

1927

*May 20.

MENARD *v.* La SOCIÉTÉ D'ADMINISTRATION
GÉNÉRALE

ON APPEAL FROM THE COURT OF KING'S BENCH, APPEAL SIDE,
PROVINCE OF QUEBEC

Contract—Balance due on purchase price—Sale—Nullity—Fraud of third party—Knowledge—Art. 993 C.C.—Art. 1116 C.N.

APPEAL from the decision of the Court of King's Bench, appeal side, province of Quebec (1), reversing the judgment of the Superior Court, Duclos J., and maintaining the respondent's action and dismissing the appellants' counter claim.

The respondent, as testamentary executor of one L., claimed from the appellants, forming part of a financial syndicate, the sum of \$15,900 as balance of the purchase price of a certain land property. The appellants pleaded fraud and false representations on the part of one G., a co-associate, to the knowledge of the vendor L., in order to obtain illegally their consent to the deed of sale and to procure to G. a secret profit of \$5,000. The appellants also took a counter-action asking that the deed of sale be declared null and that they should be reimbursed of the money paid by them. The respondent's action was dismissed and the appellants' action was maintained by the Superior Court, Duclos J., but the Court of King's Bench reversed this judgment.

The Supreme Court of Canada, at the conclusion of the argument of the appellant's counsel, and without calling in the respondent's counsel, dismissed the appeal with costs.

Appeal dismissed with costs.

C. Laurendeau, K.C., and A. E. J. Bissonnet, K.C., for the appellants.

E. H. Godin, K.C., and L. E. Beaulieu, K.C., for the respondent.

*PRESENT:—Anglin C.J.C. and Mignault, Newcombe, Rinfret and Lamont JJ.