See p. 2

Case Name:

Guyer Oil Co. v. Fulton

Guyer Oil Company, Ltd., Golden Eagle Oil and Gas Limited and Husky Oil (Alberta) Ltd. (Plaintiffs), Appellants; and John M. Fulton and Gladstone Petroleum Ltd. (Defendants), Respondents.

[1977] S.C.J. No. 27

[1977] A.C.S. no 27

[1977] 2 S.C.R. 791

[1977] 2 R.C.S. 791

16 N.R. 465

[1977] 4 W.W.R. 112

35 C.P.R. (2d) 145 at 182

Supreme Court of Canada

1977: June 1.

Present: Laskin C.J. and Martland, Judson, Ritchie, Spence, Pigeon, Dickson, Beetz and de Grandpré JJ.

ON APPEAL FROM THE COURT OF APPEAL FOR SASKATCHEWAN

Mines and minerals -- Consulting engineer employed by oil companies -- Confidential information acquired in course of work -- Concurrent findings of fact giving rise to no liability.

APPEAL by plaintiffs from a judgment of the Court of Appeal for Saskatchewan [[1976] 5 W.W.R. 356.], affirming a judgment of Johnson J. dismissing plaintiffs' claim that an oil and gas lease by the defendant Gladstone Petroleum Ltd. was acquired by the defendant Fulton while under fiduciary obligations to the plaintiffs in circumstances which create a resulting trust of the lease in their

favour. Appeal dismissed.

W.M. Elliott, Q.C., and M.A. Gerwing, for the plaintiffs, appellants.
E.J. Moss, Q.C., and S. Cameron, for the defendants, respondents.

Solicitors for the plaintiffs, appellants: MacPherson, Leslie & Tyerman, Regina.
Solicitors for the defendants. respondents: Balfour, Moss, Milliken, Laschuk, Kyle, Vancisse & Cameron, Regina.

The judgment of the Court was delivered orally by

LASKIN C.J.:-- We do not need to hear you, Mr. Moss and Mr. Cameron. Apart from the issue of the admissibility of the evidence of Bilida offered in rebuttal, the concurrent findings of fact with which we would not interfere, do not give rise to liability on the part of the respondents under the principles of law invoked by the appellant. As to the proffered Bilida evidence, we are of the opinion that, in the circumstances of this case, the trial judge did not err in excluding it when the appellant did not establish a basis in the cross-examination of John Fulton for adducing it in rebuttal.

In the result, the appeal is dismissed with costs.

Judgment accordingly.