

must have a licence from the king to purchase^y, before they can exert that capacity which is vested in them by the common law : nor is even this in all cases sufficient. These statutes are generally called the statutes of *mortmain* ; all purchases made by corporate bodies being said to be purchases in mortmain, *in mortua manu* : for the reason of which appellation sir Edward Coke^z offers many conjectures ; but there is one which seems more probable than any that he has given us : *viz.* that these purchases being usually made by ecclesiastical bodies, the members of which (being professed) were reckoned dead persons in law, land therefore, holden by them, might with great propriety be said to be held *in mortua manu*.

I SHALL defer the more particular exposition of these statutes of mortmain, till the next book of these commentaries, when we shall consider the nature and tenures of estates ; and also the exposition of those disabling statutes of queen Elizabeth, which restrain spiritual and eleemosynary corporations from aliening such lands as they are at present in legal possession of : only mentioning them in this place, for the sake of regularity, as statutable incapacities incident and relative to corporations.

THE general *duties* of all bodies politic, considered in their corporate capacity, may, like those of natural persons, 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.

III. I PROCEED therefore next to enquire, how these corporations may be *visited*. For corporations being composed of individuals, subject to human frailties, are liable, as well as private persons, to deviate from the end of their institution. And for that reason the law has provided proper persons to visit, enquire into, and correct all irregularities that arise in such corporations, either

^y By the civil law a corporation was incapable of taking lands, unless by special privilege from the emperor : *collegium, si nullo speciali privilegio subnixum sit, haereditatem capere non posse, dubium non est. Cod. 6. 24. 8.*

^z 1 Inst. 2.