

Mr. Mayer submitted the following report,

Which was read, and

On motion of Mr. Mayer,

The committee discharged from the further consideration of the subject.

The committee on part of the senate appointed to join a like committee on part of the house, for enquiring into the expediency of abolishing the High Court of Chancery, and into the manner of the Chancellor's complying with the act requiring his delivery of opinions in respect of decrees or decretal orders in cases argued before him, and whether he has in any cases disregarded the decisions of the Court of Appeals, or has been guilty of any official misconduct—have applied themselves to the investigation of the important subjects confided to them, and the examination of all the materials of record and other testimony proper to aid them toward a just conclusion; and beg leave now to report the result.

The committee approached the consideration of the first subject of enquiry, the expediency of abolishing the Court of Chancery, with a deep sense of the caution which should be used in resolving upon the extinction of any branch of a Judicial System. The question of doing so should not even be agitated in the legislative body upon light consideration or experimental views. The experience of recent days has taught republics emphatically that, as the fortified and vindicated supremacy of the laws is their only social and, therefore, their only political safeguard, so the wisdom and independent energy of the judiciary is their only sure and practical trust for their civil liberties and their only shield against popular licentiousness. The judiciary can never be endued with those essential qualities, if the power in the legislature which can be wielded against judicial systems, be not solemnly controlled by a regard for the importance of stability in those judicial systems as a first principle of social protection and the only assurance for an efficient judiciary; and, in short, for a government of laws. Such views peculiarly impress themselves upon us in approaching a judicial structure like the Court of Chancery of our State, which has stood now for one hundred and fifty years, the useful agent of equity—venerable for the long period of its existence, and tested by time and political revolution and through all vicissitudes of par-