

bills which have not met with the favorable consideration of the committee, they have been mainly influenced by a neglect of the petitioners to conform with the provisions of the act of assembly, passed at December session, 1829, ch. 202, regulating the manner in which testimony in such cases shall be taken. The committee would require a compliance with that act not merely because it is a law in full force and operation, and therefore entitled to weight and respect, but because they are decidedly of opinion that it contains most salutary provisions, by an observance of which on the part of the petitioners, the legislature would be enabled to decide with more correctness and propriety, as that act requires a petition to be filed in the county court, setting forth the grounds of complaint and a *subpœna* to be issued for the party complained of, and the appearance and answer of that party, it not only guards that party against all secrecy and surprise but it supplies the alleged causes of complaint, to the disproof of which, testimony can be directed, and affords an opportunity of presenting the defence in a manner best suited to the case. The committee also conceive that it is highly proper and desirable to have the testimony to be used in the investigation of such subjects taken under a commission as provided by that act, inasmuch as the proceedings will be public, the witnesses confronted by and subjected to the cross examination of the opposing parties, and being known may be impeached and discredited. Moreover the proceedings being before a tribunal vested by law with full power to take the testimony, will be better secured against the falsehoods and misrepresentations of witnesses by adding to the moral obligation to speak the truth, the penalty of legal paying for false swearing. In conclusion the committee would recommend to the senate for the reasons above mentioned to adopt a rule to require compliance with the said act of assembly, and to adhere to that rule in all cases except such as are not embraced or provided for by said act, and perhaps in such as from the violent and brutal conduct of one of the parties, or other not less urgent circumstance, the immediate action of the legislature shall be demanded.