will be seen, the memorialists could not claim any thing, except the proceeds of the lottery authorised by the act of 1816; nothing else has been given to them, nor can we ascertain any pretence of title they have to any other property; and this could not now be distinguished, as it has been mixed up with the funds of the other corporations.

But although for the reasons stated, we believe, the memorialists, if they were an existing corporation, would have no right, except to a small portion of the property, it is not on that ground alone, we recommend the rejection of their claim. We regard the corporation of 1812 as utterly extinct and having no legal existence, and therefore not capable of claiming or holding any thing. For the purposes of the suit recently decided by the court of appeals, that tribunal has determined the Regents had an existence. That point, we shall not discuss, as it is not material. But the court has not said, that if all the facts and circumstances were submitted to them, in a form of proceeding that would bring the question directly before them, they would give vitality to the Regents by their decision. How far the Regents may have ceased to exist as a corporation by the non user or misuser of their charter, *has not been decided.* On the contrary, the court expressly says in page 40 of the opinion; "that no advantage can be taken of any non user or misuser on the part of a corporation, by any defendent in any collateral action," and on the same page the court remarks, that there are two modes by which the forfeiture of a charter may be enforced, one by *scire facias*, the other by *quo warranto.* It will be observed too, on the same page, the court have expressly decided that the regular appointment of a sufficient number of members in each Faculty could not be enquired into at the trial of the cause before them. From which it follows that they could not notice a dissolution of the corporation resulting from a loss of members; now although charters are held to be contracts, there are various modes, by which corporations may be dissolved, and there is nothing in the decision of the court of appeals, to prevent, or to make it even inexpedient to have a new adjudication. In this connexion we will advert to some of the prominent facts and circumstances, from which a dissolution of the corporation must be inferred, whenever that question is at issue in a suit.

The acts of the Regents, from 1826 till 1837, were such as to induce a general belief that no such corporation existed. No meeting of the Regents was held during all this period, no corporate power or privilege attempted to be exercised, no intimation from any quarter that there was a sleeping privilege, or right, which time or circumstances could awaken; all the individuals who had been the active members of the body of Regents, and through whom that corporation, spoke and acted, not only acquiesced in the government of the Trustees, but by acts and declarations, too plain to be misunderstood, left no doubt in the mind of any one, that the Regents of 1812 were dissolved. The members of the Faculty of Physic, and Professor of