

19. *What if an infant neglect to demand his right?*—465.

In general, an infant shall lose nothing by non-claim or neglect of demanding his right; nor shall any other *laches* or negligence be imputed to an infant, except in some very particular cases.

20. *What legal act is an infant capable of?*—465.

If he has an advowson, he may present to the benefice when it becomes void.

21. *Can an infant purchase lands?*—466.

He may purchase lands, but his purchase is incomplete; for when he comes to age, he may either agree or disagree to it, as he thinks prudent and proper, without alleging any reason.

22. *Can an infant make a deed which is not voidable?*—466.

In some cases he may bind himself apprentice by deed indentured, or indentures, for seven years; and he may by deed or will appoint a guardian for his children, if he has any.

23. *May an infant in any case bind himself by contract?*—466.

Yes; he may bind himself to pay for necessities; and for his good teaching and instruction, whereby he may profit himself afterward.

CHAPTER XVIII.

OF CORPORATIONS.

1. *What are corporations?*—467.

Artificial persons who may maintain a perpetual succession, and who enjoy a kind of legal immortality, are called bodies politic, bodies corporate, or corporations.

2. *For what purposes are they constituted?*—467.

For the advancement of religion, of learning, and of com-

merce; in order to preserve entire and for ever those rights and immunities, which, if they were granted only to those individuals of which the body corporate is composed, would upon their death be utterly lost and extinct.

3. *What is the primary division of corporations?*—469.

Into aggregate and sole.

4. *What are corporations aggregate?*—469.

They consist of many persons united together into one society, and are kept up by a perpetual succession of members, so as to continue for ever; of which kind are the mayor and commonalty of a city, the head and fellows of a college, &c.

5. *What are corporations sole?*—469.

They consist of one person only and his successors, in some particular station, who are incorporated by law, in order to give them some legal capacities and advantages, particularly that of perpetuity, which in their natural persons they could not have had. In this sense the king is a sole corporation; so is a bishop; so are some deans and prebendaries, distinct from their several chapters; and so is every parson and vicar.

6. *How are incorporations, either sole or aggregate, again divided?*—470.

Into ecclesiastical and lay.

7. *Of what sorts are lay corporations?*—470.

Civil and eleemosynary.

8. *What is absolutely necessary to the erection of any corporation?*—472.

The king's consent, either expressly or impliedly given.

9. *May Parliament incorporate?*—474.

Yes; it may perform this, or any other act whatsoever, and actually has performed it. But the king may prevent it when he pleases, as the royal assent is necessary.

10. *Is a name essential?*—475.

Yes; a name must be given to it, and by that name alone

it must sue and be sued, and do all legal acts. Such name is the very being of its constitution.

11. *What capacities are necessarily and inseparably incident to every corporation?*—475, 476.

1. To have perpetual succession.
2. To sue or be sued, implead or be impleaded, grant or receive, by its corporate name, and do all other acts as natural persons may.
3. To purchase lands, and hold them, for the benefit of themselves and their successors.
4. To have a common seal. It acts and speaks only by its seal.
5. To make by-laws or private statutes for the better government of the corporation.

12. *What privileges and disabilities attend aggregate corporations, and are not applicable to such as are sole?*—476, 477.

It must always appear by attorney, for it cannot appear in person, being, as Sir Edward Coke says, invisible, and existing only in intendment and consideration of law.

It can neither maintain, nor be made defendant to an action of battery, or such like personal injuries; for a corporation can neither beat, nor be beaten in its body politic.

A corporation cannot commit treason, or felony, or other crime, in its corporate capacity; though its members may in their distinct individual capacities.

Neither is it capable of suffering a traitor's or felon's punishment; for it is not liable to corporeal penalties, nor to attainder, forfeiture, or corruption of blood.

It cannot be executor or administrator, or perform any personal duties; for it cannot take an oath for the due execution of the office.

It cannot be seised of lands to the use of another; for such kind of confidence is foreign to the end of its institution.

Neither can it be committed to prison; for, its existence being ideal, no man can apprehend or arrest it. And therefore, also, it cannot be outlawed; for outlawry always supposes a precedent right of arresting, which has been defeated by the par-

ties absconding, and that also a corporation cannot do: for which reasons, the proceedings to compel a corporation to appear to any suit by attorney, are always by distress on their lands and goods.

Neither can a corporation be excommunicated; for it has no soul, as is observed by Sir Edward Coke; and therefore it is not liable to be summoned into the ecclesiastical courts, upon any account.

13. *May corporations take goods and chattels for the benefit of themselves and their successors?*—477.

An aggregate corporation may, but a corporation sole cannot.

14. *What acts can aggregate corporations, that have by their constitution a head, as a dean, warden, master, or the like, do during the vacancy of the headship?*—478.

They cannot do any acts during the vacancy of the headship, except only appointing another: neither are they then capable of receiving a grant; for such corporation is incomplete without a head.

15. *What are the general duties of all bodies politic?*—480.

Their general duties may be reduced to this single one, that of acting up to the end, or design, whatever it be, for which they were created by their founder.

16. *How are irregularities that arise in such corporations corrected?*—480.

By visitations: of spiritual corporations by the ordinary; of lay corporations by the founder, his heirs, or assigns.

17. *Who is the founder, in the strictest and original sense, of all corporations?*—480.

The king; for he alone can incorporate a society.

18. *What does the law mean by the distinction of fundatio incipiens and fundatio perficiens, in eleemosynary foundations, such as colleges and hospitals?*—481.

By the former is meant, that the king is the incorporator, or general founder; by the latter the dotation, in which sense the first gift of the revenues is the foundation, and he who gives them is in law the founder.

19. *Who is by law visitor of all civil corporations?*—481.

The king ; and the law has appointed the court of king's bench as the place wherein he shall exercise this jurisdiction.

20. *Who are visitors of eleemosynary corporations?*—482.

By the dotation the founder and his heirs are, of common right, the legal visitors.

21. *Are colleges lay corporations?*—483.

It is now held as established common law, that colleges are lay corporations, though sometimes totally composed of ecclesiastical persons.

22. *To whom do the lands and tenements of a corporation revert upon its dissolution?*—484.

To the person, or his heirs, who granted them.

23. *What becomes of the debts of the corporation, either to or from it, upon its dissolution?*—484.

They are totally extinguished.

24. *By what methods may a corporation be dissolved?*—485.

1st. By act of parliament.

2d. By the natural death of all its members, in case of an aggregate corporation.

3d. By surrender of its franchises into the hands of the king.

4th. By forfeiture of its charter, through negligence or abuse of its franchises.

25. *What is an information in the nature of a writ of quo warranto?*—485.

It is a proceeding to inquire by what warrant the members of a corporation exercise their corporate powers, having forfeited them by such and such proceedings.

26. *What is provided against the dissolution of corporations?*—485.

As, by the common law, corporations were dissolved in case the mayor or head officer was not duly elected on the day appointed in the charter, or established by prescription, it is now provided, by statute, that for the future no corporation shall be dissolved upon that account.

BOOK II.

OF THE RIGHTS OF THINGS.

CHAPTER I.

OF PROPERTY IN GENERAL.

1. *What are the rights of dominion or property?*—1.

Those rights which a man may acquire in and to such external things as are unconnected with his person.

2. *Are men in general well informed as to the nature and origin of these rights?*—2.

They are not : there is nothing which so generally strikes the imagination, and engages the affections of mankind, as the right of property ; or that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe. And yet there are few that will give themselves the trouble to consider the origin and foundation of this right. Pleased as we are with the possession, we seem afraid to look back to the means by which it was acquired, as if fearful of some defect in our title ; or, at best, we rest satisfied with the decision of the laws in our favor, without examining the reason, or authority upon which those laws have been built. We think it enough that our title is derived by the grant of the former proprietor, by descent from our ancestors, or by the last will and testament of the dying owner ; not caring to reflect that (accurately and strictly speaking) there is no foundation in nature, or in natural law, why a set of words upon parchment should convey the dominion of land ; why the son should have a right to exclude his fellow-creatures from a determinate spot of ground, be-