

CHAPTER I

CLASSIFICATION AND MODES OF ORIGIN

A STRANGER to our laws, gaining his institutional learning from Blackstone, would imagine that formal incorporation by the State was a vital necessity whenever any body of men desired to obtain for themselves as a body the privileges of legal continuity and personality.

'To shew the advantages of these incorporations,' says Blackstone, 'let us consider the case of a college in either of our universities, founded *ad studendum et erandum*, for the encouragement and support of religion and learning. If this were a mere voluntary assembly, the individuals which compose it might indeed read, pray, study, and perform scholastic exercises together, so long as they could agree to do so: but they could neither frame nor receive any laws or rules of their own conduct: none, at least, which would have any binding force, for want of a coercive power to create a sufficient obligation. Neither could they be capable of retaining any privileges or immunities: for, if such privileges be attacked, which of all this unconnected assembly has the right, or ability, to defend them? And, when they are dispersed by death or otherwise, how shall they transfer these advantages to another set of students, equally unconnected as themselves.' So also, with regard to holding estates or other property, it land be granted for the purposes of religion or learning to twenty individuals not incorporated, there is no legal way of continuing the property to any other