

of any cost or charges in settling the questions involved in the aforesaid resolutions, or to authorize the Governor to employ counsel in the discussion before said court."

This question was tested in the case of "The Visitors and Governors of Saint John's College vs. the State of Maryland," and is reported in 15th Maryland Reports, page 332.

The decision was rendered February 7, 1860. The Court decided as follows :

1st. That the annual appropriation of £1750, made by the 19th section of the Act of 1784, chapter 37, constituted, under all the circumstances of the case, a contract on the part of the State which could not be legally repealed by the Act of 1805, chapter 85.

2d. That the Act of 1805, chapter 85, was a violation of the 10th section of the 1st Article of the Constitution of the United States, which declares that no State shall pass any law impairing the obligation of contracts.

3d. That the Act of 1784, chapter 37, with the circumstances of the case, constitutes such a contract as would, if entered into between individual citizens, be legally binding upon them.

On the ground of this decision, the Board of Visitors proposed, by judicial proceedings, to recover the arrearages considered by them to be legally due the College, under the terms of the original compact, in 1784, between the Legislature and the founders of the institution.

This gave rise to the case of the Visitors and Governors of Saint John's College by the Comptroller and Treasurer of the State of Maryland, which was decided on the 29th November, 1865, and is reported in 23d Maryland Reports, page 629.

In this case the court decided that the Visitors and Governors, by accepting the partial payment under the resolution of 1832, No. 41, had forfeited their legal right to recover the said arrearages.

From this decision the Visitors and Governors, determined to take an appeal to the Supreme Court of the United States, it being in the opinion of many eminent counsel that the judgment of the Court of Appeals was erroneous, and initiatory steps were taken to accomplish that object. The amount of arrearages believed to be due the College, under the Act of 1784, being estimated at two hundred thousand dollars.

Before, however, determining to take this course, the Visitors and Governors laid before the Legislature of 1866 a memorial, setting forth fully their claims against the State,