

been entitled to hold his tongue throughout. So again, if a statement has been made which is true at the time, but which during the course of the negotiations becomes untrue, then the person who knows that it has become untrue is under an obligation to disclose to the other the change of circumstances. * * I do think that the contract of suretyship is, as expressed by Lord Westbury, in *Williams v. Bayley*, one 'which should be based upon the free and voluntary agency of the individual who enters into it'. * * It is one, furthermore, in which I think that every thing like pressure used by the intending creditor will have a very serious effect on the validity of the contract; and the case is stronger where that pressure is the result of maintaining a false conclusion in the mind of the person pressed."

Williams v. Bayley, referred to by Fry, J., L. R. 1 H. L. 200, was, like *Davies v. London and Provincial Ins. Co.*, a case in which security was in fact obtained by threats or pressure of criminal proceedings for felony.

Cranworth, C., says, p. 209: "It is not pressure in the sense in which a Court of Equity sets aside transactions on account of pressure, if the pressure is merely this: 'If you do not do such and such an act, I shall reserve all my legal rights, whether against yourself or against your son.' If it had only been, 'if you do not take on yourself the debt of your son, we must sue you for it,' I cannot think that that amounts to pressure where parties are at arms' length."

The judgment of Pollock, C. B., in *North British Ins. Co. v. Lloyd*, 10 Ex. 523, reviews the authorities, and also condemns the *uberrimæ fidei* argument.

This case is noticed in *Lee v. Jones*, 17 C. B. N. S. 482, in Error. Blackburn, J., says, p. 507: "It is not essential to constitute fraud that there should be any misleading by *express words*. It is sufficient if it appears that the plaintiffs knowingly assisted in inducing the defendant to enter into the contract by leading him to believe that which the plaintiffs knew to be false, the plaintiffs