

gislature (by act of 1830, ch. 50) authorised the property and government of "The Baltimore College" to be passed to the University of Maryland, so as to enable this Institution to constitute an academical department under the auspices, and as part of the Faculty of the Arts and Sciences of the University of Maryland. The Baltimore College cession is declared by the act to be for the use of the Faculty of arts and sciences; and although as the actual representatives, at the time, of the University, the Trustees are by the act made grantees in the deed of cession, yet the use and benefit of the cession is for the University; and the *legitimate* governors of it, as now declared, must of course succeed to the legal title. As, however, this property has accrued since the date of the Trustee act, the Regents are content to have it excepted from any immediate surrender now asked for, and by a speedy chancery process to be provided, to be allowed to have all question as to this appendage of the University, adjudged between them and the State, or the Trustees, if they, an annulled body, can be esteemed the appropriate litigants of any such issue. The Legislature, for this inquiry, may allow them as individuals to be made defendants to the judicial investigation.

It is manifest that all the possessions of the University, derived from these *as the only sources* which have been pointed out by either the Regents, or the representatives of the Trustees before the Committee, are the fruits of rights in the Regents antecedently to the act of 1825, ch. 190, excepting only Baltimore College, which is the property of the University, by the terms of the grant, and is, we may add, the more conclusively to be so regarded, because the debts of the Baltimore College, we understand, were, after the cession, paid, to an amount of more than \$7,000, out of the *funds of the University*. The State is not, for the purposes of this appeal to her justice, concerned to inquire whether the avails of the Medical College Lottery of 1807, should have been enjoyed by the University, although granted for the benefit of that College, which was the central member of the University, and although the Lottery was drawn after the University act, and under sanction of the State, and when the old corporation of the "Regents of the College of Medicine," losing its *practical and substantial part*, ceased to have, as it never since has had, more than an ideal existence. At the utmost, if that lapsed corporation, as it must be regarded, should be ever embodied, the avails of the Lottery alluded to, could only be an item *of mere debt* as between the University and the primitive corporation.