

ment by representing himself to be of the age of twenty-two. The firm became bankrupt. The bank claimed and were admitted to prove in the bankruptcy. Octavius King moved to expunge the proof, and his application was allowed. The bank appealed, and the court allowed the appeal. Lord Justice Knight Bruce said: "I think that upon the the admitted facts the case is concluded by the judicial opinions of Lord Cowper, Lord Hardwicke, Lord Thurlow, and other eminent judges which it would be improper in us practically to question. A young man, who from his appearance might well be taken to be more than twenty-one years of age, engaged in trade, wished to borrow or obtain credit, and for the purposes of so doing represented himself to the petitioning creditor as of the age of twenty-two, expressly and distinctly so represented himself. . . . The question is whether in the view of a court of equity . . . he has made himself liable to pay the debt, whatever his liability or non-liability at law. In my opinion we are compelled to say that he has." Lord Justice Turner concurred. The result was that the bank was allowed to prove in the bankruptcy. The question is what did this case decide?

A careful search has failed to discover any decision of Lord Cowper, Lord Hardwicke, or Lord Thurlow that although the loan could not be recovered at law it can be recovered in equity. A number of cases are cited, including *Esron v. Nicholas*, *Clarke v. Copley*, and *Stikeman v. Dawson*, none of which pretend to decide anything of the sort. In short, the case seems to rest on no authority save its own. Referring to it, Sir G. Jessel, M.R., said in *Re Jones; Ex parte Jones*, 18 Ch. Div. 109, at p. 120: "An infant is capable of committing a fraud in equity just as he is capable of committing a crime, and may be made liable for it. But the authorities shew that there must be an express representation, and one which would naturally deceive the person to whom it is made. In such a case it has been decided that, if the person who has committed the fraud becomes a bankrupt after he is of full age, the person who has been defrauded can prove in the bankruptcy for the amount of the equitable liability resulting