

These cases illustrate the doctrine of "fraud upon a power" where the motive is a corrupt, *i. e.*, a pecuniary one.

2. Where the motive, though not pecuniarily corrupt, is one personal to the donee of the power.

*Dummer vs. The Corporation of Chippenham*, 14 Vesey, 245, decided by Lord Eldon in 1807, is the leading case as to this.

The corporation was seized of an estate for the support of a free school for the education of twelve poor boys, and the appointment of the schoolmaster was in the bailiff and a majority of the trustees, and the plaintiff had for years been appointed to, and held that office. The defendants turned him out, on the alleged ground of bodily disease, but really, as charged in the bill, "actuated by resentment and party spirit" because he had voted for a member of parliament against their wishes. The bill prayed for a discovery in the usual form, and an injunction, and to this the defendants demurred. The Chancellor, in his first judgment delivered after the argument, said:—

"If these persons, trustees of a school for charitable purposes, were acting as individuals, the court would have no difficulty in dealing with them, and there is no doubt the court will compel a corporation, who are trustees, to act as they ought. The principle upon which this case is argued, goes to this length, that if it could be made out by discovery from each of these persons, supposing no combination in the answer, that they turned out this schoolmaster not upon any well-founded opinion, but influenced by a corrupt motive, that discovery should be shut out."

And the next day, in a more elaborate judgment, he overruled the demurrer.

The remarkable thing in this case is that the Chancellor so took for granted the result that would follow, in case the answer should admit the facts charged in the bill, that he did not even discuss the question.

"The question upon this case is, whether this court can entertain a bill against these individuals, as parties to obtain a discovery whether though their means, so manifested, there was