1875.

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to the donors, but that what became of the personalty was still more misty, and refers to *Wallworth* v. *Holt* (*a*) and *Foss* v. *Harbottle*(*b*), as showing the disposition of the English Courts to adapt their mode of proceeding to the changing progress of society; and conceives that the tendency of the discussions and judgments of the Courts of Chancery in England is to concede the right of property in the individual corporators in the assets of the corporation, and this is supported by much cogent reasoning, but without the authority of an English decision in its favour. In truth, so far from the law having become obsolete in England, in the recent case of *Colchester* v. *Brooks* (*c*) it was affirmed, Lord *Denman* saying that, in case of a dissolution, the real property of a corporation does not escheat to the Crown, but reverts to the donor or his heirs. The alternative seems to be between escheat to the Crown and reverter to the donor. No right is recognized in the corporators.

Judgment.

Arriving at the conclusion that the corporation has ceased to exist, and that in such case the lands revert to the grantors, the corporators have no *locus standi*. But were my opinion otherwise I do not think the present bill could be amended by substituting the corporators for the corporation. This is not a mere matter of form : it is a distinct and substantive right entirely contradictory of the case made by the bill. The practice of the Court is no doubt much more liberal now in permitting amendments than it was formerly, and in most cases the question resolves itself into one of costs, but here there are no plaintiffs, no suit, no pending proceedings, they are all imaginary. Certainly *McGregor* v. *Boulton* (*d*), and the cases from the Common Law Courts afford no precedent for such an amendment, and *Clay* v. *Oxford* is decisive against it.

(*a*) 4 M & C 435.
(*b*) 2 Hare 491.
(*c*) 7 B. R.
(*d*) 12 Gr. 288.