

their passage, and so understanding its purport, we shall omit all notice of circumstances occurring subsequently. The record presents other questions, which in an ordinary case, we might deem it proper to consider; but this case is *sui generis*, unlike an ordinary suit. The proceedings have been instituted under the authority of the Legislature, for the sole purpose of obtaining the opinion of the Judges of this Court upon certain specific questions propounded by the resolution, and we, therefore, consider it proper to confine ourselves to those questions.

The State on application of certain public-spirited citizens granted the charter of St. John's College. The preamble of the act for founding the college sets out fully the motives of both parties: It states that, "it appears to this General Assembly, that many public spirited individuals, from an earnest desire to promote the founding a college or seminary of learning on the Western Shore of the State, *have subscribed and procured subscriptions to a considerable amount, and there is reason to believe that very large additions will be obtained to the same throughout the different counties of the said shore, if they are made capable in law to receive and apply the same towards founding and carrying on a college or general seminary of learning with such salutary plan, and with such legislative assistance and direction, as the General Assembly might think fit, and this General Assembly, highly approving those generous exertions of individuals, are desirous to embrace the present favorable occasion of peace and prosperity, for making lasting provision for the encouragement and advancement of all useful knowledge and literature through every part of the State.*" The third section of the Act constituted certain persons agents "*for soliciting and receiving*" subscriptions to the college; and the *nineteenth* section "to provide a permanent fund for the further encouragement and establishment of the said college:" Enacted, "*That the sum of one thousand seven hundred and fifty pounds current money, be annually and forever hereafter given and granted, as a donation by the public, to the use of the said college,*" &c.

By the first section of the Act of 1805, ch. 85, this donation was discontinued and ordered to remain in the treasury, subject to the appropriation of the Legislature to literary purposes, and for disseminating learning in the several counties of the State.

It is admitted on behalf of the State that individuals and corporations did of their own funds, contribute towards the founding of the college the sum of *thirty-two thousand dollars*.

Confining ourselves to this state of the case, the simple question is—was the Act of 1784, *under the circumstances, a contract* within the meaning of the 10th section of the first article of the Constitution of the United States?