

## ROBEY VERSUS THE BANK

**SITTINGS** Before Mr. Justice Wise and a special jury of twelve.

### ROBEY AND ANOTHER V. THE AUSTRALIAN JOINT STOCK BANK

The trial was an action for breach of contract, by Messrs. Ralph Meyer Robey and John Richard Dibbs (Mr. Robey's son-in-law) against the Australian Joint Stock Bank.

The declaration averred that in August, 1858, the plaintiffs being about to enter into business as sugar refiners and distillers, had made an agreement with defendants to open an account on the understanding that they should be permitted an occasional overdraft, not to exceed £12,000 at the rate of nine per cent, secured by title deeds of land at Sugar Works Bay, North Shore, on which the plant for plaintiffs' sugar refinery and distillery had been erected. The bank had contracted to give six months' notice to plaintiffs before making any change. Although plaintiffs had done all that was required, the defendants had, without notice, refused to allow plaintiffs to overdraw as agreed. From this cause, it was alleged, the plaintiffs were compelled to sell their business at a great loss. Damages were laid at £12,000.

To this declaration the defendants had put in eleven pleas.

Meanwhile Robey had sold the whole business to CSR for £30,000.

At ten o'clock, the verdict of three-fourths was taken: it then appeared that the jury were unanimous in a verdict for the plaintiff; but differed as to the amount of damages. Three-fourths fixed the amount at £3500. (*Sydney Morning Herald* 27 February 1862)



Australian Joint Stock Bank, Sydney