

House of Lords.

Tuesday, 25th February, 1862.

NEW BRUNSWICK AND CANADA
RAILWAY AND LAND COMPANY

(LIMITED) *Appellants,*

AND

CONYBEARE, *et al.* *Respondents.*

JUDGMENT.

Lord Chancellor.—My Lords, this is a case in which an Appeal has been presented to your Lordships from an order made by the Lords Justices, giving relief to the Plaintiff, by setting aside an executed contract, and directing certain conveyances consequent upon that contract to be rescinded, and declaring that the Company is bound to take back the shares which had been sold to the Plaintiff.

The original Decree in this cause was made by Vice-Chancellor Sir John Stuart, dismissing the Bill, but without costs. The Vice-Chancellor was of opinion that no one of the charges contained in the Bill had been substantiated. The case then went by Appeal before the Lords Justices, and was heard at great length, and on new evidence. From the Judgment which was given it would appear as if the Lords Justices concurred in the conclusion of the Vice-Chancellor,