

But however they may have been originated formerly or elsewhere, it is certain that they can now only be established here by the authority of the Legislature. The multitude of bodies politic, that have been created either by the government of the province or of the Republic, most of which still subsist, may be considered, in reference to their objects, as belonging to one or other of three distinct classes.

The first kind are such as relate merely to the public police; which, by assuming upon themselves some of the duties of the state, in a partial or detailed form, and having neither power nor property for the purposes of personal aggrandizement, can be considered in no other light than as the auxiliaries of the government of the Republic; and consequently, as the secondary and deputy trustees and servants of the people. The right to establish, alter, or abolish such corporations, seems to be a principle evidently inherent in the very nature of the institutions themselves; since all mere municipal regulations must, from the nature of things, be subject to the absolute control of the government. These institutions being, in their nature, the auxiliaries of the government in the great business of municipal rule, cannot have the least pretension to sustain their privileges, or their existence upon any thing like a contract between them and the government; because there can be no reciprocity of stipulation; and because their objects and duties are incompatible with every thing of the nature of such a compact.

The power of acquiring and holding property, although almost always given, is by no means a necessary incident to corporations of this class; they may be established without any such capacity; as in the instance of the commissioners for emitting bills of credit. (f) The preservation of morals, and the administration of justice are the chief ends for which government has been instituted; and infancy, insanity, infirmity, and helpless poverty have an undoubted claim upon the protecting care of the Republic. (g) Bodies politic of this class having these objects in view, are city

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citizens or corporators have a vote in the election of the officers of the corporation. Every one here, however, must have observed, that although we have, in this state, at present, no *close* corporations so constituted by their charter, there are, nevertheless, many instances where so many proxies, of those who alone have a right to vote, are gathered into a few hands, as, in practice, to make such bodies politic *close* corporations, by means of which their then president and directors are continued in office.

(f) 1769, ch. 14, s. 6.—(g) Montesq. Sp. Laws, b. 23, c. 29.