

one on which the Legislature of the State may act according to its own judgment, unrestrained by any limitation of its power imposed by the constitution." He demonstrates by a course of cogent reasoning that the grant of the crown was not one of political power merely to be exerted for governmental purposes; and after giving many illustrations of the difference between a public and a private corporation observes: "A private donation vested in a trustee for objects of a general nature, does not therefore become a public trust, which the government may, at its pleasure, take from the trustee, and administer in its own way. *The truth is, that the government has no power to revoke a grant even of its own funds, when given to a private person, or corporation for special uses.*"

These doctrines have been repeatedly recognized and asserted by the courts of this country, as well in this, as in other States. Until overruled by the same tribunal which announced them, they are the law of the land. It is useless, therefore, to cite from elementary writers and adjudged cases evidences of their affirmation. In response therefore to the questions propounded by the resolution to the Court of Appeals, we give it as the opinion of that Court:—

*First.* That the annual appropriation made by the 19th section of the Act of 1784, ch. 37, of the sum of seventeen hundred and fifty pounds, current money, to be applied to the payment of salaries, &c., constitutes under all the circumstances of the case, a contract on the part of the State which could not be legally repealed by the Act of 1805. ch. 85.

*Second.* That the Act of 1805, ch. 85, was a violation of tenth section of the first article of the Constitution of the United States, which declares that no State shall pass any law impairing the obligation of contracts.

*Third.* That the Act of 1784, ch. 37, with the circumstances of the case, constitutes such a contract as would, if entered into between individual citizens, be legally binding upon them.

And so the Judges of the Court of Appeals certify.

Witness their Signatures—

JNO. C. LEGRAND,  
JOHN B. ECCLESTON,  
WILL. H. TUCK,  
JAS. L. BARTOL.