

The scientific and faithful conduct of the University, may much redound to the public good; and imperfect instruction and careless discipline may bring unworthy members into the medical ranks. But *even if experience* had demonstrated that the most harmonious administration, and the most exact erudition and luminous intelligence, are with peculiar success to be ensured through the State's control, it would not follow that this Institution, and if this, every other medical or scientific Institution, must be absorbed into the State prerogative. The adjudication, which is here the *rule of our judgement*, gives us other, and we must say safer precepts, and less hazardous tests of State supremacy in this department. The proper remedy for the State in any disappointment of her pretensions, under these doctrines, is, that she herself create a University, and build it up from her own immediate treasure, and rely in no measure upon individual enterprize, and in no degree avail herself of individual resources and anxieties. But the public concern is, in all such Institutions as the University of Maryland, well guarded, for its permanent devotion to science, and the culture of all its exalted subjects are ensured upon the very best impulses—the purely intellectual ambition, which is the basis of every such Institution, when the fruit of private effort; and although this Institution be a private corporation, and as regards the *State*, may indifferently to her, have all the incidents of independent proprietary control, of any other private corporation; yet here again the cause of science and the *public benefit*—as contradistinguished from the *State prerogative*—is protected by the necessary, organic condition of the corporate power, which would not permit the property of the corporation to be diverted from its original purpose—the instruction for which the Institution was founded, and for which all its property has been acquired. But whatever restraints the chancery power might interpose to hold such an Institution to its original dedication, still the State has no inherent right *as State*, to warrant its seizing all such publicly useful Institutions, as State property. Thus substantiated as inviolable private property, let us next enquire to what this corporation, thus recalled to its ancient franchise, seeks to be restored.

This Institution had its foundation laid in *private enterprise*. In 1807, when the College of Medicine was established, a few zealous and scientific individuals conceived the plan of a school of medical instruction. After maturing their views, and for some time, but with limited resources and appliances, although