

Supreme Court of Canada
Pope v. The Royal Bank, (1917), 55 S.C.R. 622
Date: 1917-10-15

Pope;

v.

The Royal Bank

1917: October 11, 15.

Present:—Sir Charles Fitzpatrick C.J. and Davies, Idington, Duff and Anglin JJ.

ON APPEAL FROM THE APPELLATE DIVISION OF THE SUPREME COURT OF ALBERTA.

Company—Shares held in Family—Trust—Representations to bank.

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APPEAL from the judgment of the Supreme Court of Alberta, Appellate Division¹, reversing the judgment of Simmons J. at the trial and maintaining the respondent's (plaintiff's) action with costs.

The defendants (appellants), the father and three sons, were the shareholders of the West View Ranch Company. The plaintiff (respondent) had a judgment against one of the defendants who was the holder of only one share in the company. The action was brought to enable the plaintiff-respondent to enforce its judgment against a quarter interest in the company which, it alleges, the judgment debtor had, according to representations made by the latter and his father to the bank plaintiff, in order to obtain a loan from it.

The trial judge found in favour of the defendants; but the Supreme Court of Alberta held' that the representations made to the bank could not be withdrawn to its prejudice.

On an appeal by the defendants to the Supreme Court of Canada, the court, after hearing counsel for both parties, reserved judgment, and, at a subsequent date, dismissed the appeal with costs.

Appeal dismissed with costs,

Aimé Geoffrion K.C. for the appellants.

G. H. Montgomery K.C. and H. H. Hyndman for the respondent.

¹ 11 Alta. L.R. 68.