

been paid to them, and they aver that dividends to each and all of them accrued are in arrear, and so have been for more than one year. That the terms of said deed of trust, require that half-yearly dividends should be paid on the amounts advanced, and upon default for one year in such payment, the trustees are authorized to sell said ground, and out of the proceeds, pay as well the principal sums contributed, as the accrued and unpaid dividends. That the complainants are holders of certificates described in said deed.

The bill further charges, that one Samuel K. Jennings recovered judgment against said corporate body for a large sum of money, for the use of Edward Green, upon which a writ of *fieri facias* was levied on all the interest and property of said corporate body in and to said piece of ground, and that by virtue of such writ and levy, a sale of such interest was made to said Green, on 27th of February, 1843, by which means, said corporate body has, as your orators aver, become incapacitated for fulfilling the terms and requirements of said trust, and performing the agreement and conditions under which said advances and contributions were made. That they have sought payment of their dividends and principal aforesaid, in vain from said corporate body, which they charge to be now utterly insolvent. The bill then prays for a sale of the said ground and building for payment of the principal and dividends of and on said contributions and advances, and for further relief. The defendants are the Washington University of Baltimore, and said Edward Green.

The answer of the college was filed on the 9th of May, 1844, and admits the execution of the deed set out in the bill, and that the complainants have advanced moneys for the purpose contemplated by said deed; the erection of buildings with said advances, and that from the year 1836, said buildings have been and still are used by respondent, as a college for medical instruction, and as a hospital and lunatic asylum, and that it has received moneys for such use of said buildings from time to time, and that no dividends have been paid to the parties advancing moneys as aforesaid, and that none such have ever ac-