

The undersigned would further remark, that even if such reproof were proper and the exercise of such judicial power by the Legislature had been tolerated by our law; those who meditated such reproof, and the exercise of such power, should have given a different form to the proceedings preceding such a Report and Resolutions. Assuming, as they do, that the agents of the State had transcended their authority; the high respect which the Report professed to entertain for the elevated character and pure intentions of both, and for the legal attainments of one of them, as the highest judicial officer of the State, rendered it more proper that no censure should be cast, or neglect or violation of authority imputed to such agents, except upon the fullest hearing of their views and motives as to the extent and exercise of their authority—and yet they were never called before this committee to give such explanations. If it was intended by the Report, and the mere *fiat* of a Resolution, to annul the contract, and strip the companies of all rights claimed under them; such conclusions should have been reached by proceedings very different from those which ordinarily take place in mere legislative examinations of a committee—without saying more of the nature of the enquiry, which has taken place before the committee, which is known to the members of this House, and which consisted as to this, merely in the examination of the Presidents of the two companies upon stated questions, pertaining to the facts of the case, and the circumstances under which the contracts were made, the undersigned were not prepared by a mere *legal objection*, to demolish, at one blow, rights of contract involving millions, upon the mere *ex parte* examination and exposition of the law by the chairman of the committee, and that too in direct opposition to the opinions of the eminent jurists, under the sanction of whose opinions these contracts were made, and of the distinguished judicial officer, by whom, in part, they were concluded. However lightly the chairman may think of the professional opinions of others, when they come in conflict with his own, the undersigned must be pardoned for the belief, that there was at least enough in such opinions, coming from gentlemen of such acknowledged integrity and eminent professional learning, to make them at least doubt the accuracy of his confident assertion, “that the contracts were made against the form and intent of the Act of Assembly,” and to hesitate in branding them “as mere shifts, devices or contrivances,” to evade that Act. Conceding as the Report itself does in the broadest terms, the unquestioned and unquestionable integrity and judicial standing of the Commissioner, of whom it has spoken as occupying the highest judicial station in the State, the undersigned were not prepared upon such an investigation of the law, to cast such censure upon the opinions and acts of one, thus confessedly above all reproach, whose head has whitened in the public service, and the greater portion of whose life has been devoted to the able and impartial exposition of the law, in the highest tribunal of the State. In the judgment of the undersigned, not only was it due to the Commissioners, and especially to the one just referred to, not to condemn without a hearing on this question of authority; but there were facts, the statement of which was due to the commissioners, and proper to a just appreciation of their actions, which the chairman of the committee in his Report has wholly omitted. He has failed to state that these contracts were entered into under the sanction of the opinions of jurists of known integrity and eminent ability: and he has failed also to state what the statute books of the State proves, that