

tainly wrong; the authorities cited warrant no such assertion. (s) And it has also been said, that a *subpœna* is not the proper original process against a corporation; because it has no conscience; (t) This is also an error; for, in all cases, where a corporation is made defendant, the first and proper process for calling it in to appear and answer is the same as that used for summoning a natural person; that is, a *subpœna*; and accordingly the bill prays for a *subpœna*, and no other process. (u) The bill, it is true, must always ask for that original process which is suited to the nature of the case; against natural and artificial persons a *subpœna* is prayed for; against non-residents an order of publication, made the substitute of a *subpœna*, is asked; and against the Attorney-General it is prayed, that he may be attended with a copy of the bill; (w) which form of prayer, as against the Attorney-General, appears to be recognized by several acts of Assembly, (x) with only two exceptions, in which he is directed to be summoned, or served with a *subpœna*. (y) These prayers are indispensably necessary, because it is an established rule, that no one is to be considered a party to the suit, against whom no process or publication is prayed, and served with it, or the publication made. (z)

If the body politic neglects or refuses to appear as required by the *subpœna* which has been served on the mayor, president or any director or manager, or other officer, then the next process is a *distringas*, the form of which writ is substantially the same at law as in equity. (a) By this writ the sheriff is commanded to make a distress upon the lands and tenements, goods and chattels of the corporation; and it is endorsed thus: 'By the court at the suit of A. B. for want of an appearance, (or answer, as the case may be.)' But in England upon the first writ the sheriff generally levies forty shillings issues; upon the *alias distringas*, four pounds; on the *pluries distringas* he levies the whole property; and on the return of the *pluries* a sequestration is granted. (b) Thus far there appears to be not the slightest difference to be found in the books, either as to the form of the process, or in reference to the character of the corporation to be affected by it.

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(s) *Harvey v. East India Company*, 2 Vern. 395; S. C. Prec. Cha. 128.—(t) Com. Dig. tit. Franchises, F. 19.—(u) *Willis Eq. Plea*. 8; *Lowten v. The Mayor of Colchester*, 2 Meriv. 395.—(w) *Willis Eq. Plea*. 7; 2 Mad. Pra. Chan. 202.—(x) 1785, ch. 72, s. 29, and ch. 78, s. 1; April, 1787, ch. 30, s. 4; 1799, ch. 79, s. 7.—(y) 1786, ch. 49, s. 8; 1794, ch. 60, s. 6.—(z) *Windsor v. Windsor*, 2 Dick. 707; *Reilly v. Ward*, 5 Bro. P. C. 495; *Lingan v. Henderson*, 1 Bland, 245.—(a) 2 Harr. Ent. 674; 1 Harri. Pra. Chan. 264; 1832, ch. 306, s. 5.—(b) 1 Harr. Prac. Chan. 264.