

REPORT

The undersigned members of the joint committee, to whom was referred the memorial of the Regents of the University, submit the following as their report:

We have examined with some attention, the documents shown to us, and the statements of the parties; have heard the arguments of their counsel, and considered the questions of law, to which our attention has been directed, and after a patient investigation, we entertain an undoubting conviction that the memorialists have no shadow of claim to the property they solicit the Legislature to place under their control; but on the contrary, we feel assured that the property belongs to the State, upon the principle of justice and equity. Nearly all the estate of the University has been derived from the bounty of the Legislature, and has been bestowed under the belief that it was a public institution, and subject at all times to be regulated by the government. And this impression with regard to its public character, has not only been strengthened and encouraged by the conduct of the Regents, but the fact has been asserted by them in their applications to the Legislature, and urged as a reason for soliciting pecuniary favors from the public. Till very recently the right of the State was never questioned, (except on one occasion, in 1826 there was a faint attempt at resistance, which was immediately abandoned, and the parties returned to their allegiance,) and now to permit an assertion of claim after so many years of *interested* acquiescence and abandonment, would be allowing the parties to profit by a course of conduct on their part, which (no matter how unintentional) amounts to a deception on the public.

We propose to submit a brief review of the facts and circumstances upon which our conclusions rest; and in doing so, it will be also necessary to advert to the decision of the Court of Appeals in the case of the Regents vs. Williams. This opinion of the court is relied upon by the Regents, as settling the whole controversy, and is looked to as closing the book to all further inquiry; this, however, would be giving an efficacy to the action of the court on that occasion, which in our view, neither respect for that tribunal, nor obedience to its legitimate mandates, would, upon the most liberal construction, exact or require at our hands. The Court of Appeals is entitled to high respect, as well for its learning as its intelligence; and our institutions, when there is no