"being convinced that he could make no disposition of those goods which the Most High had placed under his stewardship as by means of which the poor will be instructed in wisdom and led into the path of holiness." He gives, wills, and bequeaths all the rest, residue and remainder of his estate, real and personal, present and future, as well that which was then his as that which he might acquire at any time before his death, and of which he might die possessed, (subject to certain annuities,) to the Corporations of the cities of New Orleans and Baltimore forever, "one half to each, to and for the several intents and purposes thereafter declared." The testator directs his executors to convert his personal estate into real property, whereby "the whole of his estate will become a permanent fund in real estate, affording rents, no part of which shall ever be touched, divided, sold or alienated, but shall *forever* remain together as *one estate*, and be managed," as he shall order.

For the management of this estate, thus declared to be *inalienable*, he directs the two cities each to select, annually, three agents, whose duty it should be to receive seisin and possession of the estate from his executors, immediately after his death. They are "to lease or rent the lots," "cultivate the plantations," "collect the rents," "pay the annuities," "invest the moneys," and, "in fine, do all acts necessary to its full and perfect management, according to the will;" the will of the testator being "that no part of the GENERAL ESTATE, or revenue from rents arising from said GENERAL ESTATE, shall go into the hands of the corporate authorities of the said cities, but that the said authorities should have *forever* the SUPERVISION of it."

The testator designed the joint management of the agents of the cities, and the joint supervision of their authorities over the estate, to be perpetual. He forbids the cities to vary by agreement or by any compromise, the relations he has established between them in regard to it. They must make no sale of their interests; no traffic with their powers of control; no surrender for money or other consideration of their supervisory care. But, should they *combine* to violate his scheme of management or appropriation, their rights are declared forfeited, and "the general estate" is limited over to the States of Louisiana and Maryland "*for the purpose of educating the poor of those States*," "under such a general system of education as their legislatures should appoint." He further provides that should there be "a lapse of the legacies from the failure of the legatees to accept or *any other cause or means whatsoever*," the shares should *enure* for the benefit of the State or States in which the cities are situate; "that the Legislatures of those States respectively may carry his intentions as expressed and set forth in the will into effect, as far and in the manner which will appear to them most proper."

The testator having provided for the perpetuity of the McDonogh estate, and the destination of its revenues, proceeds to develope a minute and detailed scheme for its management, improvement and the expenditure of its income. He appropriates one-eighth part of its annual revenue for forty years for colonizing the free people of color, to the American Colonization Society, the sum not to exeeed $25,000 per annum; one eighth part for the erection in New Orleans of an asylum for the poor of all ages, castes and colors; one-eighth part to an incorporated society for the relief of orphan boys in New Orleans; and one-eighth part for the establishment of a school farm in Maryland. The money appropriated to the asylum, school farm, and orphan boys, he requires to be invested as capital in real estate, and the rents only to be subject to the uses of the donees. The capital of the asylum and shool farm is to be entirely collected before any appropriation takes place for their use; and for the one the capital is to be $3,000,000, and for the other $600,000. The remaining four-eighths of the income of the general estate for the present, and the whole after the objects above mentioned are fulfilled, are destined "for the education of the poor, without the cost of a cent to them, in the cities of New Orleans and Baltimore and their respective suburbs, in such a manner that every poor child and youth of every color in those places may receive a common English educa-