

erty on which the \$20,000 is alleged to have been expended, we are of opinion the memorialists have no claim on this fund, or the property it may have been converted into. Whether they convey as individuals, or as a Faculty, is a distinction that no equitable adjustment would permit us to regard. It would be trifling with justice to allow them to sell to the State as individuals, and claim to have it back again as corporators.

By act of 1816, chap. 78, a lottery grant was made to the Regents, authorising them to raise \$1000,000, and under this grant the sum of \$31,404 22 was raised, according to the report of the committee in 1825. In 1821, the State advanced in the character of a loan, the sum of \$30,000. This, from the fact that the Medical Professors were required to give bond for the interest, seems to have been designed for the benefit of the Faculty of which they were members. The sums we have mentioned making an aggregate of nearly \$10,000, is all that we can learn was acquired by either the corporation of 1807, that of 1812, or either of their Faculties, up to 1825, when the joint committee of the Legislature investigated the subject. From that report, which is before referred to (see Senate Journal of 1825, page 146,) this sum was expended in erecting the Medical College, Infirmary, and the buildings connected with them, and for a medical library, &c. That in fact it all went to the use of the Medical Faculty. The other branches of the University seem to have been excluded from all participation in the benefits derived from the the State's bounty. The University, so far as the application of the money given by the State was concerned, remaining a *mere Medical College*. It was this neglect of the other branches of science, combined with the manifest defects in the charter of 1812, which induced the Legislature in 1825, to change the government. The old charter gave each Faculty the power to appoint its Professors, and required three-fourths of the Regents to accomplish a removal. The practical effect of these provisions was to convert the seats of Professors into life offices, and to prevent a change, no matter how incompetent age and infirmity might render the incumbent. Under such a system, the public patronage would necessarily become in its use, the private property of the Professors, its benefits would be enjoyed by the same set of individuals, during their lives, and where there was issue made, would probably descend to their sons, and present the spectacle of a public institution, passing from one generation to another, till places which could only be filled with advantage to the public by men of ripe and vigorous intellect, would be alternately passing from dotards to boys. These remarks are not intended to apply to any particular individuals, but to show the evils that would result from the system.

In 1825, the Trustees were incorporated, and afterwards they acquired, under the act of 1827, chapter 198, the sum of \$40,000. This was given by the State out of the Treasury, for the nominal