Privy Council Appeal No. 68 *of* 1922.

The Demerara Bauxite Company, Limited - - - - *Appellants*

v.

Louisa Malvina Hubbard and others - - - - *Respondents*

FROM

THE WEST INDIAN COURT OF APPEAL (COLONY OF BRITISH GUIANA).

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL, DELIVERED THE 15TH MAY, 1923.

Present at the Hearing:

VISCOUNT HALDANE.
LORD DUNEDIN.
LORD PARMOOR.

[*Delivered by* LORD PARMOOR.]

This is an appeal against a judgment and order of the West Indian Court of Appeal, whereby that Court dismissed the appeal of the appellants from a judgment of Mr. Justice Berkeley, sitting in the Supreme Court of British Guiana, which ordered that the action by the appellants should be dismissed with costs to the respondents Hubbard and Emory, and with no costs to the respondent Humphrys. It is not necessary to discuss the form of the action, nor was any difficulty raised on this point in the hearing before their Lordships. The questions at issue are (1) whether at the material date the relationship between Humphrys and Mrs. Hubbard was of such a nature that it constituted the confidential relationship of solicitor and client, and (2) whether, if such relationship existed, the conduct of Humphrys, and the nature of the bargain between him and Mrs. Hubbard, were such that the transaction is unenforceable, on the principles applicable to transactions between a solicitor and client.

The first issue may be dealt with shortly. There is a concurrent finding in both Courts that the relationship of solicitor and client