

those who prefer the claim, belonged to the Trustees. The claim has no foundation in equity, it is merely a *techinal* demand, and would be properly met by a *techinal* defence.

The act of 1825 was passed to correct defects which experience had shown to exist in the old charter. The committee then charged to investigate the subject, made a report which we have before referred to and would again suggest that it points out fully the defects in the charter of 1812 adverted to by us.

Looking then to the property as belonging to the State, and believing that the interests of the University as well as the public, require that it should be under the controul of the Legislature, and not left practically to be governed by the Medical Faculty, who of course as former experience has demonstrated would give all their attention to that department in which they are interested to the utter neglect of the other branches of the University, we could not under our view of the case, concur in the report of the other branch of the committee. That the Institution as a Medical School has declined from its former prosperity we admit, but to ascribe that event to the Trustees, or to the alteration of its charter, would be absurd in the face of cause so prominent & efficient, as the loss of such distinguished Professors, as Davidge, De Butts and Patterson, and the creation of rival schools not only in the South and West, but also in the same city. If the present Regents had the entire controul of the University, we have not been able to find any reason to hope that the former prosperity of the Institution would be restored.

It has been suggested to us with pressing, earnestness that any further litigation would be ruinous to the Medical School, and unjust and ungenerous to the Regents. To neither of these do we assent. The Trustees have the chairs of the University filled as well perhaps as they would be by the Regents, and as to the excitement which has grown out of this subject, that is to be imputed, not to the Trustees, but to the memorialists, who commenced this legal warfare. The delay of such proceedings as would furnish a fair opportunity of having a satisfactory adjudication on the important questions involved in this controversy, would not be of long duration, when the parties were disposed to hasten it, nor do we think the Regents, have any claim to be indulged in unreasonable haste in this matter. The members of the Medical Faculty, who now are so anxious for the property, with the exception of two, are new men, not entitled to the regard or veneration which may be entertained for the memory of the former members of that body.

That portion of the committee professing to be the majority, have stated that the Faculty paid the interest on the \$30,000, due to the State, up to within a year of the rupture. This is error, the treasury books shew they owed at the period of the rupture over \$3000. There is another singular error, or rather inconsistency in the report. In speaking of the corporation of 1807 and 1812, the other branch of the committee say on page 4 of their report, by act of 1807 the Medical College was authorised to "expand itself into