

# In the Privy Council.

## ON APPEAL

FROM THE COURT OF APPEAL FOR BRITISH COLUMBIA.

BETWEEN

ANDREW FERGUSON, personally and as Administrator of the Estate of PETER FERGUSON, deceased, suing on behalf of himself and the Estate and on behalf of all other shareholders of PIONEER GOLD MINES LIMITED (in liquidation) except the Defendants (Plaintiff) - - - - - *Appellant*

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AND

HELEN A. WALLBRIDGE and DAVID STEVENSON WALLBRIDGE, as Executors and Trustees of the Estate of ADAM H. WALLBRIDGE, deceased, ALFRED E. BULL, J. DUFF-STUART, R. B. BOUCHER, FRANCIS J. NICHOLSON and JOHN S. SALTER as liquidator of PIONEER GOLD MINES LIMITED (in liquidation) (Defendants) *Respondents.*

## Case for the Respondents

R. B. BOUCHER and FRANCIS J. NICHOLSON.

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1. These Respondents adopt and rely upon the case of the other Respondents and submit that the Appeal should be dismissed for the reasons therein mentioned.

2. The Respondent Boucher was never a director of the Pioneer Gold Mines Limited (in liquidation) and the Respondent Nicholson was not at any material time a director thereof.

3. These Respondents submit that the Appeal should be dismissed for the further reason that they were not, at any material time, under any duty to the Company to disclose any facts and that non-disclosure of facts whether by them or by their co-Respondents cannot entitle the Appellant or the shareholders he claims to represent to any relief.

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WILFRID BARTON.

CASE FOR RESPONDENTS  
R. B. BOUCHER & F. J. NICHOLSON.

**In the Privy Council.**

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ON APPEAL

*From the Court of Appeal for British  
Columbia.*

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BETWEEN

**ANDREW FERGUSON**

(Plaintiff) *Appellant*

AND

**HELEN A. WALLBRIDGE**

and Others (Defendants) *Respondents.*

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**Case for the Respondents**

R. B. BOUCHER and FRANCIS J.  
NICHOLSON.

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GARD, LYELL & CO.,

47 Gresham Street, E.C.2,

*Respondents' Solicitors.*