

dental and collateral cases which might arise between the parties, the facts and principles of which were not, and probably could not in the form of proceedings, be submitted to their judgment. We look to the proposition of the memorialists as presenting an open question of property between them and the State, to be settled upon its own merits, and to be determined by a careful review of the facts and circumstances which make up its history.

Having briefly presented our views of the extent and efficacy of the decision of the Court of Appeals, we will concisely advert to the property in question, the mode and time of its acquisition, then submit some of the leading facts and circumstances upon which our opinion that the Regents are extinct, is founded, and make some brief suggestions respecting the principles of law necessary to be considered in determining the course of action proper to be adopted by the Legislature.

To understand this subject fully and clearly, it will be necessary to bear in mind that there are, or at least were, three corporations, in part made of the same elements, created at different periods, and all having for their *principal* object the promotion of medical instruction. The first was chartered by the act of 1807, chap. 53, and called "The Regents of the College of Medicine of Maryland." The second was created by the act of 1812, ch. 159, and called "The Regents of the University of Maryland." The act of 1825, chap. 190, established the third, which has for its corporate name "The Trustees of the University of Maryland."—The second of these corporations now claims all the property held by the third; although it is not denied that a large portion of it was acquired by the other two. The Regents of the College of Medicine were authorized by the act of 1807, chap. 111, to raise by lottery \$40,000; and according to the report of a joint committee of the Legislature, which will be found on the Journal of the Senate for 1825, page 146, eighteen thousand dollars was received before the University was established. This money then belonged to the first corporation. The building called the Medical College, was commenced in April 1811, and was nearly tenantable by October in that year, (see Dr. Potter's pamphlet,) so that this must also be the property of the oldest corporation; and if the views of the Court of Appeals be correct, we cannot conceive under what pretext the memorialists claim the property, which belongs to the first corporation. On page 15 of the printed opinion, the court says, "The College of Medicine then and the University, exist in contemplation of law, as distinct and independent corporations, in possession of all the rights and franchises conferred upon them by the acts of this incorporation;" and the court again says, on the same page, "and there being nothing in the act of 1807 inconsistent with, or repugnant to the act of 1812, the last section of the act of 1812 is wholly inoperative; and again on the same page, "the enjoyment and exercise by each, of all the rights and privileges granted to them