

directed by order of the Chancellor, only, as were comprised within the space proposed for compromise, and leaving full scope for the operation of that order, upon all points beyond.

In the qualified form, with which your board have adopted the proposal, we, like you, can see no advantage in interfering with the order of the Chancellor; and however regretting the restriction thus, as we believe, unnecessarily imposed, upon the active progress of such important works, and to which the public mind is turned, with such intense interest, have no alternative, but, however reluctantly, to submit to the delay, necessarily attending the course designated by that order.

In your remarks connected with this order, you speak of it, as a measure of this board, and of the conciliating dispositions manifested by your board, in their prompt acquiescence with it, as well as with the subsequent proposition submitted by us, and an inference might be drawn, from the tenor of those remarks of a want of steadiness of purpose, a versatility of course, on the part of this board, in first applying to the Chancellor for the order of survey, and then offering as a substitute, the proposition submitted by us.

That it was not offered as a substitute, for the order of survey by the Chancellor, further, than to the single point named in the proposition, is explained above, and will appear on reference to the document itself; and, that the measure did not emanate from, and was not in accordance with the views of this board, surely, need not now to be shown. A reference to the course of proceedings, and the argument of counsel, on both sides, before the Chancellor last summer; together with his decision thereupon, will sufficiently demonstrate its origin. And in applying for the order, for the preliminary surveys enjoined by that decision, this board yielded, not to a measure of its own choice, or one which it deemed essential, in deciding the merits of the case, but, to the necessity which existed, of taking some step, which would withdraw the question from its dormant state, and might lead with the least delay to a final hearing, and decision.

It had appeared to us, that in your acquiescence, with the course prescribed by the chancellor's mandate, it was, at the same time, a part of that for which your counsel had contended.

It remains for us to advert to the proposition, which, as we understand by your letter, was, some time since, made by the president of your company, and approved by your board—and is now again renewed—namely, "That the two companies should each prosecute its respective works to the point of junction, and thus far, put them both into actual operation; by this means, an opportunity would be afforded, of practically testing