

ing to Halifax—not that I remember. He simply said he had no instructions from Captain Walters, and I told him I thought it was my duty to come to Halifax.

Captain Walters was the man who retained me at the time and represented all the owners to pay my bill. I thought I might as well let Duff know out of courtesy; he was the only one I could think of at the time. Edwin Kaulbach was another I had a talk with; he was another owner at the time. I had a good retainer. They were practically my clients and I suppose I might talk to my own clients.”

That is my story as to the ringing up of Mr. Duff.

Re-examined by Mr. Mellish, K.C.:—

“I stated to Mr. O’Connor I had a conversation with Mr. Walters after he returned, about these men having got out of jail. He ratified what I had done. (Objected to by Mr. O’Connor), in opposing their discharge before Mr. Justice Russell. On the day that I received this notice of motion for the second application, after the conversation I have detailed with regard to Mr. Duff on the telephone, I was on my way home to dinner, passing Mr. Kaulbach’s office and I saw him in the window. (Objected to by Mr. O’Connor.) I happened to see him (Kaulbach) at his window as I was passing. I did not go specially to see him, and I knew he would be interested, and I told him these men were making another application to get out. He had been previously pleased to know that they had not got out before, and I gave him the information that they had made another application, as one of the owners. And I told him that Captain Walters was away and that I had some little conversation with Mr. Duff over the telephone. He said in effect it would be a great shame if they were allowed to get out unopposed. He presumed I was going up to oppose this application. I told him what Mr. Duff had said, and he said he had no power to give any instructions; he said he thought they ought to be opposed, but he did not give me any instructions. He told me it ought to be opposed. Referring to the letter with respect to the writer telling me not to go to Halifax, that is not a fact; it is absolutely untrue; it is not a fact. I did not ask his permission to go to the Court. Duff said he had no instructions from Captain Walters. I thought he was a little bit short. He answered me shortly and rang off. He had no instructions from Captain Walters, is what he said. I don’t know whether he