Christian Steiner and David Boyd, as a majority of said original Board of five Commissioners, might carry out the unlawful acts, hereinafter set forth.

And the said Attorney General, in the name and on behalf of said State, gives the Court here to understand and be informed, that by virtue of the several acts of Assembly, prior to the last said act, passed on the 20th day of January 1844, the said Board of five Commissioners were invested with all the rights, powers, privileges and franchises therein particularly set forth and described, and that after the passage of said act of 1844, the said nine Commissioners were invested and clothed with all the powers, rights, privileges and franchises, originally possessed by said five Commissioners, and that being so possessed and clothed with said rights, privileges and franchises, neither the said five Commissioners nor the said nine Commissioners, had power or right, to act as Trustees and in their corporate capacity as such, to put into operation the said Female Seminary, as an institution of learning, until all the buildings and improvements, proper and necessary, to carry out, and effectuate the intention of the said General Assembly, in reference to the same, had been erected, finished and paid for, out of the funds of said institution, and had received or realized the said sums of money, amounting in all to 50,000 dollars, from the proceeds of the several grants of Lotteries, made as herein before mentioned. Yet the said Gideon Bantz, Christian Steiner and David Boyd, well knowing this, and well knowing as the said State, by the said attorney General here suggests, and alleges, that all the said buildings and improvements had not been erected, completed and finished, but remained unfinished and incomplete, and that as far as the same had been erected or constructed, the said Board of Commissioners had not paid for the same but that there was still due and unpaid therefor, a large sum of money to wit: the sum of eight thousand and fifty dollars; and that the said Board of Commissioners had not then, nor have yet received or realized the said sums of money, amounting in all to 50,000 dollars from the proceeds as aforesaid, but had on the contrary received therefrom, the sum of, to wit, eight thousand three hundred and forty two dollars and sixty eight cents - did on or about the 8th day of July in the year 1845, at Frederick County aforesaid usurp and assume upon themselves, all the franchises, privileges and powers of the office of Trustees, under the several aforesaid acts of Assembly, and did open, organize and carry on a Female Seminary or School in said buildings, and do still carry on the same, under the control and by the agency of one Hiram Winchester, although said buildings were and still are unfinished, incomplete and unpaid for, and although there are other and further buildings and improvements that ought to be erected and completed, for the purpose of carrying out, and fulfilling the intention of the said State, in passing said several acts of Assembly, and granting said franchises, and although but a small part to wit: the sum of $347.24 cts. of the said sum of 50,000 dollars had then been received, it was receivable by the said Board of Commissioners. Which said acts, of said three Commissioners, the said State by its said attorney General says, is an abuse and misuse of the said franchise, so granted as aforesaid, whereby the same ought to

forfeited to the said State of Maryland.

And the said State by its said Attorney General, further says, that the said Board of Commissioners as constituted by the several acts of Assembly herein before recited, has not conformed to the terms conditions and design, upon and for which, they were invested by the said General Assembly, with the hereinbefore enumerated privileges and franchises, and have failed so to exercise their said heretofore enumerated rights, privileges and franchises, as to prevent and defeat the end and purposes, for which they were granted, in this that, heretofore, to wit, on or about the 8th day of July 1845, at Frederick County aforesaid, the said Gideon Bantz, Christian Steiner and David Boyd, who are a minority of said Board of Commissioners, unlawfully organized, established and carried on, and still do carry on, under the control and agency of the said Hiram Winchester, a Female Seminary or School in said Buildings, so erected as aforesaid, which said buildings were at the time aforesaid unfinished and incomplete and unpaid for by the said Board of Commissioners, and without having first received and made from the proceeds of said Lottery grants the said full sum of fifty thousand dollars aforesaid, and performed and fully executed all their duties as Commissioners aforesaid: and thereby the said three Commissioners have unlawfully usurped, and taken on themselves the privileges and franchises in the said several acts of Assembly vested in the body corporate, thereby created and styled the Frederick Female Seminary, which said acts of usurpation of said franchises, the said Board of Commissioners have suffered and not taken any legal steps, or used any legal process to prevent and prohibit although they have full power so to do. Whereby the terms, purposes and designs which the said General Assembly had in view in vesting the said Board of Commissioners with the privileges and franchises aforesaid have been defeated, and the said franchises have become forfeited to the said State of Maryland.

And the said State by its said Attorney General, further says, that the said Board of Commissioners as constituted by the several acts of Assembly herein before recited has not conformed to the terms conditions and designs upon and for which they were invested by the said General Assembly with the hereinbefore enumerated privileges and franchises, and have failed so to exercise their said hereinbefore enumerated rights, privileges and franchises as to prevent and defeat the end and purpose for which they were granted in this, that heretofore to wit: on or about the 8th day of July 1845, at Frederick County aforesaid, the said Board of Commissioners unlawfully organized, opened and carried on, and still do carry on under the control and by the agency of the said Hiram Winchester a Female Seminary or School in said buildings so erected as aforesaid, which said buildings were at the time aforesaid unfinished and incomplete and unpaid for by the said Board of Commissioners, and without having first received and made from the funds of said Lottery grants the said full sum of fifty thousand dollars aforesaid and performed and fully executed all their duties as Commissioners aforesaid and thereby the said Board of Commissioners have