

moneys were expended in the erection of buildings on the lot, conveyed by the deed, and that the buildings so erected have been occupied and used by the college for medical instruction, and as a hospital and lunatic asylum, from the year 1836, and although, as appears by the answer of the college, moneys have been received by it, for the use of the buildings, it is denied, (and there is no evidence establishing the contrary,) that any dividends have accrued or have been declared or become payable, upon the moneys advanced by the contributors, according to the true construction of the deed ; which, as their answer insists, are payable only out of the net profits.

It appears by the pleadings, proofs and admissions, that on the 9th of February, 1841, Samuel K. Jennings, one of the original founders of the college, and a member of the corporation, at the date of the deed of trust, recovered a judgment against the college, in Baltimore County Court, for the sum of \$10,894 08, which judgment, on the 23d of the same month and year, was entered for the use of Edward Green, to the extent of \$6000, and for the use of John W. Richardson, for the balance. That on the same day, a writ of *feri facias*, issued upon the judgment which was levied upon the property in question, and that on the 27th of February, 1843, Edward Green became the purchaser thereof, at the sale of the sheriff for the sum of \$6500, and that a conveyance has been duly executed to him by that officer, dated on the 8th day of the then succeeding month of March.

The bill prays for a sale of the property upon these grounds, 1st. Upon the ground that the accrued dividends have not been paid within the period prescribed by the deed, and 2nd. Because of the sale and transfer of the title to Green, the corporate body have become incapacitated for fulfilling the requirements of the trust, and performing the agreement and conditions under which the advances and contributions were made.

The claim to relief under the first head is not pressed, and need not, therefore, be considered. The answer of the college, which admits the possession and use by it, of the buildings from the year 1836, as a medical college hospital and lunatic asy-