

Hon. Mr. OWENS, Chairman
of the Select Committee on the E. S. R. Road.

SIR,—

In obedience to the order of the committee of the 4th, I make the following statement in relation to the affairs of that company:

In the annual report of the company, read and delivered to the stockholders, dated January 14th, 1839, is to be found the best general statement of the matter; and I accordingly sent the committee an extract therefrom, the facts contained in which I believe to be true; and I ask for it the attention of the committee.

I will also state, that since that report was made, I have learned that Mr. Duval had received back from Mr. Holmes the \$8,000 note which had been before negotiated with that gentleman.

I also state, in addition to the facts contained in that report, that Mr. Duval had been regularly paid the full amount of his estimates, all of which he approved, up to the 1st February, 1839, and gave his receipts accordingly.

That the only unsettled account between him and the company, is for work done between the 1st February and 9th April, when he ceased to work.

That the company's note alluded to, given on the 6th April, was payable 60 days after date, and more than paid for his work done between 1st February and 9th April; and the note not being due when he ceased to operate, the company was not then in arrears to him.

That by receiving that note he waived all previous breaches of the contracts on the part of the company; and his stopping on the 9th April was not because the company was in any manner in arrears to him; it at that time owed him nothing.

That the State has no power to appropriate any part of the sum subscribed to the capital stock of this company to pay Mr. Duval or any one else, without the consent of the company; that in this case the company protests against it; and insists that the sum so subscribed is alone due to it; and that the State has no power to make any disposition of it, other than that contemplated by the law under which she subscribed.

Under the resolution of the committee, the instructions given me are very general, and of course can be replied to only very generally; and I think that the facts embraced in the foregoing, including the extract, are all that I can furnish the committee, unless I were favored with specific interrogatories. What I have said I hope will enable the committee to frame interrogatories, which will draw out the whole transaction from the witnesses whom I am about to refer. Col. Cook of New Jersey, Lieut. W. H. Emory of Philadelphia, and Col. Kearney of Washington, will prove the correctness of our estimates. The last named gentleman, or Mr. Wm. W. Johnston, can furnish the committee with a copy of the contract between the company and Mr.