

Thus I have not only explained the principles and Essential Rules on which may depend the Decision of Questions relating to Rank and Precedence in all cases where there may arise Differences, but also have referred to the several Regulations about Rank and Precedence.

Having explained the Distinction of Persons in their Natural and Civil or relative Capacities, I proceed now to the Consideration of Communities, which are Bodies composed of many Persons Destined to different uses for the Publick Good, and considered in a State as holding the place of Persons, l. 22. ff. de Fel. Jus. Both because of their functions proper to the whole Body, and because they have goods, Affairs, Rights, Burthens and Priviledges, and are qualified to take, Purchase, Grant, have a common Seal, Sue and be Sued &c. in their Joint Capacity, in the same manner as particular persons.

The distinction of Communities is made by the Law, and is not by the consent of the Members. As the Law is made by the King, so the Communities are made by the King, and are not made by the consent of the Members. As the Law is made by the King, so the Communities are made by the King, and are not made by the consent of the Members.

Chap. 2.
Of Communities and Corporations.

A Community or Corporation, is an Assembly of many persons united into one Body, political or civil, which is formed and established with the consent of the Prince, l. 1. ff. quod cujusc. univ. Rom. not only for the Common Good of those who are Members of it, and also with a view to the publick good of the whole Kingdom. It is called a Body political or corporate because the several Members thereof are formed into one Body, by Fiction of Law, to endure in perpetuall Succession, with Capacity to take purchase, Grant, have a Common Seal, Sue and be Sued &c. in their Joint Capacity. He who gives the first possession, tho' of small Value to the founder of it, It differs from a Feoffee or liberty, because these are Estates of Inheritance, and may be granted over from one to another. Such a Community being perpetual, is distinguished from a Society or Fellowship, which is formed only for a particular Interest and certain time, without any necessity of having the Kings Consent.

A Corporation may be established three ways, viz. by prescription, by the Kings Charter or Letters patent, and by Act of Parliament, Coke's Inst. 250 a. But is commonly by patent or Charter.

There are three sorts of Communities or Corporations. 1^o Those which chiefly regard Religion, such as the Chapters of Cathedral and Collegiate Churches, Monasteries &c. of which I have treated already in their proper Places. 2^o Those which relate to the temporal Government, as the Corporations of Towns, the Companies of Tradesmen, Companies of Commerce &c. The two last kinds of Communities shall be treated of as a part of the publick Law, to which they more properly belong. But some things common to all sorts of Communities and Corporations may be here considered.

1^o A Community or Corporation must be established for the publick Good by order or permission of the Prince, after he is fully satisfied of its usefulness and tendency. For all Assemblies of many persons without the said order or permission would be unlawful l. 1. ff. de colleg. & corp. l. 1. ff. quod cujusc. univ. because of the Danger from Assemblies which may meet for no other end, but to conspire against the publick. By the civil Law a college or community cannot be established without the Kings consent.

2^o Such a Body, which doth submit itself to the Law, and is established