

it's institution. Neither can it be committed to prison<sup>k</sup>; for it's 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 parties 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<sup>l</sup>. Neither can a corporation be excommunicated; for it has no soul, as is gravely observed by sir Edward Coke<sup>m</sup>: and therefore also it is not liable to be summoned into the ecclesiastical courts upon any account; for those courts act only *pro salute animae*, and their sentences can only be enforced by spiritual censures: a consideration, which, carried to it's full extent, would alone demonstrate the impropriety of these courts interfering in any temporal rights whatsoever.

THERE are also other incidents and powers, which belong to some sort of corporations, and not to others. An aggregate corporation may take goods and chattels for the benefit of themselves and their successors, but a sole corporation cannot<sup>n</sup>: for such moveable property is liable to be lost or imbezzled, and would raise a multitude of disputes between the successor and executor; which the law is careful to avoid. In ecclesiastical and eleemosynary foundations, the king or the founder may give them rules, laws, statutes, and ordinances, which they are bound to observe: but corporations merely lay, constituted for civil purposes, are subject to no particular statutes; but to the common law, and to their own by-laws, not contrary to the laws of the realm<sup>o</sup>. Aggregate corporations also, that have by their constitution a head, as a dean, warden, master, or the like, 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<sup>p</sup>. But there may be a cor-

<sup>k</sup> Plowd. 538.

<sup>n</sup> Co. Litt. 46.

<sup>l</sup> Bro. Abr. tit. Corporation. 11. Outlawry. 72.

<sup>o</sup> Lord Raym. 8.

<sup>m</sup> 10 Rep. 32.

<sup>p</sup> Co. Litt. 263, 264.