

look to the powers conferred and duties imposed upon the Regents of 1812; First, the College of Medicine was to expand itself into a University. Now, what College was so to expand itself? There was but one. Can it be doubted that the College meant, was the one then under the control of the Regents of 1807. And when the College became a University, it was under the power and control of the Regents of 1812, and it was their duty to have medical lectures delivered in it every winter. From every view we have been able to take of these two acts, they are in direct collision, particularly on the important point of the government of the College. It is true, the act of 1812 does not affect the existence of the Board of Examiners in their character of Examiners, but in their character as Regents under the act of 1807, it strips them of the Medical College and Faculty, and all control over it. The view taken by the court is, as we read it, that the power to create the University was given by the act of 1812 to the Medical Faculty of the College, and not to the Regents. Be it so; does that reconcile the acts of 1812 and 1807. If the power to annex the other Colleges or Faculties, and in doing so to form a University, was given to the Medical Faculty, and not to the Regents, it was nevertheless given to it, in its corporate character of Faculty, and not given to the professors and lecturers in their individual capacity as natural persons; and when by combination it became a Faculty of the University, it could not remain as a Faculty of the Medical College, because the duties in the two institutions were incompatible and could not be performed by the same Faculty. When the act of 1812 placed the Medical Faculty under the control of the Regents of the University, it deprived the Regents of 1807 of so much of their power and privileges. The Medical Faculty could not serve two masters at the same time, and in the performance of the same service.

But if for the purpose of reconciling the acts of 1807 and 1812, we resort to the supposition that the Legislature when it conferred a power or right on the Medical Faculty, meant to confer it on the individuals who might compose it, at the time, in their natural, and not in their corporate capacity, then, the right to a considerable portion of the property is settled against the memorialists, beyond doubt or cavil. For these very individuals, who were the members of the Faculty, conveyed by deed, for good consideration, all their interest to the Trustees, (see the deeds from Doctors Potter, Hall, and others, to the Trustees, dated the 14th January 1832.)

The next item of property, the acquisition of which we have been able to trace, is \$20,000, raised under a grant of a lottery by act of 1813, chap. 125. The proceeds of this lottery grant, is given to the Faculty of Physic, and not to the Regents, and as the members of that Faculty, upon receiving from the Trustees a large sum of money, have conveyed all their interest in the pro-