to probate and Mr. Wight, Broker, valued under the other will. Mr. Burrowes got the valuation. I could not fix the value for probate. I had never been to Aurora and Semerie.

At the end of 1915 I refer to, when I say Mrs. Hubbard had no legal adviser but myself so far as I know. I knew nothing of the appointment of the curators until afterwards.

In September 1909 the curators were appointed. Decision in *J. Hubbard* v. *Hubbard et al Executors* was given on 31st May 1919. I did not see Mrs. Hubbard from 7th April until the action was on. She was in the library. I had a long conversation with her about the case. She had to give evidence and I was taking it. I don't remember seeing her again after the case was heard until January or February 1920 when opposition action had been started by the *Plaintiffs* v. *Hubbard* (No. 43 of 1920). She never asked me to advise her as to the sale of Aurora and Semerie.

Mrs. Hubbard, when I asked her for an option, said, what about Joseph Hubbard. He is going to oppose the transport and bring about another lawsuit and again at the end of the conversation she said "Do Mr. Humphrys don't let me get into any more lawsuits." (As to independent advice) Mrs. Valladares was very often with her at our meetings and joined in the conversation and naturally seemed to take an interest in the matter. As to option Mrs. Valladares was present at only one meeting. She did not come on the 29th January 1919. But nothing was done as Burrowes was not there. She returned with Mrs. Hubbard on the 30th January with Mr. Burrowes. Yes, when I got the option I thought it a good chance of making a profit but never thousands. I thought of two, three or four hundred. I considered it a good price ($5,500) as it was the highest figure mentioned and before that Plaintiffs' highest offer was $5,000. From the information I had then I considered it a fair price.

To the Court: For five or six days after obtaining option, 6th February, I altered my opinion when Mr. King said he wished to compete. He then said $1,000 neither here or there. On 12th February, a week later, Emory offered to take an option for $11,000 and then Plaintiff Company made it $11,200.

I told Mrs. Hubbard she could have the profits for two reasons (1) Nasty remarks I had heard being made and I felt justification for the remarks as the profits were gigantic in a short time and (2) The relationship of legal adviser and client was brought to my notice.

Mr. Emory said "Well you can tell Bauxite Company that I am prepared to take an option on your option for $11,000." Emory had told me on the 12th February that he would have to submit his offer to his principals and therefore could not make a firm offer. He said he was going to the United States the next day. When he returned in May then or later we had a conversation in which he said he knew Peotter was going to be engaged with his (Emory's) principals I don't think he ever mentioned Peotter's name before in connection with this matter. I am always ready

and willing to give Mrs. Hubbard all the profits. If I have any claim I don't want it.

I did not oppose the transport by Mrs. Hubbard for the reason I have already given that I did not wish to bring any action against her. I had to bring an action for specific performance against her as pressure was brought to bear on me by the Plaintiff Company. At the hearing I appeared personally, having before the hearing dispensed with Counsel who had been retained as Counsel for me by the Plaintiff Company. I say, retained as my Counsel, was Mr. De Freitas and Mr. McArthur, who appear in this present action now being tried.

I dispensed with counsel because (1), I never wanted myself to take any action against Mrs. Hubbard, and I fought all I could not to do so (2), I considered the Plaintiff Company considered their own interests and not mine. I desired to adopt a neutral attitude, not siding with either side. (3) I considered it better to conduct my own case and not leave it in hands of Counsel engaged by the Company. I considered Counsel would have at heart more the interests of the Company than mine.

I told Mr. De Freitas and Mr. McArthur that I thought it was much better in my own interest to conduct my own action myself because they would see only through the spectacles of the Plaintiff Company.

I was intensely annoyed with the attitude of the Plaintiff Company. I now take up the attitude I always desired to take up, that is neutral.

Q. Why not this attitude when you brought your action in February 1920?—*A.* Up to February 1920 I told Plaintiff Company I wished to be neutral and if they wished me as a party they must join me as a Defendant. Mr. De Freitas told me it was essential I should be a Plaintiff "You must be a Plaintiff" were the words he used.

This letter dated 5th January (not December) 1920 is from Mr. King to me (*tendered and marked* "*M* 2").

This letter dated 9th February 1920 is from Mr. King to me (*tendered and marked* "*M* 3").

I was and am still annoyed with Emory. I was so in February 1919, when I started action against Hubbard. I was intensely annoyed because he knew I had bought the property and he had bought it again and what I had been told by Mrs. Valladares he had said. I never would have started an action but for the Plaintiff Company. My annoyance with Emory did not influence me. Some days before, perhaps a week I took exception to Counsel of Company conducting my case. I gave evidence and was cross-examined by Mr. Browne for Mrs. Hubbard. He then put Mrs. Hubbard in the witness box and examined her. I did not address the Court on the law. My sole reason for not opposing was that I did not wish to sue Mrs. Hubbard. I saw Mr. Emory and Mr. Abrams in January 1920 when I was ill and I also saw Mr. King and Mr. Cameron. Mr. Cameron there with first two. Mr. King alone. He saw me about entering opposition and wished me to oppose, Emory and Abrams wished me not to oppose. I knew Plaintiff Company had opposed I told King I did not wish to oppose,