and principal establishment and to which he intends to return whenever he is absent from it.[1072] Acts may disclose intention more clearly and decisively than declarations.[1073] One may change his domicile in an instant by taking up residence in the new place and by intending to remain there indefinitely and one may obtain the benefit of diversity jurisdiction by so changing for that reason alone,[1074] provided the change is more than a temporary expedient.[1075]

If the plaintiff and the defendant are citizens of different states, diversity jurisdiction exists regardless of the state in which suit is brought.[1076] Chief Justice Marshall early established that in multiparty litigation, there must be complete diversity, that is, that no party on one side could be a citizen of any state of which any party on the other side was a citizen.[1077] It has now apparently been decided that this requirement flows from the statute on diversity rather than from the constitutional grant and that therefore minimal diversity is sufficient.[1078] The Court has also placed some issues beyond litigation in federal courts in diversity cases, apparently solely on policy grounds.[1079]

Citizenship of Corporations.—In *Bank of the United States v. Deveaux*,[1080] Chief Justice Marshall declared: "That invisible, intangible, and artificial being, that mere legal entity, a corporation aggregate, is certainly not a citizen; and consequently cannot sue or be sued in the courts of the United States, unless the rights of

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[1072] Stine v. Moore, 213 F.2d 446, 448 (5th Cir. 1954).

[1073] Shelton v. Tiffin, 47 U.S. (6 How.) 163 (1848).

[1074] Williamson v. Osenton, 232 U.S. 619 (1914).

[1075] Jones v. League, 59 U.S. (18 How.) 76 (1855).

[1076] 28 U.S.C. § 1332(a)(1).

[1077] Strawbridge v. Curtiss, 7 U.S. (3 Cr.) 267 (1806).

[1078] In State Farm Fire & Casualty Co. v. Tashire, 386 U.S. 523, 530–31 (1967), holding that congressional provision in the interpleader statute of minimal diversity, 28 U.S.C. § 1335(a)(1), was valid, the Court said of *Strawbridge*, "Chief Justice Marshall there purported to construe only 'The words of the act of Congress,' not the Constitution itself. And in a variety of contexts this Court and the lower courts have concluded that Article III poses no obstacle to the legislative extension of federal jurisdiction, founded on diversity, so long as any two adverse parties are not co-citizens." Of course, the diversity jurisdictional statute not having been changed, complete diversity of citizenship, outside the interpleader situation, is still required. In class actions, only the citizenship of the named representatives is considered and other members of the class can be citizens of the same state as one or more of the parties on the other side. Supreme Tribe of Ben-Hur v. Cauble, 255 U.S. 356 (1921); Snyder v. Harris, 394 U.S. 332, 340 (1969).

[1079] In domestic relations cases and probate matters, the federal courts will not act, though diversity exists. Barber v. Barber, 62 U.S. (21 How.) 582 (1858); *Ex parte* Burrus, 136 U.S. 586 (1890); *In re* Broderick's Will, 88 U.S. (21 Wall.) 503 (1875). These cases merely enunciated the rule, without justifying it; when the Court squarely faced the issue quite recently, it adhered to the rule, citing justifications. Ankenbrandt v. Richards, 504 U.S. 689 (1992).

[1080] 9 U.S. (5 Cr.) 61, 86 (1809).