

try them into a surrender of their rights, as an abandonment of the great object committed to their care."

It cannot be believed, that the counsel himself intended the publication of his argument to satisfy Congress that the rail road company was wrong in the suit then pending in the chancery court, between it and the canal company; for it was not to be supposed, that he would have desired that Congress should decide on the merits of the dispute without allowing the rail road company an opportunity of being heard. He furnished it at the request of his clients, and the ungenerous use which was made of its *ex parte* statement of the case, to defeat the application of the rail road company to Congress, was doubtless, their exclusive act. With regard to the argument itself, it is hardly necessary to say, that although it is the ingenious and elaborated production of a highly gifted and distinguished individual, it can afford no *data*, that can be fairly used, to arrive at a very correct conclusion as to the rights that it sets up, while the pretensions of the rail road company are not heard and considered in connection with it. Like all *ex parte* arguments, the great and well known ingenuity and talent of the party who makes them, is, of itself, calculated to put those to whom they are made, upon their guard, as to the impressions that such arguments may be intended to produce. Still, however, the charge of delay, when reiterated by a gentleman of the high standing and character of the counsel in question, in the terms above quoted, presents another reason for the detail which is here given, to prove that it is without foundation.

A circumstance attending the publication of the above mentioned argument, and that rendered the use which was made of it, most ungenerous, or at least, uncourteous, than it would otherwise have been, was the fact, that, at the very time, the two companies were engaged, as this company supposed, in good faith, in an amicable effort to adjust the subject of difference between them, and when their agents had actually so far advanced in their investigations, as to have ascertained, that the two works could be harmoniously carried on "without any injurious interference with each other."

At a meeting of the committee of Internal Improvements of the Senate, held on the 3d March 1830, the President of this company was permitted to appear to explain more fully the grounds of the then pending application to congress, for aid to complete the rail road as far as the Point of Rocks, the