

active existence a corporation by the name of *The Chesapeake and Ohio Canal Company*, with power to sue and be sued by that name.(k) But, from the peculiar nature of such an artificial body, it can be made a party to a suit in no other manner, than by its designated legal appellation; because it can, in no other way, be noticed by a court of justice, or made known to the law. Its name is the very being of its constitution; the knot of its combination, without which it can perform none of its corporate functions.(l) No body, whether natural or artificial, can be treated as a party defendant against whom no process is prayed. Merely naming a person in a bill as a defendant does not make him a party, unless process is prayed against him,(m) nor can an injunction be granted against any one unless it be expressly asked for by the bill.(n)

This bill alleges, and repeatedly charges, that *The Chesapeake and Ohio Canal Company*, have withheld, and are about to injure the rights of the plaintiff. The nature of the wrong, and the means by which it is to be effected, are described; and all the injustice which has been, or may be so produced, is clearly and expressly imputed to *The Chesapeake and Ohio Canal Company*, as the chief actor, and moving cause of all. Every one else complained of is distinctly described as an officer or agent of that corporation. The bill, however, prays, that an injunction may be directed, not to that corporation, but 'to the *President and Directors of the Chesapeake and Ohio Canal Company* and *Isaac McCord* aforesaid, their engineers, agents, and servants, and all others engaged by said *President and Directors*.' And without asking for any process, calling on the corporation, named *The Chesapeake and Ohio Canal Company*, to answer, as a defendant; the bill, after naming the persons who were then *President and Directors*, only prays for a *subpœna* 'to the said *President and Directors* and *Isaac McCord*, commanding them to appear and answer.'

Hence it appears, that the body politic itself has not been

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(k) 1824, ch. 79.—(l) 1 Blac. Com. 475.—(m) *Fawkes v. Pratt*, 1 P. Will. 593; *Windsor v. Windsor*, 2 Dick. 707.—(n) *Savory v. Dyer*, Amb. 70; *Davile v. Peacock*, Barnar. 27; *Jesus College v. Bloom*, 3 Atk. 262.

BRANNOCK v. MOLL. 1720.—For the want of a prayer in the bill for an injunction; and sufficient bond not being given, the injunction is dissolved. Rule answer by next term. Afterwards the complainant by his attorney prays the bill in this cause may be withdrawn, and that the suit may surcease on the said bill, which is accordingly granted with costs to the defendant. On payment of costs, or good security given therefor, the new injunction brought is to be proceeded on.—*Chancery Proceedings*, lib. P. L. fol. 499.