

a statement repeated again in September, 1858, I cannot advise your Lordships to rest at all upon that particular allegation.

Then, my Lords, there is another statement contained in the Report—a general statement—that there was no probability of any rival Line being carried out. Why, my Lords, that is a matter as to which every individual who hears such a statement would of necessity understand that it was a mere conclusion of general opinion; that is, not a misrepresentation of fact, which must exist before you can found upon it as a title to relief. I dismiss that part of the case, therefore, as something which, whether it be true or false (but it is not shown to be false), would be merely a speculative matter—a matter of opinion—constituting no ground whatever upon which a charge of misrepresentation can be founded.

My Lords, there appears another statement which is partly matter of report and partly rested upon an alleged conversation with the Secretary, namely, the statement which the Respondent brings forward that he was assured by the Secretary, and that he also collected from the Reports, that the Directors had the means, or had no reason to doubt that they would be able, to finish their Line, having capital sufficient for that purpose.

Now, my Lords, in the first place, as far as the Report is concerned, the language of the Report simply states that the Directors have no reason to doubt that they will be able to finish the Line within the capital assigned. That is a representation only that the means afforded to them by the Acts of Parliament, by the Provincial Acts, and by the grants made by the Provincial Legislature, all of which would come within the extent of the expression “capital assigned,” would prove sufficient for the portion of the Line that remained to be made.