557, 238 Ala. 97.
Ill.—People ex rel. Woll v. Graber, 68 N.E.2d 750, 394 Ill. 362.
Ind.—Bowles v. Heckman, 64 N.E.2d 660, 224 Ind. 46.
Mass.—In re Opinion of the Justices, 8 N.E.2d 753, 297 Mass. 567.
N.J.—Kersting v. Hardgrove, 48 A.2d 309, 24 N.J.Misc. 243.
N.D.—State v. Langer, 256 N.W. 377, 65 N.D. 68.
Ohio.—Kirschbaum v. Mobley, 12 Ohio Supp. 6.
Okl.—Severson v. Home Owners Loan Corp., 88 P.2d 344, 184 Okl. 496.
59 C.J. p 29 note 13.

In the sense of public international law the several states of the Union are not foreign to the United States, but this is not true in the field of private international law.
R.I.—Robinson v. Norato, 43 A.2d 467, 71 R.I. 256, 162 A.L.R. 362.

62. U.S.—Claflin v. Houseman, N.Y., 93 U.S. 130, 23 L.Ed. 833.
Ill.—People ex rel. Woll v. Graber, 68 N.E.2d 750, 394 Ill. 362.
Ind.—Bowles v. Heckman, 64 N.E.2d 660, 224 Ind. 46.
Ky.—Harrison v. Herzig Building & Supply Co., 161 S.W.2d 908, 290 Ky. 445.
N.J.—Kersting v. Hardgrove, 48 A.2d 309, 24 N.J.Misc. 243.
Ohio.—Kirschbaum v. Mobley, 12 Ohio Supp. 6.
Okl.—Severson v. Home Owners Loan Corp., 88 P.2d 344, 184 Okl. 496.

and judicial powers.[33] The sovereignty of the United States consists of the powers existing in the people as a whole and the persons to whom they have delegated it, and not as a separate personal entity.[34] The United States, in its sovereign capacity, has no particular place of domicile, but possesses, in contemplation of law, a ubiquity throughout the Union.[35] The United States is, however, entirely separate and distinct from the District of Columbia.[36]

The United States is, for many important purposes at least, a single nation.[37] The articles of confederation acted only on the states, but the Constitution acts directly on all the people, and they are directly responsible, and not mediately through the states.[38] The powers of sovereignty are divided between the federal and state governments under this complex federal system.[39] The federal and state governments are each sovereign with respect to the rights committed to it, and neither is sovereign with respect to the rights committed to the other.[40] The union between the states is a union of equal states.[41] All the provisions of the Constitution look to an indestructible union of indestructible states.[42] The United States is not, in relation to the several states, regarded as a foreign nation.[43] The United States is a "state" as such word is frequently used in international law.[44]

The United States is a body politic[45] and corporate.[46] The corporate residence of the United States is within the United States.[47] It is, for some purposes,[48] although not others,[49] treated as a "person." When the United States enters into commercial business, it abandons its sovereign capacity and is to be treated like any other corporation.[50]

B. Territorial Extent, Boundaries, and Jurisdiction

§ 4. Generally

The territory under the jurisdiction of the United States includes the land areas under its dominion and control, the ports, harbors, bays, and other enclosed arms of the sea along the coast, and a marginal belt of the sea extending out three miles.

Library References

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See **WESTLAW** Electronic Research Guide following Preface.

The territory subject to the jurisdiction of the United States includes the land areas under its dominion and control.[51] Also included are the ports, harbors, bays, and other enclosed arms of the sea

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33. U.S.—M'Culloch v. State, 17 U.S. 316, 4 L. Ed. 579, 42 Cont. Cas. Fed. (CCH) ¶ 77296, 4 A.F.T.R. (P-H) ¶ 4491 (1819).

As to separation of powers, see 16 C.J.S., Constitutional Law §§ 111, 112.

34. U.S.—Filbin Corp. v. U.S., 266 F. 911 (E.D.S.C. 1920).

35. N.J.—Federal Deposit Ins. Corp. v. Mangiaracina, 16 N.J. Misc. 203, 198 A. 777 (Cir. Ct. 1938).

36. D.C.—Randolph v. District of Columbia, 156 A.2d 686 (Mun. Ct. App. D.C. 1959).

37. U.S.—Northern Securities Co. v. U.S., 193 U.S. 197, 24 S. Ct. 436, 48 L. Ed. 679 (1904).

Republic, not democracy

Ind.—Hawkins v. City of Greenfield, 248 Ind. 593, 230 N.E.2d 396 (1967).

38. U.S.—In re Debs, 158 U.S. 564, 15 S. Ct. 900, 39 L. Ed. 1092 (1895) (disapproved of on other grounds by, Bloom v. State of Ill., 391 U.S. 194, 88 S. Ct. 1477, 20 L. Ed. 2d 522 (1968)).

39. U.S.—M'Culloch v. State, 17 U.S. 316, 4 L. Ed. 579, 42 Cont. Cas. Fed. (CCH) ¶ 77296, 4 A.F.T.R. (P-H) ¶ 4491 (1819).

40. U.S.—M'Culloch v. State, 17 U.S. 316, 4 L. Ed. 579, 42 Cont. Cas. Fed. (CCH) ¶ 77296, 4 A.F.T.R. (P-H) ¶ 4491 (1819).

Ky.—Foley Const. Co. v. Ward, 375 S.W.2d 392 (Ky. 1963).

41. U.S.—U S v. Sandoval, 198 F. 539 (D.N.M. 1912), rev'd on other grounds, 231 U.S. 28, 34 S. Ct. 1, 58 L. Ed. 107 (1913).

42. U.S.—Texas v. White, 74 U.S. 700, 19 L. Ed. 227 (1868) (overruled in part on other grounds by, Morgan v. U.S., 20 Ct. Cl. 533, 113 U.S. 476, 5 S. Ct. 588, 28 L. Ed. 1044 (1885)).

43. U.S.—Claflin v. Houseman, 93 U.S. 130, 23 L. Ed. 833 (1876).

As to relation of states to United States, generally, see 81A C.J.S., States § 20.

44. Conn.—McLaughlin v. Poucher, 127 Conn. 441, 17 A.2d 767 (1941).

45. U.S.—U. S. ex rel. Marcus v. Hess, 317 U.S. 537, 63 S. Ct. 379, 87 L. Ed. 443 (1943).

46. U.S.—State of Russia v. National City Bank of New York, 69 F.2d 44 (C.C.A. 2d Cir. 1934).

N.D.—Harding v. City of Dickinson, 76 N.D. 71, 33 N.W.2d 626 (1948).

Public or quasi corporation

U.S.—Dugan v. U.S., 16 U.S. 172, 4 L. Ed. 362 (1818).

47. U.S.—Helvering v. British-American Tobacco Co., 69 F.2d 528, 13 A.F.T.R. (P-H) ¶ 724 (C.C.A. 2d Cir. 1934), cert. granted, 292 U.S. 619, 54 S. Ct. 775, 78 L. Ed. 1476 (1934) and aff'd, 293 U.S. 95, 55 S. Ct. 55, 79 L. Ed. 218, 35-1 U.S. Tax Cas. (CCH) ¶ 9008, 14 A.F.T.R. (P-H) ¶ 680 (1934).

48. Pa.—Baker v. Kirschnek, 317 Pa. 225, 176 A. 489 (1935).

49. U.S.—U.S. v. Fox, 94 U.S. 315, 24 L. Ed. 192 (1876).

50. U.S.—The No. 34, 11 F.2d 287 (D. Mass. 1925).

51. U.S.—Cunard S.S. Co. v. Mellon, 262 U.S. 100, 43 S. Ct. 504, 67 L. Ed. 894, 27 A.L.R. 1306 (1923); Matter of Arawak Trust Co. (Cayman) Ltd., 489 F. Supp. 162 (E.D.N.Y. 1980).

As to territorial extent and jurisdiction therein, generally, see 48 C.J.S., International Law §§ 14–24.