

tary was not a defendant. In these circumstances a demurrer to the bill for want of equity was allowed. But in giving judgment, Wood, V.C., made this observation: "Now, if there had been any misrepresentation of a matter of fact in this case, the result would have been undoubted; as, for example, if the company having power to issue debentures to a certain amount, and having exhausted that power, the directors had stated that they still had power to issue debentures, they would then have stood in the position of being obliged to make good their representation."

The representation of the secretary as to the validity of the bond the learned Vice-Chancellor regarded as a representation of a matter of law, and as to that he said: "It seems to me impossible to extend the principle of relief arising out of misrepresentation, to a statement of law which turns out to be an incorrect statement."

The cases of *Cherry v. Colonial Bank of Australia*, *Richardson v. Williamson*, *Chapleo v. Brunswick Building Society*, *Fairbanks v. Humphrey*, it will be noticed, were not misrepresentations of authority to act as agent, but misrepresentations of the powers of the admitted principal. It will thus be seen that the doctrine of *Collen v. Wright* is not confined to cases of misrepresentations of authority to act as agent.

An unsuccessful attempt was made in *Dickson v. Reuters Telegram Co.*, 2 C.P.D. 62; 3 C.P.D. 5, to extend the principle of *Collen v. Wright* so as to make a telegraph company liable for misdelivering a message to the plaintiff which he acted on to his damage, supposing it to be intended for him. It was contended that the defendant, by delivering the message to the plaintiff, had impliedly warranted that they had been employed to deliver the message to him. Bramwell, L.J., said: "The general rule of law is clear, that no action is maintainable for a mere statement, although untrue, and though acted on to the damage of the person to whom it is made, unless that statement is false to the knowledge of the person making it. . . . *Collen v. Wright* establishes a separate and independent rule, which, without