

CITE

CITE. To summon; to command the presence of a person; to notify a person of legal proceedings against him and require his appearance thereto. See *In re Eno's Estate*, 180 N.Y.S. 889, 890, 111 Misc. 69. To read or refer to legal authorities, in an argument to a court or elsewhere, in support of propositions of law sought to be established.

CITIZEN. A member of a free city or jural society, (*civitas*), possessing all the rights and privileges which can be enjoyed by any person under its constitution and government, and subject to the corresponding duties. "Citizens" are members of community inspired to common goal, who, in associated relations, submit themselves to rules of conduct for the promotion of general welfare and conservation of individual as well as collective rights. *In re McIntosh*, D.C.Wash., 12 F. Supp. 177.

The term appears to have been used in the Roman government to designate a person who had the freedom of the city, and the right to exercise all political and civil privileges of the government. There was also, at Rome, a partial citizenship, including civil, but not political rights. Complete citizenship embraced both. *Thomasson v. State*, 15 Ind. 451; 17 L.Q.Rev. 270; 1 Sel. Essays in Anglo-Amer. L.H. 578.

A member of a nation or body politic of the sovereign state or political society who owes allegiance, *Luria v. U. S.*, 34 S.Ct. 10, 19, 231 U.S. 9, 58 L.Ed. 101; *U. S. v. Polzin*, D.C.Md., 48 F.Supp. 476, 479.

A member of the civil state entitled to all its privileges. *Cooley*, Const.Lim. 77. One of the sovereign people. A constituent member of the sovereignty synonymous with the people. *Scott v. Sandford*, 19 How. 404, 15 L.Ed. 691.

In American Law

One who, under the constitution and laws of the United States, or of a particular state, is a member of the political community, owing allegiance and being entitled to the enjoyment of full civil rights. *Amy v. Smith*, 1 Litt. (Ky.) 331; *Minor v. Happersett*, 21 Wall. 162, 22 L.Ed. 627.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. Amend. XIV, Const.U.S.; *Nyman v. Erickson*, 100 Wash. 149, 170 P. 546, 547.

The term may include or apply to an elector qualified to vote in an election, *Belmont v. Town of Gulfport*, 97 Fla. 688, 122 So. 10; children of alien parents born in United States, *Von Schwerdtner v. Piper*, D.C.Md., 23 F.2d 862, 863; *U. S. v. Minoru Yasui*, D.C.Or., 48 F.Supp. 40, 54; children of American citizens born outside United States, *Hoaland v. Attorney General of United States*, D.C.Md., 42 F.Supp. 13, 22; *Indians*, *United States v. Hester*, C.C.A. Okl., 137 F.2d 145, 147; *State v. McAlhane*, 220 N.C. 387, 17 S.E.2d 352, 354; national banks, *American Surety Co. v. Bank of California*, C.C.A.Or., 133 F.2d 160, 162; *Ezell v. First Nat. Banks*, 218 Ala. 462, 119 So. 2, 3; negroes and whites, *United States v. Ellis*, D.C.S.C., 43 F.Supp. 321, 324; nonresident who has qualified as administratrix of estate of deceased resident, *Williams' Code Tenn.* § 8236. *Hunt v. Noll*, C.C.A.Tenn., 112 F.2d 288, 289; persons entitled to privileges and immunities conferred upon same terms upon which they are conferred upon other citizens, *Austin v. United States*, D.C.Ill., 40 F.Supp. 777, 778.

The terms "citizen" and "citizenship" are distinguishable from "resident" or "inhabitant." *Jeffcott v. Donovan*, C.C.A.Ariz., 135 F.2d 213, 214; and from "domicile," *Wheeler v. Burgess*, 263 Ky. 693, 93 S.W.2d 351, 354; *First Carolinas Joint Stock Land Bank of Columbia v. New York Title & Mortgage Co.*, D.C.S.C., 59 F.2d 350, 351. The words "citizen" and "citizenship," however, usually

include the idea of domicile, *Delaware, L. & W. R. Co. v. Petrowsky*, C.C.A.N.Y., 250 F. 554, 557; citizen inhabitant and resident often synonymous, *Jonesboro Trust Co. v. Nutt*, 118 Ark. 368, 176 S.W. 322, 324; *Edgewater Realty Co. v. Tennessee Coal, Iron & Railroad Co.*, D.C.Md., 49 F. Supp. 807, 809; and citizenship and domicile are often synonymous. *Messick v. Southern Pa. Bus Co.*, D.C.Pa., 59 F.Supp. 799, 800.

A corporation is a citizen of state under whose laws it is created and a nonresident of every other state. *Jackson Securities & Investment Co. v. State*, 241 Ala. 288, 2 So.2d 760, 764. It is not a citizen within meaning of federal constitution declaring citizens of each state entitled to privileges and immunities of citizens in the several states or within Fourteenth Amendment prohibiting states from abridging privileges and immunities of citizens of United States, *J. D. L. Corporation v. Bruckman*, 11 N.Y. S.2d 741, 746, 171 Misc. 3; but see *In re Thermodyne Radio Corporation*, D.C.Del., 26 F.2d 713, 714; nor within statute authorizing citizens of United States to prosecute appeal to Circuit Court of Appeals without prepaying costs or giving security, *Atlantic S. S. Corporation v. Kelley*, C.C.A.Fla., 79 F.2d 339, 340; nor within statute authorizing permission to citizens to sue in forma pauperis, *Quittner v. Motion Picture Producers & Distributors of America*, C.C.A.2, 70 F.2d 331, 332; nor within statute requiring suit in district wherein either plaintiff or defendant resides, *Standard Stoker Co. v. Lower*, D.C.Md., 46 F.2d 678, 684; *Sutherland v. U. S.*, C.C.A.Neb., 74 F.2d 89, 92. Insurance companies, incorporated under state law, are "citizens of this state" within statute requiring foreign insurance companies to file bonds for payment of their obligations to such citizens. *Republic Ins. Co. v. Cunningham*, Tex.Civ.App., 62 S.W.2d 339, 343. The term "citizen" will not be construed to include a corporation, unless the general purpose and import of the statutory or constitutional provision seems to require it. *St. Louis & S. F. R. Co. v. State*, 120 Ark. 182, 179 S.W. 342, 343, Ann.Cas.1917C, 873; *Jennings v. Idaho Ry., Light & Power Co.*, 26 Idaho, 703, 146 P. 101, 102, L.R.A.1915D, 115, Ann.Cas.1916E, 359.

Neither a corporation nor a partnership is a citizen of the United States entitled to immunity from service of summons by substituted service, *Western Mut. Fire Ins. Co. v. Lamson Bros. & Co.*, D.C.Iowa, 42 F.Supp. 1007, 1012.

Filipinos are not citizens of United States, *De Cano v. State*, 7 Wash.2d 613, 110 P.2d 627, 631; *People v. Cordero*, 50 Cal.App.2d 146, 122 P.2d 648, 649; but see holding that Filipinos are within provision of Neutrality Act defining "citizen" as including any individual owing allegiance to the United States, *Suspine v. Compania Transatlantica Centroamericana, S. A.*, D.C.N.Y., 37 F.Supp. 268, 271.

A state cannot be a citizen. *Query v. 206 Cases of Assorted Liquor*, D.C.S.C., 49 F.Supp. 693, 695.

But a state and the federal government each has citizens of its own, and the same person may be at the same time a citizen of the United States and a citizen of a state. The government of the United States can neither grant nor secure to its citizens rights or privileges which are not expressly or by implication placed under its jurisdiction. All that cannot be so granted or secured are left to the exclusive protection of the states. *U. S. v. Cruikshank*, 92 U.S. 542, 23 L.Ed. 588.

With reference to the jurisdiction and power of federal courts and removal of actions a citizen of the District of Columbia is not a "citizen of a state", *Neild v. District of Columbia*, 110 F.2d 246, 249, 71 App.D.C. 306; *Glaeser v. Acacia Mut. Life Ass'n*, D.C.Cal., 55 F.Supp. 925, 926; a corporation is a citizen of the state where it is organized, and a foreign corporation does not become a citizen of another state where it is authorized to carry on business, *Van Buren v. Connecticut Gen. Life Ins. Co.*, D.C.Mass., 42 F.Supp. 279, 280; a municipal subdivision, such as county, city, town, or school district, is a citizen, *Siegel v. City of Detroit*, Department of Street Railways, D.C.Mich., 52 F.Supp. 669; *Pettibone v. Cook County*, Minn., C.C.A. Minn., 120 F.2d 850, 852; a national bank is a citizen of state where it has its principal place of business, *American Surety Co. of New York v. Bank of California*, D.C.Or., 44 F.Supp. 81, 83; *Atwood v. National Bank of Lima*, C.C.A. Ohio, 115 F.2d 861, 862; a state is not a citizen, *Board of Health of Township of Hillside v. Mundet Cork Corporation*, 126 N.J.Eq. 100, 8 A.2d 105, 106, 107; *State of North Dakota v. National Milling & Cereal Co.*, C.C.A.N.D., 114

F.2d 777, 779; State Highway Commission of Wyoming v. Utah Const. Co., (Wyo.) 49 S.Ct. 104, 106, 278 U.S. 194, 73 L.Ed. 262; a turnpike commission is a citizen, *Hunkli-Conkey Const. Co. v. Pennsylvania Turnpike Commission*, D.C.Pa., 34 F.Supp. 26, 28; an association is not a citizen, *Rife v. Lumber Underwriters*, C.C.A.Tenn., 204 F. 32, 35; *Village Mills Co. v. Houston Oil Co. of Texas*, Tex.Civ. App., 186 S.W. 785, 788; domicile and citizen are synonymous in federal courts, *Earley v. Hershey Transit Co.*, D.C. Pa., 55 F.Supp. 981, 982; inhabitant, resident and citizen are synonymous, *Standard Stoker Co. v. Lower*, D.C.Md., 46 F.2d 678, 683.

In English Law

An inhabitant of a city. 1 Rolle, 138. The representative of a city, in parliament. 1 Bl.Comm. 174.

The word "subject" is used to designate an inhabitant of the country, or one amenable to the laws of the nation.

CITIZENSHIP. The status of being a citizen (q. v.).

CITY.

In England

An incorporated town or borough which is or has been the see of a bishop. Co.Litt. 108; 1 Bl. Comm. 114; Cowell; 1 Steph.Comm. 115. State v. Green, 126 N.C. 1032, 35 S.E. 462.

There is said, however, to be no necessary connection between a city and a see. Oxford Dict., citing Freeman.

A large town incorporated with certain privileges. The inhabitants of a city. The citizens. Worcester.

In America

A municipal corporation; *Streat v. Vermilya*, 268 Mich. 1, 255 N.W. 604, 606; also the territory within the corporate limits. *Municipal Power Transmission Co. v. City of Lyndon*, 127 Kan. 59, 272 P. 158, 160.

A large town or municipal corporation. *State v. Haynes*, 175 Ark. 645, 300 S.W. 380, 382; a political entity or subdivision for governmental purposes, *Nolan v. Jones*, 215 Ky. 238, 284 S.W. 1054, 1056; a public institution for self-government, *Loeb v. City of Jacksonville*, 101 Fla. 429, 134 So. 205, 207; a public corporation for public purposes, *Chase v. Inhabitants of Town of Litchfield*, 134 Me. 122, 182 A. 921, 924.

A state agency for carrying on local government. *Hudson Motor Car Co. v. City of Detroit*, 282 Mich. 69, 275 N.W. 770, 773, 113 A.L.R. 1472; a voluntary association or corporation. *State ex rel. McQueen v. Brandon*, 244 Ala. 62, 12 So.2d 319, 322; *Leviton v. Board of Education of City of Chicago*, 374 Ill. 594, 30 N.E.2d 497, 500.

The fundamental distinction between town and city organization is that in the former all the qualified inhabitants meet together to deliberate and vote as individuals, each in his own right, while in the latter all municipal functions are performed by deputies; the one being direct, the other representative. In re Opinion of the Justices, 229 Mass. 601, 119 N.E. 778, 781.

The word "city," however, is often used to include an incorporated town. *Noble v. State*, 112 Tex.Cr.R. 676, 18 S.W.2d 619, 620; and to include villages, *People v. City of Chicago*, 349 Ill. 304, 182 N.E. 419, 431. It has also been held that, under statutes, the term includes all municipal corporations and corporate authorities, such as a board of park commissioners; *People v. Kesner*, 321 Ill. 230, 151 N.E. 481, 483; but that it does not include a village; *Village of Depue v. Banschbach*, 273 Ill. 574, 113 N.E. 156, 159.

In Medieval History

In the Middle Ages in Germany, fortified places in the enjoyment of market-jurisdiction.

The German as well as the French cities are a creation of the Middle Ages; there was an organic connection with the Roman town-system. Schröder, *Lehrbuch des Deutschen Rechtsgeschichte* 588.

CITY COUNCIL. The name of a group of municipal officers constituting primarily a legislative and administrative body, but which is often charged with judicial or quasi judicial functions, as when sitting on charges involving the removal of an officer for cause. *Rutter v. Burke*, 89 Vt. 14, 93 A. 842, 849.

CITY ELECTION. Any election in a city at which people of the city may vote, *Wing v. Ryan*, 6 N.Y.S.2d 825, 829, 255 App.Div. 163.

CITY OF LONDON COURT. A court having a local jurisdiction within the city of London. It is to all intents and purposes a county court, having the same jurisdiction and procedure.

CITY REAL ESTATE. Property owned and used for municipal purposes. *McSweeney v. Bazinet*, 55 N.Y.S.2d 558, 561, 269 App.Div. 213.

CITY WARRANT. A command of council to treasurer to pay amount. *State v. McCarthy*, 282 P. 1045, 1048, 86 Mont. 100.

CIUDADES. Sp. In Spanish law, cities; distinguished from towns (pueblos) and villages (villas.) *Hart v. Burnett*, 15 Cal. 537.

CIVIC. Pertaining to a city or citizen, or to citizenship. *Cleveland Opera Co. v. Cleveland Civic Opera Ass'n*, 22 Ohio App. 400, 154 N.E. 352, 353.

CIVIC ENTERPRISE. A project or undertaking in which citizens of a city co-operate to promote the common good and general welfare of the people of the city. *James McCord Co. v. Citizens' Hotel Co.*, Tex.Civ.App., 287 S.W. 906, 908.

CIVIL. Originally, pertaining or appropriate to a member of a *civitas* or free political community; natural or proper to a *citizen*. Also, relating to the community, or to the policy and government of the citizens and subjects of a state.

The word is derived from the Latin *civilis*, a citizen. *Byers v. Sun Savings Bank*, 41 Okl. 728, 139 P. 948, 949, 52 L.R.A.N.S., 320, Ann.Cas.1916D, 222. In law, it has various significations. In contradistinction to *barbarous* or *savage*, it indicates a state of society reduced to order and regular government. In contradistinction to *criminal*, it indicates the private rights and remedies of men. It is also used in contradistinction to *military*, *ecclesiastical*, *natural*, or *foreign*. Story, Const. § 791; 1 Bl.Comm. 6, 125, 251; Montesquieu, Sp. of Laws, b. 1, c. 3; Rutherford, Inst. b. 2, c. 2; *id.* c. 3; *id.* c. 8, p. 359; Heineccius, Elem. Jurisp.Nat. b. 2, ch. 6.

A prisoner's statutory obligation to pay for his keep and maintenance is civil. *Auditor General v. Hall*, 300 Mich. 215, 1 N.W.2d 516, 518, 139 A.L.R. 1022.

As to civil "Commotion," "Conspiracy," "Contempt," "Corporations," "Death," "Injury," "Liberty," "Obligation," "Officer," "Possession," "Remedy," "Rights," and "War," see those titles. See, also, the following titles beginning with "Civil."

CIVIL ACTION.

In general

An action wherein an issue is presented for trial formed by averments of complaint and de-