

date of recording of resale tax deed could not be maintained against tenant in common not served within two year period. *American Bank & Trust Co. v. Continental Inv. Corp.*, 213 P.2d 861, 864, 202 Okl. 341.

Transferee of corporation's assets, which had agreed to pay corporation's debts, was "united in interest" with such corporation as defendant in "third-party action" by contractor's employee for injuries sustained on corporation's premises, within terms of rule that action is commenced by service on codefendant "united in interest," and hence service of summons on transferee within statutory time was sufficient to prevent cause of action against corporation from being assigned to contractor by operation of law, and employee remained real party in interest. *Cappello v. Union Carbide & Carbon Corp.*, 103 N.Y.S.2d 157, 165, 200 Misc. 924.

Where action for personal injuries against defendant who was timely served was based on such defendant's alleged negligence in leaving his automobile in a position as to the gears and ignition that an unlicensed and incompetent infant might successfully start it, while action against codefendant who was not timely served was based on alleged negligent operation of the automobile, the defendants were not "united in interest" within statute providing that action would be deemed to be commenced within statute of limitations when summons was served on codefendant united in interest with defendant. *Marchetti v. Linn*, 99 N.Y. S.2d 124, 125, 197 Misc. 658.

Where there was no executor when action to contest will was commenced against other heirs and former executor by an heir on becoming of age, and administrator de bonis non was not appointed until nearly two years later, such administrator was not "united in interest" with defendant heirs, and action was not commenced as to him until service of summons on him within statute defining commencement of an action, and, since administrator was a necessary party, the action was barred by statute requiring that action to contest a will must be brought within six months after probate or within six months after disability is removed. *Campbell v. Johnson*, Ohio Com.Pl., 79 N.E. 2d 569, 574.

UNITEDLY

Ordinarily the word "jointly" implies "unitedly," "combined or joined together in unity of interest or liability." *Soderberg v. Atlantic Lighterage Corporation*, D.C.N.Y., 15 F.2d 209.

UNITED STATES

Cross References

- Act Done Under Color of His Office as an Officer of the United States
- Acting Under Authority of the United States
- Affecting Property upon Which United States has a Lien.
- Agent for United States
- Any Authority Exercised Under Laws of the United States
- Area of United States of America
- Arise Under the Laws of the United States
- Arises Under Constitution, Laws or Treaties of the United States
- Arising Under Laws of United States
- Arriving in United States
- Bonds Executed Under the Law of the United States
- Citizen
- Civil Officer of United States
- Claim Against the United States
- Claim Against United States or Department or Officer Thereof
- Claim by the United States
- Claim Upon or Against the Government of the United States
- Classified as Affecting the Security of the United States
- Coastal Navigable Waters of the United States
- Conspiracy to Defraud United States
- Contribution to United States Corporation
- Corporations of the United States
- Country Subject to Jurisdiction of the United States
- Courts of the United States
- Credit Instrumentality of United States
- Crime Against United States
- Current Money
- Debt Due United States
- Debts of United States
- Debts Owed The United States.
- Department or Agency of the United States

UNITED STATES

Deposit with the United States
District Court of United States
Domiciled in United States
Duly Authorized Agent of the United States
Dwelling in the United States
Earned Income From Sources Without the United States
East Coast of the United States
Employees of United States
Employment Under the Governor of The United States
Entering the United States
Fraud or Attempted Fraud on United States
From Port of the United States
Gift to United States
Government of the United States
Home Port in the United States
Indebtedness Due United States
Indebted to United States
Insignia of the United States
Instrumentalities of the United States
Instrumentality of the United States
Issued Under Law of United States
Judge of the United States
Land of the United States not Otherwise Appropriated
Lawful Entry into United States.
Law of the United States
Laws of the United States
Left United States
Money of the United States
Moneys Accruing to United States
Offense Against the United States
Offense Involving Fraud Attempted
Fraud Against the United States
Office Under the United States
On Behalf of the United States
Organized Reserves of United States
Owned Exclusively by the United States
Performed by the United States
Person
Person Acting Under Authority of United States
Person in the United States
Persons Acting Under an Officer of the United States
Person Subject to Jurisdiction of United States
Person Within United States
Property Belonging to the United States
Property of the United States
Property Situated in United States
Service In The Armed Forces Of The United States

Special Maritime or Territorial Jurisdiction of the United States
Special Territorial Jurisdiction of the United States
Statute of United States
Suit Against United States
Suit in Which United States are Plaintiffs
Suits Brought by the United States
Territory or Possession of the United States
Treaty of United States
Under the United States
Upon the Navigable Waters of the United States
Validity of Authority Exercised Under United States
Vessels of the United States
Within Limits of Continental United States
Within the United States

The United States is the union of the separate states under a common Constitution. *Texas v. White*, 74 U.S.(7 Wall.) 700, 721, 19 L.Ed. 227.

Philippine Islands were not included within the term "United States" for tax purposes. *Robinette v. Commissioner of Internal Revenue*, C.C.A., 139 F.2d 285, 287.

In informations and indictments in the United States of America, it is unnecessary to use the words "of America" after the words "United States". *People v. O'Campo*, 71 N.E.2d 375, 377, 378, 330 Ill.App. 401.

Information charging that accused stole currency of the "U. S." was not defective because of the use of the abbreviation, since the abbreviation was deemed to refer to the United States of America. *People v. O'Campo*, 71 N.E.2d 375, 377, 378, 330 Ill. App. 401.

Review of resolutions authorizing investigations by congressional committees indicated that Congress used term "United States" in the geographical sense. *U. S. v. Cuesta*, D.C.Puerto Rico, 208 F.Supp. 401, 406.

A compensation claimant who resided in Puerto Rico was a citizen and resident of the United States, within Compensation Act. *Alphonse Custodis Chimney Const. Co. v. Molina*, 32 S.E.2d 726, 728, 183 Va. 512.

Indian reservation, within limits of which smuggled cattle were kept, is part of "United States," and therefore smuggling was complete when cattle were brought onto reservation without payment of duty. 19 U.S.C.A. § 1593(b, c). *Bailey v. United States*, C.C.A.Ariz., 47 F.2d 702, 704.

The term "United States" has a broader meaning in dealing with a foreign sovereignty than when used in the Constitution, and includes all territory subject to the jurisdiction of the federal government. *Downes v. Bidwell*, 21 S.Ct. 770, 777, 182 U.S. 244, 45 L.Ed. 1088.

The "United States" are for many important purposes a single nation, and in all commercial regulations we are one and the same people. *Northern Securities Co. v. United States*, 24 S.Ct. 436, 456, 193 U.S. 197, 48 L.Ed. 679, citing *Cohens v. Virginia*, 6 Wheat.(19 U.S.) 264, 413, 5 L.Ed. 257, 293.

When the Constitution declares that the duties shall be uniform throughout the United States, we understand the states whose people united to form the Constitution, and such as have since been added to the Union upon an equality with them. *Downes v. Bidwell*, 21 S.Ct. 770, 783, 182 U.S. 244, 45 L.Ed. 1088.

The United States is the union under one Constitution of the various states, each of which is a political community of free citizens occupying a territory of defined boundaries and organized under a government sanctioned and limited by a written Constitution, and established by the consent of the governed. *Texas v. White*, 74 U.S. (7 Wall.) 700, 721, 19 L.Ed. 227.

A debt due to Federal Housing Administrator was a debt due "United States." A claim against bankrupt acquired by Federal Housing Administrator by assignment was not a debt due "United States." *In re Hansen Bakeries*, C.C.A.N.J., 103 F.2d 665, 666, 667.

"United States" is used in the Alien Registration Act as including the states, the territories of Alaska and Hawaii, the District of Columbia, Puerto Rico and the Virgin Islands, but the term does not include the Philippine Islands. *United States v. Gancy*, D.C.Minn., 54 F.Supp. 755, 757.

Midway Island is in "United States" within Immigration and Nationality Act and aliens were not precluded from naturalization because they spent more than one year on Midway Island during five years preceding filing of petitions for naturalization. *Petition of Alacar*, D.C.Hawaii, 196 F.Supp. 564, 566.

Generally, absent some valid federal law to contrary, governmental corporation is not the "United States" for purposes of suit, and being given capacity to sue and be sued is placed on equal footing with private parties as to usual incidents of suits in relation to payments of costs and allowances. *Baker v. Federal Crop Ins. Corp.*, 407 P.2d 841, 843, 241 Or. 609.

Excluded alien paroled into the United States and inducted into the United States Army in Illinois, was "in the United States," at time of induction within statute providing for naturalization of an alien who has served honorably in military forces of United States during certain periods. *Petition of Martinez*, D.C.Ill., 202 F.Supp. 153, 154.

Child born on American merchant vessel on high seas of Chinese parents, who were subjects of China, but domiciled in United States, to which they were returning from China, held not a citizen of the United States; such birth not being "in the United States," within U.S.C.A.Const. Amend. 14, § 1. *Lam Mow v. Nagle*, C.C.A.Cal., 24 F.2d 316, 318.

"We do not regard the government of the United States as a foreign government. It is true, it is a government independent of the state government, moving in a different sphere from that of the state government, and having a different class of powers, distinct, but not antagonistical, and operating upon, and within the circle of its powers supreme over, the same constituents." *Gilmer v. Lime Point*, 18 Cal. 229, 255.

Porto Rico and Philippine Islands are not a part of the "United States," within Const. art. 1, § 8, cl. 1, declaring that "all duties, imposts and excises shall be uniform throughout the United States," and Congress may distinguish between Porto Rico and Philippine Islands corporations and purely domestic corporations, and legislate differ-

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ently for them. *Neuss Hesslein & Co. v. Edwards* (D. C. N. Y.) 24 F.(2d) 989, 990.

Federal Housing Administration was included within the term "United States" in statute regulating the assignment of claims against the United States resulting in a bar to the assignment of a claim which was asserted against the Federal Housing Administration but which failed to conform to the formalities of the statute. *Federal Ins. Co. v. Hardy*, D.C.Mo., 222 F.Supp. 68, 72.

Alien wife of a United States citizen employed by American military Government in Germany and regularly stationed abroad, who was excluded from the United States by order of attorney general, though permitted to enter the country on bond, was not "in the United States" so as to be entitled to naturalization under statute. *Knauff v. Shaughnessy*, C.A.N.Y., 179 F.2d 628, 630.

The term "United States" may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in family of nations, it may designate territory over which sovereignty of United States extends, or it may be collective name of the states which are united by and under the Constitution. *Hooven & Allison Co. v. Evatt*, Ohio, 65 S.Ct. 870, 880, 324 U.S. 652, 89 L. Ed. 1252.

Where alien, who had resided continuously in Hawaii since 1924, in 1951 went to Kwajalein, which was Trust Territory administered by United States under Trusteeship Council of United Nations, to work on construction project, he left the "United States", so that his return and admission to Hawaii in 1951 was a re-entry, and so that he was deportable because of counterfeiting conviction in 1934. *Aradanas v. Hogan*, D. C.Hawaii, 155 F.Supp. 546, 547.

In considering an indictment charging forgery of a receipt in July, 1777, with intent to defraud the United States, the court said: "The first exception was that, at the time of the offense charged, the United States were not a body corporate, known in law, but the court is of a different opinion. From the moment of their association, the United States became a body corporate, for there was no superior from whom that character could otherwise be derived." *Respublica v. Sweers*, Pa., 1 U.S. 41, 1 Dall. 41, 44, 1 L.Ed. 29.

The term "United States," within the meaning of the revenue laws, imposing duties on goods imported into the United States, does not include a portion of the territory of the United States which by conquest and military occupation is in the possession of a public enemy; and therefore goods imported into such territory, while in such possession, are not subject to duty. *United States v. Rice*, 17 U.S.(4 Wheat.) 246-253, 4 L.Ed. 562.

Under provision of Bankruptcy Act and statute giving preference to claims of the "United States," Federal Housing Administrator held not entitled to preference as respects claim against bankrupt's estate by Administrator, who insured payee bank against loss on note, and presented note, following assignment, under provisions of National Housing Act. *Bankr. Act § 64b(7)*, as amended, 11 U.S.C.A. § 104(b) (7); 31 U.S.C.A. § 191; *National Housing Act, § 1*, as amended, 12 U.S.C.A. § 1702; § 2, 48 Stat. 1246. *Federal Housing Adm'r v. Moore*, C.C.A.Cal., 90 F.2d 32, 34.

Alien, who came to United States as seaman on October 3, 1919, for first time, and who landed from latest voyage December 7, 1925, held not subject to deportation, under Immigration Act 1924, §§ 14, 15, 19 (8 U.S.C.A. §§ 166, 214, 215), where he had been shipping on American vessels, for, while statute, in referring to sailors remaining "in the United States," refers to its territorial limits, nevertheless one boarding American vessel and remaining thereon until her return to home port cannot be classified as alien immigrant "coming from" another country. *U. S. ex rel. Pantoja v. McCandless*, D.C.Pa., 29 F.2d 586, 588.

Death of employee covered by voluntary compensation endorsement of workmen's compensation policy in crash of airplane in Gulf of Mexico at a point about 21 miles from the coast and at the seaward edge of the so-called outer continental shelf did not occur within the "United States, its territories or possessions" within meaning of policy affording coverage with respect to endorsement only to injury or death sustained in United States, its territories or possessions, or Canada. *Employers Mut. Cas. Co. v. Samuels*, Tex.Civ.App., 407 S.W.2d 839, 844.

A Philippine national who entered the United States as an exchange student was

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not entitled to summary naturalization by virtue of his military service as a member of the Philippine Commonwealth Army during the period from November 12, 1944 to November 14, 1945, on theory that he was in the United States at that time because Philippine Islands were then an outlying possession of the United States, since the specific declaration of congressional intent precludes an interpretation of term "United States" as including the Philippine Islands at time of national's induction. *In re Carbezon*, D.C.N. Y., 210 F.Supp. 919, 920.

It was not a violation of Immigration Act Feb. 20, 1907, c. 1134, § 4, 34 Stat. 900, making it a misdemeanor to prepay the transportation or assist in the importation of contract laborers into the United States, for the operators of a merchant vessel flying the American flag to bring aliens from China to the port of San Francisco under contract to join the crew of such vessel, since, while the public and private vessels of every nation, while on the high seas and without the territorial limits of any state, are subject to the jurisdiction of the state to which they belong and are in many respects considered a part of its territory, a merchant vessel flying the American flag is not a part of the United States within the immigration laws, nor is a sailor whose home is on the sea a contract laborer within those laws. *Scharrenberg v. Dollar S. S. Co.*, C.C.A.Cal., 229 F. 970, 971.

In construing the constitutional provision authorizing Congress to lay and collect taxes, duties, imposts, and excises, and holding that Congress had authority to impose and direct taxes on the District of Columbia. Chief Justice Marshall said that "United States" is the name given to our great republic, which is composed of states and territories. The District of Columbia, or the territory west of the Missouri, is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of the imposts, duties, and excises should be observed in the one than in the other." Later in the case, however, he says, "If the general language of the Constitution should be confined to the states, still the sixteenth paragraph of the eighth section gives to Congress the power of exercising exclusive legislation in

all cases whatsoever within this district." *Leughborough v. Blake*, 18 U.S.(5 Wheat.) 317, 5 L.Ed. 98.

"In dealing with foreign sovereignties, the term 'United States' has a broader meaning than when used in the Constitution, and includes all territories subject to the jurisdiction of the federal government, wherever located. In its treaties and conventions with foreign nations, this government is a unity. This is so, not because the territories comprised a part of the government established by the people of the states in their Constitution, but because the federal government is the only authorized organ of the territories, as well as of the states, in their foreign relations. The term in Const. art. 1, § 8, requiring all duties, imposts, and excises to be uniform throughout the United States, does not include the Island of Porto Rico, which by the treaty of cession became territory appurtenant to the United States, but not a part of the United States, within the meaning of the section of the Constitution, though it is a part of the United States as to foreign affairs." *Downes v. Bidwell*, 21 S.Ct. 770, 772, 182 U.S. 244, 45 L.Ed. 1088, *Insular Case*.

UNITED STATES ATTORNEY

"United States attorney", under direction and control of Attorney General, is attorney for the Executive, charged with faithful execution of the laws, protection of interest of the United States, and prosecution of offenses against United States. *Newman v. U. S.*, 382 F.2d 479, 480, 127 U.S.App.D.C. 263.

UNITED STATES BANK NOTES

An indictment charging the theft of \$50 in "United States money, currency and bank notes," sufficiently describes the money taken, for there are no bank notes in circulation as money but those of national banks, which are sufficiently alleged. No other bank notes are known as "United States bank notes." *Bailey v. Commonwealth*, 58 S.W. 425, 22 Ky. Law Rep. 512.

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Cross References

Property

A certificate of deposit recited that the owner had deposited with the maker \$535.75

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