

representation, either by the statement of what is false or by the suppression of something that ought to have been disclosed, and so producing a false impression and conclusion, the case so alleged must be shown, according to the language of Lord Eldon, to amount to that which a Court of Equity holds to be fraud.

But it is most essential in the administration of justice in a Court of Equity, that the nature of the case, when it is constituted of fraud, should be most accurately and fully stated in the Bill of the Plaintiff. My Lords, it is impossible to give relief merely upon a general charge that something has been done by a party, or has been obtained from a party, under the influence of fraud. It must be shown in what the fraud consists, and how it has been effected; and if the fraud is alleged to consist in certain representations which were untrue, and other facts are relied on for the purpose of showing that they were untrue, those facts must, undoubtedly, constitute a part of the case made by the Plaintiff.

Now, having generally adverted to these established principles, I will invite your Lordships' attention for a few moments to the nature of the case that is made on the part of the Plaintiff.

The allegations of the Bill are divisible into two parts, so far as they attempt to make out the case of misrepresentation. One part of the allegations substantially amounts to this:— that the misrepresentations on which the Plaintiff relies were contained in the two Reports of December, 1857, and July, 1858, given to him by the Secretary, to which I have already adverted. The other part of the case consists of a narrative of what was said or done by the Secretary, and what passed between the Secretary and himself on the occasion of two distinct interviews which he had with the Secretary at the Office.