

Supreme Court of Canada

Duplessis v. Edmonton Portland Cement Co., (1917) 55 S.C.R. 623

Date: 1917-10-15

Duplessis;

v.

The Edmonton Portland Cement Company

1917: October 10, 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.

Bills and notes—Notice—Dual capacity — Promissory note.—Consideration.

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APPEAL from the judgment of the Supreme Court of Alberta, Appellate Division¹, affirming the judgment of Hyndman J. at the trial², and maintaining the respondent's (plaintiff's) action with costs.

This action is on a promissory note given by the defendant (appellant) to the plaintiff (respondent). The appellant alleged misrepresentation and lack of consideration. The Supreme Court of Alberta held that the defendant had not discharged the burden upon him of proving that the plaintiff was not a holder in due course.

On the appeal to the Supreme Court of Canada, the court heard counsel for the appellant and, without calling upon counsel for the respondent, dismissed the appeal with costs.

Appeal dismissed with costs.

E. B. Edwards K.C. for the appellant.

O. M. Biggar K.C. for the respondent.

¹ 11 Alta. L.R. 58.

² 28 D.L.R. 748; 10 W.W.R. 514; 34 W.L.R. 250.