

Public vs. Private from Blacks Law

To understand the difference in Public vs Private domain we need to look at definitions from Blacks law dictionary. As you look into having and Private Membership Association your eyes will start to open up as you gain knowledge of what certain words mean when it comes to laws and statues.

These definitions are taken from the Blacks Law Dictionary 2nd and 4th edition, as those edition reference case law to the specific definitions. They are in my opinion the best ones to look at, so you then can reference the specific case law. -Aaron Bowman

What is PUBLIC AND PRIVATE?

A public corporation is one created by the state for political purposes and to act as an agency in the administration of civil government, generally within a particular territory or subdivision of the state, and usually invested, for that purpose, with subordinate and local powers of legislation; such as a county, city, town, or school district. These are also sometimes called “political corporations.” People v. McAdams, 82 111. 356; Wooster v. Plymouth, 62 N. H. 208; Goodwin v. East Hartford, 70 Conn. 18, 38 Atl. 876; Dean v. Davis, 51 Cal. 409; Regents v.

Williams, 9 Gill & J. (Md.) 401, 31 Am. Dec. 72; Ten Eyck v. Canal Co., 18 N. J. Law, 200, 37 Am.

Dec. 233; Toledo Bank v. Bond, 1 Ohio St. 622; Murphy v. Mercer County, 57 N. J. Law, 245, 31 Atl. 229.

Private corporations are those founded by and composed of private individuals, for private purposes, as distinguished from governmental purposes, and having no political or governmental franchises or duties.

Santa Clara County v. Southern Pac. R. Co. (C. C.) 18 Fed. 402; Swan v. Williams, 2 Mich. 434; People v.

McAdams, 82 111. 361; McKim v. Odom, 3 Bland (Md.) 418; Rundle v. Canal Co., 21 Fed. Cas. 6. The true

distinction between public and private corporations is that the former are organized for governmental

purposes, the latter not. The term “public” has sometimes been applied to corporations of which the

government owned the entire stock, as in the case of a state bank. But bearing in mind that “public” is

here equivalent to “political,” it will be apparent that this is a misnomer. Again the fact that the business

or operations of a corporation may directly and very extensively affect the general public (as in the case

of a railroad company or a bank or an insurance company) is no reason for calling it a public corporation.

If organized by private persons for their own advantage,

What is PRIVATE LAW?

As used in contradistinction to public law. the term means all that part of the law which is administered between citizen and citizen, or which is concerned with the definition, regulation, and enforcement of rights in cases where both the person in whom the right inheres and the person upon whom the obligation is incident are private Individuals.

What is PUBLIC LAW?

The laws that cover administration, constitution and criminal acts. It controls the actions between the citizens of the state and the state itself. It deals with the governments operation and structure.

PRIVATE: Affecting or belonging to private individuals, as distinct from the public generally. Not official; not clothed with office. *People v. Powell*, 280 Mich. 699, 274 N.W. 372, 373, 111 A.L.R. 721.

As to private "Act," "Agent," "Bill," "Boundary," "Bridge," "Business," "Carrier," "Chapel,"

"Corporation," "Detective," "Dwelling House," "Easement," "Examination," "Ferry," "Nuisance," "Pond," "Property," "Prosecutor," "Rights," "Road," "Sale," "School," "Seal," "Statute," "Stream," "Trust," "Water," "War," "Way," "Wharf," and "Wrongs," see those titles.

Private property

As protected from being taken for public uses, is such property as belongs absolutely to an individual, and of which he has the exclusive right of disposition; property of a specific, fixed and tangible nature, capable of being had in possession and transmitted to another, such as houses, lands, and chattels. *Homochitto River Com'rs v. Withers*, 29 Miss. 21, 64 Am.Dec. 126; *Scranton v. Wheeler*, 21 S.Ct. 48, 179 U.S. 141, 45 L.Ed. 126.

Public property

This term is commonly used as a designation of those things which are *publici juris*, (q. v.) and therefore considered as being owned by "the public," the entire state or community, and not restricted to the dominion of a private person. It may also apply to any subject of property owned by a state, nation, or municipal corporation as such. Qualified property. Property in chattels which is not in its nature permanent, but may at sometimes subsist and not at other times; such for example, as the property a man may have in wild animals which he has caught and keeps, and which are his only so long as he retains possession of them. 2 Bl.Comm. 389. Any ownership not absolute.

Private Person

An individual who is not the incumbent of an office.

Persons

"Persons" are of two kinds, natural and artificial. A natural person is a human being. Artificial persons include a collection or succession of natural persons forming a corporation; a collection of property to which the law attributes the capacity of having rights and duties. The latter class of artificial persons is recognized only to a limited extent in our law. Examples are the estate of a bankrupt or deceased person.

A county is a person in a legal sense, *Lancaster Co. v. Trimble*, 34 Neb. 752, 52 N.W. 711; but a sovereign is not.