and a Determination of the trust in the hands of him that Acts directly Contrary to it.

An University, as it strictly Considered cannot be punish with Corporal or Capital punishment; and it were absurd punish, for the fault of its Governours, the private person or Members of the Society, who may be Infants, women, and others altogether Innocent thereof. Gomes ibid. n. 53 Prosp. Farin. ibid. n. 115. But an Incorporation offending may be punished in the habile and proper Manner V. G. by being ordained to Restore any advantage accruing to it by the offence l. 9 §1. D. de Meto. Cand. l. 15 §1. ff. de dolo. 2d/ An Incorporation may be punished by a fine or Confiscation of some part of his Common good Gomes. ibid. Prosp. Farin. ibid. n. 117. Town of Glasgow

The Town of Lanark was Fined for not punishing those who burnt the Tolbooth where crafts in the year 1688

3d/ An Incorporation may be punished by Disfranchizing, and taking away from it its privileges and freedom, Gomes. ibid. Prosp. Farin. ibid. 12 June 1688. Judgement was given in the court of Kings Bench upon an Information in the Nature of a quo warranto Exhibited there against the Mayor and Commonalty and Citizens of London, that the Liberty privilege and Franchise of the said Body Politick and Corporate should be seized into the Kings hands as forfeited upon two Grounds, Viz. one for making a by-law to levy Money on all persons coming to sell provisions in the City Markets: And the other for offering the King a petition where in they Represented their Grievances arising from the Discontinuance of Parliaments proceeding which obstructed the Justice of the Nation and printing the said Petition. But in Regard the By-law was not to Impose new, but Reduce their Ancient and Uncertain tolls to a Reasonable Certainty; and the principal ground for Shewing in their petition those grievances which they desire to be Redressed, and the causes of them is the same thing as to deny the Right of petitioning, which Infers a Delusion: the said Judgement was by an Act of Parliament Condemned and Made Void as an Illegal proceeding 2 W. & M. sess. 1 Cap. 8. 4d/ There are Instances of Towns that for treason have been Condemned to Razing Burning

and plowing Strewed Down to its both by Historians and Lawyers, Prosp. Farin. ibid. n. 120. Because the Knights of St. John of Jerusalem, other ways called the Hospitalers, in England and Ireland had Maintained the Papal Supremacy that Usurped power of the Bishop of Rome and Adhered to him, who was an Enemy to the King and Country, and Endeavoured to subvert the good and Godly policy of the Kingdom: that Religious Corporation was Dissolved, and their Lands goods and possessions given to the Sovereign 32 H. 8 Cap. 24.

Sir George McKenzie (Crim. part 1 Tit. 159) is of opinion, that no Decree of Magistrates can stand for a Fine against the Incorporation, unless the Body of the people Concur: for that Magistrates in their Acts of Government and not in their Crimes Represent the people, and were not Impowered by their Election to Commit Crimes l. 6 §2 ff. de Cond. Indeb. And that an Incorporation cannot be Standerd to Concur in a Crime, if any one Member opposed it, for that in Damno Vitando potior est Conditio Negantis.

Not only may an University or Incorporation be punished for Crimes Committed by order of its Rulers and Administrators, but also the private persons who Executed such orders may be justly punished; the University, and Especially its offending Administrators who personated the Incorporation in that Matter as Mandants, and the others as Mandataries Gomes. ibid. n. 54. Prosp. Farin. ibid. n. 127. 128. Sir George McKenzie (ibid.) seems to Incline to the opinion of Bartolus, that a fine Imposed upon an Incorporation for the deeds of its Managers, should burden only those Managers, because they were not in their Election by the Community Imposed to Commit Crimes. The Masters of a College who by Act of Parliament are ordained to Give submission to Presbyterian Church Government Established by law in Scotland leaving as Patrons of a Church presented an Episcopal ~~Divine~~ Divine Contrary to the Statutes by appointing qualified Ministers to be presented; their so doing was found Relevant to Infer an Arbitrary punishment and Expunged 28 June 1714 The Masters of the Kings College of Aberdeen. Crimes and offences committed by the greater part of a Corporation are not Reasonably to be done by the whole: it all the community, if some of the corporation protested against it, and protested against the same. In which case the major part only, and not the Lesser part ought to be punished, Joannes Ayliffe new paraphrase of the Roman Civil Law Lib. 2 Tit. 35 pag. 199

Chap.