

consideration of releasing the right to draw lotteries under the act of 1816, ch. 78, and its supplements; we say nominal, because, we believe the right released was of no benefit to the parties or the State. A legacy of \$5000, was left in 1828, to the Trustees for the benefit of the Infirmary; and in 1830, in pursuance of an act of that year, chap. 50, the Trustees of the Baltimore College conveyed their property to the Trustees of the University, being real estate, worth about \$20,000, situate on Mulberry street in Baltimore, and now occupied under the Trustees as a school, for teaching the arts and sciences. The Regents, in their memorial, claim all the property, but since, we have understood that they are disposed to abandon the Baltimore College and the Legacy; indeed, it would be difficult to imagine on what principle they could urge a claim to either. Nor can we see on what grounds the \$40,000 mentioned above, as given by the State for the release of the lottery grant, is claimed by the Regents. If the Regents have a right to any thing, they have the right to draw their lottery. If the charter of the Trustees is void, because the legislature could not pass the act of 1825, the Trustees could not release or transfer any right the Regents had, and therefore the lottery grant of 1816 still remains. The Regents, in order to claim any right, even that of existence, must assume, that the Trustees had no valid existence, and could do no valid act; if then they could do no valid act, how could they impair the rights of the Regents to draw lotteries. The State, then, only getting for her \$40,000, the right of the Trustees merely, and not that of the Regents, what claim have the Regents to the money?

From the periods at which the property was acquired, and the sources from which it has been derived, it will be seen, that the Regents would not be entitled to much of it, if any, supposing them to be a *subsisting corporation*. If the property was to be regarded as belonging to the several corporations, during whose *active* existence it was acquired, the Medical College building would belong to the Regents of 1807. The Infirmary seems to have belonged to a company of physicians, as their private estate, and was conveyed by one of the deeds before mentioned to the Trustees. (The \$40,000 paid by the State, the legacy, and the Baltimore College, being acquired by the Trustees after the surrender of the Regents, would belong to the former. The proceeds of the lottery grant of 1813, and the \$30,000 lent by the State, being as we conceive the property of the Faculty of Physic, passed by the aforesaid deeds of Potter and others, the members of that Faculty, to the Trustees, would also belong to the Trustees, who in virtue of the before mentioned deeds of Doctors Potter, Hall, and others, would be entitled to the proceeds of 1813, and the \$30,000 loaned by the State, the first of which clearly belonged to the Faculty of Physic, and the latter, from the terms of the loan, belonged to the Professors.) From this view of the rights of property vested in these corporations, it