22. That the said Thomas Hubbard, junior who thereafter was remarried to the Defendant Louisa Malvina Hubbard born de Ridder, died in Barbados on the 29th day of September 1915 leaving a Last Will and Testament dated 16th day of April 1910 and deposited in the Registrar's Office at Georgetown on the 11th October 1915 and there was no issue of the said marriage.

23. That from the marriage of the said Alexander Thomas Hubbard (referred to in paragraph 1 hereof) and his wife Caroline Hubbard born York, who were never either of them previously married, was born an only child named Edward Augustus Hubbard.

24. That the said Caroline Hubbard born York died at Georgetown Demerara on the 8th day of March 1882 intestate leaving her surviving her said husband Alexander Thomas Hubbard and her said child Edward Augustus Hubbard.

25. That the said Alexander Thomas Hubbard died on the 21st February 1891 leaving a Last Will and Testament dated 1st September 1887 and deposited in the Registrar's Office at Georgetown on the 6th March 1891.

26. That from the marriage by Ante-Nuptial Contract executed in the Registrar's Office on the 11th April 1876 of the said Edward Augustus Hubbard and his wife Jessie Hencock who were never either of them previously married, were born only three children named respectively Jessie Alphina Hancock Alice Maud Hancock and Thomas Hancock Hubbard.

27. That the said Edward Augustus Hubbard died at Georgetown Demerara on the 17th October 1887 leaving a Last Will and Testament dated 14th February 1885 and deposited in the Registrar's Office on the 21st October 1887 and also leaving him surviving his said wife and his said three children.

28. That the said Thomas Hancock Hubbard died at Southampton England on the 21st March 1914 intestate and leaving him surviving his wife Lizzie Hubbard born Willis and only four children born from the said marriage who are all alive.

29. That the said Jessie Alphina Hancock Hubbard and her husband Robert McCall and the said Alice Maud Hancock Hubbard and her husband William Craig are all alive.

30. That the said Thomas Hubbard, junior (referred to in paragraph 18 hereof) who was as above stated twice married and died on the 29th September 1915 without lawful issue left him surviving his said second wife the said Defendant Louisa Malvina Hubbard born de Ridder.

31. That the Plaintiff and the person referred to in paragraphs 12, 28 and 29 hereof are the sole surviving heirs at law and next to kin of the said Thomas Hubbard, junior, deceased.

32. That the paper writing purporting to be the last Will and Testament of the said Thomas Hubbard, junior, dated 16th April 1910, and deposited

in the Registrar's Office at Georgetown on the 11th October 1915 is null illegal and void on the grounds and for the reasons following:—

(*a*) That the said Thomas Hubbard junior did not on the 16th April 1910 the day the said paper writing is alleged to have been made by him or on any other day make the same.

(*b*) That the said paper writing was not duly executed by the said Thomas Hubbard junior.

(*c*) That the said Thomas Hubbard, junior was at the time of the making of the said paper writing not in his sound mind and proper senses, a prodigal and not legally competent to execute any Will and had been adjudged and declared to be of unsound mind and a prodigal by an Order of the Supreme Court of British Guiana dated 20th September 1909 whereby the Defendant Herbert Alleyne Nathaniel Burrowes and one Colin de Ros now deceased, had been appointed Curators over the person and property of the said Thomas Hubbard and which Order of 20th September 1909 continued of power and effect until the same was varied by an Order of the Supreme Court of British Guiana dated 19th November 1910 by striking out the part of the said Order of the 20th September 1909 which appointed the said Defendant Herbert Alleyne Nathaniel Burrowes and the said Colin De Ros, Curators over the person of the said Thomas Hubbard but confirming the said Order of 20th September 1909 as to the rest thereof; that is to say, as to the property of the said Thomas Hubbard and the appointment of the said Curators.

(*d*) That the said paper writing was made under the undue influence of the said Defendant Louisa Malvina Hubbard born de Ridder who at the time of the making of the said paper writing was aware of the said mental infirmity and of the said Curatorship of the said Thomas Hubbard, junior.

33. That the said Thomas Hubbard, junior was up to the time of his death on the 29th September 1915 still suffering from the said mental infirmity and the said Order of Curatorship dated 19th November 1910 continued of power and effect at the time of his death.

34. That the said Defendants Herbert Alleyne Nathaniel Burrowes and Louisa Malvina Hubbard born de Ridder two of the joint and several Executors and Executrix under the said paper writing of the said Thomas Hubbard junior, took possession of and administered the Estate of the said Thomas Hubbard junior.

35. The Plaintiff therefore claims:—

(1) An Order decreeing that the paper writing purporting to be the Last Will and Testament of the said Thomas Hubbard junior, dated 16th April 1910 to be null illegal and void on the grounds above stated and the said Thomas Hubbard junior to have died intestate.