

\* But an Incorporation offending may be punished in the habit & proper Manner, viz. by being ordained to Restore any Advantages accruing to it by the offence. l. 9 ff. de Not. caus. l. 15 ff. de Dol.

\* 2<sup>d</sup> An Incorporation may be punished by a fine or confiscation of some part of its common fund. Com. 3 bar. Reg. cap. de Dol. n. 53. Farin. de Dol. quest. 24. n. 117. & the case of Shampet against the Town of Glasgow.

\* 3<sup>d</sup> An Incorporation may be punished by disfranchising, and taking away from it its privileges and Freedom. Farin. ibid. Farin. ibid.

\* To June 1683 Judgment was given in the Court of Kings Bench upon an Information in the nature of a Habeas Corpus writs exhibited there against the Mayor and Commonalty and Citizens of London, that the Liberty, privilege and Franchise of the said Body politic & corporate should be for'd into the King's Hands as forfeited upon two grounds, viz. 1<sup>st</sup> for making a By-Law to lay Money on all persons coming to sell Provisions in the City, Markets & 2<sup>d</sup> for offering the giving a petition within they Reproached their Grievances arising from the discontinuance of parliamentary proceedings which obstructed the Justice of the Nation, and printing the said petition. But in regard the By-Law was not to impose new, but to reduce them ancient and uncertain Tolls to a reasonable certainty; and the petitioning way for showing in their petition those Grievances which they desired to be redress'd, and the cause of them is the same thing, as to deny the Right of petitioning, which is an oppression; the said Judgment was, by an Act of parliament condemn'd as an illegal proceeding & made void 2<sup>nd</sup> m. & all. sess. 1. cap. 8.

\* 4<sup>th</sup> These Instances of Towns that have been condemn'd to Razing burning and plowing handed down to us both by Historians and Lawyers. Farin. de Dol. quest. 24. n. 120.

\* Because the Kings of St John of Jerusalem, otherwise call'd the Hospitallers, in England and Ireland had maintain'd the papal supremacy, that usurp'd power of the Bishop of Rome and adher'd to him, who was an Enemy to the King and Country, and endeavour'd to subvert the good & good policy of the Kingdom: That Kingdom's Corporation was dissolved, and their Lands Goods & possessions given to the Sovereign 32 H. 8 cap. 24.

\* Sir G. Mackenzie (Part. 1 Tit. 89) is of opinion that no Good of Magistrates can infer a crime against the Incorporation, unless the Body of the people concurs: For that Magistrates in their acts of Government and not in their crimes represent the people, and were not empower'd by their Election to commit crimes. l. 6 ff. de cond. Indob. And that an Incorporation cannot be understood to concur in a crime if any one member opposed it, for that in Damno vilando populus est conditio regularis.

\* Only may an unbecomly or Incorporation be punished for crimes committed by order of its Rulers and administrators, in that the private persons who executed such Orders may be justly punished, the unbecomly, and especially its offending administrators who perpetrated the Incorporation in that matter, as Mandants, and the others as Mandataries, Com. 3 bar. Reg. cap. 1 de Dol. n. 54. Farin. de Dol. quest. 24. n. 127. 128.

\* Sir G. Mackenzie (Ibid.) seems to incline to the opinion of Barleth 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, empower'd to commit ~~criminal~~ Crimes. l. 7. col. 2. pag. 544.