

poverty have an undoubted claim upon the protecting care of the Republic. *Montesq. Sp. Laws, b. 23, c. 29.* Bodies politic of this class having these objects in view, are city *corporations; **418** 1708, ch. 7; 1796, ch. 68; Levy Courts; 1804, ch. 73; county schools of the Provincial or State government; 1696, ch. 17; 1723, ch. 19; public colleges, April, 1782, ch. 8; hospitals, 1797, ch. 102; 1816, ch. 156; trustees of the poor of the several counties, &c., 1768, ch. 29; 1785, ch. 15.

The second class of corporations are such as have no concern whatever with the duties of the Republic; nor are in any manner bound to perform any acts for its benefit; but whose only object is the personal emolument of its members. The corporators in such institutions may also, in some sense, be considered as trustees; but then, even in that character, they are the mere factors of individuals; and, therefore, their resignation or removal cannot divest or alter any of the rights of the individuals they represented. Each member of such an aggregation either was a proprietor at the commencement, or became so during the existence of its incorporation; and consequently, unless he has aliened his right, must continue to be so after its dissolution. A corporation not being, like a natural person, one of the elements of society, of which government is formed, can only be considered as a creature of the law. It is the law alone which gives to it a personality distinct from that of each of its members, and confers on it the right to act by its president, directors, or agents, in a manner analogous to that in which the government itself acts by its regularly constituted functionaries. This individuality of character, and the right so to act is, then, nothing more than a portion of the power of the government with which it has been invested. It is this power which is given by the creation of a body politic, and which, by its extinguishment is resumed, and nothing more; the rights of property vested in its several members, in all other respects, remain unaffected by its dissolution.

It is remarkable, that there is no instance of the creation of any body politic of this description under the Provincial government; but since the establishment of the Republic they have increased and multiplied to a very large and still rapidly growing family. The examples of this class of corporations are the insurance companies; April, 1787, ch. 20; the Free Mason societies, 1821, ch. 147; the banks, 1790, ch. 5; the manufacturing companies, 1808, ch 49; the library companies, &c., 1797, ch. 35.

The third species of corporations partake, in many respects, of **419** * the nature of the two first classes; and are sure such as have a concern with some of the expensive duties of the State, the trouble and charge of which are undertaken and defrayed by them, in consideration of a certain emolument allowed and secured to their members. In cases of this kind there is