

peaching their motives, and mode of managing the affairs, and in particular, the pecuniary concerns of the company. And the auditor has, in his character of counsel for the complainants, frequently insisted upon those charges. It is due to the defendants and himself to declare, that an investigation of the accounts has satisfied him, that all the moneys received for the use of the company have been promptly and properly applied, by its agents, to the uses of the company; and that those agents have been frequently in advance to a large *amount; and from time to time incurred heavy responsibilities in order to carry on **625** the works.

Annexed to this report there was an agreement, signed by the solicitors of the parties, in which it is said, that it is agreed, that the injunctions heretofore issued in the cases of the same plaintiffs against Robert Oliver and others, be dissolved, and all the bills be dismissed. The question of costs alone is submitted to the Chancellor without argument.

BLAND, C., 8th March, 1828.—The said case, the bill filed on the 6th of August, 1822, together with the two others mentioned in the agreement of the parties this day filed, having been submitted according to the terms of the said agreement; and it appearing, that the complainants had in fact no just cause for filing the said bills.

It is thereupon decreed, that the injunctions heretofore awarded in the said several cases, be and the same are hereby dissolved. And it is further decreed, that the several bills of complaint of the said complainants, be and they are hereby dismissed with costs, to be taxed by the register.

Soon after which the plaintiffs, by their petition, stated, that their three bills and cases, though not properly consolidated, relate to the same subject-matter, are intimately connected, and have been prosecuted together. They were heard together; and the first case referred to the auditor with directions to state an account, and the decision of the others reserved. That the agreement, under which the decree of the 8th instant was passed, was hastily and inadvertently entered into by one of the solicitors of the plaintiffs; that, in consequence of that decree, executions may shortly be issued against the property of the Cape Sable Company, in which these plaintiffs are concerned, and their interests sacrificed. Whereupon they prayed, that those cases might be reinstated, &c.

BLAND, C., 14th March, 1828.—On consideration of the foregoing petition, and the representation of the solicitors; it is ordered, that the said decree of the eighth instant be, and the same is