

1889.

NEW ZEALAND.

PUBLIC PETITIONS M TO Z COMMITTEE

(REPORT OF THE) ON THE PETITION OF IDA PRINCE, TOGETHER WITH MINUTES OF PROCEEDINGS AND EVIDENCE, AND APPENDIX.

Brought up 14th September, 1889, and ordered to be printed.

REPORT.

PETITIONER states that a letter containing her Government bank-book, in which £500 and interest appeared to her credit, and a letter of instructions from her late guardian (Mr. Livingston), were intrusted to Mr. Salmon, a clerk in the Blenheim Post Office, for delivery to petitioner in case of Mr. Livingston's sudden death. That such death took place on the 22nd December, 1888, and immediately afterwards these documents were posted by Mr. Salmon to petitioner's address at Mr. Kirkcaldie's, where they were delivered to Mr. Kirkcaldie, and subsequently claimed by Mr. Hoggard, Chief Clerk of the Wellington Post Office, and given by him to Inspector Rose, who delivered the packet to his wife, who opened it without petitioner's permission, and has since kept possession of it. That this letter, intended for her eyes alone, has been read by many others.

That the Postmaster-General has refused to give any relief to your petitioner.

Petitioner prays for redress.

I am directed to report,—

1. That, in the opinion of the Committee, none of the material allegations contained in the petition have been sustained by the evidence adduced.

2. That the action of the postal officers, Messrs. Rose, Hoggard, and Salmon, was no infraction of the spirit of the regulations, which direct that means should be taken to secure the delivery of letters to those persons to whom they are addressed.

3. That Mrs. Rose's conduct in connection with petitioner has been of a most commendable character, and that she was actuated by benevolent motives, acting solely in the interests of petitioner.

4. That petitioner failed to account satisfactorily to the Committee for her non-acceptance of Mrs. Rose's offer of the 27th February, to appoint a trustee other than Mrs. Rose.

That petitioner has no grounds of complaint.

14th September, 1889.

T. THOMPSON, Chairman.

MINUTES OF PROCEEDINGS.

WEDNESDAY, 4TH SEPTEMBER, 1889.

THE Committee met pursuant to notice.

Present: Mr. T. Thompson (Chairman), Mr. Anderson, Mr. Bruce, Mr. Buxton, Mr. Grimmond, Mr. Humphreys, Mr. Joyce, Mr. Taylor.

The minutes of the previous meeting were read and confirmed.

The following petition was read: No. 463, Ida Prince. Alleging that a letter addressed to her was wrongfully detained by the Post Office authorities.

Petitioner attended.

Mr. T. K. Warburton attended.

Mr. Hutchinson, M.H.R., attended.

Adjourned until 10 a.m. next day.

THURSDAY, 5TH SEPTEMBER, 1889.

The Committee met pursuant to notice.

Present: Mr. T. Thompson (Chairman), Mr. Anderson, Mr. Bruce, Mr. Buxton, Mr. Grimmond, Mr. Humphreys, Mr. Joyce, Mr. Ward.

The minutes of the previous meeting were read and confirmed.

The following petition was read and considered: No. 463, Ida Prince. Adjourned from the 4th instant.

Mr. Salmon, senior clerk, Post Office, Blenheim, attended and gave evidence.

Mr. Kirkcaldie attended and gave evidence.

Mr. Hoggard, chief clerk, Post Office, Wellington, attended and gave evidence.

Petitioner attended and gave evidence.

Mr. H. V. Gully attended and examined witnesses as counsel for Mr. and Mrs. Rose.

Mr. Hutchison attended on petitioner's behalf.

Dr. Fitchett, M.H.R., attended.

The original letter, referred to in the petition, and other documents, were handed in as evidence.

FRIDAY, 6TH SEPTEMBER, 1889.

The Committee met pursuant to notice.

Present: Mr. T. Thompson (Chairman), Mr. Anderson, Mr. Bruce, Mr. Buxton, Mr. Grimmond, Mr. Humphreys, Mr. Joyce, Mr. Taylor, and Mr. Ward.

The minutes of the previous meeting were read and confirmed.

No. 463, petition of Ida Prince, under consideration.

Mr. Hutchison and Dr. Fitchett attended on petitioner's behalf.

Mr. Gully attended as counsel for Mr. and Mrs. Rose.

Petitioner attended and gave evidence.

A letter (undated) from Miss Ida Prince to Mr. Salmon was handed in and read by the Clerk.

Mr. Kirkcaldie attended and gave evidence.

A letter from Mr. Salmon to Miss Ida Prince, dated the 26th February, 1889, was handed in and read by the Clerk.

Mr. Salmon attended and gave evidence.

A telegram from Miss Combs to Mr. Rose, dated the 23rd December, 1888, was handed in and read.

A telegram from Mr. Salmon to Chief Clerk, Circulating Branch, Wellington Post Office, dated the 25th December, 1888, was handed in and read.

Mr. Rose, Inspector of Post Offices, attended and gave evidence.

Further consideration adjourned until Tuesday, the 10th, at 10 a.m.

TUESDAY, 10TH SEPTEMBER, 1889.

The Committee met pursuant to notice.

Present: Mr. T. Thompson (Chairman), Mr. Anderson, Mr. Buxton, Mr. Grimmond, Mr. Humphreys, Mr. Joyce, and Mr. Ward.

The minutes of the previous meeting were read and confirmed.

No. 463, petition of Ida Prince. Adjourned from Friday, the 6th instant.

Mr. Hutchison attended.

Mr. Gully attended.

Sir G. Grey attended.

Mr. Morris, second clerk, Wellington Post Office, attended and gave evidence.

Mr. W. Gray, Secretary to the Post Office, attended and gave evidence.

Mrs. Rose attended and gave evidence.

A letter from Mr. Livingston to Mrs. Gordon, dated the 21st November, 1888, was put in as evidence.

Two letters from Mr. Livingston to Mrs. Rose were put in as evidence and read, dated the 24th November, 1888, and 29th November, 1888.

The Committee adjourned until 9 a.m. next day.

WEDNESDAY, 11TH SEPTEMBER, 1889.

The Committee met pursuant to notice.

Present: Mr. T. Thompson (Chairman), Mr. Anderson, Mr. Buxton, Mr. Grimmond, Mr. Humphreys, Mr. Joyce, Mr. Taylor, Mr. Ward.

The minutes of the preceding meeting were read and confirmed.

No. 463, petition of Ida Prince, adjourned from the 10th September.

Mr. Hutchinson attended.

Mr. Gully attended.

Mrs. Rose attended and gave evidence.

Mr. Warburton attended and gave evidence.

Letter dated the 20th February, 1889, from Mr. Warburton to Mrs. Rose, put in as evidence.

Miss Martha Alice Barber attended and gave evidence.

Petitioner attended and gave evidence.

Consideration adjourned.

SATURDAY, 14TH SEPTEMBER, 1889 (9.30 a.m.).

The Committee met pursuant to notice.

Present: Mr. T. Thompson (Chairman), Mr. Bruce, Mr. Buxton, Mr. Grimmond, Mr. Humphreys, Mr. Joyce, Mr. Taylor, Mr. Ward.

The minutes of the previous meeting were read and confirmed.

Petition No. 463, Ida Prince.

[Adjourned from the 11th instant.]

Mr. Bruce moved the following resolution, which was put clause by clause :—

Clause 1. That, in the opinion of the Committee, none of the material allegations contained in the petition have been sustained by the evidence adduced.—Carried.

Clause 2. That the action of the postal officers, Messrs. Rose, Hoggard, and Salmon was no infraction of the spirit of the regulations, which direct that means should be taken to secure the delivery of letters to those persons to whom they are addressed.

Mr. Taylor moved, by way of amendment to this clause,—

That the action of Mr. Salmon, in telegraphing to Mr. Hoggard to obtain the letter from Kirkcaldie and Stains and hand it to Inspector Rose, his superior officer, clears him of responsibility; and Mr. Hoggard, in complying with the terms of the telegram, and handing the letter to the Inspector, is also free from any charge of irregularity.

With regard to Inspector Rose, while the Committee desire to acquit him altogether from any improper motives in connection with the mode of dealing adopted by him in regard to the letter, they cannot help thinking that he acted indiscreetly, and not altogether regularly, by handing the letter to Mrs. Rose.

Upon the amendment being put, the names were taken down as follow :—

Ayes, 3.—Mr. Anderson, Mr. Humphreys, Mr. Taylor.

Noes, 5.—Mr. Bruce, Mr. Buxton, Mr. Grimmond, Mr. Joyce, Mr. Ward.

Amendment lost.

Mr. Anderson then moved the following amendment :—

“That, in the opinion of the Committee, a breach of the Post Office regulations has been committed, but, at the same time, the surrounding circumstances were such as to greatly mitigate the offence.”

Upon the amendment being put, the names were taken down as follows :—

Ayes, 3.—Mr. Anderson, Mr. Humphreys, Mr. Taylor.

Noes, 5.—Mr. Bruce, Mr. Buxton, Mr. Grimmond, Mr. Joyce, Mr. Ward.

Amendment lost.

The clause was then put, and the names taken down as follows :—

Ayes, 5.—Mr. Bruce, Mr. Buxton, Mr. Grimmond, Mr. Joyce, Mr. Ward.

Noes, 3.—Mr. Anderson, Mr. Humphreys, Mr. Taylor. Carried.

Clause 3. That Mrs. Rose's conduct in connection with the petitioner has been of a most commendable character, and that she was actuated by benevolent motives, acting solely in the interests of the petitioner.

Clause agreed to.

Clause 4. That petitioner failed to account satisfactorily for her non-acceptance of Mrs. Rose's offer of the 27th February, 1889, to appoint a trustee other than Mrs. Rose.

Clause 5. Mr. Joyce then moved the following clause :—

“That, in view of the extreme youth of the petitioner, her action in presenting the petition, which was calculated to injure those who had consistently befriended her, suggests that she was not well advised in so acting.”

Upon the clause being put, the names were taken down as follows :—

Ayes, 4.—Mr. Buxton, Mr. Grimmond, Mr. Joyce, Mr. Ward.

Noes, 4.—Mr. Anderson, Mr. Bruce, Mr. Humphreys, Mr. Taylor.

The voting being equal, the Chairman gave a casting-vote against the clause.

Clause therefore negatived.

Clause 6. That petitioner has no grounds of complaint.

Upon the clause being put, the names were taken down as follows :—

Ayes, 5.—Mr. Bruce, Mr. Buxton, Mr. Grimmond, Mr. Joyce, Mr. Ward.

Noes, 3.—Mr. Anderson, Mr. Humphreys, Mr. Taylor.

Clause carried.

The clauses, which had been separately carried, were then put as a whole, when the voting was as follows :—

Ayes, 5.—Mr. Bruce, Mr. Buxton, Mr. Grimmond, Mr. Joyce, Mr. Ward.

Noes, 3.—Mr. Anderson, Mr. Humphreys, Mr. Taylor.

Carried.

—————
SATURDAY, 14TH SEPTEMBER, 1889 (4 p.m.).

The Committee met pursuant to notice.

Present: Mr. T. Thompson (Chairman), Mr. Anderson, Mr. Buxton, Mr. Grimmond, Mr. Humphreys, Mr. Joyce.

Minutes of previous meeting confirmed.

The order of reference of the 14th instant, giving the Committee power to sit during the sitting of the House, was read.

Resolved, That all the documents which were before the Committee when the petition of Ida Prince was under consideration (including departmental records, saving-bank books, &c.) should be laid on the table of the House.

MINUTES OF EVIDENCE.

THURSDAY, 5TH SEPTEMBER, 1889.

[Mr. Hutchison and Dr. Fitchett appeared in support of the petition. Mr. Gully appeared for Mr. and Mrs. Rose.]

IDA MARY PRINCE examined.

1. *Mr. Hutchison.*] Your name?—Ida Mary Prince.
 2. What is your age?—Seventeen.
 3. You knew the late Mr. Livingston?—I did.
 4. How long ago is it since he first took an interest in you?—I could not say exactly; four or five years ago, I think.
 5. He used to send you letters very often?—Yes; I used to get one every day.
 6. And money as well?—Yes.
 7. You were in the employment for a time of Messrs. Kirkcaldie and Stains?—Yes.
 8. Your sister was also employed there?—Yes.
 9. Would you say when you had to leave: you left through ill-health last year?—Yes; it was on the 15th November.
 10. Your sister continued in that employment?—Yes.
 11. How did you get your letters?—Some came to Mrs. Gordon's, where I lodged; some my sister or some of the other girls brought.
 12. All that did not come direct to your lodging came through Kirkcaldie's?—Yes.
 13. Did Mr. Livingston's letters come direct to Mrs. Gordon's?—When I was ill they came to Mrs. Gordon's.
 14. When Livingston knew that you were ill?—Yes.
 15. Did you often get the letters from your sister?—No; very seldom: they nearly all came to Mrs. Gordon's.
 16. Did your sister ever open any letter that belonged to you?—She has once or twice; that was some years ago, not lately.
 17. When did you hear of Mr. Livingston's death?—On the Monday following his death.
 18. What day of the week did he die?—On a Saturday.
 19. From whom did you hear it?—From Mrs. Rose.
 20. Did she call and tell you?—I was at Mrs. Warburton's; she called there.
 21. When did you have the letter come to you through Kirkcaldie's?—My sister came to me and told me that one was given back to Mr. Hoggard.
 22. You got one?—Yes.
 23. It was unopened?—Yes.
 24. What was your state of health that day?—I was very ill that day; not so well as usual.
 25. Did you take any steps to get that letter?—Yes; I went from Mrs. Gordon's to Kirkcaldie's, and from there to the post-office.
 26. Who did you see at the post-office?—Mr. Hoggard; he turned to Mr. Rose, and said, "This is a matter that concerns you."
 27. Mr. Rose was present, was he?—Yes.
 28. What did Rose say?—He told me that Mrs. Rose had the letter.
 29. What time of the day was that?—It was some time in the afternoon, 2 or 3 o'clock, or something like that. I did not know, really, that Mrs. Rose had the letter; she would very likely bring it to me; I was not able to go up to her place to get it.
 30. You then left?—Yes.
 31. You went back to Mrs. Gordon's—Yes.
 32. Did you go to Mrs. Rose's?—No; she came to me in the evening.
 33. Did she give you anything?—She read a letter to me.
 34. Had she the envelope in her hand?—No; she had not.
 35. Is this the letter, beginning "My dear little girl"?—Yes.
- "MY DEAR LITTLE GIRL,—When you get this your old friend has gone to his long home. Take the book to Mr. James Warburton, and do exactly what he tells you. Then ask Miss Warburton to allow her name to be put instead of mine, and put the money in the Savings-bank again, thus:—
- "Ida Prince,
"Naomi Warburton, Trustee.
- "It will be good for you. Good-bye; and God bless you. Now, do as I have written.
- "Your old friend, now dead,
A. LIVINGSTON.
- "I have this day increased the sum in the book to £500; but this sum does not belong to you, only the one hundred, which take, as above stated, with best wishes and my blessing.
- "The four hundred pounds belong to Miss Warburton. Hand them to her, and show her this paper.
- "Your dead old friend,
A. LIVINGSTON.
- "27th August, 1888."
36. Had she anything else besides the letter?—She had the bank-book and Mr. Salmon's letter.
 37. Did she give them to you?—No; she did not ask me whether she would keep them; she said she had the letter stopped on account of my health, as I was not in a fit state to receive it.
 38. Did you make any reply?—I do not think so; I cannot recollect.
 39. What was your state of health at that interview?—I was very ill; I was also crying.

40. Was that for sorrow?—Yes; for sorrow on account of Mr. Livingston's death.
41. What else did she say or do?—She made me promise not to tell the Warburtons anything about the letter; that she would go and tell the Warburtons herself.
42. Anything else she said?—No.
43. Then Mrs. Rose left?—Yes.
44. She took the two letters, and the savings-bank book with her?—Yes.
45. Did you ask her to leave them?—No; she said she would take them.
46. It is true that Mrs. Rose has taken some interest in you?—Yes; not just before Mr. Livingston's death; she did some years ago, when I came first.
47. Did she take any interest in you last year?—Yes; I went to the doctor once or twice with her; she came to see me, and I went to her once or twice to get money for my lodgings.
48. There was no unfriendliness between you?—No.
49. You saw Mr. Warburton after that?—I saw Mrs. Warburton; she arrived about five minutes after Mrs. Rose left. I did not tell her anything, because I promised not to.
50. Do you recollect going with Mrs. Rose to the post-office?—I do.
51. Do you remember the date?—I cannot tell you.
52. What was the purpose for which you went there?—To transfer the money into Mrs. Rose's name and my own.
53. You went with her for that purpose?—Yes; and on several occasions to draw money out to pay for my board and lodging.
54. Since Mr. Livingston's death?—Yes.
55. On the occasion of the transfer of the account, who was there?—I think it was Mr. Morris.
56. You signed some papers?—I did; transferring the account into Mrs. Rose's name.
57. Did she afterwards ask you to make a will?—Yes; she said she thought the money ought to go back to Miss Combs, for the benefit of Mrs. Livingston, as she was badly off.
58. Where did you sign the will?—At Mr. Gully's office.
59. Did you give the instructions for drawing the will?—Mrs. Rose did.
60. You found the will there, and you signed it?—We went there once before that, when the instructions were given.
61. That was a will in favour of Miss Combs?—Really, the money was supposed to be left to Mrs. Livingston; Miss Combs to be trustee.
62. You afterwards revoked that will, I understand?—Yes; I did.
63. And in consequence of the representation you made, Mr. Warburton wrote to the Post Office authorities?—Yes.
64. Were these various steps you took, transferring the bank account and making the will, suggested by yourself?—Mrs. Rose suggested them to me; I answered, She could take the trust business if she liked until Miss Warburton's return.
65. She returned in March?—She did.
66. Did you then ask to have the account transferred?—I could not touch the money.
67. If you asked her you could have done so, but you had not asked her up to the 26th of August, when you received the letter that was intended for you by Mr. Salmon?—No; I asked Mr. Gully for letter on the 23rd and received it on the 27th, when I had made up my mind that he intended to keep it.
68. Nor the bank pass-book?—No.
- 68A. But since you presented the petition you have received them?—Yes.
69. *Mr. Gully.*] You have been acting under Mr. T. K. Warburton's advice?—Yes.
70. When did he first intervene in your favour?—When I told him everything.
71. That would be in February?—I think so: I do not recollect the exact time.
72. Then, what you have done has been under his advice?—Not altogether.
73. Do you mean to say that you have exercised your own will in regard to this matter?—Not exactly.
74. If not, then you were acting under his advice and control?—He is my agent, and he acted for me.
75. Let us hear, first of all, what you complain of: when did you first make up your mind that you could not trust Mrs. Rose to look after your affairs?—I do not understand what you mean.
76. When did you first make up your mind that you were not able to trust Mrs. Rose any longer?—When she did not keep her promise to me.
77. What was that?—She promised to tell Warburtons all, but she did not do so.
78. Is that it?—Yes; she made me promise not to tell Warburtons.
79. Miss Warburton was absent in February and March?—Yes; she was.
80. Now, having made up your mind that you could not trust Mrs. Rose, you endeavoured, under Mr. Warburton's advice, to get some one else to take charge of your affairs?—Yes.
81. That somebody else was Mr. T. K. Warburton?—Yes; quite so.
82. That was in February?—Yes.
83. Why do you complain that there was any resistance on the part of Mrs. Rose in February to hand over the control of your affairs?—Because she had no business to open my letters.
84. I am asking you why you complain that in February last Mrs. Rose was not prepared to hand over the control of your affairs?—I asked for my letter, and she refused to give it to me.
85. At the time you asked her for the letter, had not Mr. T. K. Warburton accused Mrs. Rose, in writing, of having committed a breach of trust?—No.
- Letter dated the 20th February read by counsel:—
- "SIR,—
- "Wellington Terrace, 20th February, 1889.
- "It is with regret that I feel compelled to lay before you the fact that a letter or parcel of letters in which a large sum of money is concerned was posted to its address, duly delivered to

that address, but, before its owner, who was dangerously ill, could call for it, was reclaimed by Mr. Hoggard, with the knowledge of the Inspector of Post-offices, and is now in the hands of Mrs. Thomas Rose, who refuses to send it to its owner.

"As I hear on good authority the case is as follows: Mr. Livingston, who died on the 22nd December last while in the public service, having no one in his house whom he would trust, apprehensive of sudden death, intrusted to his friend, Mr. Salmon, of the post-office, Blenheim, a letter or parcel of letters to be delivered to his *protégé*, Miss Ida Prince, in case of accident. That letter or parcel was duly posted, delivered to the care of Mr. Kirkcaldie, and, before its owner called for it, was re-claimed, seized, and delivered to Mrs. Rose without authority from its owner, who, being enjoined silence by Mrs. Rose, as she says, did not break that silence until a few days ago, and has appointed me her representative.

"As a friend of the late Mr. Livingston, I ought to bring to your notice, as Prime Minister, what I deem to be a gross impropriety if true, and if not criminal ought to be made so. Mr. Livingston kept all his papers in the post-office safe, and Mrs. Rose, who went down on the evening of the 24th December and was back on the 27th, demanded and obtained the papers, which should have been sealed up and examined before disinterested witnesses. It was a matter of surprise to those friends of Mr. Livingston who knew his mind that no will was found but one of 1880, leaving all his property to Miss Combs. This may be only a coincidence, but it shows the impropriety of delivering a dead man's papers to any one before examination. *Re* the intercepted parcel, I understand that Mrs. Rose, hearing of its existence, telegraphed to Wellington to stop its delivery.

"The Hon. the Postmaster-General."

"THOS. K. WARBURTON.

85A. Did he write that with your sanction?—Yes; it was.

86. Why did you say, then, that she had induced you to draw money out of the savings-bank?—That was different money altogether.

87. What was it you intended to authorise her to deal with?—The whole of it.

88. You complain that she not only got the whole of the money, but money in your private right?—She did.

89. Induced you, in order to pay a debt owing by Mr. Livingston: what was that?—My board, lodging, and doctor's bill.

90. And do you complain that she paid your board and lodging bill out of this post-office savings-bank account?—Yes.

91. You seem to assume that Livingston's estate was liable to pay this account?—Yes.

92. This was money that you claim to be refunded?—Yes.

93. In fact, you wanted this paid not out of the money left to you, but out of Livingston's estate?—Yes.

94. Was that Warburton's suggestion?—My own too.

95. Which was it?—Both.

96. You wrote to the Postmaster-General in your own name the letter dated 25th February?—

Letter read, as follows:—

"SIR,—

"Wellington Terrace, 25th February, 1889.

"I have read the following statements made by the Secretary of the Post Office in his letter to Mr. Warburton of the 23rd instant: 'Mrs. Rose at once took the letter to Miss Prince, who authorised her to open it.' This statement is untrue. Mrs. Rose brought down the letter after I called for it at the post-office. As to authorising her to keep possession, she had possession, and still keeps possession, although I asked for it as late as the 13th instant: that is about fifty days after it was delivered at my address. I was too ill to fight about the matter, particularly as my friend Miss Warburton was expected shortly, and I thought she would put things straight. I did not consult Mr. or Mrs. Warburton before because Mrs. Rose told me, for special reasons, not to mention anything to any one, and to the Warburtons in particular. As to appointing Mrs. Rose my trustee, I hardly know what it means. Mrs. Rose asked me if she should act for me in the matter of the Government bank account. I said, 'If you like, until Miss Warburton comes back.'

"Mrs. Rose induced me to make a will in favour of Miss Combs in trust for Mrs. Livingston. I did so, but thinking I was wrongly advised, and being much agitated, I at last broke the silence enjoined to me by Mrs. Rose, and, in obedience to the advice of my friends, I went to the lawyer's office and tore up the will. I never did want, and do not want, Mrs. Rose to interfere in my affairs. She had no right whatever to lay her hands upon a letter sent to me through the post-office, much less to open it and read it. I have had dozens of letters from Mr. Livingston, but Mrs. Rose has never presumed to intercept any of them until this particular time. From the confused little I recollect of the contents of the letter in question, I believe it to be a very important document, and Mr. Gully's remarks on it when I tore up the will above alluded to lead me to believe that something very wrong has been done or attempted. I want that letter. It was delivered to my address, and was, I am told, unlawfully seized by the Post Office authorities, and I again claim it as my property.

"The Hon. the Postmaster-General."

"IDA PRINCE.

97. There are several amounts mentioned here—£9 8s. 3d., £4 8s., £4 10s., £7 3s.: did you think it your duty to repudiate Mrs. Rose's payments?

98. *Mr. Hutchison.*] Are we to understand that Mrs. Rose paid them in the first instance?—No.

99. *Mr. Gully.*] Yes. You also wrote on the 25th of April—the letter Warburton to Rose—and finally the letter and pass-book were handed over to you, but not the money?—Yes.

100. Seeing that there was a dispute between you and Mrs. Rose, apparently as to what amount should be handed over, I suppose she would be a little cautious before handing over this trust?—She would.

101. Do you think she should have handed over the money to you without getting any quittance?—I think she ought to have handed over the money to me.

102. In spite of the fact that she was attacked at the time by Warburton for a breach of trust?
—Quite so.

103. Would you be surprised to know that Mrs. Rose, through her solicitor, directly intimated that she was prepared to have this trust fund handed over in the ordinary way?—She did not do it.

104. Here is a letter written a few days after Mr. Warburton had an interview with me, from myself, on behalf of Mrs. Rose, to Mr. T. K. Warburton.

Letter read, as follows :—

“ SIR,—

“ Wellington, 27th February, 1889.

“ *Re* Mrs. Rose : I am informed that you have written a letter of complaint to the Postmaster-General upon the matters recently referred to in your interview with me. I am surprised you should have taken this course without some further communication from me. When you informed me of your alleged charges against Mrs. Rose I gave you distinctly to understand that I should advise her to hand over all the letters and documents in her charge, and also relieve herself of the position of trustee for Miss Prince ; and I suggested to you that if this was done it would be as well for you to take no further action in the matter. You left my office stating that you would consider this suggestion, and I plainly understood from you that you would communicate your views before taking any further action in the matter.

“ I therefore obtained from Mrs. Rose the papers in connection with the matter with a view of handing them over. They are now in my possession, and I am prepared to transfer the trust and documents to any person whom Miss Prince may appoint. It is manifestly absurd that Mrs. Rose should continue to act as trustee for a person who desires to revoke the trust, and that she should give herself a great deal of trouble about matters which cannot personally be of any importance to her. You will therefore take this letter as a direct intimation that my client is ready and anxious to wash her hands of the whole matter.

“ I have avoided referring to that part of your letter to the Postmaster-General which contains charges against Mr. and Mrs. Rose, and for obvious reasons I shall refrain from advising my client to take any action in this respect until the complaints have been disposed of, so far as the department is concerned ; after that I shall be compelled to take some further notice of the gross charges which are contained in your letter, and which you have thought fit to make upon mere supposition. I was anxious that the matter should have been settled without further trouble, and I regret that, instead of meeting me half-way, you should have thought fit, after your interview with me, to take the course which you have done.

“ Yours, &c.,

“ T. K. Warburton, Esq., Wellington Terrace.”

“ BELL, GULLY, AND IZARD.

105. Were you aware that Mr. Warburton had that interview with me?—Yes.

106. Was that letter communicated to you?—Yes ; I read it all.

107. Was there any request made to me until a very recent date to hand over this fund?—No.

108. In fact, the whole matter was allowed to be dormant until the month of August, as far as you know?—No.

109. You suggest that there was a refusal to have this money handed over to you : do you suggest yourself that Mrs. Rose had any personal interest to herself in retaining this money?—She may have.

110. Do you suggest that she had any objection to handing it over herself?—She thought it ought to go to Miss Combs.

111. To Miss Combs, on behalf of the unfortunate widow of Mr. Livingston, who is in a lunatic asylum?—Yes ; quite so.

112. Then, her object was that the money should go to this lunatic lady after your death?—She told me I ought not to have the money.

113. I want to know what motive you suggest as actuating Mrs. Rose in this business : you understand what I mean?—No, I do not.

114. What do you suppose she could get out of it?—How can I answer that.

115. Do you suggest any selfish motive in detaining this money, or does all this charge of improper motive arise out of Warburton's imagination, or yours?—You had better put that question to Mr. Warburton.

116. I want to know what you say : was there any improper motive?—I think I answered that question before.

117. About this will : it is suggested in the correspondence that on your death she would become entitled?—So she would, because she was my trustee.

118. Do you think that was her object?—I do not know what her object was.

119. In January she got you to make a will in favour of some one else?—Yes.

120. Was that the 9th or the 10th of January?—I do not know when it was.

121. But it was in favour of some one else : do you think that was a selfish motive on her part?—She was my trustee.

122. On the 10th January you and Mrs. Rose gave instructions that the will should be drawn up, which was done in favour of Miss Combs, as trustee for this unfortunate lunatic lady, who had to be supported somehow?—Mrs. Rose instructed you.

123. The will was executed by you?—I signed it.

124. How, then, could Mrs. Rose expect to get any benefit out of that for herself?—I tried to explain that to you.

125. Your trial was a failure ; but you say she would receive the money as your trustee : did Mr. Warburton give you that startling piece of information?—No ; Mr. Warburton did not.

126. When you attended at my office, do you say this letter was not produced?—I did not say so.

127. Was it produced?—It was.

128. It was read to you?—Yes.

129. And I advised you on it?—Yes.

130. *The Chairman.*] That was the one of the 24th December?—Yes.

131. *Mr. Gully.*] Then, you do know all about it?—What I could remember.

132. You had the thing read over and explained to you, and you had no further information or explanation about it?—No; except when I came to you to tear the will up.

133. How much later was that?—You advised me to put £400 in Miss Warburton's name.

134. You admit that at this interview a letter was read over and explained to you in my office?—I do not know that it was explained; you said that £100 belonged to me and £400 to Miss Warburton.

135. As to your relations with Mrs. Rose, do you wish the Committee to understand that there was any breach between you and Mrs. Rose about the time of Mr. Livingston's death?—We were on good terms.

136. You said that Mrs. Rose interested herself in your affairs after Livingston's death?—So she did.

The following letter was handed in by Miss Prince:—

"Blenheim, 2nd March, 1888.—My dear little girl,—Why have you not written to me for so long; and when are you getting your portrait taken? Let me hear from you as soon as you can find time. I have heard from Miss Warburton; she is pleased with you, and I am so glad. You can well understand I cannot always write to Miss Warburton; it is not what is called etiquette to do so, though why, I am hanged if I know; so now, when she has been so good to you, and I really want to communicate with her, I let her know through you. So, now, will you tell her please that I am exceedingly glad to hear that you are getting on so well, and that I cannot thank her enough. With regard to the photos not required, Miss Warburton is to do just as she pleases—burn, destroy, give away, or otherwise, as she may deem proper—just as she pleases. Please tell her this; also that both Miss Combs and myself look forward to seeing her here (in Blenheim) with a great deal of pleasure. My dear, if you find Miss Warburton cares to see my letters, or any of them, or that it amuses her, show them—all of them if you like—to her by all means; only I don't care to have anybody else reading them, and possibly criticizing. Now, Miss Warburton will not do that. She understands you, and she understands me, and I only worry when I think how you will miss her when she goes away. About myself, it is just as I told you. But what I now write must be between you and me and Miss Warburton, if she cares to see it; no one else. I am trying my very hardest to get over to Wellington if but for a week; if for longer so much the better, but anyhow for another week. Are you pleased? What did Mr. James Warburton say about the savings-bank? You did not understand what I meant. I did not mean you to ask Mr. J. W. who was the head of the savings-bank, but to ask Mr. J. W., who is (that is to say, Mr. J. W. is) the head of the savings-bank, how this deposit could be made. Mr. James W. being the head of the whole department would be the proper gentleman to give orders in this direction. Now do you understand; and if you tell Miss Warburton probably she would ask him for you. You quite understand I think Miss Warburton the very best friend you have got, and I believe that, in matters concerning you, neither you nor I can thank her too much nor obey her too much if she will please advise us. Hence, you see, I wish you to show her my letters if she will take the trouble to look at them; on the other side, I don't care about any one else getting them. You understand. And now, my dear little girl, let me hear from you soon. I was glad with hearing that your pay was increased; how did that all come to pass, and did any one ask, do you know? And that is all for to-day. I have taken a leaf out of your book, and got bad eyes, but that will soon be over I hope; otherwise very well; and I hope you are well and happy; and remain, with best and kindest wishes, your old friend, A. LIVINGSTON.—P.S.: I enclose a pound to pay for my little girl's portraits."

Mr. JOHN HOGGARD examined.

137. *Mr. Hutchison.*] You are in the post-office as Postmaster here?—I am chief clerk in the post-office, Wellington, circulating branch.

138. Do you remember receiving the telegram which has been put in?—Yes.

139. On the day that it is dated?—About the 26th December, I believe; it was about Christmas time.

140. Did you have any communication about that telegram before receiving it?—No.

141. What did you do?—I acted on it at once.

142. Did you see Mr. Rose first?—No.

143. You went to Kirkcaldie to reclaim the letter?—Yes; I asked him for the letter, and he gave it to me.

144. One letter?—Yes.

145. What did you do with the letter?—I forwarded it, with telegram, under cover to Mr. Rose. I believe I wrote, "Letter referred to herewith."

146. Mr. Rose was in Wellington?—Yes; he was in Wellington.

147. Were the two departments in the same building?—Postal and Telegraphic? They were then separate; they are now in the same building.

148. That is all you know about it?—About that particular letter.

149. Is the post-office savings-bank in your charge?—I am the head of it.

150. Did you afterwards receive from Mr. Rose a post-office savings-bank book?—No; not from Mr. Rose.

151. In the name of Ida Prince?—I am not in a position to speak of that; I should have to call the clerk in charge of the money-order office.

152. Do you remember Ida Prince coming to the money-order office with that book [book produced]?—I think I referred it at once to the ordinary clerk.

153. Do you remember the transfer of that account?—I remember Miss I. Prince and Mrs. Rose coming about it. I did not do the business myself.

154. That is the transfer of this account [book handed to witness]?—Yes; this is a new account opened for the same money that appears in the old account.

155. Have you any document in the nature of an application for the transfer?—Except the book: this account (referring to the bank-book) is closed; this is a new account in the other.

156. Is there a certificate?—The first step was the transfer of the account to Wellington from Blenheim. Yes, there should be [produced], the 2nd January. After Mr. Livingston's decease there was a notice to transfer [produced].

157. That is not signed by Miss Ida Prince?—No; I cannot say.

158. Whose handwriting is that: is it Miss Ida Prince's writing?—It may be; I do not know; I would not say that it is not: the body of it is written by Mr. Morrison.

159. Is it not possible these may be copies?—They might be; I think they are originals.

160. When was the account transferred?—On the 8th January.

161. It would be on a form like that signed by the person entitled that you would transfer the account?—Yes.

162. This purports to be a transfer of account from Alexander Livingston to Mrs. Mary Jane Rose, as trustee for Ida Prince.

The Chairman: Mr. Salmon tells me this is an original, not a copy, and that it must have been the same one signed by Miss Prince.

163. *Mr. Hutchison.*] These are Ida Prince's signatures?—Yes.

164. *Dr. Fitchett.*] She did sign all these?—Yes.

165. *Mr. Ward.*] Did you regard it coming from Salmon as an official telegram?—Quite so.

166. If you received a telegram recalling a letter without indicating the circumstances, would you think it your duty to recover such a letter, and deliver it?—I would first protect myself by going to my superior.

167. Suppose a letter despatched from some other official to any particular person, and that official telegraphed to you requesting you to recover that letter, would you consider it to be your interest and the interest of the department to recover that letter and deliver it?—I might feel justified in delivering it to the Inspector of the department: he is my immediate superior. I consider that would relieve me of responsibility in the matter; but, then, I would consider the whole of the circumstances at the time.

168. *The Chairman.*] What are we to understand by that with reference to this special case?—In this special case, or in any other special case, there would be special circumstances connected with it, because the telegram was of an official character. I had no hesitation in acting on it, being on the business of the department.

169. You were not cognisant of any special circumstances in this case?—No.

170. What do you mean by circumstances? Was it the fact that you did know the nature of this request?—I knew that this was an official request to detain the letter.

171. Was that what you meant by circumstances?—I believed it was for the purpose of expediting the delivery of the letter to the proper person that it was to be sent to Mr. Rose.

172. Under ordinary circumstances you would have acted differently?—I do not know exactly what you mean by "ordinary."

173. Suppose you were not aware of these special circumstances, or that Mrs. Rose was interesting herself in these matters, would you have taken the same step?—If it was an official matter.

174. But in regard to special circumstances?—If it proved to be on the business of the department I would, I think.

175. Did you think this was on the business of the department?—As far as I knew, the telegram indicated that on the envelope.

176. Understanding "the circumstances"?—I did not say "under the circumstances." I do not think I said "under the circumstances."

177. *Mr. Ward.*] If the official telegram asked you to recover it without asking you to go to the Inspector of the department, would you consider yourself justified then?—No.

178. *Mr. Joyce.*] You knew that Mr. Livingston was dead?—Yes.

179. And you knew that he was during his lifetime acting as a friend of Miss Ida Prince?—Yes; I knew that.

180. Did you know she was here in Wellington?—I believed she was in Wellington at the time.

181. Did you know that he had been sending her money from time to time?—No; I knew nothing about their circumstances.

182. You knew that Mrs. Rose went to Blenheim?—I saw Mrs. Rose go; but I did not know anything of her business.

183. When you say you knew that savings-bank book was in the envelope, it was part of the business of the department that you should be anxious to recover the packet, so that it might be delivered to the proper person?—Yes.

184. You knew enough of the particulars of the case to be desirous that the papers and the book should find their way into the hands of Miss Ida Prince?—Yes; that was the only object I had in view; I had no other object whatever.

185. *Mr. Hutchison.*] Had you any reason for thinking, apart from the telegram, that it would expedite delivery to the proper person to give them to Mr. Rose?—I knew that Mrs. Rose was the friend of Miss Ida Prince.

186. You thought the delivery of the letter to Mrs. Rose would expedite the delivery to Miss Ida Prince?—Yes; acting on the telegram, because the telegram would not suggest it unless there had been good cause for it.

187. There is nothing in this telegram to suggest that it would not be delivered at the proper quarter?—No.

188. You had some other reason?—Nothing except what was in the telegram.

189. Is there anything in it to suggest that by handing these papers to Mr. Rose you would expedite their delivery to the proper person?—I believed that sending the packet to him was the proper course to take. I believed that Mrs. Rose was acting as Miss Ida Prince's friend, and that sending these papers to Mr. Rose would expedite the delivery to the proper person.

190. Was that from your private knowledge?—I thought it very natural that Mr. Rose would speak to Mrs. Rose on the subject, as Mrs. Rose had been so great a friend of Miss Ida Prince.

Mr. JOHN KIRKCALDIE examined.

191. *Mr. Hutchison.*] You are a member of the firm of Kirkcaldie and Stains, drapers, in business in Wellington?—Yes.

192. Do you know Miss Ida Prince?—I do.

193. She was in your employment for a time?—Yes.

194. Towards the end of last year, did she leave your employment?—I could not tell what time it was. I know she was absent.

195. Through illness?—Yes.

195A. While she was absent, did you receive two letters from the post-office—in December?—Yes.

196. Do you remember how they were addressed?—I could not be positive.

197. Do you know whether they were both addressed in the same way?—I can only say that one was a large and the other a small letter.

198. From your post-office box was it you received them?—They were delivered by the letter-carrier.

199. Do you know for whom they were intended?—Yes; before the death of Mr. Livingston letters used to come almost daily. They were always addressed "Miss Ida Prince."

200. She had not been at work for some time before you received these two letters?—No.

201. What did you do with the letters that came to her before these?—They were almost invariably given to her sister by myself.

202. Her sister was in your employment?—Yes; and is still.

203. What did you do with these two letters?—Without doubt I delivered them to her sister.

204. In the usual course?—Yes; in the usual course.

205. Do you remember anything occurring?—The same day Mr. Hoggard called and asked me if I had received letters for Ida Prince. I said "Yes." He asked me to return one of them. I went to her sister and asked her if she had the letters. Mr. Hoggard wanted the large one. She gave it to me, and I returned it to him.

206. Will you try and remember the exact words he used?—I could not.

207. Did he give any reason why he wanted that one returned?—No.

208. You knew him to be the Postmaster in Wellington?—Yes.

209. *Mr. Gully.*] Who got the situation in your place for Miss Ida Prince?—Mrs. Rose.

210. How long ago?—I have no idea.

211. Will you say whether Mrs. Rose interested herself in Miss Ida Prince while she was in your employment?—She did, very much so.

212. To your knowledge?—Yes; in my knowledge.

212A. How would you describe it?—She stood in Wellington in the position of Mr. Livingston.

213. *Mr. Joyce.*] Towards Miss Ida Prince?—Yes.

214. *Mr. Gully.*] You were aware that Mr. Livingston had adopted Miss Ida Prince?—Yes.

215. Could you mention any special matters, according to your recollection, in which Mrs. Rose interested herself on behalf of Miss Ida Prince?—When she first made the application to me to take her Miss Ida Prince was very young, and the only position I could give her was to place her in the desk to give change. However, I took her. After she had been with me two or three days I found that so incompetent was she, having been without practice, she was quite unsuitable. Her mental arithmetic was deficient. That being so, I sent for Mrs. Rose, and told her I could not keep her, and suggested what I thought it was necessary to do. I think I sent her home with a note suggesting to Mrs. Rose to send her to school. My suggestion was taken. After some time another application was made to take her on. I took her on again, and after a few days, when she had mastered the routine, she was most efficient at her work.

216. Speaking generally, Mrs. Rose assumed a position as representing Mr. Livingston in her relations to Miss Ida Prince?—Yes.

217. Was there any other occasion on which Mrs. Rose intervened specially, according to your recollection?—There was.

218. Do you recollect what kind of intervention that was?—It was a case in which there was some doubt in connection with the business. I think that is a matter concerning myself. I would rather—

219. Could you tell us without going into matters that ought not to be disclosed, either for your own private reasons or through a delicacy, what Mrs. Rose did?—She stood up for Ida Prince. If she had not done so—

220. With what result to Ida Prince, if Mrs. Rose had not done so?—It would be the reverse of what it was.

221. *Mr. Bruce.*] I understood you that you were of opinion that right through Mrs. Rose took a kindly interest in Miss Ida Prince?—Specially so.

222. Did this kindly interest ever form a topic of conversation between you and Ida Prince?—I do not think so.

223. Did you ever hear her express her gratitude for the part that Mrs. Rose took in her behalf?—I could not exactly remember; she might have done so.

224. I wish to bring out the relations that subsisted on both sides?—I know that Ida Prince used to go to Mrs. Rose's very frequently.

225. *Mr. Joyce.*] Did you know a Mrs. Gordon?—Yes.

226. Did she interest herself in any way about Ida Prince?—Not to me personally. I knew that Ida Prince lodged there, but personally there was no understanding between myself and Mrs. Gordon about Ida Prince.

227. The only person you looked to as her friend was Mrs. Rose?—Mrs. Rose appeared to be a sort of treasurer for her. I understood that Mrs. Rose used to pay Mrs. Gordon for Ida Prince's board and lodging.

228. You understood that?—Yes.

229. From whom?—From Mrs. Rose.

230. In all matters of difficulty Mrs. Rose was applied to, and her applications to you were successful?—Yes.

231. In every case?—Yes; in every case. I wish here to give a word of explanation in connection with the telegram from Mr. Salmon; it was delivered to me at my private address on a Sunday; it disclosed the news of the death of Mr. Livingston; at that time and for a considerable time afterwards I took it to be from a Mr. Salmon who had been in my employ some years ago, and who was at that time a commercial traveller; thinking that he was always on the move I did not think it necessary to send any reply. I make this explanation because it is due to Mr. Salmon, who is a witness in this case, so that he may know the cause of my silence for so long a time.

232. Did you communicate the contents of the telegram to Miss Prince?—It was a Sunday I received it; it came to my private address.

233. Did you tell her on the Monday?—She was not present; I interviewed her sister.

234. *Mr. Hutchison.*] Reference has been made to the intervention of Mrs. Rose on behalf of Miss Ida Prince on a particular occasion: I would ask the witness to state what that was? It is the petitioner's wish. Now that the matter has been referred to it may be as well to have it all out. What was it?—If you will allow me a little time to consider the matter, the petitioner and myself might have an interview; I would rather do that than make any remarks in public at all events.

Mr. Hutchison.: Miss Ida Prince says she has nothing to conceal: enough has been said to require more.

The Chairman.: You are at liberty to answer the question or not, as you think proper.

Mr. Gully.: My object was not to show any discord between these two ladies, but to show rather that Mrs. Rose acted in the kindest manner always to Miss Ida Prince.

It was arranged that Mr. Kirkcaldie's examination should be resumed at 10 o'clock next morning.

THOMAS BENJAMIN SALMON examined.

235. *Mr. Hutchison.*] What are you?—I am senior postal clerk in the chief post-office at Blenheim.

236. Did you know the late Mr. Livingston?—Yes.

237. You were in Blenheim when he died?—Yes.

238. Before he died did he give any directions to you as to forwarding documents to any one?—On several occasions he gave me directions about all the papers that would remain in the office at the time of his death.

239. Did he ever give you any special directions?—He gave me special directions in regard to this document in question.

240. You mean the post-office bank-book?—Yes; the post-office bank-book, which contained also a short letter, which you have read.

241. With regard to these documents he gave you special instructions?—He did.

242. What were the special instructions?—That in the event of his death they were to be at once forwarded to Miss Ida Prince.

243. Where was she then?—He did not leave an address, because we knew full well where she was working.

244. Do you remember the date of his death?—I am not certain of the date of his death; but it was towards the end of December.

245. After his death, what did you do with these papers?—After his death I put the bank-book with the letter and one from myself to Miss Prince (not exactly of an official nature, but at the same time hardly of a private character, but giving Miss Prince full particulars) into an envelope, and sent it to her.

246. *Mr. Gully.*] Was that the letter of the 24th December?—That would be about the date.

247. *Mr. Hutchison.*] Look at that and see if that is the letter you sent?—It is.

Letter produced and read, as follows:—

“Blenheim, 24th December, 1888.—Dear Miss Prince,—It is with the deepest feelings of regret and sympathy that I sent yesterday a telegram informing you of the death of my chief Postmaster, and one of my own best friends. I post herewith a paper containing a notice of his death, and also, under separate cover, I return your letter and card, which came to hand this morning. Acting under our dear old friend's written instructions, which he gave me some few months ago to open all his letters, I opened this, to see if your present address might be inside, as otherwise

I knew who it came from. I am sure he would have been delighted with your card, which is one of the most tasteful I have seen. Now, in accordance with his direction, I forward herewith a savings-bank book, and a letter addressed to yourself. I am exceedingly sorry that Mr. and Miss Warburton are so far away. I am sure they will be exceedingly shocked and grieved when they hear the sad news. I am writing to Mr. Warburton by the next mail to an address left by Mr. Livingston (38, Gloucester Road, Gloucester Gate, Regent's Park, London, N.W.). I should be glad to hear from you at once if this is not the latest address, or if they will have left before this mail reaches them. I would suggest that, as some time will elapse before they return, you had better give book to Mr. Rose, and ask him if he will arrange matters for you, or to ask him his advice upon the subject. If any certificate is needed I will send it. My wife, with the help of one of her sisters, made a nice wreath of white flowers on your behalf, as well as herself, and placed it on the coffin. She took a farewell of him when she took the wreath, and found him looking very nice. He indeed looks as though he was enjoying a calm tranquil repose, and free from all worry and care; and indeed, my dear friend, it is a happy release for him. For a long time past now life had indeed become a burden to him. He had so much pain and so many worries. You were one of his few comforts, and he had looked forward with great pleasure to the time when he thought he would be able to give you a comfortable home in Wellington, and have you oftener to cheer and brighten him up. The last I saw of him alive was after office work; he walked home with me, and, as was his wont, stopped and spoke to our little baby boy, of whom he had got very fond lately; and Mrs. Salmon congratulated him upon looking better than usual. When he got home he found Miss Combs unwell, and made her go to bed; and at her request he went up to Mrs. Carter's to ask her to come down. He found she was out, and Mr. Carter thought she was going to call at Miss Combs's, so Mr. Livingston at once hurried back, as he had left the house all locked up; but he did not reach the house: when within thirty or forty yards he fell, as explained in the newspaper. The doctors said nothing could be done for him, and that his end was painless. He had always expressed a wish to go suddenly, and expected it, and said he was quite prepared for it. With the exception of the money banked in this account everything is left to Miss Combs, under an old will made in Christchurch, and she is also the sole executrix. I am sure you will very much miss him. I know that I shall. Few, nay hardly any, knew him better than myself, as he honoured me a great deal by his confidences, and having daily intercourse with him for more than two years, and the fact of our being both Masons, had induced a warm friendship, I believe, on both sides. He often talked about you, and was more than satisfied with your progress in every respect. I trust you will accept the warmest and sincerest sympathy of both Mrs. Salmon and myself, and should you care to come over here on a visit at any time we should be delighted, and very pleased to have you with us for a time; so, if at any time you can spare a holiday from Wellington, do not hesitate to come; you will find a warm welcome with us. You would be pleased at the many expressions of regret at the loss of Mr. Livingston, and the respect and esteem in which he was held. I will now conclude with kindest regards, and best wishes for the new year, from Mrs. Salmon and myself, who, I trust, may subscribe himself as Your's &c., T. SALMON. If there is anything in any way I can be of service to you I shall be glad to do so.—T. S."

248. You enclosed the bank pass-book and the letter which I have read?—I did.

249. Was it under cover?—It was.

250. Tell us how it was addressed?—It was addressed, as well as I remember, "Miss Ida Prince, care of Messrs. Kirkcaldie and Stains, Wellington."

251. Is this it [envelope produced, and handed to witness]?—It is as nearly as possible an exact copy: a similar envelope of that kind was also employed.

252. Well, you posted that, and put it into the mail for Wellington?—I did.

253. Of course, you took this discretion with the knowledge of the schedule to the Post Office Act?—I did.

254. Do you remember Mrs. Rose coming to Blenheim and speaking to you about Mr. Livingston's affairs?—I do.

255. How soon was it after you posted the letter that Mrs. Rose spoke to you about Mr. Livingston's affairs?—I am not certain: it was very shortly after: it was about one or two days after.

256. Would you like to say what Mrs. Rose stated?—In what respect: we had several conversations.

257. You sent a telegram to Wellington with reference to this letter?—I did.

258. Subsequent to posting the letter to Miss Prince was it that you sent the telegram?—Yes.

259. To whom was it addressed?—To the Chief Clerk of the Circulating Branch, Wellington.

260. To him personally, or was it by his official title?—I have the original here: it was addressed to him by his official title.

Telegram read, as follows:—

"Chief Clerk, Circulating Branch, Wellington.—Letter containing savings-bank book, addressed to Miss Ida Prince, care of Kirkcaldie and Stains, from this office per Takapuna yesterday; please detain, and, if delivered, try and recover and hand same to Inspector Rose.—T. SALMON, Blenheim."

261. Will you explain to the Committee why you sent that telegram?—Yes; although it may be deemed a long explanation: When I posted this book, or rather the day after posting it, I saw Mrs. Rose, who had come over in the meantime. I told her what I had done. I might say that I told her because I knew that Mr. Livingston had the utmost confidence in Mrs. Rose; in fact, she acted as agent for him on several occasions in affairs connected with Miss Prince shortly before his death. She regretted that it had been posted, as Miss Prince was dangerously ill, and not in a fit condition to receive such news. I am not sure whether it was my own suggestion or her suggestion, but, acting, as I thought, in the best interest of the young lady herself, I requested Mr. Hoggard, as in this telegram, to get this book back (with that object in view) and give Inspector

Rose—I mentioned Inspector Rose advisedly, knowing that perhaps my action was not in exact accordance with official routine, and that anything I might have done contrary to rules would at once be corrected by him. An additional reason for getting this book back was because of a matter within my own knowledge. I understood that a sister of Miss Ida Prince was also employed at Messrs. Kirkcaldie and Stains's, and Mr. Livingston had expressed to me on several occasions that he did not want any member of Miss Ida Prince's family to benefit by anything which he did for her, as, to use his own words, they "loafed" on her. I was afraid that if it was delivered there, and Miss Ida Prince being away, her sister might get the book and make undue use of the knowledge she would obtain thereby. Mrs. Rose promised me that on her return to Wellington (she was returning the next day) she would get my letter and read it to Miss Ida Prince if necessary, or deliver it to her as soon as Miss Prince's health would allow it to be so delivered. These were the principal reasons.

262. You say you had despatched a telegram to Miss Prince informing her of the death of Mr. Livingston?—I sent one to Mr. Kirkcaldie, asking him to tell Miss Prince, but I understood afterwards that there was some delay in delivery as he was away from the shop.

263. You know the contents of this letter, written by Mr. Livingston?—I do; because Mr. Livingston, when he wrote it, handed it to me to read, and told me where to find it.

264. Did you refresh your memory as to its contents before you put it into the envelope?—I am not certain whether I did; but I had no need to do so, for on a subsequent occasion, and when first writing it, he read it to me.

265. You were quite familiar with its contents?—Yes.

266. You had no warrant or authority for what you did?—No official authority.

267. *Mr. Gully.*] You were an old friend of Mr. Livingston's?—Yes.

268. Of some years' standing?—Yes; somewhere about seven years. The last two years of his life I was very intimate with him.

269. You are also aware that Mrs. Rose was also a friend of his for a good many years, and was thoroughly trusted by him?—Yes; I was aware of that, from my own knowledge, and also from the opinion he had often expressed.

270. Were you not further aware that Mrs. Rose had taken special interest in this girl—Miss Ida Prince?—Mr. Livingston often gave me to understand so, and he told me what Mrs. Rose had done for the girl.

271. In point of fact, that she had acted really in the place of a guardian to this girl: did it not amount to that?—It might amount to that: she acted so on Mr. Livingston's behalf.

272. Mr. Livingston was aware that she took a great deal of trouble about this girl—had obtained for her a situation, and looked after her in every way?—Yes; I am aware of that.

273. You are aware that the girl had no relations in Wellington that were able to look after her?—I thought so. I had no knowledge of her relations, except what Mr. Livingston spoke to me of: he told me of her having this one sister at Kirkcaldie and Stains's.

274. When Mr. Livingston died you, as his intimate friend, went through his papers?—I did; at his special request.

275. Did you ascertain that there was a will leaving the whole of his property to a Miss Combs?—First of all it was expected that there would be a will among his papers in the office. There proved to be none; but Miss Combs informed me that she had a will, and some time afterwards showed it to me.

276. You are aware that Miss Combs was legatee and executrix under his will?—I am.

277. She was sister-in-law of Mr. Livingston?—So I understand.

278. Now, in going through the papers, had you Miss Combs's assent, or was it before you ascertained that she was executrix of the will?—No. Mr. Gudgeon had charge of the papers; some of them were to a certain extent relating to official matters; private letters were mixed up with official papers.

279. There were private letters and other papers at his own house?—I had nothing to do with them. I went through these papers while Mr. Gudgeon was there. He would not do so because Mr. Livingston had left special instructions what to do.

280. But he was present?—Yes; he was present at anything that was done.

281. It has been suggested that it was a secret letter, intended for the eyes of Miss Prince alone: will you inform the Committee whether it was sealed up and addressed to her, or whether it was open?—It was not sealed up; it was in an open envelope. Whether it was addressed to her I do not know; if it were sealed up it would have been sent by me in the same state.

282. Was it perused by anybody else but you?—Yes. In the presence of another clerk, Mr. Franks. Mr. Livingston had left directions that if I was not there he was to put the book and letter in an envelope and send it to Miss Prince.

283. Did you hear Livingston say that?—No; he told me he had done so.

284. That he had given such a direction?—I did not hear him give the direction, but he told me he had done so. I am not certain when it was; it was some months prior; but the matter was not a point that I took any particular notice of.

285. Did you consider this letter was a deep secret: did you show it to any one?—No; I had no occasion.

286. Not to Mrs. Salmon?—No; she would know the contents of it afterwards, when it became, as it were, public property.

287. I see by your letter of the 24th December Mr. and Miss Warburton were away?—Mr. James Warburton.

288. You suggested that it be given to Mrs. Rose?—Yes.

289. You treated it as an entirely friendly matter. You assumed that Mrs. Rose was looking after the interests of Miss Prince in the same way as Mr. Livingston himself would have done?—Quite so.

290. You told us of an additional reason you had for communicating with Mr. Rose: you say you are not sure whether this was done at your own or Mrs. Rose's suggestion?—I did not communicate with Mr. Rose. I communicated with Mr. Hoggard, and asked him to refer the matter to Inspector Rose, as I knew that shortly before Mr. Livingston's death Mrs. Rose had been doing a great deal on Mr. Livingston's behalf for Miss Prince.

291. Do you not think it was at your suggestion that this telegram was sent?—It would be at my suggestion that this particular course was adopted.

292. Then, your other reason why it was thought desirable to stop this letter and money was that there was another Miss Prince at Kirkcaldie and Stains's?—I understood there was another Miss Prince there; that was one of the reasons which actuated me strongly in taking that course.

293. You would not be surprised to learn that a letter recently sent from my firm to Kirkcaldie and Stains's for Miss Ida Prince was delivered and opened by Miss Prince?—Well, I do not know which is the elder of the two; but I was careful to address to "Miss Ida Prince." At the same time, when I knew she was ill, I thought it would be a very natural thing for her sister to have the letter given to her. That is a thing that might be done by any employer, and, if it had been given to her, she might or might not have delivered it to her sister. As Miss Ida Prince was away, I thought the probability was the letter would be given to her sister.

294. You had no further communication with the parties about this particular matter?—I have had communication with the head of my department; also with Miss Prince.

295. No personal interview?—No personal interview of any kind.

296. *Mr. Hutchison.*] Did you ever hear Mr. Livingston speak of a Mrs. Gordon as a friend of Ida Prince?—Yes; I understood that Miss Prince was lodging with Mrs. Gordon.

297. Did he ever give any reason to show that he distrusted Mrs. Gordon?—No.

Letter from Mr. Livingston to Mrs. Gordon read, as follows:—

"Chief Post-office, Blenheim, 21st November, 1888.—Dear Mrs. Gordon,—Please accept my best thanks for all your kindness to Ida on this and other occasions, and, believe me, neither she nor I, who am very fond of her, are ungrateful. As you are aware, I have neither wife nor child, and I look upon Ida very much as my daughter; and I think you will say with me she is a good little girl. I have this day got a letter from Mr. Warburton, sen., telling me all about this last affair, and the trouble you took. I am exceedingly obliged to you. You have done just what I would have wished. As you said, Ida's home is with you; you have been so good as to permit it to be so, and I am but too glad that is so. Her sister has nothing whatever to do with her, and, unless Ida herself should wish it, which I do not believe, I would much sooner that she had nothing to say to Ida. Ida is well off now. What between yourself and the Warburton family she has plenty of friends, and her sister need not trouble herself. I am very glad indeed that you acted as you have done. And now, dear Madam, there is just one thing more, which I must ask your pardon for mentioning. You must have had extra expenses on Ida's behalf on account of her illness, and it is not right that you should bear this expense. May I, therefore, ask you to let me know the amount—doctors' fees, medicine, wine, or whatever extras you may have been so good as to give her—what all this amounts to, and I will, with pleasure and very many thanks, remit you the amount at once. I fear Ida will have to give up her place. I have written about this to Mrs. Warburton by to-day's mail also. If she is not able, and I fear she is not, please tell her in my name, as well as your own, that she must not return to business. The best thing would, I think, be to ask Mr. Kirkcaldie if he would please give her another chance a few months from hence, when perhaps she might be better able to bear the fatigue. What little clothes she may want in the meantime I will gladly give her. And, seeing that Mr. Kirkcaldie had her at his house, which was very, very kind of him, he might, perhaps, knowing the poor child has done her very best, and is not to blame, grant her request, and, under your kindly care, she might recover; and even could he not do so I will not have the child killed. God will give us another chance somehow, I am sure. I enclose a few lines to Ida, which please read and give her. And with very many thanks and good wishes, I remain, very faithfully and respectfully yours, ALEX. LIVINGSTON."

298. Will you tell the Committee when you discovered this will in favour of Miss Combs?—I did not discover it; Miss Combs, the next day, or the day after making search and inquiry, informed me that she had one; the police required it to be shown to them.

299. That was some time after you posted the letter?—It would not be after I posted the letter; it was on the same day; it could not be after.

300. This is the sequence of events, is it: the death of Mr. Livingston, the information that Miss Combs was legatee, the posting the letter to Ida Prince, the sending the telegram?—Yes.

301. You posted that letter in accordance with the injunction of your friend?—Yes.

302. When was it the reason arose in your mind which induced you to send the telegram?—When I heard she had left Kirkcaldie and Stains's, being very ill.

303. Mrs. Rose had informed you that she was not in a fit state of health to receive such news—that is, not in a fit state of health to receive a letter. Was it that induced you to send a telegram?—Yes.

304. Another was that you knew Mrs. Rose was her particular friend?—Yes.

305. That was the second reason: then the third one, what was that?—It was extremely undesirable that her sister should know the contents of the letter.

306. But all you did was to give effect to what you knew to be the wish of the deceased?—Yes.

307. *The Chairman.*] Did you think you had complied with the deceased's last request by doing this?—Yes.

308. Did you consider you complied with his request when you took steps that delivery should be stopped?—I was desirous that the young lady herself should get it.

309. At the time you posted the letter you were quite satisfied you were carrying out his instructions?—Yes.

310. You would not have taken any other steps had it not been for communication from Mrs. Rose?—No; unless some one else had communicated to me to the same effect as Mrs. Rose had done.

311. Then, this course was suggested by yourself?—It was the only one that was practical under the circumstances.

312. It was brought about by communications from Mrs. Rose to yourself?—It was.

313. In asking that delivery was to be effected to Mr. Rose, that was virtually changing the address from Kirkcaldie and Stains's to Mr. Rose?—Yes.

314. As an official in the Post Office Department, would it be usual to recall a letter in that way?—No; I could not do that; that was why I adopted the course I did. The tenor of the Post Office Regulations is to the effect that delivery should be made to the proper person.

315. In this you acted somewhat differently: you were interested as a friend of Mr. Livingston in this matter?—I hardly think so. The whole practice of the post-office is to take care that a letter shall be delivered to the rightful owner. There was a certain amount of suspicion on my own part that it might not reach the rightful owner, but by delivering to Mr. Rose it would go to the proper person.

316. Suppose a letter posted from Blenheim to any one else (leaving Rose out of the question), and suppose any body pointed out that it was likely to fall into the hands of another person, would you feel warranted in your official capacity to take the same steps as you did in this instance. Suppose a letter posted by himself, and you had a fear that it would not reach its destination, would you feel warranted, as a clerk in the post-office, to have that letter stopped?—It would have to be under very peculiar circumstances. I would hardly feel myself justified in deciding without reference to my superior officer. It was in accordance with this view that I asked that it should be given to "Inspector" Rose. In an ordinary case, in referring to my superior officer, I would ask that it might be addressed or given to Inspector Rose. I may state that the circumstances of Mr. Livingston's death were so peculiar that it was rather hard to decide at once. That was a reason that the address should be so altered, and, at the same time, expecting that it should be delivered to Miss Prince.

317. Did you consider your duty as a friend paramount to your duty as an official?—No.

318. *Mr. Bruce.*] I suppose you were perfectly well aware that your action was an infraction of the Regulations; but, in consequence of the reasons which you have stated so lucidly, you thought you were justified, in the circumstances, in telegraphing with reference to that letter?—I thought I was perfectly justified in doing so.

319. I assume that you would have hesitated before taking that line of action were it not that, by a coincidence in this case, you felt that you were practically acting within the knowledge of your official superior, who could have hauled you up immediately had you been guilty of any intentional breach of the Regulations?—That was my object in this case in specially using the word "Inspector" instead of "Mr." Rose. I used the term "Inspector" so that if there was any great breach of the Regulations he could correct it.

320. Any risk you incurred was practically in the interest of the young lady who is now the petitioner?—Yes; that is so.

321. *Mr. Grimmond.*] You are aware that Mrs. Rose was in Blenheim. I wish to know whether, when you referred to Inspector Rose here, she was cognisant of the fact?—Yes; it was with her knowledge. It was, in fact, the result of a brief consultation with Mrs. Rose that I adopted this course. I was anxious to do the best possible in the interest of the young lady; at the same time I was careful as to the manner in which it was to be done, so as not to commit any breach of the Regulations.

322. Are you aware whether he knew about it being done—I mean in his official capacity as Inspector?—No; I know that he was aware of all these circumstances; also, I believe, that he would know it was done for the double object of expediting the delivery of the letter to the proper owner, and submitting what I had done to him in his official capacity.

323. *Mr. Joyce.*] You were acting as the friend of the late Mr. Livingston?—Yes.

324. You had the letter unopened, not addressed?—It was an "open" letter, not an "un-opened" letter.

325. In an envelope not addressed?—I believe, not addressed; it was an old envelope. I should think it would be the original envelope on which he first put the address, and then tore it open. It was torn an inch or so down from the top. The contents were exposed to view, and were stuck in, I might say, rather carelessly.

326. Suppose Mrs. Rose had arrived at Blenheim before you posted the letter, would you have given these letters to her?—I would have put the bank-book and letter of Mr. Livingston in the envelope and delivered it to her. In that case I would not have deemed it necessary to send my own letter.

327. Because you believed Mrs. Rose could give all details?—Yes.

328. Then, you would consider you had done your duty to deceased by handing that packet to Mrs. Rose?—Yes; I believe I would have considered that I had fully complied with his wishes.

329. Your official relations had nothing to do with your posting the letter?—No; nothing to do with that, but I had to use my official capacity to effect the alteration in the delivery.

330. Was it your official relations that induced you to get the letter from Kirkcaldie and Stains's for the purpose of being sure of delivery to the young lady?—The main object was to get it delivered to the right owner, for the right owner is the person to be considered.

331. What you risked was at your own risk, in the interest of the young lady?—Yes; at the same time I was careful not to commit any serious breach of the Regulations under the Post Office Act, for I was aware that under that Act there were certain pains and penalties.

332. But, as the writer of the letter, your desire was that it should reach this young lady, and not her sister?—Yes; as far as I was concerned, it was a private letter, but it was enclosed in a

cover that was used for the transmission of the bank-book on the business of the department.

333. *Mr. Gully.*] That is, with a printed superscription?—Yes; “On public service only.”

334. *Mr. Joyce.*] You say you sent the first telegram after posting the letter?—Before posting the letter asking Mr. Kirkcaldie, her employer, to break the news to her.

335. Did you get a reply?—No.

336. *The Chairman.*] Were there two letters?—There was a second letter in a separate cover, which we lost sight of for the time being.

337. When was it posted?—I am not certain. I believe it was at the same time: either at that time or the following day. I believe that this letter that was posted would convey information that it was undesirable that a certain third person should get hold of. Probably, in my anxiety about that I overlooked the other letter altogether.

FRIDAY, 6TH SEPTEMBER, 1889.

Mr. KIRKCALDIE further examined.

338. *Mr. Hutchison.*] Will you tell the Committee of the matter you hesitated to refer to yesterday?—I will; but I may say I have the same hesitation as yesterday.

339. *The Chairman.*] That is, the matter Mr. Gully asked you in reference to yesterday?—It is. [Witness produced a draper's common counter check-book, and continued:] Miss Prince does not quite understand the nature of the matter in question. I have never brought the matter before her. Each of these books is handed to the salesman. They contain fifty checks, with duplicates. If anything is written on these it is transcribed here. [Place referred to.] Each check of these is torn and entered by the salesman in his book. The sum is added up and checked with the cash-book. That is kept by Ida Prince or the cashier. Each brings a book, and they must correspond with the cash-book. Upon the particular occasion now before the Committee one of my salesmen brought his book. It was totted up, and a mistake of 10s. was found which could not be rectified then. But the following morning he found the discrepancy, and he called my attention to it, and went for a magnifying glass. He then pointed out to me that there had been an erasure there.

340. *Mr. Hutchison.*] Have you got the original check?—I have not. I will explain that I never asked her about the discrepancy of 10s. in the cash. There had been an erasure, and my salesman called my attention to it, and I saw the roughness over the amount. With that I wrote to Mr. Rose asking him to come and see me. I told him the matter. He was positive of the innocence of Ida Prince, and, as I stated yesterday, totally reversed the opinion I had before I saw him. The result was that it was never mentioned to Miss Prince or to anybody else. It has never been cleared up. The matter stands there to-day. As I say there was the evidence of the deficiency in the cash-book, and up to to-day it has never been cleared up. I do not make any charge against Miss Prince nor against the salesman, Mr. Thompson. He has been in my employment some eighteen or nineteen years. There was the case.

The Chairman: Miss Prince knew nothing of this thing before: am I to understand that it is possible that Mr. Thompson might be the culprit in this matter? I cannot see why this should be imported into the matter at all.

341. *Mr. Joyce.*] Would you have discharged her but for Mr. Rose coming down?—I cannot say what would have been the case if Mr. Rose had not come down.

342. *Mr. Hutchison.*] If the matter had not been stopped where it was stopped, you would no doubt have given an opportunity to Miss Prince of being heard?—It never came to that.

343. *Mr. Gully.*] Mr. Rose visited you on this matter, and intervened on Miss Prince's behalf?—Yes.

344. Was Miss Prince aware of that?—No.

345. *Mr. Ward.*] Has Miss Prince been in your employment since?—Yes.

346. Any discrepancy since?—No.

347. No irregularities of the kind since?—I have not known of any.

348. *Mr. Joyce.*] The fact remains that you are the loser by 10s.?—Yes.

349. And it lies between Mr. Thompson, who has been in your employment eighteen or nineteen years, and Miss Prince?—I do not know. I have made the statement.

350. It was Thompson who complained of the mistake in the cash-book?—He saw the book did not correspond with his book in the desk; and, asking for the checks, he traced the irregularity, and brought it under my notice.

351. Then, from information received, you were going to adopt the ordinary method of removing some one from your establishment: that is why you communicated with Miss Prince's guardian?—Yes.

352. How long had she been in your employment at that time?—I cannot tell.

353. She could not tell?—She would know very well, as the matter was discussed between her and Mr. Thompson; but, from the manner in which it was viewed afterwards, it never came to her notice.

354. Well, then, I understood you to say yesterday that, in consequence of Mr. Rose seeing you and giving you a good opinion of Miss Prince, your ideas of her integrity in every way completely changed?—The result was that my views were reversed by Mr. Rose's interview.

355. And everything went on smoothly?—Yes.

356. *The Chairman.*] After this occurrence one would be naturally more careful: did you take any extra precaution after this occurred?—I did not think it necessary. Everything was checked.

357. Nothing occurred to cause you to increase your vigilance?—No. The cash is always, as a rule, gone into by myself, and the book is checked by these checks and by the cash-book.

358. You had no fault to find with Miss Prince afterwards?—None whatever.

Miss IDA PRINCE re-examined.

359. *Mr. Hutchison.*] Sitting there as a witness, have you anything to say about this irregularity?—I recollect the time Mr. Kirkcaldie speaks of, but I never interfered with the cash in any way.

THOMAS ROSE in attendance and examined.

360. *Mr. Gully.*] What is your official capacity?—Inspector of Post-offices.

361. You are acquainted with the petitioner, Miss Prince?—Yes, slightly.

362. You are aware that she has been acquainted with Mrs. Rose for some time?—Yes; I know that Mrs. Rose has had a good deal to do with her ever since she has been in Wellington.

363. What was your first knowledge of this transaction which we have been discussing—these money-matters in connection with the decease of Mr. Livingston?—My first connection with this matter was when a telephone message was received from Warburton's on the Sunday announcing that Livingston was dead.

364. That was on Sunday, the 23rd December?—The 23rd December, 1888.

365. Did you act on that?—I telegraphed to Miss Combs, sympathizing with her, and asked whether myself or Mrs. Rose could be of any assistance to her in her trouble; if so, either one or other of us would come to her.

366. Miss Combs and Mr. Livingston were very old friends of yours?—Very old friends.

367. Of how many years standing?—I had known Mr. Livingston for fifteen years; Miss Combs not so long, perhaps about twelve years.

368. Was a telegram received by you in reply, or by Mrs. Rose?—I think the reply came to me.

Telegram put in, as follows :—

“To T. Rose, Hawkestone Street, Wellington.

“23rd December, 1888.

“Many thanks for telegram; expect Mrs. Hill from Christchurch. Glad to see you, all the same.

“M. K. COMBS.”

369. What was the result of that communication?—On receipt of that telegram I considered it unnecessary that either of us should go. After that, Mr. Warburton, sen., telephoned to Mrs. Rose.

370. Did you take any further part in the matter?—None whatever, until Mrs. Rose left for Blenheim.

371. What was the next step in this history? When did you next take any active part in the matter? Did anything further occur until Mr. Hoggard saw you?—Nothing, that I recollect; in fact, Mr. Hoggard did not see me in connection with this matter.

372. Tell us what did occur?—In connection with this case: the first I knew of it was on going to my office one morning (the 27th December, I think it was) I found on my table a letter addressed to me. On opening it I found it to contain a savings-bank book addressed to “Ida Prince, care of Kirkcaldie and Stains, Wellington.” Enclosed in an envelope from Mr. Hoggard was this telegram, sent by Mr. Salmon, from Blenheim, to Mr. Hoggard, requesting him to obtain the letter from Kirkcaldie and Stains, if not delivered, and to give it to the Inspector. This telegram was indorsed by Mr. Hoggard.

Telegram, with indorsement, read, as follows :—

“To Chief Clerk, Circulating Branch.

“Wellington, 26th December, 1888.

“Letter containing savings-bank book, addressed to Miss Ida Prince, care of Kirkcaldie and Stains, from this office per “Takapuna” yesterday. Please detain, and, if delivered, try and recover, and hand the same to Inspector Rose.

“T. SALMON, Blenheim.”

“MR. ROSE,—I have recovered this book, and enclose it to you herewith.—J. HOGGARD, 27/12/88.”

373. Well, what next?—The letter lay on my table until I went to luncheon.

374. *Dr. Fitchett.*] There was a letter in that?—I explained, I think, that the letter I found on my table enclosed a letter, to which the telegram referred, in an official savings-bank cover.

375. It was not open?—No; it was a closed official letter, addressed to Miss Ida Prince. It was enclosed in an ordinary cover in which savings-bank books are transmitted from one place to another.

376. *Mr. Gully.*] Then, the only enclosure in this letter addressed to you was this telegram indorsement just put in?—Precisely so.

377. The other enclosure thus sealed up being the letter addressed to Ida Prince?—Yes.

378. What did you do with the letter addressed to Ida Prince?—I laid it on my table till I went home to luncheon in the middle of the day. I then took it with me.

379. And then?—I gave it to Mrs. Rose.

380. Did you see it again?—I never saw it again. I handed it to Mrs. Rose, who was going to see Miss Ida Prince to report to her all the circumstances in connection with Mr. Livingston's death. Mrs. Rose had returned from Blenheim early that morning.

381. Would the letter have come by the same steamer that Mrs. Rose came by?—No; I think it came on the previous day; but that I cannot answer for.

382. The 26th December would be a post-office holiday, would it not?—It might have arrived on the 25th for what I know. I do not know; I cannot say.

383. Then, the first you saw of it was on the morning of the 27th?—Yes.

384. You had no conversation about the matter with any one, but merely took the letter as delivered on your desk?—Precisely.

385. No interview with Hoggard or any other person?—No one.

386. Were any inquiries made about this matter at the time?—None whatever that I am aware of.

387. Not, in point of fact, for a considerable time after?—No; the first I heard of it was the strong letter from Mr. T. K. Warburton.

388. Dated the 20th February?—Yes.

389. That was to the Postmaster-General, was it not?—Yes; he furnished me with a copy.

390. That was the 20th February?—I was absent from Wellington. I think what has occurred since that day appears in the correspondence, so far as I am concerned personally.

391. You had no interviews with Miss Prince or Warburton?—No; I may say I have not seen the correspondence.

392. But what has been referred to you?—That is very little.

393. Your intervention in the matter was simply such as you have described?—In fact, none.

394. Before the 20th February?—None.

395. Between the 27th December and 20th January did you see anything of Ida Prince yourself personally?—Yes; I saw her a few times, I think, at my house. She was there on some occasions; I do not know how many times.

396. Were you away at all during that period—that is, between the end of December and the end of February?—Yes; I was away for about ten days or a fortnight, I think. I do not quite remember.

397. Was this matter mentioned at all in your presence at your house by Miss Ida Prince?—I do not recollect whether the matter was discussed at all in the presence of Ida Prince. All that I was asked about was in connection with the deposit of the money in the savings-bank: my advice was asked.

398. That was in your own house?—Yes; I think it was. Mrs. Rose came from Miss Prince. She asked, as I understood, that I should be asked what was the best thing to do under all the circumstances.

399. Did you see Miss Prince, or did she see you about that particular phase of the matter?—No.

400. Then, it was only what you heard through Mrs. Rose?—Yes; I should have stated in connection with the letter that, on the day that I received this letter from Mr. Hoggard and this letter addressed to Ida Prince, which I had given to Mrs. Rose at lunch time, when I was on the way to my office after lunch I called at the Chief Post Office to see Mr. Hoggard on some official matters. I had not been there many minutes when Ida Prince came into the office.

401. What time would that be?—Between 2 and 3 o'clock. She spoke to Mr. Hoggard. Mr. Hoggard referred her to me. She said she had been told that there had been a letter sent to Kirkcaldie and Stains's for her. I told her it had been sent to me, and that I had left it with Mrs. Rose to take to her. I told her if she went up to the house she might meet Mrs. Rose. She said she was not sufficiently well; that she would go home, at Mrs. Gordon's, as I understood.

402. Was that the effect of the conversation?—As far as I recollect. I asked her to go to the house, but she said she was not very well, I think.

403. Did she definitely or indefinitely make any objection to what had been done?—Not the slightest, either by word or deed, or by her appearance.

404. She made no objection to Mrs. Rose having received this letter?—None whatever. I might state that if I had not delivered the letter it would have been then handed to her at once. The only object I had in handing the letter to Mrs. Rose was to insure its being delivered to Ida Prince quickly.

405. You had no knowledge of the circumstances under which that letter was written?—None whatever.

406. Nor any reason why it was not sent direct to Miss Prince?—No.

407. Was that the only interview with her in reference to this matter to which you were a party?—The only one I recollect. I do not remember ever speaking to her on the subject of the affairs of the late Mr. Livingston.

408. Now, so far as you or Mrs. Rose were concerned, were you aware, or were you made aware by the method of this letter coming into your hands, that there was any breach of the Post Office Act, or the Post Office Regulations?—Under the circumstances I did not consider there was any breach of the Act or the Regulations under it.

409. At the time the letter came into your hands, did you know of any circumstances which would make it a breach of the Post Office Act or Regulations to take delivery of it: I ask you, in answering this question, to divest your mind of anything that occurred afterwards?—No.

410. In point of fact, the only information you had as to the way in which that letter came on to your desk was this telegram with the note on the back of it from Mr. Hoggard?—Yes.

411. *Dr. Fitchett.*] I understood you to say that you had no knowledge, except Mr. Hoggard's letter, of anything relating to the matter of the savings-bank book, the letter accompanying, and Salmon's telegram, and that you understood you were receiving them officially from him?—No; I considered it as practically addressed to my care.

412. What addressed to your care?—This letter sent to me by Mr. Hoggard.

413. What reason had you to know it was a letter from Mr. Salmon?—I did not know that the letter was from Mr. Salmon.

414. You said you understood it to be directed to your care by the sender: you did not know the sender?—I knew his writing.

415. You knew from the writing that Salmon was the sender?—Yes; I assumed he was the sender of it.

416. You did not receive it officially, then?—No; I can hardly say I did.

417. Did you receive it officially or privately?—It was sent to me officially, no doubt: it was sent in an official cover. I did not know what the mind of the sender was.

418. When you found that envelope from Mr. Hoggard on your table, addressed to you, did you take it to be an official communication from your fellow-officer to yourself or a private one?—It was official, and I received it officially.

419. It was sent to you officially?—Yes; officially.

420. If so, will you explain, or how do you explain, this: this is a letter from the head of your department to Mr. Warburton?

“And with regard to the other accusation, I am directed to say that what took place is really outside official cognisance, but for your information to state that Mr. Livingston's private letters, &c., were shortly after his death removed by Mr. Salmon from the safe in the Post Office to his private house at the request of the executrix. Mrs. Rose went through such of the papers as were submitted to her by Mr. Salmon—at his home—and in his presence. The contents of a cash-box left in the Post Office safe, and which had previously been in the hands of the police, were also examined by Mrs. Rose. This examination, which took place in the presence of the Acting-Chief Postmaster and Mr. Salmon, was also made at the instance of Miss Combs. The Acting-Postmaster-General is clearly of opinion that there has been no official impropriety whatever in either the one or the other; and he is astonished that so serious accusations have been made, or even implied, without your having first satisfied yourself of the absolute correctness of your information.”

How do you explain that?—I cannot explain that; it is not in my power to explain it.

421. You still say you received it officially?—That was my opinion.

422. If you received it officially, why did you take it home to luncheon?—It was sent to me by the chief clerk, a post-office official; but when I saw the contents and the address I knew all the circumstances.

423. What circumstances?—That the letter was addressed to Ida Prince; that Mrs. Rose was practically in charge of Miss Prince; that the envelope was an official one, marked on savings-bank business. I only assumed that the intention was that the letter should be placed in my care, and that it should be placed in the hands of Ida Prince as quickly as possible; that was the position.

424. You took it home to luncheon?—I took it home that Mrs. Rose might convey it to Ida Prince.

425. What I want to know is where your official capacity ends and where your private capacity begins: did your private capacity begin when you put it in your pocket and took it home to luncheon?—Practically, that was so. I assumed that the sole intention of the sender was that it should come to my care in order that it might be delivered to the person to whom it was addressed. That is the whole gist of the post-office business—that every care shall be taken that a letter is delivered to the right person.

426. Was that your sole ground for so concluding—the telegram he sent you?—No.

427. Was Mr. Salmon's telegram your sole reason for believing that in sending it he desired to deliver the packet to Ida Prince?—The position is one that is difficult to explain.

428. Yes or no?—The telegram conveyed to my mind the wish on the part of Salmon that the letter should come to my care, in order that I might see that it was put in possession of the addressee.

429. You say that is the meaning you took out of the telegram. I will read the telegram, and then ask you to repeat your answer [telegram read. *Vide* question No. 372]: you took that to mean that you were to get that letter and give it to the person to whom it was addressed?—That was obviously the intention of the telegram.

430. How did you get that meaning out of it? Would it not rather suggest to your mind that there was something wrong, and that it should be stopped altogether?—If that meaning had been intended it would have been qualified in some way; some reason would have been given. As to whatever else might be done, the intention was obviously that the letter might be delivered to the person to whom it was addressed.

431. You had no other reason for concluding that to be the meaning?—None whatever.

432. When did Mrs. Rose get back from Blenheim?—The morning of the 27th, I think.

433. On the morning of the day that you got the packet?—Yes.

434. You had seen her before you went to the office?—Yes.

435. Had any conversation passed between you about what had transpired at Blenheim?—Yes.

436. What was the nature of the conversation? Were you aware that the telegram was sent at her request?—No.

437. She had gone to Blenheim; she had a conversation with you about what happened at Blenheim, but she mentioned neither the telegram nor the letter?—That is so.

438. You had no notion that the telegram had passed? What did she tell you as to the position of Mr. Livingston's affairs generally? Did she say anything about money left to Ida Prince?—I think she said there was £500 for Ida Prince.

439. Did she say that it was in the savings-bank?—I do not recollect.

440. Did she say that she had gone through the papers with Salmon?—She told me she had been to Salmon's house.

441. Did she say she had gone through the papers?—She said she had looked through some old letters at Salmon's house, and that they destroyed some together.

442. But she never mentioned the money that was in the savings-bank?—Not that I am aware of.

443. Never that Salmon had telegraphed?—No.

444. Are you quite sure?—I have no recollection.

445. You did not know it?—No; it was not mentioned.

446. What was your intention in taking the letter home to luncheon?—That it might be given to Ida Prince. Mrs. Rose was going to Ida Prince.

447. You knew she was going to Ida Prince that afternoon?—I did not know positively that she would go that afternoon. I knew that she was the fittest person to whom the letter could be trusted for delivery.

448. You said you took it home because Mrs. Rose was going to see Ida Prince that afternoon?—I assumed that she would go that afternoon, for she was anxious to convey to Ida Prince all she knew in connection with Mr. Livingston.

449. She told you that?—She told me that.

450. You gave that letter to your wife purely as a messenger to deliver it?—Precisely.

451. When did she deliver it?—I do not know; I was not there.

452. Were you under the impression that she did deliver it?—Certainly. She told me she had delivered it when she came home that night; that Ida Prince had read it; that Ida Prince had given it back to her; that she had brought it home with her. She brought the savings-bank book and Salmon's letter also home with her that night.

453. Did she say why it should have been handed back to her?—Mr. Salmon had expressed a wish that she should read his letter. The letter was handed to her that she might read it. The girl said at the time that unless Mrs. Livingston were provided for she would not take the money.

454. Have you any reason to suppose that Mrs. Rose opened the letter before taking it to Ida Prince?—No; no reason.

455. Do you know of any?—I do not know.

456. You saw Ida Prince that afternoon: she came in while you were with Mr. Hoggard?—Yes.

457. What did she say?—She said there had been a letter for her at Kirkcaldie and Stains's, but that it had been sent back to the post-office.

458. What did you say?—I told her that Mr. Hoggard had sent it to me at the request of Mr. Salmon; that I had given it to Mrs. Rose; and that I thought it probable she would get it that afternoon.

459. Did she complain about the withdrawal of the letter from Kirkcaldie and Stains's?—No; not at all.

460. Were you aware of the various transfers in connection with this account?—Not officially; I knew that transfers had taken place; I knew that Mrs. Rose had become trustee for Miss Ida Prince.

461. Did you consider them regular?—I saw nothing; it was all done with the consent of the head of the department, after consultation with him.

462. Who is the head of the department?—Mr. Gray.

463. It was necessary to get his consent, for without his consent it could not be done?—The position in matters of this kind is, that where a depositor dies the head of the department is always referred to for authority to close the account and withdraw the money from the account of the deceased person.

464. In this case did the depositor die? Who was the depositor?—Mr. Livingston.

465. Salmon says he looked on Ida Prince as the depositor?—She might have been practically depositor; but she was helpless without a trust, the trustee being dead.

466. Did you know that the account in the book was to be transferred to Wellington before it was transferred?—I think I heard that Ida Prince had made application for the transfer of it to Wellington.

467. Did you hear that privately or officially?—Privately.

468. Who told you?—I heard it both from Mr. Morris and from Mr. Gray.

469. But you do not know who sent the post-office authority?—No; I do not know of my own knowledge.

470. You had nothing to do with it?—No; nothing.

471. Had you anything to do with the closing of it?—Nothing whatever.

472. Do you know that when it was transferred to Wellington Miss Ida Prince drew out money?—I heard that she had drawn on it.

473. Did you know before that it was her intention to draw out?—Yes; I heard that was the intention.

474. You knew the intention was that when it was transferred to Wellington it would be closed, and then drawn out?—Yes; the matter was a very difficult one. She was in a very precarious state of health. The matter was discussed whether, in the event of her death, her relatives would not claim the whole of the money: that would have been entirely contrary to the intention of Mr. Livingston.

475. Did you know that these transfers were made with a view to preventing the money going to Ida Prince's relatives in the event of her death?—It had been suggested that there would be that difficulty—that in the event of her dying her people would get the money. She had expressed herself that her people should not get the money.

476. Do you know who sent over the authority from Blenheim for the transfer?—I knew nothing about it.

477. Who would it be?—I believe Mr. Morris was consulted by Mrs. Rose and Miss Prince. He is chief clerk in the money-order office.

478. By what authority was it made?—It was with the combined authority of Mrs. Rose and Miss Prince that Mr. Morris sent an authority to Blenheim; but Mrs. Rose was simply advising Miss Ida Prince.

479. You do not know the Regulations in these matters?—I know them generally, but there might be some details I could not mention just now.

480. Is it regular for the account of Alexander Livingston, as trustee for Miss Ida Prince, to be operated upon by Ida Prince?—Yes; after the death of the trustee.

481. Before she could operate upon it, probate of the will of deceased would have to be obtained, and everything done in an official form?—Yes; precisely.

482. You know that she did draw out this money without doing that?—I do not know that.

483. If she did that, would it be irregular?—When I said probate would have to be obtained

there might be other things that could be done to get over the difficulty: there might be some other legal authority. I should not like to say that the case of a savings-bank book, with a trust account, is or is not in the same position as other accounts. There is some exception, I believe. In a trust account, the survivor has control; but even then the survivor would not be allowed to withdraw money without submitting the whole matter to the head of the department.

484. *Mr. Joyce.*] But suppose she were a depositor she could draw the money out?—If she deposited after the death of the trustee; but she would not be allowed to withdraw the money of a trust account without the case being submitted to the head of the department.

485. It was so submitted?—I cannot say that of my own knowledge.

486. *Mr. Gully.*] I believe the forms in which these things were carried out were not submitted to you?—No.

487. You have been asked purely theoretical questions upon the practice of the department?—Yes.

488. And you say that where there is a trust account, in order that the *cestuique* trust may deal with the money, the consent of the head of the department must be obtained?—Yes. This matter never came before me.

489. You have been questioned about the arrival of Mrs. Rose from Blenheim on the morning of the 27th?—Yes.

490. She arrived early in the morning?—Some time after 7 o'clock.

491. Did she seem fresh after the journey?—She complained of being fatigued; she was very tired; she went to bed almost immediately. I had very little conversation with her.

492. Although these Livingston affairs were mentioned, she did not mention anything about Salmon's telegram in reference to the letter sent over here: you are quite clear about that?—Yes; quite clear.

493. *The Chairman.*] With regard to your action in connection with this letter—the packet and the telegram enclosed to you by Mr. Hoggard—I do not want to question your motives in any way as to what actuated you in taking the action you did. I want to put a question from another point of view: do you think that the action you took, setting aside the outside circumstances, was the same as you would take in ordinary circumstances, or would you be justified, as a Post Office official, in taking a packet addressed to one person and delivering it to a third party?—No; it was only owing to the fact that I knew the whole history of the letter.

494. Generally speaking, would it be regular according to the Post Office Regulations?—It would be irregular.

495. *Mr. Joyce.*] According to the surroundings, did you act in accordance with the Post Office Regulations?—It was really, to my mind, the best way of effecting the delivery of the letter—that it should come into my hands. The object was to see that it was placed in the hands of the person for whom it was intended, and I acted accordingly.

496. *The Chairman.*] I would like to ask one more question—namely, whether the Post Office authorities would not have been rid of all responsibility in connection with this packet when it was delivered to the address at Kirkcaldie and Stains's?—Their responsibility would have ceased when it was there, undoubtedly.

497. Then, the difficulty has arisen in consequence of its removal from Kirkcaldie and Stains's. If a letter goes astray, is it not the practice to endeavour to recover it?—If there is any reason to suppose that there is an irregularity the matter is dealt with specially. In regard to this case, it was almost unique; the envelope was purely a post-office one; it was totally different from ordinary letters, for, if it had been a stamped letter, or addressed to any one else, it would probably have been dealt with in a totally different way. I would not have taken the responsibility of giving it into the hands of another person without further inquiry; but I knew that this girl was in the charge of Mrs. Rose ever since she was in Wellington. I was satisfied that Salmon had made that request to Hoggard in order that the letter might be placed in Mrs. Rose's hands for delivery. I knew that Mrs. Rose was going to see this girl. I knew that two or three days before she had been sent for to break the news to her of the death of Mr. Livingston; altogether, that Mrs. Rose had been appealed to in every matter in connection with this girl; so that I felt fully justified in trusting her with this letter, in order to deliver it to Ida Prince.

498. *Dr. Fitchett.*] Did you conceive that, having the letter sent to you in the way that it was sent, it was equal to returning it to the sender for a fresh address?—No; it would not have been returned to the sender, in any circumstances, without the warrant of the Postmaster-General.

Miss IDA PRINCE's examination continued.

499. *Mr. Gully.*] Do you wish the Committee to understand that the contents of this letter were read by Mrs. Rose with or without your consent?—She did not ask me whether I wished her to read it at all.

500. Did you object or did you not object to Mrs. Rose being acquainted with the contents of that letter?—I did not say anything.

501. Do you mean that it was really done with your consent or without your consent?—It was done without my consent.

502. Did you object to Mrs. Rose—considering the position she was then in in relation to you—did you object to her reading the contents of that letter?—I did not make any objection.

503. Did you object: did you not express any objection?—I did object in my own mind.

504. Did you express that objection?—I did not.

505. Why not? If you objected to Mrs. Rose being acquainted with the contents of this letter why did you not say so?—If she had told Mr. Warburton I would have said nothing; but she did not keep her promise.

506. Do I understand this: that you had no objection to her reading the letter, providing she carried out a promise to tell Mr. Warburton?—Yes; I did object.

507. Is it correct that if she had disclosed the contents of the letter by reading it to Mr. Warburton you would have said nothing about it?—I did not say that. I do not know what I would have done if she had kept her promise.

508. Now, a will was made by you in favour of Mrs. Livingston, in trust of Miss Combs?—I believe so.

509. Why do you say you believe so? Have you not stated that?—I did not say so.

510. Why, what do you mean? You are not here to fence with the question, but to give answers to inquiries: are you not aware that a will was made for Miss Combs, in trust for Mrs. Livingston?—The will was made, and I signed it.

511. You say it was ordered by Mrs. Rose. As a matter of fact, was it not upon your own suggestion, in the first instance, that provision was to be made by will for Mrs. Livingston after your death?—No.

512. Had you any discussion on this matter before with Mrs. Rose?—Mrs. Rose did the business. She had no business with the money.

513. Had you any discussion with Mrs. Rose in Miss Barber's presence?—No; not that I know of.

514. Do you not recollect using some such expression as this: "You would not feel comfortable about the money unless the will was made, so that provision could go to Mrs. Livingston after your death"?—No.

515. Do you deny using any such expression?—I do.

516. And if anybody speaks contradictorily you will deny it flatly?—Yes.

517. You have no doubt about the accuracy of your recollection?—No.

518. Why do you suggest that Mrs. Rose ordered the will? Were you not a consenting party?—Yes; of course. I signed the will.

519. What are you complaining of, then—that you signed under misrepresentation, or in consequence of anything suggested to you?—Very likely.

520. What do you mean? You should not make suggestions without foundation. Do you suggest that this will was made through some improper misrepresentation made to you, which induced you to sign it?—I told you before—

521. Be good enough to tell us again. Do you say that anything was misrepresented to you by which you were induced to sign this will?—I cannot understand you.

522. Did you sign the will knowing what you were doing?—I did.

523. Were you induced to sign it by any misstatement by Mrs. Rose?—I do not know exactly: she told me to sign it.

The Chairman: We got that plainly yesterday. She signed it by the advice and on the suggestion of Mrs. Rose.

524. *Mr. Gully.*] I have asked you before whether you suggested any personal advantage that Mrs. Rose could have expected to derive by getting the matter transferred to her own name?—She had it transferred. Miss Combs could get the money after I died. Mrs. Rose would have got the money—

525. Do you suggest that her motive was anything of the sort?—I do not suggest anything, Sir.

526. Did you suggest it as a motive to Mr. T. K. Warburton?—You had better put the question to Mr. Warburton.

527. I would rather have your answer?—I do not recollect saying it to him.

528. Do you recollect him saying it to you?—No.

529. You think it was evolved out of your own brain, and was not a suggestion by him?—It was not a suggestion from him.

530. Have you been aware of the correspondence by the Postmaster-General from time to time?—I have.

531. You have seen the letters and the replies, and approved of the replies?—I have.

532. Did you ever inform Mr. Kirkcaldie how much you were left by Mr. Livingston?—Yes: altogether, £440. It was left in my name.

533. Do you recollect writing a letter to Mr. Salmon in February?—I do.

534. Recollect this passage in the letter: "I believe that £400 was placed in the savings-bank in my name, and that another £400 was left to my dear friend Miss Warburton, who is expected to return from a pleasure-trip to Europe about the end of March. This seems likely, from the fact that Mr. Livingston showed Miss W. (who was on a visit) fifteen hundred sovereigns in the post-office safe at Blenheim, and, as there were but 680 found, the £800 would make up the fifteen hundred, within twenty. I tried yesterday to get my letter, but, after putting me off in various ways, she said Mr. Rose had the letter, and she could do nothing until he came home. Finally, she said she would not give it up until Mr. Warburton, jun., and Miss Warburton return from their trip." You recollect writing that?—I do.

Letter put in, as follows:—

"Wellington, February.—My Dear Mr. Salmon,—I dare say you think me very ungrateful for not replying to your kindness in forwarding to my address at Messrs. Kirkcaldie and Stains's the packet intrusted to your care by the late Mr. Livingston, my kind protector and friend, but I have been so shaken in body and mind that I have been unable to grasp the situation I am in, and, though you acted so promptly, you will be astonished to hear that, though the letter or packet was delivered to Mr. Kirkcaldie, I did not get it, have it not, and cannot get it. I will explain: You posted the packet to me while Mrs. Rose was in Blenheim overhauling Mr. Livingston's papers, which were, I am told, very improperly handed over to Miss Combs, instead of being sealed up. Mrs. Rose, learning that a letter from Mr. Livingston to me had been posted to my address, telegraphed to stop its delivery. She was assuming an authority in my affairs

which I fancy Mr. Livingston's letter proves she had not; besides, she could have no authority to seize and open letters addressed to me under any circumstances. The letter was, however, delivered to Mr. Kirkcaldie; but before I called at the store it was taken back by Postmaster Hoggard in person. When told of this I went to the post-office and asked for it. Mr. Hoggard, instead of returning it to me, turned to Mr. Rose, who was there, and said, "This concerns you." Mr. Rose said, "It is all right." I did not know what I am now told—that this is the greatest breach of rules an officer in the Post Office could commit. When Mrs. Rose heard that I knew of the existence of the letter or parcel she came down and read parts of it while I was in a state of mind that unfitted me to understand what was read, but, from what I recollect, and what I learned in a curious manner since, I believe that £400 was placed in the savings-bank in my name, and that another £400 was left to my dear friend Miss Warburton, who is expected to return from a pleasure-trip to Europe about the end of March. This seems likely, from the fact that Mr. Livingston showed Miss W. (who was on a visit) fifteen hundred sovereigns in the post-office safe at Blenheim, and, as there were but 680 found, the £800 would make up the fifteen hundred within £20. I tried yesterday to get my letter, but, after putting me off in various ways, she said Mr. Rose had the letter, and she could do nothing until he came home. Finally, she said she would not give it up until Mr. Warburton, jun., and Miss Warburton return from their trip. If I ever get the letter I shall again thank you for it, and, if our own, only hope it may exist, and, in any case, once the envelope is illegally broken, one can never be certain that all its contents are delivered. It was only yesterday that I disobeyed Mrs. Rose's order of silence, and told Mr. and Mrs. Warburton, sen., of the above, and of more astounding things still, and Mr. Warburton says if it was his case he should write to Mr. Hoggard demanding the letter, and threatening, in case delivery was delayed, to lay the whole case before the Postmaster-General, and, if that officer did not do his duty, before Parliament. If you can by any means throw light upon these surprising occurrences you will confer a further favour upon—Yours, &c., IDA M. PRINCE."

535. What did you mean by £400 being placed to your credit and £400 to Miss Warburton's, in the first instance?—I wanted to know where the money had gone.

535A. This letter was written to you by Mr. Salmon?—Yes; I read it.

Letter put in, as follows:—

"Blenheim, 26th February, 1889.—Dear Miss Prince,—I have to acknowledge the receipt of your letter (undated). I had indeed given up any idea of receiving any reply to mine, and, as there was nothing in my letter requiring a reply, I took no further heed of the matter. I regret exceedingly to hear that you have been so ill. I had heard from Mrs. Rose that you had been very ill, and, indeed, our old friend Mr. Livingston had often talked about the matter, but I had trusted that you were getting well and strong again. From your letter you do not appear to know any of the facts of the case, and, I will endeavour to put you right on two or three points. Some time previous to Mr. Livingston's death he had given me a written order to take charge of his letters, &c., and had given me also more extended verbal orders on same subject, and, in obedience to these orders, I took charge of all of his private letters and papers then in his office, and dealt with them as follows: All of your letters to him (which, I believe, he always kept in the office, and none at his home), and of which there were a fair number, I burnt. Knowing full well your handwriting, I had no need to examine them, except to ascertain that there was no other letters inside. There was one thing, however, I had not the heart to burn, and that was a photo of yourself, which I took the liberty of appropriating, as it was the only thing I had as a relic of our friend. There was nothing handed to Miss Combs from among his private papers at the office except what may have belonged or referred in some way to the estate. All his private letters were, in accordance with his oft-reiterated wish, burnt by myself, except some from Mrs. Rose, which I handed back to her. Now, as to this letter and savings-bank book, there was not so much as you appear to imagine. There was originally £100, and this he made up to £500 about six months ago, and in a note enclosed in this savings-bank book addressed to yourself, and in which he said by the time you received it he would be dead and gone, and that of this £500 £400 belonged to Miss Warburton, and that you were to consult with her. This note, together with a letter from myself, and which, I thought, might interest you, and also the savings-bank book, I put into an ordinary official letter and posted to you, care of Mr. Kirkcaldie. The next day, however, when talking with Mrs. Rose on Mr. Livingston's affairs, it was deemed advisable to recall this letter, or, rather, to delay delivery of it, owing to your state of health at that time; and it was I, not Mrs. Rose, who actually stopped the delivery of the letter, though, of course, on Mrs. Rose's strong recommendation; and, as you were then under her charge, and in a delicate state of health, it was only a reasonable request to ask Mr. Hoggard to deliver it to Mr. Rose for you. I cannot, I confess, understand all that you say, but I have no doubt whatever but that Mr. and Mrs. Rose acted, and are acting, in the best possible manner for every one concerned. As to the amount left in sovereigns in post-office safe here, there can be no mistake about that, as it was very carefully counted and put down in writing by three people at the same time. He did take some out to make the £500, as I recollect the deposit for that purpose being nearly all in gold. There was no other document or letter in this envelope than those I mention. Mrs. Rose did not exactly overhaul Mr. Livingston's private papers. I asked her, knowing the great friendship and esteem our late friend had for her, to go through with me and to help me in fixing up the remainder of his private letters and papers in the office that I had not already dealt with; and I certainly would not have allowed, so far as I could help, any letters, &c., from you to get into Miss Combs's hands, as I knew full well that this would have been decidedly contrary to Mr. Livingston's wishes. I think this fully answers your letter in all respects. I hear Mr. James and Miss Warburton are expected home about the middle of next month, and I trust everything will be made clear and satisfactorily explained to you then, if not before. In the meantime, perhaps you will see your way to repose a little further confidence in Mr. and Mrs. Rose until the arrival of Mr. and Miss Warburton, but it is difficult for me to advise you in any way. Unfor-

unately, the estate left by our friend is very much less than was expected, and his poor widow is not provided for but very scantily. I may say that every search was made to make certain that there was no later will than the one in Miss Combs's possession, but none was found, neither among his papers at the office nor at bankers or solicitors; so the estate was proved under this will. On thinking very carefully over the subject, I am unable to recollect whether there may not have been a Christmas card sent by you enclosed in this envelope. I am not certain whether I posted it then or whether I put it in a separate cover. With very kindest regards from Mrs. Salmon and myself—Believe me, &c., T. SALMON.—To Miss Ida Prince, Wellington.”

536. Now, do you mean to say that you wrote that £800 had been placed in the savings bank altogether—£400 to your credit and £400 to Miss Warburton's credit?—I did not know that. Mr. Salmon knows.

537. Did you suppose £400 had been placed to your credit in your savings bank account?—Yes; I had the idea. I wanted to know where the money had gone to.

538. You did not ask the question. You knew there was £100, but you speak of £400?—I knew of the £100.

539. Why did you say £400?—I said I put that in the letter.

540. That is not the question?—That is all the answer I have.

541. Then, you have made a statement that is not true?—I did not know it was not true. I knew £100 was placed to my credit, but I did not know of any more.

542. But why suggest there was any more?—I cannot answer that question.

543. Why not?—I told you I wrote to Mr. Salmon.

544. You can tell me if you had any reason for believing there was £400?—Mr. Livingston had £1,500; and £400 to Miss Warburton and £400 to me would make up the £1,500, with the £680. [Letter referred to, *vide* 534.]

545. You suggest that £400 had been placed to your credit in the post-office books: do you say—do you suggest that because £1,500 had been in Mr. Livingston's possession, it was there at the time of his death?—That is so.

546. In what post-office could they show that £400 was to your credit in the savings-bank?—That is what I wanted to find out.

547. You knew there was £500, and £680 was accounted for, and you thought the remainder must be to your credit in the post-office savings-bank. This letter which has been read is the result of a conversation between you and Mr. Warburton?—I believe it was.

548. *Mr. Hutchison.*] You have told us the will was made and signed by you?—Yes.

549. Did you pay for the making of that will?—I did not.

550. Did you ever receive any account for it?—I have not.

551. This letter was addressed to Mrs. Gordon?—Yes.

Letter put in, as follows:—

“Chief Post-office, Blenheim, 21st November, 1888.—Dear Mrs. Gordon,—Please accept my best thanks for all your kindness to Ida on this and other occasions, and believe me neither she nor I, who am very fond of her, are ungrateful. As you are aware, I have neither wife nor child, and I look upon Ida very much as my daughter; and I think you will say with me she is a good little girl. I have this day got a letter from Mr. Warburton, sen., telling me all about this last affair, and the trouble you took. I am exceedingly obliged to you. You have done just what I would have wished. As you said, Ida's home is with you; you have been so good as to permit it to be so, and I am but too glad that so it is. Her sister has nothing whatever to do with her, and unless Ida herself should wish it, which I do not believe, I would much sooner that she had nothing to say to Ida. Ida is well off now. What between yourself and the Warburton family she has plenty of friends, and her sister need not trouble herself. I am very glad indeed that you acted as you have done. And now, dear Madam, there is just one thing more which I must ask your pardon for mentioning. You must have had extra expenses on Ida's behalf on account of her illness, and it is not right that you should bear this expense. May I, therefore, ask you to let me know the amount—doctors' fees, medicine, wine, or whatever extras you may have been so good as to give her—what all this amounts to, and I will, with pleasure, and very many thanks, remit you the amount at once. I fear Ida will have to give up her place. I have written about this to Mrs. Warburton by to-day's mail also. If she is not able, and I fear she is not, please tell her in my name as well as your own, that she must not return to business. The best thing would, I think, be to ask Mr. Kirkcaldie if he would please give her another chance a few months hence, when perhaps she might be better able to bear the fatigue. What little clothes she may want in the meantime I will gladly give her. And, seeing that Mr. Kirkcaldie had her at his house, which was very, very kind of him, he might perhaps, knowing the poor child has done her very best, and is not to blame, grant her request, and under your kindly care she might recover; and even could he not do so I will not have the child killed. God will give us another chance somehow, I am sure. I enclose a few lines to Ida, which please read, and give to her. And with very many thanks and good wishes, I remain, very faithfully, &c., ALEX. LIVINGSTON.”

552. That is dated a month before Mr. Livingston died?—Yes.

553. With regard to Mrs. Rose reading that letter, you had no opportunity of reading the letter commencing “My dear little girl”—no chance of objecting in the first instance?—No.

554. Seeing that it had been opened, you had no objection to make, provided she gave Mr. Warburton everything promised. That is what I understood by your statement?—Yes.

555. *Mr. Joyce.*] I understood you to say yesterday that Mrs. Rose had taken an interest in you; but only after Mr. Livingston's death; is that what I understand?—She took more interest in me after Mr. Livingston's death.

556. Did Mrs. Rose get you employment at Mr. Kirkcaldie's?—She did, I believe.

557. Did she, or did she not—yes or no?—Yes.

558. Had you to leave Kirkcaldie's after having been there some little time?—Yes.
559. For what reason?—Because I could not do the work.
560. Did Mrs. Rose intercede on your behalf?—I went to Kirkcaldie's myself, and Mrs. Rose went with me.
561. Did she plead or intercede?—I spoke for myself, and she told him I would be able to do the work.
562. Is that all?—Yes; that is all.
563. That is the second time?—Yes; I told Mr. Kirkcaldie that if he would give me another trial I thought I would succeed. Mrs. Rose asked him to give me another trial, and he did.
564. You were absent about a fortnight?—Yes; about a fortnight.
565. When was that?—I think it was in 1886.
566. Did Mrs. Rose call again at Kirkcaldie's on your behalf?—I could not say.
567. Do you say that positively, that you could not say?—I do.
568. Do you not remember what took place at the Committee yesterday?—I cannot say I do.
569. Was there not some difficulty or bother?—I do not know anything about it.
570. Nothing about that: you were not told?—No.
571. Did you see Mrs. Rose last year?—I did.
572. Once, twice, thrice, or very frequently?—Not very often.
573. Once a week or once a month?—Sometimes I was there.
574. To lunch?—Sometimes. I went at the beginning of the year oftener than at any other time.
575. Have you revoked that will?—I have.
576. Made another one?—No; I have not made another one.
577. In what way did you revoke the will?—I tore it up, or Mr. Gully did for me.
578. Are you related to Mr. Warburton?—No.
579. How long have you known him or any of the family?—Ever since I have been in Wellington. I could not say how long. I was introduced by Mr. Livingston at the same time as I was to Mrs. Rose.
580. Did you know if the widow of Mr. Livingston was left money or estate?—Mr. Livingston said in his life she was provided for.
581. What has happened since his death? What is your knowledge: you do not know if there is any provision?—No; I am not sure.
582. Have you ever seen Mrs. Livingston?—Never.
583. For all you know she is destitute?—She may be.
584. Have you made a claim upon his estate for board and lodging, knowing that the widow was destitute?—I did not know.
585. *Mr. Ward.*] I understand, Miss Prince, that you visited the post-office with Mrs. Rose and had an interview with Mr. Morris?—I did.
586. Were you questioned by Mr. Morris in connection with your wishes as to an alteration of your trust account?—I do not remember being questioned. Mrs. Rose wished to take the trust account, and I said she might until Miss Warburton returned.
587. Were you urged by Mrs. Rose not to hesitate if you desired to have some other trustee?—No.
588. Was there nothing said by you on that occasion—that you had no person you preferred to have appointed except Mrs. Rose?—I cannot say.

Mr. T. SALMON further examined.

589. *Dr. Fitchett.*] You gave, Mr. Salmon, yesterday the reasons that moved you to send a telegram, and I understood that you sent that telegram to recall a letter?—Yes.
590. I understood the reason was that you were afraid of Miss Prince's sister getting the letter, and so getting into improper hands?—My sending the telegram was not to recall the letter, because that I could not possibly do.
591. Do I understand you aright—that your chief reason for sending the telegram was to prevent Ida Prince's sister receiving the letter through the post?—One of my chief reasons for changing the mode of delivery of this letter was, as has been suggested, that I did not wish the sister to have possession of the letter.
- 591A. If that be so, would you write as you did? Why did you not mention it to Miss Prince as the reason? I have the letter here replying to one lately read from Miss Prince to yourself. [Letter (B) read, *vide* 535A.] I ask you again, in the face of what you give as the reason for sending the telegram, do you still say that one of your chief reasons was lest Ida Prince's sister should get the letter?—Because, very naturally, I would not care to wound the girl's feelings in regard to one of her relations. In other words, from motives of delicacy.
592. *Mr. Hutchison.*] In sending the telegram, I understood you to say, you sent it officially?—I did.
593. You knew that the letter and post-office book, if recalled, would be handed to Mr. Rose. Did you understand Mr. Rose would receive it officially or privately?—In a double capacity—officially, so as to check any irregularity, if any, and privately, so as to deliver it to Miss Prince.
594. Officially to check any irregularity?—Yes; if there was any.
595. What reason have you to suspect any irregularity?—In the mode of delivery.
596. That is, to check any irregularity in your conduct if the mode of sending was irregular. Had you any reason to think it irregular?—I thought that my own conduct might possibly have been viewed as irregular, and therefore, to check it, I took that course. I thought it possible.
597. And you thought the letter and the post-office savings-bank book would be given to Mr. Rose in both capacities—officially and privately: and what to do with it privately?—As far
- 4—I. 2A.

as the post-office was concerned, the letter was to be given to Mr. Rose in care for Miss Prince.

598. If you had known that the letter and savings-bank book would be received and opened by Mrs. Rose—that the effect of it would be that Mrs. Rose would get possession of the post-office bank-book and the letter, and would open the packet and read the letter—would you have sent that telegram?—Yes; it would have made no difference, because I intended it should go in care of Mrs. Rose.

599. Who had authority to open it—herself?—I did not say so.

600. Would you have sent that telegram if you had known that the effect of it would be that Mrs. Rose would get possession of the packet and letter, and open them?—As an official, if a letter is—

601. Answer yes or no, and explain afterwards. If you had known the letter and post-office book would be received by Mrs. Rose, and opened by her, would you have sent the telegram?—I would, so far as receiving it, but not so far as opening it is concerned.

602. Would you have sent the telegram if you had known the consequence would be that the person receiving the packet would open it?—I may answer first in the negative, and afterwards explain. That it to say, as a post-office clerk, in the change of a mode of delivery, if a letter is addressed to the care of a certain person, so far as the post-office is concerned all responsibility is ended when delivery is made to the person in whose care it is addressed; but, apart from the official nature of it, I would have no objection to Mrs. Rose knowing the contents. I did not expect her to open the letter; not without Miss Ida Prince's approval. I gave her full liberty to read the contents.

603. At the time you sent the telegram you knew she was going to get this packet?—Yes.

604. Why did you know that? You sent an official telegram to your official head to do an official act: what reason had you to believe that the effect of that would be to put this packet into the hands of Mrs. Rose?—I knew that Mrs. Rose had been acting as agent for Miss Ida Prince; that Miss Ida Prince was not at the address put upon the letter. By giving it to the care of Mr. Rose, I was certain it would be delivered, through Mrs. Rose, to Miss Ida Prince.

605. But Mrs. Rose was at Blenheim?—She was going back the same evening.

606. You expected it to be detained until Mrs. Rose's return?—Yes.

607. Was that by arrangement with Mrs. Rose?—I cannot say whether it was by arrangement. It was by the knowledge I had of Mrs. Rose's movements.

608. Did the mail go by the same steamer as Mrs. Rose?—What mail?

609. The mail from Blenheim to Wellington?—No.

610. Seeing that your telegram was official, and merely requested the detention of the letter, not its delivery to Miss Ida Prince, you must have expected that Mr. Rose would have gone to the officials and claimed the letter?—I did.

611. Did Mrs. Rose tell you so?—I could not say whether she told me or whether I told her.

612. Either she told you she would go or you told her to go and get the letter?—Yes.

613. The reason you sent the telegram was that Mr. Rose might get the letter? You say it was on Mrs. Rose's strong recommendation that the packet was detained?—It was.

614. What reason did she give why she should get possession of the packet?—Because of the girl's delicate state of health, and that it would have been unwise for the girl to get it without in some manner being prepared for it.

615. What?—For the news it contained.

616. But you had already informed her of the death of Mr. Livingston?—No; I had sent it (the telegram) to Mr. Kirkcaldie's, but I was informed afterwards that it never reached her.

617. Had you not sent her a newspaper with the announcement of the death in it?—I did not know that she had got delivery of it.

618. Was that the sole reason for her strong recommendation?—I believe so.

619. Was not Mrs. Livingston named?—No.

620. Nor Miss Combs?—No.

621. Then, her sole reason for getting possession of that letter was that Ida Prince was in too delicate health to receive it?—Yes.

622. Did any of these certificates pass through your hands: you were in charge?—Mr. Gudgeon would be in charge.

623. Do you know anything about the transfer of accounts?—I do.

624. Do they pass through your hands?—They do pass through my hands.

625. I believe that an account cannot be transferred from one office to another without the consent of the depositor?—That is so.

626. Can you show the consent of the depositor on this account?—Yes.

627. In an official sense, divesting yourself of all personal knowledge, is it regular to transfer an account in a joint name on the authority of one without the consent of the other?—Not if both parties are alive.

628. But if one be dead, then on the authority of the survivor?—Yes; first getting permission to do so from the Head Office.

629. Did you get permission from the Head Office to transfer this?—I got instructions from the Head Office to transfer it to one name—to transfer it to Ida Prince.

630. Am I right in saying that it would not be regular to allow that to be transferred to Wellington without authority from the Head Office, or your superiors in Wellington?—No; not unless both parties' signature were there.

631. In this case you have an account in two names: one depositor is dead: you transfer the account to Wellington on the authority of the survivor, without any reference to the claim of the other depositor. I understand you to say that such a course would not be regular without authority from your superior officers?—It would not.

632. Did you get that authority in this case?—I do not recollect the precise authority I got; but the authority, whatever it might be, would be conveyed in certain papers that would be attached and ascertained by reference to the number 33, which papers belong to the Postmaster-General's Department. I got authority of some kind, but of the precise nature of it I am not certain. It was on the certificate of transfer. The number of the paper would be sufficient to find it: that number would be 33 of the year 1889.

633. Is this the name in which the account stood in Blenheim?—It is.

634. So that it was not a joint account?—It was "Ida Prince; Alexander Livingston, trustee."

635. Where you have such an account as this, who must draw out the money?—On the signature of both parties.

636. Would it not allow the money to be drawn on the sole signature of the trustee?—I am not prepared to say whether it would or would not: there are certain regulations. It is customary to get the signatures of both parties.

637. How is it that Prince's signature is not to the deposit?—Not being necessary to deposit money.

638. Only to the drawing out?—It is usual to have both: I am not sure whether it is strictly necessary.

639. There is an account of Alexander Livingston, trustee: is Livingston's signature necessary?—It is.

640. Would it be necessary to any transfer?—Yes; it would be if he were alive.

641. If not alive?—Proof of death would be required, and the account could be operated upon by one person.

642. By whom?—The survivor.

643. By the depositor?—Mr. Livingston would be trustee.

The Chairman: I understood Mr. Salmon to say that Prince would be entitled to operate on the account upon proof of death. In such case the authority of the Head Office is always asked before the other offices will allow any withdrawal.

644. *Dr. Fitchett*.] Why is the consent of the Head Office necessary?—I cannot say why.

645. Could that account have been transferred to Wellington without authority from your Head Office on Miss Prince's warrant?—Mr. Livingston being dead it would first require the authority of the Head Office.

646. And you got it?—I believe so.

647. Do you know that they sent it?—I do not without looking at the papers.

648. Is it strictly regular—assuming the account to be transferred to Wellington in the names of Alexander Livingston and Miss Ida Prince—to transfer it to Mary Jane Rose?—It has not been so transferred. Perhaps, if the Committee would allow me, I might state to counsel what has been done. The account was transferred from Blenheim, judging by the papers, in joint names; that account, as soon as it was opened in Wellington—it was opened in Wellington on the 8th January or the next day—became absolutely closed in order that a new one might be opened by Ida Mary Prince for £509 13s. 11d., and that the other account from Blenheim is entirely done away with. There is no transfer of the account; she appears to have opened another or fresh account; but the one from Blenheim had become closed absolutely. She opens this other account for a similar sum in the joint names of Mary Jane Rose and Ida Mary Prince. This is a new account altogether; it is no transfer.

649. Is it regular, where an account exists in the name of a trust, to allow the *cestui que* trust to draw on the trust and put the money in her pocket?—I presume it is, if the necessary authority was obtained, the trustee being dead.

650. Would you do it in Blenheim?—If I had the necessary authority.

651. Then, it requires an authority?—It is quoted here.

652. But it is not regular without a special authority?—No.

653. It would not be regular without special authority to allow Miss Ida Prince to draw from the account of A. Livingston, the trustee?—I should suggest that the question should be asked of some higher authority than myself in such matters.

The Chairman: You are only asked to speak as far as you know.

654. *Dr. Fitchett*.] Was any money found and given to Miss Combs—sovereigns?—I do not know. If I am called upon to reply to this, I might say I would not have any hesitation in replying, but it would open up a very long matter altogether.

655. *Mr. Joyce*.] If Mrs. Rose had been in Blenheim before you sent the letter away, you would have given her the package?—I would.

656. You opened it, or did you find it open?—I found it open. I should have enclosed it in a letter, addressing it to Miss Ida Prince, and giving it to Mrs. Rose.

657. Would you have read the correspondence to her before closing the letter?—No. Of course, my own letter, in that case, would not have been written, or, if written, would have been destroyed.

WILLIAM RUSSELL MORRIS examined.

658. *Mr. Gully*.] What are you?—Clerk in the General Post Office.

659. In what branch?—Circulation Branch.

660. Do you know the petitioner, Miss I. Prince?—I have seen her.

661. Do you recollect when you saw her?—Yes; it was either the 1st or 2nd January of the current year.

662. Where did you see her?—At the post-office.

663. Was she alone?—No; she was accompanied by Mrs. Rose.

664. Will you explain what occurred?—Mrs. Rose and Miss Prince called in connection with an account opened by Alexander Livingston as trustee for Miss Prince. They wished to know the

position in which that account stood. It was my duty to explain that in consequence of the death of Mr. Livingston Miss Prince became entitled to the amount to the credit of that account.

665. That is, the account in respect of which he was trustee for her?—That is so. The question was asked in what position the account stood.

666. By whom?—I am not in a position to say by whom, but the question was asked; and I explained to Miss Prince that she had absolute control over the account, subject to the approval of the department, which is merely formal. She decided to have the account closed—the account then standing in the name of Alexander Livingston—and the amount to be placed to the credit of an account to be opened by Mrs. Rose, in trust for Miss Prince. I cannot say who proposed that, but it was decided after a brief conversation between them.

667. Could you remember what was said?—That was the substance of it—that the account should be closed, and another opened in the name of Mrs. Rose, as trustee for Miss Prince.

668. Can you say who suggested that?—No; I do not think so. I did not take any particular notice.

669. You put it down as the result of a brief interview?—A brief remark made in my presence.

670. Was there any dissent on the part of Miss Ida Prince?—None that I could see.

671. Was there any coercion of any kind exercised by Mrs. Rose, as far as you could see?—No.

672. Was it ever the case of Miss Prince being persuaded or overpersuaded?—As far as I recollect, it was merely referred to by Mrs. Rose, and Miss Prince gave her consent: that was the substance of the conversation. Application was made for the transfer of the account from Blenheim to Wellington, in order that the account in the name of Alexander Livingston should be closed and a new one opened.

673. By whom was that application made?—By Miss Prince. I filled in the body of the application form and Miss Prince signed it.

674. At that interview?—Yes.

675. Did she understand what was being done?—I explained it fully: it is customary in the department to explain such matters, particularly trust accounts, in regard to the position in which the account would be placed by the death of one of the parties.

676. *Mr. Humphreys.*] Did you explain that to both Mrs. Rose and Miss Prince?—Yes; in accordance with the usual custom: it is the custom—an unwritten law of the department—that we should explain trust accounts.

677. *Mr. Gully.*] Did Miss Prince appear to understand your explanation?—Yes; as far as I could see.

678. Did she make any demur as to the course being pursued?—None.

679. You say the notice was signed by her?—Yes.

680. Anything further that you observed at that interview?—She appeared to be unwell. It was suggested that when the account was transferred she might not be well enough to attend; and, for that reason, I suggested that she should give authority to some one to act on her behalf.

681. You suggested that?—Yes; I suggested that.

682. It did not come from Mrs. Rose?—No; I made out the form, and Miss Prince signed it. I then referred the application for transfer of the account to the Head Office for the usual formal authority; it was given in the usual way. The authority was sought to establish a record of the whole thing.

683. Then, the regular course was pursued in this case?—Certainly.

684. What then?—On the 8th January the account was transferred, and the new account (47,117) opened: that was closed on the 9th January; the new account was opened by the deposit of £509 13s. 11d.

685. On the 9th?—Yes.

686. Do you know who attended on the 9th?—Mrs. Rose; Miss Prince, I understood, was not sufficiently well. Mr. Hoggard signed the receipt for withdrawal. I made out the deposit slip for the amount to be credited: that amount was placed to the credit of the new account.

687. It is suggested that this was an entirely irregular way of dealing with the account?—Certainly not; if I might be allowed, I would quote from the Savings-bank Regulations made under authority of the Post-Office Savings-Bank Act of 1867 to show that it was a perfectly regular way of dealing with it. It is to be found in New Zealand Savings-bank Regulations. [Paragraph 15.] I might also quote the Regulations in England to show that the survivor is entitled to give a valid discharge. I quote this because in cases where our own Regulations were dumb we would refer to the English Regulations to regulate our own practice.

688. Then, you say that this transaction was carried out in the usual way, without any irregularity whatever?—Certainly; that is so.

689. You have told us of this interview with Mrs. Rose, and Miss Prince being present, was that the only time you saw Miss Prince?—There was another interview, but I do not remember. There was a second one, I believe, when Miss Prince decided to close her private account: that would be subsequent to the interview in regard to this particular account.

690. At that subsequent interview, was there any dissent expressed by Miss Prince from the course that had been pursued in regard to this account?—No; some considerable time afterwards, I should say (I cannot give you the date), she, accompanied by Mr. Warburton, called at the office and stated that she had been influenced in acting as she had done. I think that was the pith of what occurred.

691. Before the visit by Miss Prince in company of Mr. Warburton, was there any dissent expressed by her, so far as you know, from the course that had been pursued?—Certainly not.

692. Are you able to fix approximately the date of this visit of Miss Prince, accompanied by Mr. Warburton?—No; I did not take any notice of it.

693. *Mr. Hutchison.*] I understood you to say there were two interviews?—I believe there were. I am confident as to one.

694. You can only speak confidently as to one—that was when Mrs. Rose came with her?—Yes.

695. About the 2nd January?—Yes.

696. You did not see her again with Mrs. Rose?—I think I am correct in stating that I did not.

697. You stated that on that day she did not appear very well?—She did not.

698. In fact, she was very ill?—She appeared to be weak.

699. Did you take such notice as to be able afterwards to make this memorandum?—I made this memorandum to account for the absence of her signature, as usual.

700. That was the intermediate step?—Yes.

701. I understood you to say that any depositor such as Livingston may enter his name as trustee, and the *cestui que* trust may take the money out without having paid any money in?—They are entitled to the payment of the money.

702. Without any succession?—I do not say anything about succession. I think she could do so.

703. She did?—I think so, in all cases.

Mr. Gully: There is no succession: the gift is complete.

704. *Mr. Hutchison.*] Was there any reference to her age?—No; I did not judge as to whether she was under twenty-one. The minority of a person, so far as the department is concerned, terminates at the age of seven. [*Vide* Savings-bank Regulations.]

705. Can you tell us what is the limit as to the amount of money?—There is no limit as to the amount of money, but there is a limit to the amount on which interest would be paid.

706. Any money in the name of a child, if that child is over seven years of age, he or she can take the whole of it without any charge or deduction?—Yes.

TUESDAY, 10TH SEPTEMBER, 1889.

WILLIAM GRAY examined.

707. *Mr. Gully.*] What are you, Mr. Gray?—Secretary to the Post Office.

708. Did this matter come before you in the first instance—I mean the question of the delivery of a letter to Mrs. Rose addressed to Miss Prince, to the care of Kirkcaldie and Stains, Wellington?—It came under my notice on the receipt of Mr. Warburton's letter to the Postmaster-General, about the 20th February.

709. It would not be referred to you before that?—No; I think not.

710. You made inquiry into the circumstances?—Yes.

711. With what result?—With this result: I gathered that Mr. Salmon, at Blenheim, telegraphed to Mr. Hoggard, chief clerk in Wellington, asking him to obtain the letter. I gathered that this telegram was received from Mr. Salmon by the chief clerk, who acted upon it, and gave the letter to Mr. Rose, by whom it was handed to Mrs. Rose for delivery.

712. Are you aware that this letter came with a stamp on it showing that it was on savings-bank business?—Yes.

713. It is suggested that this transaction is a breach of the Post Office Act, or the Regulations, or both?—I do not think it was a breach of the Act by any means. Where the intervention of the Governor's warrant is required is in returning a letter to the sender. (Section 33 of "The Post Office Act, 1881.")

714. Where the sender requires the letter back, that can only be done under the Governor's warrant?—Quite so.

715. Did this case come within that section?—Clearly not, in my opinion.

716. Assuming that it does not come within the section of the Act, what discretion do you usually exercise in a matter of this kind?—A very wide discretion: in fact, as the sole desire is to see that the letter gets into the hands of the addressee, we would probably take such action as would facilitate that, and so prevent it getting into the hands of any other person.

717. In your discretion, you would not consider that you were always bound down by technical routine?—Suppose there was addressed to you a letter at Napier, and you were not to be found there, we, without hesitation, would send it to Wellington, or direct that the letter should be "tried" elsewhere, with the view of facilitating delivery. Every gentleman in this room, perhaps, has experience of receiving letters marked "try" so-and-so.

718. Then, it is a fallacy to suppose or to suggest that the case of altering the destination of a letter is the same thing as sending it back to the sender?—There is no connection whatever between the two cases.

719. Do you think it is reasonable that the department should have such discretion?—I do.

720. Is it not frequently, almost constantly, of use to the public that such discretion should be exercised?—Certainly. Not only is it practised here, but by the other colonies, and at Home as well.

721. Do you ever act on directions outside New Zealand for an alteration in the destination of a letter?—Yes, we have; we have even gone further. I can give you an instance where the London Post Office applied to us that a postal letter, addressed to a person in New Zealand who had left the colony, should be returned to that office—the General Post Office in London. It was returned to the Post Office in London.

722. You would not have returned it to the sender, but you were able, without any breach of

the Act, to send it to the London Post Office, who would take the responsibility of seeing that it reached the proper person?—Just so.

723. Did Mrs. Rose ask your advice in regard to this matter of Miss Prince's?—Yes, she did.

724. Do you mean before or subsequently to the receipt of that letter to the Postmaster-General?—Both, I think; but, if subsequently, there was good reason for her doing so, because Mr. Rose was absent from Wellington; so that I think I was the only person she would care to consult.

725. At an early date in the history of this matter, did she consult you?—She did.

726. Without any concealment in regard to these matters?—Yes; with respect to the £500. I was aware in what proportions it was left.

727. You were aware that £100 was to be given to Miss Prince and £400 to Miss Warburton?—Yes.

728. She asked your advice?—Yes.

729. Did she appear to be acting on behalf of Miss Prince?—Undoubtedly. She expressed to me that a great responsibility was cast upon her. I thought, in the interest of both parties, that it was necessary, in order to protect the whole sum, that she should consult a solicitor. I suggested that to her that she might see what was the proper course for her to take.

730. That, then, would be before her interview with me?—Yes; it was before she saw you.

731. There did not appear any deep design on her part to interfere with the money?—No; just the contrary.

732. *Mr. Hutchison.*] When the Warburtons came before you, you were to some extent familiar with the facts of this case?—Yes. The morning Mrs. Rose came to me she said she had also received a letter, according to which it was intended to report her conduct or the conduct of her husband to the Postmaster-General: her husband's conduct being called in question appeared to affect her more than any allegations against herself.

733. You had not seen Mr. Rose?—He was absent from Wellington. I had no communication with him: none at all.

734. You say the letter was obtained from Kirkcaldie and Stains's, and delivered to Mr. Rose in his private capacity?—I may state that since I wrote that letter I have further considered the matter. I am of opinion that Mr. Rose could not have divested himself of his official responsibility: that is really what appears to me upon the further consideration of the facts.

735. As detailed to you, subsequent inquiry made you alter that opinion?—I do not give any significance to the statement "in his private capacity."

736. But you are now of opinion, as Secretary of the Post Office, that the letter was handed to Mr. Rose in his official capacity?—Yes.

737. Mr. Hoggard says he handed the letter to his superior officer: what is your opinion as to the person who received the letter?—He is the official who is held responsible by the Post Office.

738. What should he have done with the letter?—I could not say what he would have done in his official capacity: that is a matter of large discretion; but, in general terms, what he should have done was to see that the letter reached the person to whom it was addressed.

739. You do not suggest that he saw that?—I think that is what weighed with him.

740. You think that was consistent with his duty as Inspector?—Yes; the letter having been placed in his charge, he was clearly bound to see that every reasonable care was taken that it should reach the addressee.

741. With reference to the general cases you have mentioned, do you suggest that persons despatching a letter from England through the Post Office can reclaim the letter once it has been mailed?—No; only in certain cases. One of these cases is where application is made to the Post Office, and it has reason to believe that the letter has not reached the addressee.

742. Have you had any similar cases here?—I think we have had.

743. Suppose a letter addressed to a person in Dunedin, and you found that the addressee had left for England, would you have returned that letter?—No.

744. I am assuming that the addressee left no ordinary direction?—Assuming that person had actually left New Zealand, it would be returned through the Dead-letter Office.

745. That is not the English practice?—Yes; but I do not know what the Post Office authorities in London do in every case.

746. In the ordinary course, this (Miss Prince's letter) would not be considered a dead-letter?—No; this was not a dead-letter.

747. Suppose a letter posted to Mr. A., care of Mr. B., Wellington, and the sender telegraphed to you to deliver it not to the care of Mr. B., but to the care of Mr. C., in Wellington, what would you do?—That would entirely depend on the reasons given.

748. Suppose the Postmaster telegraphed to you to that effect?—The Postmaster would say what was his reason for so doing. If we were satisfied that it was a clear mis-address we might probably deliver it.

749. Is it not the case that a letter addressed to care of Kirkcaldie and Stains was diverted to the care of Inspector Rose?—Yes; that was the effect of it.

750. And no inquiry made?—Yes; all necessary inquiry was made.

751. Mr. Hoggard does not appear to have made inquiry?—On receipt of Mr. Salmon's telegram, Mr. Hoggard went to Messrs. Kirkcaldie and Stains's. He found it there. He obtained possession of it, and gave it to Inspector Rose, being satisfied in his own mind that this was the letter referred to in the telegram; so that there could be no doubt in his mind about it.

752. But he made no inquiry?—How do you mean?

753. No application to any other person?—He made the inquiry suggested by Mr. Salmon's telegram.

754. He made no inquiries?—He accepted Mr. Salmon's telegram as *bonâ fide*, Mr. Salmon himself being a Post Office officer. The writer was not one of the general public: he was a Post Office official.

755. You could not tell that without looking at one of the letters?—Yes; that was affirmed by the appearance of the cover and the words “chief post office, Blenheim,” with the date under. If brought before me I could at once say that it was from the Blenheim Post-office.

756. *Mr. Grimmond.*] Mr. Hoggard said he knew Mr. Salmon’s writing?—Yes.

757. *Mr. Gully.*] Would not the superscription show that it came from the Blenheim Post-office?—Yes; the identity of the letter with that referred to in the telegram was emphasized by that fact. If Mr. Hoggard found it did not correspond he might have hesitated.

758. *The Chairman.*] Was there anything irregular in Mr. Salmon sending that packet, and then telegraphing free to Mr. Hoggard to obtain the packet again?—No; I think not. If any of the public made application to the Post Office, the office would telegraph without ever thinking of charging the applicant for the cost of the telegram.

759. Having obtained possession of the telegram and handed it to Mr. Rose,—not to Mr. Rose, but to his superior officer,—then did you think it was his duty, as Inspector, to put it through the usual forms rather than to hand it to a third person? I wish you to divest your mind of all the surrounding circumstances. I do not wish to insinuate anything whatever against Mr. Rose, or against Mrs. Rose, but I wish you to answer, divesting your mind of all surrounding circumstances, whether, leaving Mr. and Mrs. Rose out of the question altogether, it was the duty of Inspector Rose to have handed it over to the usual routine rather than give it to a third person?—I have given that matter considerable thought. I have looked at it thoroughly from both aspects—both from the immediate surroundings and the official standpoint—

760. And I presume you thought of the effect on the public mind of the action you might take?—Yes. After giving the matter thorough consideration, with an earnest desire to arrive at a sound conclusion, and an unbiassed opinion, outside of this case altogether, under all the circumstances—

761. I want you to leave out the circumstances: I want you to deal with the matter as if it were any one else than the Inspector and his wife that were concerned. I want to know what would his duty be in other circumstances, and in regard to other persons?—I think it would largely depend. I should say he would not be justified in doing it; I do not think he would.

762. Suppose this packet had been allowed to remain at Kirkcaldie and Stains’s, that being the place to which it was directed, would any responsibility have attached to the Post Office, or would its responsibility have ceased when it got there?—The Post Office ceased to have any control over the letter after it left the post-office, and had been delivered in the ordinary way.

763. Then, unfortunately, the Inspector’s position induced him to act otherwise than he would have done in his official capacity under other circumstances?—Probably he would have acted otherwise.

Mr. Gully: He was the person named in the telegram to whom it was to be delivered.

764. *The Chairman.*] It was to be handed to Inspector Rose: there was no authority to give it to any one else: exceptional action was taken owing to surrounding circumstances?—But I do not think with any material import.

765. *Mr. Gully.*] That is, as regards the delivery of the letter?—Yes.

766. *The Chairman.*] I have no desire to bring down wrath on the heads of any persons, but you must know, having regard to the public confidence in this department—I may ask whether it is not absolutely necessary that the greatest care should be taken, there should be no departure from the usual routine?—I would not go so far as that. There are circumstances which occur from time to time which will take a particular letter out of the usual routine. I have already mentioned one or two cases.

767. You do not know how such a case as this would be dealt with in England?—I do know how such cases may be dealt with.

768. *Mr. Ward.*] Is there anything in connection with the routine of the Post Office to prevent an official in the ordinary course of his duty, who may receive a letter in his official capacity from some one else—is there anything to prevent him exercising his judgment as to whether he has a right to deliver it in his private capacity. Assuming his ordinary private capacity, is there anything to prevent him saying “I will deliver this letter to such a person”?—I have been asked by the Chairman to divest my mind of every circumstance of this case. If you put it in that way the officer might deliver it if he were thoroughly satisfied in his own mind he was delivering it to the person to whom it was addressed—for instance, if a letter were addressed to “Mr. Jones, Waring Taylor Street,” if he knew that the addressee lived in another street, he would be justified in sending it to the other street.

769. Suppose a letter addressed to a particular person, who might be staying at your own house—suppose that letter is delivered to you in your official capacity, and you know it is for this particular person staying at your private residence, would you say, “I must go to my house and inform that person that there is a letter for him,” or would you deliver it to him personally?—I would not hesitate to deliver it to him personally.

770. *The Chairman.*] Was Inspector Rose justified, having departed from the usual official routine, in giving the letter to Mrs. Rose, she not being a Post Office official?—I am bound to say that in a legal sense he should not have been satisfied in his own mind to deliver that letter to Mrs. Rose. The Chairman has confined me by his question to that fact alone, divested of every other circumstance; but, if I may regard the surrounding circumstances at all, I think Mr. Rose was justified by the circumstances in what he did.

771. But that is not saying whether Inspector Rose should do it: the question was, whether, as Inspector, a Post Office official, he should have done so: that is the point?—I think it would not be strictly legal.

772. *Mr. Grimmond.*] When the letter got into Inspector Rose’s possession, was it not his duty as a Post Office official to see that it reached the hands of Ida Prince?—That was evidently the intention.

773. If he chose the best channel through which it would go to its destination, being reasonably satisfied that nothing would occur to prevent that, did he do his duty?—I think he did.

774. *Mr. Joyce.*] Supposing the letter-carrier was told to deliver a letter at my house?—It might be given to an attendant without question.

775. What is the difference between giving it to Mr. Rose and Mr. Rose giving it to his wife for delivery?—There is very little difference.

776. I wish to ask you a question in reference to your answer to the Chairman?—I was entirely confined by Mr. Thompson's question to the official and legal position of Inspector Rose; I was not allowed to say whether there was justification or not for the action he took.

777. Did Mr. Rose do his duty, or anything but his duty, in disposing of the letter in the way he did?—I think he took one of the best of all possible courses he could take to assure the delivery of the letter, short of delivering it personally.

778. Had you several interviews with Mr. Warburton?—Several letters to the Postmaster-General which passed through my hands; there were no interviews.

779. Was Mr. Warburton your predecessor in office?—No; not Mr. T. K. Warburton. There is a Mr. James Warburton in the department.

780. What relation is he to the other Mr. Warburton?—Son; he is the Accountant in control of the Money-order and Savings-bank.

781. In what relation does he stand to Mr. Rose: is he junior or senior?—Mr. Rose is his senior.

782. *Mr. Hutchison.*] He was absent in England?—Yes; Mr. T. K. Warburton had written two—perhaps more—letters before Mr. James Warburton's return.

783. *Mr. Ward.*] I understand you that an official in the Post Office Department, if he receives any letter addressed to him—the letter coming from some one he knows and intended for a person he knows—it is not necessary he should go to the post-office with it: he may deliver it?—I would not say so in all cases.

784. *Mr. Gully.*] Was it not put to you that there was no discretion, but you said there was a discretion?—The Chairman asked me whether, seeing that a post-office letter was delivered to the Inspector, he would be justified in delivering it to A, B, or C.

785. And your reply was?—That he would not be justified in delivering it to a stranger, but to some one whom he was reasonably certain would deliver it.

786. Is that in keeping with the Regulations?—It is in keeping with the practice of the Post Office.

787. And surrounding circumstances?—He must be satisfied in his own mind as to whether the circumstances would justify him in intrusting the letter to another person for delivery.

788. *The Chairman.*] Suppose the packet had contained some valuable article—jewellery, for instance—and Mr. Rose handed it to Mrs. Rose for delivery, and it did not reach its destination, who would be responsible?—The Post Office would look to Mr. Rose.

789. It would have to be made good to the person to whom it should have been delivered?—I could not say anything about that.

790. *Mr. Ward.*] Is Mr. Rose implicitly intrusted with your confidence?—He is; and not only with my own confidence, but, I might say, with the confidence of the Postmaster-General.

791. Do you believe, Mr. Gray, that it is at all probable he would be guilty of any collusion such as has been suggested?—No; not in the least. I do not think Mr. Rose would even think of such a thing, much less do it. My experience is that Mr. Rose has always borne the highest character.

792. *Mr. Joyce.*] How long has he been in the service?—Since 1874.

MARY JANE ROSE examined.

793. *Mr. Gully.*] You are the wife of the Inspector of Post-offices?—Yes.

794. Mr. Livingston was an old friend of yours?—Yes.

795. And Miss Combs, his sister-in-law, also?—Yes.

796. They were both intimate friends of yours for many years?—Yes.

797. How did you come first in contact with Ida Prince?—Would the Committee allow me, in my own way, without being interrupted, to say how I first became acquainted with Ida Prince. Before I begin I wish to say that I am prepared to prove, on oath if necessary, everything I now state. My first knowledge of Ida Prince was communicated to me in a letter from Mr. Livingston some three years this May past. He stated that while in Greymouth he found a little girl—a poor fatherless and motherless little girl—who was being cruelly treated by the woman she was placed with. She had scarcely any shoes to her feet; she was very miserably and poorly clad; she was sent out in all weathers with insufficient food, driven out of doors, and not treated with even as much kindness as a dog. That was my first knowledge of Ida Prince. In September following Mr. Livingston was removed from Westport. He came on Sunday, in the afternoon. He came to my house with his sister-in-law, and told me he had brought this little girl with him, and he said he was greatly puzzled to know what to do with her. He asked me if I could do anything for her; he had not adopted her, but he was determined to provide for her until she could earn her own living. He again asked me if I would help him. Thinking it was doing a real kindness to a poor, friendless, and motherless girl I consented to help him. It was arranged the next day that I should go to the Occidental and see this child. I did so. When I arrived there I found Miss Warburton, her brother, and Ida Prince. The child was told what had been proposed to be done for her, and Mr. Livingston took her by the hand, and said, "You will promise to do all that Mrs. Rose tells you, for she will be a good friend to you." It was then arranged that she should go to Blenheim and remain there a short time, and I was to provide a home for her, and to seek some employment for her. I could not say how long it might be—a few weeks—when Miss Combs returned to pay me a visit, bringing Ida Prince with her. She stayed in my house from the Wednesday till the Saturday. I also invited two of the daughters of the family

where she was going to, thinking it would be a kindness, and that the girl would not feel herself a stranger. When she went to the place where she was to be taken care of I handed her over to Mrs. Linton, the lady with whom I had determined to place her. I then saw Mr. Kirkcaldie, and asked him if he would give her employment. He hesitated at first, but I appealed to him, and said it would be a kindness, and an act of real charity. I told him that Mr. Livingston would pay for her board and lodging. Mr. Kirkcaldie said that if he took her he would not pay her at first, but that if she persevered he would pay her by-and-by. I took her to Kirkcaldie's. He saw her, and it was arranged that she should go on the Monday. I could not be quite sure; but it was either the Tuesday or the Wednesday that Ida came to me at the house with a note from Mr. Kirkcaldie, saying that he could not keep her, that her education was deficient. I saw Mr. Kirkcaldie again. He said that the simplest sum in arithmetic she was not able to do. I wrote to Mr. Livingston, stating the facts, and asked Ida to try and make up her deficiency of education—to get Mrs. Linton, her husband, and daughters to assist her all they could in this direction. They can testify to what I say if they are called. After three or four months—certainly after three months—she said she thought she could manage. I went to Mr. Kirkcaldie again and pleaded for her. He said, "Well, bring the girl down, and I will see what she can do." She went down, and did not return with me. She remained there. She was not strong. I had frequently sent her little things, which I thought she would fancy. Mrs. Linton lived at Wadestown, and I did not think it right that the girl should have to go there alone, particularly at dusk in the evening. I thought, therefore, that somebody should be found to accompany her. I therefore arranged with some one to bring her up at night, particularly on Saturday night, when she had to stay at business up to 10 o'clock. Ida Prince said that she was introduced to the Warburtons at the same time that I was introduced to her. They knew that she was a friendless girl and a stranger; yet it was between eight and nine months afterwards before the Warburtons asked her to their house, or troubled themselves to go near her. I can bring witnesses to prove that. January twelvemonths Mrs. Linton went over to Blenheim, and another home had to be found for Ida Prince. Mrs. Linton came to me and suggested that she should see Mrs. Gordon, who had shown great kindness to her (Ida Prince's) sister. Ida's father had worked for her husband at sluicing. I was told by Mrs. Linton that if I went to see Mrs. Gordon I could make any arrangement that was necessary, seeing that Mrs. Gordon was willing to take her. It was arranged that she should go there. I was anxious to put her there, thinking that Mrs. Gordon would take a maternal interest in her, apart altogether from what I could do. Ida Prince was not well once before. Before she left Kirkcaldie's she was away some days. I then went to see her. I do not wish to boast in any way, or to hold up my charity to view, but I am obliged to say all. I took her wine and medicine and everything which I thought would do her good; and whenever I saw her she expressed the greatest gratitude for what I did. I never allowed her to go from my house after dusk alone; I always sent some one with her to see that no harm could befall her on the way home. Last November a note came to me from Mrs. Gordon, on a Monday, saying that Ida Prince had been taken dangerously ill on Saturday. Without waiting to consult me, Dr. Fell was called in, the case being so urgent. I was leaving town the Monday afternoon, but hearing of her illness I put my journey off and went to see her. I did not see her, but I made particular inquiry as to her comfort and surroundings. I thought it was desirable, under the circumstances, that a doctor should have been called in, and I was anxious that everything possible should be got for her. Being myself out of health, and wanting a change, I saw Mrs. Gordon and told her that everything should be given to Ida Prince which the doctor ordered her. A few days after I arrived in Palmerston North I received a letter from Mr. Livingston which surprised me, and which caused the letter dated November. I am not quite sure as to the exact date. It is put in evidence.

"Blenheim, 21st November, 1888.—Dear Mrs. Rose,—Pardon more bother. Ida has been very ill indeed; unconscious for a long time. I fear the child cannot go on any more, but must have a rest. I am sorry, very, but it cannot be helped. She evidently is not strong enough at present to bear the fatigue. It seems Mrs. Gordon called at your place, but you had left town. I only hope you are not ill. Ida wrote me some time ago that she had met you on the street, and that you did not look well; I hope it was nothing much; I hope that from all my heart. Of course it is better that Mr. Kirkcaldie should be told, with many regrets, that the child cannot work any more than that he should have to discharge her, and, of course, this is but reasonable. He cannot be bothered in this way. No more can the poor little girl help fainting. If, therefore, the thing comes before you would you do one more thing for Ida and me. I have written to Mrs. Gordon and to Ida the same thing. If she cannot go on tell Mr. Kirkcaldie so, honestly, and ask him to give her another chance, say, in a few months. Should, therefore, this come before you, pray add your influence. Ida wants to do all she can—of this I am sure—but I have been frightened, downright frightened, this last time. It seems she was unconscious for a long time. One knows very well the meaning of all this. If I could only get to Wellington, for this and so many other reasons. I hope this will find you well, also the rosebuds, to whom I send my love; and please remember me kindly to Mr. Rose; and believe me, very faithfully and respectfully yours, A. LIVINGSTON."

"Blenheim, 24th November, 1888.—Dear Mrs. Rose,—I am terribly sorry to hear both you and Evelyn are ill. You will remember I feared that Evelyn, poor little girl, might have a difficult time to pass through; but I also hope that it will not be for long. As for Ida, I heard all about it from Mr. Warburton, sen., and at once wrote to you, Ida, and Mrs. Gordon. I told Mrs. Gordon that, of course, I could not, and nowise did, expect her to pay the doctor's fees, medicine, and other increased expenses, and that if she would send me an account of the expenses—that is to say, just state what she had expended—I would remit the money at once. I was told—namely, by Mr. Warburton—that you had left, but not your address, so had to act myself, and at once I also wrote both to Mrs. Gordon and Ida, stating that Ida better give up her place at once, telling Mr. Kirkcaldie honestly that she was not able, and asking him to give her another chance, if she were

able, in six months. I think you will find all this submitted to you in my first letter. No, God knows I am far from rich, but I am not going to let that child die, if I can help it. She has done her best, as she promised; now I will do mine; and if ever, as I pray and hope, I succeed in getting to Wellington I hope, please God, to get a home for her, and for myself. I have written (on receipt of Mr. Warburton's letter) to Mrs. Gordon at once, and in unmistakeable terms. I heard the whole story. I won't have the sister nor Mrs. Gilmer meddling. When the poor child was in downright need nobody cared; now they want to interfere. And to speak ill of the Warburtons is, as well you know, shameful. They have done everything they could to be kind to Ida. I thank you again and again for Ida. Of course, though not rich, I both can and will pay; and I will try to get over by-and-by. I am not well either, as you know. But I fervently hope that you will soon be well again—good people are scarce. Pray give my love to the children. I hope poor little Evelyn will soon be better, and not troubled again. And with many thanks and good wishes, I remain, very faithfully and respectfully yours, ALEX. LIVINGSTON."

The two letters which have just been read by the clerk show that Mr. T. K. Warburton took it upon himself to write, stating "Mrs. Gordon, &c." Before leaving Mrs. Gordon I said that Ida must have all she wanted. I arranged that books should be sent her to read to amuse her during my absence. On my return I went to see her. I was told what the doctor said as to the state of her health, and also that he had ordered her warm clothing—flannel clothing. I went to different shops to procure these articles for her, which, of course, Mr. Livingston was to pay for. She was several times at my house, from day to day. We went out shopping together. On the 23rd December it was telephoned that Mr. Livingston was dead, and it was asked, if the Warburtons brought her from her lodgings to their house, whether I would go and tell her the sad news. I consented to do so, and went on the Sunday afternoon, but she looked so ill, that after consulting Mr. Warburton, I decided that the only proper course would be to prepare her for the worst, and I told her it was feared that there was no hope. It was in consequence of talking over the affair of her health that I decided to go to Blenheim, for I thought that Miss Combs might be induced to give the girl a home, and also to see if I could help Miss Combs in her affliction. Ida Prince knows of that perfectly well. On Monday, again, I went to Warburtons, and, as kindly and thoughtfully as I could for the child who had lost her only and best friend, I communicated to her that Mr. Livingston was dead. She professed to be greatly grieved at it, but I doubt now whether she was or not. That night I went to Blenheim, against my husband's wishes. I arrived on Tuesday morning—that is, Christmas Day. Mr. Salmon was at the train to meet a passenger that he was expecting, but he mistook me for the lady he expected to meet, and, judging that he came on Miss Combs's behalf I asked him to get me a cab, or to show me the way. He came with me. I saw Miss Combs. I was not quite certain whether it would be convenient for me to wait there. He told me in conversation that a will was found leaving all to Miss Combs. I was not surprised at it, for Mr. Livingston had said during his life that he would provide for her. Mr. Salmon also said that Ida Prince had £500; that he had posted a bank-book and a half-sheet of paper from Mr. Livingston and a letter written by himself to Ida Prince in care of Kirkcaldie and Stains. In reply, I said, "I am sorry that is done; Ida Prince is very ill. So ill was she when I left I feared that the shock of Mr. Livingston's death would be so great to her that I should not be surprised to hear she was dead also." I mentioned that the letter and bank-book would get into the hands of her people or her sister, whom Mr. Livingston never intended should benefit by anything he did for her. Mr. Salmon then said, "I will telegraph to Mr. Hoggard, and have the letter handed to Mr. Rose." He also said that in his letter to Ida Prince he had suggested that my husband should be consulted as to what she should do until the return of Miss Warburton and her brother, who were then in England. That was all that was said at the time. I could not say whether it was in the afternoon: my impression is that it was in the afternoon. When I saw him again, at Miss Combs's house, he told me that the telegram was sent. I knew nothing more or inquired nothing about matters until my husband brought the letter home on the 27th December, when he came for his lunch. It was handed to me unopened. I placed it on the mantelshelf in the dining-room, and it remained there unopened until I left my house a little after 3 o'clock to go and see Ida Prince, and to tell her what I had to tell her respecting her old friend. My distress for the girl was so great that the letter seemed to me to be of no importance—in fact, I thought nothing of it. I went to her at Gordon's house. I think I first said to her, "Ida, I have come back from my sad errand." She commenced crying. I tried to comfort her, and sympathized with her. If she had been my own child I could not have felt more for her. After talking to her a little, I said, "Oh, there is a letter which Mr. Livingston left for you. It was handed by my husband to me to give to you." I am not sure that I ever mentioned Mr. Salmon's name. It appeared to me to be of very little importance. He, like myself, was anxious that the letter should not get into other hands than those for which it was intended. Ida Prince says I brought the letter open in my hands. I think it is scarcely likely that I should go from my own house to Courtenay Place with a bank-book and two letters open in my hands. I took the letter out of my bag and, without ever thinking of anything wrong, handed it to her. In doing so I tore the cover across, showing the contents to her. She looked at the bank-book; she read Mr. Salmon's letter, and she wished me to read it. I asked her what she wished me to do. She said she would never touch a shilling of the money; that she would work for her living; that she would not take it from Mr. Livingston's widow; and told me that I had better ask Mr. Rose what he would advise to be done. I stayed some little time, and came back before 6 o'clock to my own house. My husband had arrived there before me. When I came in I sat down. He said, "You have returned." I said, "Yes; that poor little girl is very bad. I am so distressed for her." I told my husband what took place. I do not think that night anything further was said. I was very poorly myself, and tired with travelling. My whole sympathy was with Ida, who was left alone, and that poor woman I had left at Blenheim. On the next day I

said to my husband, "What had I better do about Ida? She says she will not touch the money." He said, "You had better let it remain in the bank until Mr. James Warburton and his sister return; then they will see to it. You had better see Mr. Gray, and see the money is quite secure for her." If I remember rightly, that is all my husband said. I do not think—in fact, I am positive—that he ever said anything further, or interfered in any way. He merely knew, from what I had told him, of the transfer of the account. Ida Prince was perfectly aware of all I had done. Mr. Livingston was never mentioned, nor any complaint made of my using any authority over her whatever regarding the making of the will. She was so distressed about this money being left away from the widow, it seemed to me the only course was to wait till the Warburtons came back. I asked her once about it, and she said she could not rest until it was settled. She says I put her into a cab to prevent her going to Warburtons. The Warburtons lived on the Terrace, and she would go home by the Beach. I told her she might come to me whenever she would; that whenever she took a cab, if she was not strong enough to walk, I would pay her cab-fare and back. She constantly came to my house until the first week in February, but about that time she had not been for some days. She never gave me any idea but to think that she was perfectly satisfied in regard to what had taken place. She went to consult Dr. Fell, as she wanted to go to Blenheim. She said I tried to send her into the country. My object was to keep her in town, for I thought it was necessary that she should be near the Warburtons and others who felt kindly towards her. When the will was explained to her by Mr. Gully she was perfectly aware what was the effect of it. It was distinctly explained to her, and she said that she would have nothing to do with the £400 which was in Miss Warburton's name. When we went to sign the will I asked Mr. Gully not to charge much for it, as she could not afford it; and I told the doctor the same thing, and the latter agreed to charge only for the medicine. Ida Prince said I had induced her to draw out large sums of money. I was ignorant what money she had. The clothes I bought for her Mr. Livingston paid for. She was never asked to account in any way for the 10s. a week she received from Kirkcaldie and Stains. When she declined to take any of the money from Livingston's estate, and said it should go to the benefit of Mrs. Livingston, she said she would pay for what she wanted out of her own money. I asked her how much she had in the bank, and I think she said £19. I am perfectly certain she went with me to draw out some money for paying Mrs. Gordon's month's account. That was, I think, about the end of December. Some little pocket-money that she had had, I remember, she paid herself to Mrs. Gordon. I hold a receipt for that—the only receipt I ever took from her. I knew the circumstances of that unfortunate woman in England—the insane woman who was left unprovided for. Mr. Livingston left but a small amount—his estate was proved under £1,000, of which only some £750 or £800 would be available—I did not think I was doing wrong in allowing the girl, if she wished it, to pay these expenses out of her own money. When Mr. Livingston came here two years since I asked him if he had made any provision for Ida Prince, as it would be some time yet before she could earn her own living. He thanked me for the trouble I had taken, and the interest I had shown for her. I understood he was to place £100 in the savings-bank for her, and he told me he had informed Mr. James Warburton. Of course, I knew that Mr. James Warburton had advised Mr. Livingston in his affairs, and I felt sure he would be able to explain matters when he returned home. She was allowed to have full control of her own money, this trust money included, although I am accused of drawing large sums of her money, and the letter of T. K. Warburton threatened me with law proceedings if I did not immediately refund this money, with interest. My first knowledge of Ida Prince not wishing me to act as her trustee was the letter of the 20th February, received while I was assisting to make her dresses with a woman whom I had engaged for the purpose; since then I received an impertinent letter demanding the flannel nightdresses, although she did not offer to pay for them, or the making of them. The Chairman says that my name is not mixed up with this matter. My name has been bandied about the town in connection with this matter, also my husband's name, in a way that is perfectly unjustifiable. There are two declarations from Ida Prince to the effect that what I have stated is utterly false. As I sit here now, all I can say is that, if any of my children were left as Ida Prince was when I first heard of her, I only hope that some woman would do for them as I have done for her. As to taking a paltry £100, or even £400, I consider that my own reputation and my husband's reputation are worth more to us than that. What I am specially grieved at is that my husband should suffer through my doing a kind action for a poor and friendless little girl. What I have now said is the truth and nothing but the truth.

798. *Mr. Hutchison.*] Were you not aware of the position in which Mr. Livingston left his money?—I knew nothing more than what he told me—that his wife was provided for.

798A. He did tell you that?—Yes; and that his sister-in-law was provided for: he told me so many times.

799. Did he say how she was provided for?—I did not think it was my duty to ask him.

800. In those conversations, when he told you this, was reference made to his sister-in-law?—She was referred to many times. He said he would provide for her.

801. When you were in Blenheim about Christmas time you ascertained that a will had been found, giving her what there was?—Yes; I was told by Mr. Salmon that there was a will leaving it to Miss Combs.

802. The amount of property was not inconsiderable?—Under a thousand pounds.

803. Do you know whether the house in which Livingston lived and the furniture in it was settled on Miss Combs?—I knew that the house was built on Miss Combs's land. Mr. Livingston, when he came here some time before the house was built, said he intended that the house should belong to his sister-in-law. It was not my business to inquire about such matters.

804. Did you understand that after his death the property was hers?—Yes.

805. Have you any reason to suppose that Ida Prince did not know that provision had been

made for Miss Combs and Mrs. Livingston?—I was under the impression she knew they were unprovided for.

806. Do you know also that Ida Prince could have no affectionate feeling for Miss Combs?—I could not say that.

807. Do you not know that one reason for her leaving Blenheim was that they could not get on well together?—No.

808. Did she object to Ida Prince living in the house with her?—She treated her while I was in the house with every kindness.

809. Are you not aware that Ida Prince knew she was not considered by Livingston to have many claims upon him?—I never discussed the matter with her.

810. Do you not know she had some reason to believe it?—I do not know.

811. You went over to Blenheim on Christmas Eve?—Yes.

812. You saw Miss Combs?—Yes; I saw her. She was in bed.

813. Do you know whether Mrs. Livingston is provided for—that a property in England was settled on her?—

Mr. Gully: She is not provided for. I hold a letter in my hand from the doctor who conducts the asylum where she is, asking what arrangements are made for her future maintenance.

814. *Mr. Hutchison*.] But did you, Mrs. Rose, understand that Mrs. Livingston had been provided for?—Not when I returned from Blenheim.

815. I suppose that, having gone through Livingston's papers, if there had been any provision made there would have been some trace of it, and that circumstance made the change in your impression?—Yes.

816. But you must have had something more than that to change your belief: what was the information which led you to alter your belief as to provision or non-provision?—Going through the papers, and Miss Combs's want of knowledge that any provision was made.

817. Did you mention it?—Yes; I told her that, so far as I could see, no provision had been made.

818. Have you told us everything that happened in your interview with Miss Prince when you brought her the packet? You tore off the top of the letter, and handed the enclosure to Ida Prince?—I took the letter from my bag; in taking it out I tore it across the top.

819. No one was present but you and Miss Prince?—No, I am sorry to say.

820. Till she handed them back to you, you had not seen them?—No.

821. Did you not know from what Salmon told you?—The particulars which Salmon told her were not given to me until I read the letter in her presence.

822. Do you remember saying that you would tell the Warburtons?—I distinctly did not: the Warburtons' name was never mentioned. I only said, "Telephone to the Warburtons if you are ill, for it would be so much nearer for me to go than this distance." Two or three days after she said to me, "They are always asking about what was left." I said, "Tell them there is £500, but that you do not know anything about it until Mr. Warburton and his sister come back from England to explain it."

823. Then, this had been evidently inquired about by the Warburtons?—That would be so.

824. When you gave her that counsel, now that the letter was in your possession, did you indicate to her that £100 was for her, and £400 for Miss Warburton?—I never thought anything about it; I always thought that when the Warburtons came they would know all about it, and what to do with the money. I did not think it actually belonged to them, but that it was a sum left in trust. It did just cross my mind that it was left for Ida Prince.

824A. Was it your idea to get it handed over in trust for her?—I had no idea about it. I had no wish either to touch or move the money; it was referred to Mr. Gray before anything was done. Ida Prince has made a charge of secrecy against me. I did say to her, the least said about the matter was best until Mr. Warburton's return. I knew if it was generally known that Livingston had left this money away from his family Miss Combs would not get any compassionate allowance. I heard something about an application for it. It was for that reason I said she should not talk about this. I again told her that when Mr. Warburton arrived from England he would explain the whole matter.

825. Was that at the first interview?—It might have been the first interview.

826. But you did counsel silence?—Mr. Gray can state the reason I gave for not wishing the matter talked about until Mr. Warburton's return. I knew that if application were made on behalf of Miss Combs for compassionate allowance she would not be likely to get it if £400 had been left by Mr. Livingston to a stranger who had no claim on him.

827. Do you remember that one reason why you enjoined silence was lest you might be prejudiced in your effort to obtain from the Government a sum of money for the widow?—I never said these words.

828. Not the very words, but words to that effect?—I really never had any idea of my cleverness till now: it was no business of mine to interfere.

829. But you did think that a claim might be made for compassionate allowance?—Yes.

830. And that if the £400 were left away from Livingston's family there was a less chance of getting it?—Yes; they would refuse to give it.

831. Ultimately, after consulting Mr. Gray, you got the account transferred to your own name as trustee for Ida Prince?—It was.

832. Without reference to Warburton?—I was not told at the office that it was necessary.

833. You knew from the letters of deceased that the account was to be put in a specific form: you remember the injunction?—Yes; I requested Mr. Gray to ask Mr. A. Warburton whether he held any instructions to act during his brother's absence. There were no instructions left with him or with his father. The account was transferred on the 2nd or 3rd January, I am not clear which. Mr. Gray made inquiry of Mr. A. Warburton if they had expressed a wish that he should

act for them. Mr. A. Warburton said, "If they had wished him to act in any way for them they would have left instructions for him to do so."

WEDNESDAY, 11TH SEPTEMBER, 1889.

MARY JANE ROSE further examined.

834. *Mr. Hutchison.*] Would you illustrate to the Committee how you opened the letter, without actually tearing it [envelope handed to witness]?—I tore it straight across. As far as I can recollect, like that. It was the top part of it, I think. I think I would tear it off like that [illustrating her meaning].

835. How far off the manuscript?—I could not tell. I never thought of being brought here to answer such a charge.

836. I think it well that I should point out to you this. Do you remember when Mr. Gray received the letter of complaint?—I had nothing to do with the letter of complaint.

837. Do you remember the time?—I do not.

838. Did you see him?—I did not.

839. But you did see him?—I saw him. I saw him the morning Ida Prince's letter came to me; and I also sent him Mr. T. K. Warburton's letter, and asked him his advice, partly because my husband being away I had no one to go to. Thinking my husband was now dragged in, I went to Mr. Gray for the purpose of asking his advice.

840. That would be at the time of Mr. Warburton's letter of complaint?—No; Mr. Gray knew nothing of the matter when I went to him at first over my anxiety and trouble.

841. Can you fix the date of that by Mr. Warburton's letter?—Well, Mr. Warburton's letter is in.

842. Which letter do you mean?—I never received but one letter from Mr. T. K. Warburton. I am not quite clear, but the envelope is here. It was delivered at my house.

843. Was it not January or February?—February, undoubtedly. I had no idea but that Ida Prince was satisfied with what I was doing for her up to the date I received her letter, when she told me that she had appointed Thomas Kemmis Warburton her agent.

844. It is suggested that at about the same time Mr. Warburton wrote to the Secretary, Mr. Gray?—It was not on the day I received Ida Prince's letter—of that I am quite clear.

845. After receipt of it?—After receipt of the letter I was in Mr. Gray's room showing him the letter, and asking what I had better do—asking his advice.

846. You informed Mr. Gray of the circumstances, as far as you were aware of them?—He knew of the circumstances previously.

847. From whom?—From me and Ida Prince. I was going to add, through the office.

848. Had she gone to the office?—She went down to the post-office with me. The facts were stated to Mr. Morris, and he informed Mr. Gray.

849. But I wish to know with reference to your account of the letter: you say you saw Mr. Gray immediately after you had got Ida Prince's letter?—I do.

850. And that is suggested to be the same date as Mr. Warburton's letter to the Secretary?—It was not. Mr. Gray knew nothing of it when I got it. He must have got Mr. Warburton's letter a day or two after.

851. Did you at that interview relate to Mr. Gray what occurred when you went with the envelope and letter?—I did not. I had no idea that such accusations would be made against me.

852. Did you at any time inform him?—I did not; I had no communication.

853. Do I understand that you never informed Mr. Gray of the incidents of that interview when you went with the letter?—Afterwards I did, undoubtedly.

854. When was that?—When Mr. Warburton's accusations came to me.

855. That was in the post-office?—Yes.

856. Your husband was away at that time?—Yes, he was.

857. You related the incidents of that interview to your husband?—Yes; when he returned.

858. I want to mention to you now that your statement of what occurred at that interview when you went with the letter does not correspond either with the statement made concerning it by your husband or by Mr. Gray: You stated that you went with the letter, took it out of your bag unopened, and tore it as you described. I am sorry the reporter is not here; but I believe Mr. Rose stated that Ida Prince made the request that you should open it, and you did so?—I think not.

859. I want now to remind you that Mr. Gray, in his letter to Mr. Warburton, states that you handed it unopened to Ida Prince?—I think if you had read my husband's answer to the Post Office it would have been unnecessary to ask me that question. My husband acknowledges that if anything was wrong it was my opening it without Ida Prince's formal consent.

860. Your husband's statement is taken by the shorthand-writer. Mr. Gray's statement is here. This is what Mr. Gray states: "Mrs. Rose at once took the letter to Ida Prince, who authorised her to open it and to keep possession"?—I am not answerable for what Mr. Gray states. I still stand to what I and my husband state. I acknowledge opening it.

861. It is the mode of opening it?—The mode of opening it? I must have torn the envelope across or she could not get the letter out to get the news out of it. I did it quite unconsciously.

862. There is one other matter I wish to refer to. Touching the flannel, is it not a fact that the flannel was delivered for the purpose of being made up by some one who you suggested should be employed in that way?—It was first of all delivered at Mrs. Gordon's. Ida Prince said she thought a woman could be got to take part of it to make flannels up. She failed to find a woman to make the flannels up, and the flannel was sent to me.

863. At the time the demand was made for the flannel the garments had been sent to Miss Prince?—They had not been; no.

864. No demand has been made to you for the flannel since the garments were sent to Miss Prince?—No; because the whole thing was handed over to Mr. Gully's office.

865. *Mr. Gully.*] The flannel was bought and paid for by you out of Miss Prince's money?—Yes.

866. Miss Prince demanded the flannel to be returned to her, and the money refunded?—Yes; also she wanted a refund of the money that had been paid for it.

867. *The Chairman.*] In doing what you did I understand you were actuated simply and solely by the desire to protect this money, in case Miss Prince referred to her friends?—My idea was to protect it until Miss Warburton and her brother returned. When they came I had nothing further to do with it. If Ida had wished me to draw the money out and invest it I should have said certainly not. The post-office kept it for the girl until they returned.

868. Did you take any steps to divest yourself of the trust?—Yes. I think it was the day that Miss Warburton and Mr. James Warburton returned. My husband, who was in Nelson when they came back, wrote to Mr. James Warburton, telling him of all connected with it, and said it was at Mr. Gully's, and he could have it by applying there. My husband had been in the same office for sixteen years, and he considered it would be unmanly of him not to write and explain matters to Mr. James Warburton.

869. You said Mr. Rose communicated with Mr. James Warburton?—He did.

870. Did you take any steps, now that the Warburtons had returned, to prepare to return the trust over to them, or had that been done by Mr. Gully?—It was done before.

871. How long was the answer to Miss Prince after the return of the Warburtons?—It was sent on her applying for it.

872. I want to ascertain if, on the return of Miss Warburton, Miss Prince was prepared to consent to the trust being handed over to her?—She had revoked the trust before that, and the matter was in the hands of Mr. Gully.

873. You knew by that letter which you read that Mr. Livingston thought Miss Warburton should be trustee to Miss Prince?—Yes; and had I not had the scandalous letter sent to me I should have communicated with Miss Warburton, but I did not feel justified in taking any steps except through a solicitor. When a woman is accused of the gross charges that I have been she cannot be too careful.

"C.P.O., Blenheim, 20th April, 1888 —Dear Mrs. Rose,—Your letter of yesterday's date received with many thanks. I also received the former letter which you were so good as to send me, but delayed answering, as you had said, 'another letter coming.' I thank you from my very heart for the kindness you are showing Ida. I think the child will grow up a good and useful woman, and am simply charmed at the good results of my venture. That all this is due to you I fully recognise. I send enclosed a money-order for £1 10s., as you are so good as to get the jacket for Ida. Very sorry was I to see that you had been ill again. I fear you try yourself too much, and that, like the rest of us, you will have to take more care of yourself. Good people are scarce. Ida wrote to me that you had been so good as to invite her for Sunday. She is in great glee. Mrs. Kirkcaldie had also had her at their house; and Miss Warburton is so very kind to her. Altogether, I wrote her a note cautioning her not to get her head turned by all this. But I think not. She is downright a good girl; and, with all her faults—and who has not—I have no reason to be anything but glad and grateful."

"Blenheim, 29th September, 1888.—Dear Mrs. Rose,—Your kind letter of 27th duly received, with many thanks. I am truly sorry that yourself and family are so poorly: hope it will soon be over, now the weather is getting warm. Yes; Evelyn does not much care. You will remember; I knew that when I spoke to you, and I think it not unlikely that by-and-by it may be the same with Gertrude. But we will hope that I am altogether wrong: any how, sufficient for the day is the evil thereof. And, now, with regard to poor little Ida: I know she also wants care, and, unfortunately for me, the kind of care I cannot give her. Much as I consider her fortunate, and much as I think both her and myself in your debt for the employment she has obtained, I more than once have feared that the long hours just now may be too much for her. But it cannot be helped, and she must fight the fight, and thank God it is not worse. But glad would I have been could I have done so—to have given her a home. I hear from her every now and then, and she never complains. But I heard from Miss Warburton, and it made me very anxious. Things being as you say, I suppose it is simply liver and digestion out of order; and she is not strong, poor child. I trust—I do hope—that she may be able to fight it through. It makes me very bitter when I think. With regard to the second doctor, you are much the best judge. Perhaps it might wait a bit, and see; but, whenever you think it advisable, pray do so, and I will, of course, be but too glad to pay the fees. Please give my love to the children, and remember me kindly to Mr. Rose, and I remain; dear Mrs. Rose, very faithfully and respectfully yours, A. LIVINGSTON.—Not much improvement in me: perhaps just a little; but quite ugly enough to frighten children."

"Blenheim, 29th November, 1888, 5 p.m.—Dear Mrs. Rose,—Your letter of 26th just to hand. I am very sorry I sent Mr. Warburton's (sen.) letter away to Mr. James W. to-day, or I would have sent it for you to see. He told me about Ida's sister 'kidnapping' her, and that Mrs. Gordon and Sophie Ph. had called on you, and had not seen you; that either you had gone, or were going at once, as you were not well: hence my action. Of course I did not know that you had taken steps, or I would have left good alone; but, thinking you were away, I did the best I could—wrote and wired to Mrs. Gordon, and bespoke the best I could for Ida, making myself liable, and saying I would pay at once and whenever she liked: and, knowing what we know of the way Ida's sister—hang her—treated this self-same Mrs. Gordon, it seemed to me just the only way I could act. What the sister wants or means,

and those Gilmers, I cannot comprehend; of course, with Mr. and Mrs. Warburton it is the same as yourself—you and they are doing a good, kind action. I asked Miss Warburton to befriend her, and glad I was to raise up, if I could, more friends for the poor little fatherless and motherless girl whom, it seemed to me, God had sent to me. And they—the Warburton family—have, in their way, been as kind as you yourself. They have done their best. The others I do not understand. I know the other sisters tried to, and actually did, borrow money of Ida, but I stopped that, pretty roughly to. I received a very kind letter—the first and only one—from Mrs. Gordon to-day: if you care to see it I will send it to you. I quite agree with you: if it were possible for a man to ‘back out’ under such circumstances as the present he would not be worth kicking, and, if you please, whatever I may be, my father was a gentleman. About Ida’s returning to work, I quite agree with you: it cannot be thought of for a long time: I have told Ida so. If you would please see Mr. Kirkcaldie and ask him to give her another chance some months hence; of course, we will be all grateful. I know full well how difficult such employment is to obtain; but, of course, you will agree with me: we cannot have the child killed or injured for life, and that is now threatened. I hope with all my heart you are better, also poor little Evelyn. I dare say she also feels languid and tired. Of course, whenever you return, and tell me to come, I will at once ask the Secretary’s leave; but, as you know, that leave I must have before I dare stir; but I dare say he would grant it. And now, dear Mrs. Rose, does any one get even thanks for what one does. Yes; I think Ida grateful both to you and me, and what matters the family, and such like. I don’t mind I am sure. I thank you most sincerely, and hope you are much better. Please give my love to the children, and believe me, very faithfully and respectfully yours, A. LIVINGSTON.—I have not heard from Mr. Kirkcaldie.”

“Blenheim, 20th December, 1888.—Dear Mrs. Rose,—Your letter just received. I am grieved indeed to hear of all your troubles and worries. I do not think I have made myself well understood. I did not mean that I would come over for Christmas, but that I would ask for leave whenever you told me to do so, feeling that it was but right that as much as I was able I should do as you bade me. But I am very glad I am not wanted just now, for I am crushed with work; indeed I do not think the Secretary would permit me to leave. I therefore repeat, when the time comes that you think it necessary and advisable that I should come, please say so, and I will ask the Secretary for permission. Of course, it is not necessary for me to say both that your directions with regard to Ida’s sister shall be attended to; also that, with all my heart, I agree to the necessary expense, as directed by the doctor—that ‘goes without saying,’ the French proverb has it. Of course, it is reasonable that Ida’s sister should be referred to you, but it is also but right that the matter should be settled: and settle it we soon will. The one trouble is that Mr. Kirkcaldie thinks well of the sister, and believes she is acting from sheer sisterly love and kindness; and I would do much not to offend Mr. Kirkcaldie. It seems to me he has acted with great kindness and consideration throughout, and I would do much not to offend him in any way. On the other side, I think it must be admitted that Ida has done her very best—has worked hard and conducted herself well. Otherwise he would—indeed he could—not have acted as he has done. And perhaps he also thinks that the child has strained herself trying to perform his service well. But for all that he is deserving of many thanks. One thing through all this trouble I rejoice at. Certainly your recommendation has not been ill-bestowed. Ida has tried her very best. I think this must now be admitted. I shall be glad when Mr. Rose returns. Other people are afraid of the Inspector. I somehow feel I have a friend at head-quarters while he is there—that is, of course, while I do my duty, but then I try to do that. And now, dear Mrs. Rose, please give my love to the children, and remember me kindly to Mr. Rose, and please accept my best thanks for all your kindness and trouble during this year, and I do hope that you and Evelyn will soon be all right again; and I remain, always very faithfully and respectfully yours, A. LIVINGSTON.”

MR. GULLY’S STATEMENT.

Mr. Gully, solicitor, made the following statement: Mrs. Rose and Miss Prince came to my office, I think it was the first time, on the 10th January. The letter from Mr. Livingston to Ida Prince was produced; also the savings-bank book, I think, showing the deposit in Mrs. Rose’s name.

874. *The Chairman.*] You are referring to the first letter?—Yes; the one written before his death to Ida Prince. I was asked to advise as to the effect of this letter, which I did. I read out the letter—the material parts, at all events, but I think the whole of it. I informed Mrs. Rose and Ida Prince that the effect of the letter, apparently, was to vest £100 in her (Prince) and £400 in Miss Warburton; but I suggested that it was possible, as Miss Warburton was absent, she might have some document showing the intention of Mr. Livingston in regard to her, and in the meantime I said that I thought this document was sufficient, as then produced, to entitle Miss Warburton to £400. Miss Prince, so far as I could see, understood what I said to her and read to her. The thing was apparent enough in itself. I am perfectly satisfied in my own mind that she understood exactly what the position was. I was also asked to prepare a will. Miss Prince seemed anxious to avoid any suggestion—quite properly, I thought—that she was in any way dealing with this £400, which belonged really to Miss Warburton. So far as I could understand, she was desirous, in case of her death, that the moneys in question should go as a provision for Mr. Livingston’s widow, who is a lunatic, and had been supported by Mr. Livingston while alive.

875. *Mr. Hutchison.*] Did she say that?—That is what I understood from the interview. I could not say how much was said by Mrs. Rose, or how much came from Ida Prince, but that is what I was informed at this interview. It was stated that Mrs. Livingston would be left unprovided for; that she had been getting an allowance from Mr. Livingston during his life, but that after his death she was left without any means for subsistence or maintenance. The result was that I prepared a very short will, which was executed on the following day by Miss Prince. The

will itself, which was afterwards destroyed, did not purport to affect this particular fund. It was purposely drawn in general terms, and I explained to Miss Prince that the will would only cover what actually belonged to her, and not any one else. At these interviews I think it is probable that a good deal of what was said to me was said by Mrs. Rose, who came to me as Miss Prince's friend. Mrs. Rose was virtually interesting herself on the girl's behalf; so much so, that she prevailed on me to do what is not usual—that was, to make no charge either for the will or the interview. I went outside of the usual course and made no charge, so that the account was never entered up, either against Mrs. Rose or Miss Prince. She (Mrs. Rose) said it was a matter of charity. I told her I would make no charge at all. Therefore it was these matters were never entered up. I conceived that Mrs. Rose was interesting herself as a matter of charity, and I thought I would give my little mite in the same direction. Some time after—I do not know how long, I have no account of this third interview—Ida Prince called by herself. She told me she felt anxious about this will. She seemed to have a notion that it would interfere with the Warburtons—that it might affect either Mr. or Miss Warburton. I told her it could not affect Miss Warburton's interest, as it was only dealing with such money as she would possess in her own right when she died. But she still expressed that she was uncomfortable about it. The will was torn up and cancelled in her presence. That was an end of the matter so far as the will was concerned. I might say, before leaving this subject, I am not certain whether Ida Prince's age was mentioned. There would have been a little difficulty about the will of a person under age, but I thought it was proper to draw the will under the circumstances, even if it only amounted to show what Miss Prince desired should be done after her death. The next time the matter came before me was when I received a visit from Mr. Warburton on, I think, the 20th February—I would not be absolutely certain that that was the date. From January until the 20th February I had no intimation in any shape or form from Miss Prince or from Mr. Warburton that there was any dissatisfaction existing. On the 21st February Mr. Warburton called. I cannot recollect the particulars of the interview. At all events, he expressed himself dissatisfied as to the mode in which the money had been handed to Mrs. Rose, and he complained generally about the matter. I refer now to the whole of the correspondence. If the Committee had confined itself wholly to the petition it would not be necessary to refer to the correspondence. But other matters have been admitted into the evidence, and I understand that the whole of the correspondence is put in evidence. I will content myself with saying that Mr. Warburton called on the 20th—I suggested that the matter might be settled—that Mrs. Rose might get rid of the trust altogether; that she did not desire to keep it. The correspondence shows what took place subsequently, except that I had one more interview with Mr. Warburton and Miss Prince in August. Between the 20th February and the 23rd August, when Miss Prince and Warburton called on me, I had no demand made on me whatever for the delivery of this letter, or the transfer of the trust account. That is all I wish to say; anything else I could refer to is shown in the correspondence itself.

876. The will you drew did not distinguish between the £100 and the £400?—I purposely drew the will in general terms to avoid any suggestion that there was any attempt to dispose of the property that belonged to Miss Warburton. It was an absolute bequest in trust to Miss Combs for Mrs. Livingston.

877. You were not, perhaps, aware that there was property settled in England for the support of Mrs. Livingston?—On the contrary, there is none. There is a letter from the doctor who superintends the asylum in which Mrs. Livingston is confined, asking what provision there is for her.

878. Do you remember the amount that passed under the will of Mr. Livingston to Miss Combs?—I was not aware of it then.

879. Do you know?—You have the figures. I believe it is £700, or something of that kind.

880. Are you aware that the house and furniture in Blenheim are given to Miss Combs?—Miss Combs administered the estate under Mr. Rogers, who is a solicitor at Blenheim.

881. You were aware of the position of this account on the 10th January—Mrs. Rose being trustee?—I think I must have been. I cannot recollect that the position of the account was specially referred to. Two things were asked of me: First, what was the effect of this letter; second, as to the amount Miss Prince had power over in disposing by will.

882. You knew at that date there was an account opened?—Yes.

883. What did that mean?—As a matter of law—but I do not know that I am here to speak to a question of law—I believe it was the constitution of a trust by which Mrs. Rose was made trustee, nothing more, Miss Prince being *cestui que trust*.

884. Assuming that £500 odd would have gone to Miss Combs?—Suppose there had been a fraudulent concealment of the fact that Miss Warburton was entitled, some one else might have got her money.

885. Assuming that Miss Prince died after making that will, in the absence of the directing letter of Livingston, the whole of the fund in the Post-Office Savings-Bank would have gone to Miss Combs?—I say this: that the letter and the will together made it perfectly plain that if Miss Prince was entitled she was entitled as trustee of the £400, out of the £500, for Miss Warburton. If you wish me to assume that some person was going to conceal or destroy the letter and endeavour to perpetrate a fraud of the grossest possible kind, then I admit that that might have been done.

886. Can it be said that Miss Warburton's position in regard to the £400 was clearly indicated?—Whatever was left to Miss Prince did not in the least affect Miss Warburton. Miss Warburton's right did not depend on any document Miss Prince had, but on the letter written by Livingston.

887. Did you suggest to Mrs. Rose that it would be better for her if she were acting as trustee to have the £400 in the name of Miss Warburton and the £100 in the name of Miss Prince?—I did not suggest then; I did not know anything of the suggestions and accusations that were coming out

of this matter. It seemed to me to be a very simple one. These two persons when they saw me appeared to be on the best terms.

888. Did any one see you on behalf of Miss Warburton?—Miss Warburton was away. I understood that this was to be kept in a sort of suspense account until the Warburtons should return.

889. *Mr. Humphreys.*] You have said that the relations between the parties who came to you (Mrs. Rose and Miss Prince) were really friendly: did Miss Prince seem to have confidence in Mrs. Rose?—As far as I could see. In a case like that, I thought it probable that what was said to me was said or explained by Mrs. Rose; but Ida Prince acquiesced in everything that was said and done.

890. She appeared in good health?—She appeared to be then in fairly good health. I looked on Mrs. Rose as a sort of guardian to the girl.

MARTHA ALICE BARBER examined.

891. *Mr. Gully.*] What is your name?—Martha Alice Barber.

892. You live at Palmerston North?—Yes.

893. Were you on a visit to Mrs. Rose in December and January last?—I was.

894. What day in December did you arrive?—22nd December.

895. And you remained until when?—19th January.

896. Did you see Miss Prince?—Yes; I saw her frequently.

897. Where?—At Mrs. Rose's house, and also at Mrs. Gordon's, where she was lodging.

898. You recollect Mrs. Rose going to Blenheim?—I do.

899. On what date?—Christmas Eve, 24th December.

900. You were still stopping at Mrs. Rose's house at that time?—Yes.

901. Did you see anything of Miss Prince during Mrs. Rose's absence?—No.

902. You recollect the date on which Mrs. Rose returned?—Yes; Thursday, 27th December.

903. Mrs. Rose returned early in the morning, did she not?—Yes; very early in the morning.

904. We have heard that she was not very well after the voyage?—No; very fatigued.

905. And retired early in the morning to her own room?—Yes.

906. You recollect at lunch time Mr. Rose coming in?—Yes.

907. Did he bring anything with him?—Yes; a letter.

908. Addressed to "Miss Prince"?—Yes.

909. *The Chairman.*] To "Ida," or "Miss Prince"?—I do not recollect. Mr. Rose said he had a letter for Miss Prince.

910. *Mr. Gully.*] What happened to the letter?—He handed it to Mrs. Rose, who placed it on the mantelpiece.

911. Well, after lunch, what happened? What was done?—Mrs. Rose went to see Ida Prince. She got ready in the afternoon, and went to give the particulars of Mr. Livingston's death.

912. Did you go with her?—No, I did not.

913. Did she take the letter with her?—She did.

914. Was it open?—No, it was not. I saw her take it down from the mantelpiece unopened, and saw her leave the house with it.

915. Of course, you know nothing of what occurred at the actual visit to Miss Prince on that date?—I was not present.

916. Well, when did you see Miss Prince again after that?—I think, on the Saturday of the same week. She came to Mrs. Rose's house.

917. Well, we have heard she was in weak health: did she seem incapable of knowing what she was doing—of understanding her own affairs?—No; I do not think so.

918. Did she appear in the same condition then as now?—I think she looks decidedly better now.

919. You made friends with her, I suppose?—Yes.

920. And your opinion is that she was able to understand what was going on, but physically was in delicate health?—Yes; she was in delicate health.

921. Did you hear her on the Saturday, or after, make any allusion to matters of the money handed over by Mr. Livingston?—I did.

922. Can you recollect the purport of what she said?—We asked how she was, and she said she could not sleep at all. She could neither sleep nor rest until the money left her was made so that none of her family could get it. She wished Mrs. Livingston to have the benefit of it.

923. Did this suggestion come from her or Mrs. Rose?—Oh, from Ida Prince.

924. Did she say this once or more than once?—More than once. She said it at Mrs. Gordon's.

925. Did you see her at Mrs. Gordon's?—Yes.

926. When did you see her at Mrs. Gordon's—before the will was made?—Yes; because the will was spoken of.

927. Do you recollect the exact date?—No.

928. Did you and Mrs. Rose go together to Mrs. Gordon's?—Yes; we did.

929. Tell the Committee what occurred there—the conversation about the matter?—Yes; the trusteeship was spoken of, for one thing, and Miss Prince expressed a great desire that Mrs. Rose should be trustee for her money until Mr. Warburton and his sister returned. That was the only time I heard the Warburtons spoken of.

930. Expressed a strong desire, you say?—Yes; I do.

931. Well, was anything else said about Mrs. Livingston at that conversation, do you recollect?—Nothing further than that she wanted the money so that Mrs. Livingston should have it.

932. That was when the intention of making the will was mentioned?—Yes; it was. It was decided that they should see you, Mr. Gully, with regard to the will.

933. Do you recollect that afternoon—the Thursday, when Mrs. Rose visited Ida Prince—do you recollect the hour of her return?—Yes, I do, distinctly; before 6 o'clock.

934. *Mr. Joyce.*] Miss Prince suggests that some of the statements made by you, Miss Barber, are correct; but she thinks you have forgotten some little matters. Are you sure that she said she could not sleep through thinking of the money, or was it on account of her health?—No; I knew her health was bad.

935. It was not on account of her health?—No.

936. You saw her at Mrs. Gordon's once?—I saw her only once there.

937. Was no one present besides Mrs. Rose and Miss Prince?—Yes; Mrs. Gordon.

938. Was Mrs. Gordon present when this conversation took place?—I cannot say.

939. Could you not tax your memory, because it is rather important?—I think it is very likely that Mrs. Gordon was in the room, but not all the time perhaps.

940. Then, if Miss Prince is confident that Mrs. Gordon was not in the room, do you think she would be mistaken?—Well, I know that Mrs. Gordon came into the room.

941. But you are not quite sure whether before this statement or after?—I cannot say, not expecting to be called upon to give any evidence whatever.

942. *Mr. Grimmond.*] Was that the first time you saw Miss Prince when you saw her at Mr. Rose's on the Saturday?—At that visit. I had seen her the previous February, about a year before. It was the first time during that visit.

943. Did Mrs. Rose, when they met before, seem friendly?—Yes; very friendly.

944. Did you hear anything of the interception of the letter?—No.

945. Nothing about this money being held back from Miss Prince?—Nothing whatever.

946. This was a week after the letter had been delivered—a few days after?—Yes.

947. How far was Miss Prince's house from where Mrs. Rose is staying—half a mile?—Oh, more.

948. Did Miss Prince walk to Mrs. Rose's house after this Saturday?—I think not.

949. Was she able to walk into the house?—Yes.

950. Did she seem as if her mind was clear on the Saturday?—Yes.

950A. *Mr. Buxton.*] She did not complain at all of Mrs. Rose being in possession of the letter?—No.

T. K. WARBURTON examined.

Mr. Warburton: When I found what was going on I determined to let the whole affair go before the Postmaster-General. I thought that was the proper way. I had nothing to do with Mr. Gully or anybody else. When Mr. Gully sent me that letter that he speaks of, on the 27th February, he had received, no doubt, the letter which the Government wrote to me on the 23rd, when the Secretary to the Post Office sent what I considered to be a very insulting letter instead of a reasonable one; and on the 28th February I received a letter from Mr. Salmon, dated 26th February, throwing light upon the whole subject, and I found that money which did not belong to Miss Prince was being dealt with without explaining matters to her at all, and I determined not to apply to any one but the Postmaster-General until he had finally refused me. I may say that when I had the interview with Mr. Gully I was totally in the dark, and I wanted to get some information. I had heard that he had had possession of the letter in order to make the will that is so much spoken of, and consequently that he would know the contents of it. I went to him when I was on the road to the post-office to post my complaint to the Postmaster-General, and I asked him to give me the contents of the letter. He told me then that it was couched in very ambiguous style, and, in fact, he attached no meaning to it at all. I found since that that was not true, as the letter itself will show. Before I went out I hesitated whether I would consider that matter, but I delayed a day before I posted my letter to the Postmaster-General to see if anything would turn up in the interests of Miss Prince. Nothing did so, and I posted the letter.

951. *Mr. Gully.*] You got the letter of the 27th or 28th February stating that I, on behalf of Mrs. Rose, was prepared to hand over this trust fund?—Yes.

952. Why did you not act upon that?—Because I determined to let the matter go before the Postmaster-General. I thought it too serious a matter to pass over.

953. Well, you might have had the fund transferred, and still gone on with your grievance to the Postmaster-General?—I considered that you had no business to have such a letter in your possession.

954. You did not think it fit to answer or act on the letter of the 27th February?—No.

955. Now, you have charged Mrs. Rose with a desire to obtain possession of this money, have you not, in letters to the Postmaster-General?—Where? I cannot keep it in memory.

956. You mean to say you cannot recollect whether you have made such a charge to the Postmaster-General?—Mention the charge again.

957. The charge that Mrs. Rose designedly attempted to get control of this money?—Well, I should add the word apparently.

958. Apparently attempted to get control of the money?—Yes; that is my opinion.

959. Your opinion is freely expressed in letters to the Postmaster-General, is it not?—Yes; I think so.

960. Well, you seem to have formed that opinion at a very early stage, even by the 20th February?—I think you will see that the letter had been seized fifty-seven days. It was received somewhere about the 26th December, I fancy.

961. This seizure, as you call it, which had been then in force fifty-one days, appears to have been with the consent of Miss Prince?—I do not know. I was aware that she was interfered with to give her consent.

962. But you are aware that she has said that she consented to Mrs. Rose being trustee until the Warburtons returned?—But she has also said that she was too ill to do business.

963. Are you not aware that she said she consented to Mrs. Rose being trustee until Mr. and Miss Warburton's return?—She said that, and the other too.

964. And are you not aware that this letter was in Mrs. Rose's possession with Miss Prince's consent?—No; I am not aware.

965. But you have heard Miss Prince say here that the letter was opened in her presence—at any rate, read by Mrs. Rose without any dissent?—I recollect Miss Prince saying that she was not in a fit condition to listen to anything said.

966. She was not fit to assent or dissent, but, as a matter of fact, you heard her say she did consent?—If she was fainting or sleepy she could not go through any act.

967. You suggest that she was fainting, or in such a condition that she was unable to assent to what was being done?—Yes.

968. And you have heard that at the interview at my office this letter was again produced and read out in her presence?—I do not recollect. You put such nonsensical questions that a person cannot understand them.

969. Is that your opinion? Well, I will ask you a few more. You are aware of the letter produced in my office in her presence?—I am aware that she says so.

970. Do you suggest that at that interview she was unfitted to understand what was being done?—Well, I had not seen the child for a long time.

971. Do you suggest that she was not fitted?—I knew nothing at all about it. The child had been taken away for weeks.

971A. *Mr. Joyce.*] You remember the letter of the 27th February that Mr. Gully sent to you?—Yes.

972. Remember all the contents of it?—I think so.

973. Did you show Ida Prince the letter?—I showed her everything.

974. I will only read two letters: "You will take this letter as direct intimation" [letter put in.] *Vide 104*?—I recollect that.

975. And in the same letter Mrs. Rose was anxious to be rid of the trusteeship?—The letter said so.

976. Miss Prince saw that letter as well as all other communications?—Yes.

977. And you did not answer that?—I did not answer it.

978. You were determined to lay the matter before the Postmaster-General?—I had laid it.

979. Why did you not write to Mr. Gully, or call for the letter?—I had determined that the Post Office authorities should take it.

980. In reply to the letter, he said Mr. Gully was right to hand it over?—I had nothing to do with Mr. Gully.

981. Nothing to do with Mr. Gully?—At that time I did not know what was taking place.

982. What relation are you to Miss Prince?—None whatever, except that of a friend.

983. When did your son James come back from England?—I think, on the 15th March.

984. And did you communicate all these matters to him?—Well, I mentioned it in the house; I do not know that I turned to him particularly.

985. Did you make him aware of all that had been done?—No, I did not, because he would have nothing to do with it; and he determined to keep out of the way altogether.

986. Did he not know, as a matter of fact, every step that was taken?—He may know.

987. Have you had no conversation with him about it?—Of course I have.

988. Why could you not say so at once?—I think a great many people besides him know.

989. What was your object as to the letter posted? Why were you pursuing it?—Because I considered it to be a public scandal.

990. And I suppose if you could get Mr. Rose shunted your son would be promoted?—My son's office has nothing to do with that of Mr. Rose.

991. Did you not hear Mr. Gray yesterday?—Mr. Gray says many things that are wrong.

992. *Mr. Grimmond.*] You say Miss Prince was mentally and physically unable to understand what Mrs. Rose said to her: how do you know that?—Because she was nursed at our house through part of her illness, and we knew the condition she was in.

993. You saw her about that time?—Yes.

994. *Mr. Buaton.*] In the commencement of your statement you said when you found out what was going on you took steps in this matter: what was going on?—Well, I may say that at that time I had no idea that any one else had an interest in the money in the bank-book. I did not know what was in the bank: Miss Prince's ideas were so confused. She mentioned something about £400 to herself, and she mentioned money in Miss Warburton's name. She mentioned the money as if there was something in her name. It was all confusion. But it is all explained in Miss Prince's letter to Mr. Salmon, undated, and explaining her perplexity, and Mr. Salmon's reply is dated 26th February, but it is the one undated.

995. What did you mean—what was going on?—By report; I heard previously to Miss Prince coming up to our house to divulge matters. She had to delay many days on account of her health. I heard her own money was being spent in goods which Mr. Livingston had authorised to be paid for for her; that her money—four or five hundred pounds—was being willed away under the direction of Mrs. Rose; and I also knew from the state of her health that she had not much time to live—at least, we all felt that.

996. Do I understand you to say that you found out that Mrs. Rose was trying to have willed away from her four or five hundred pounds in her own right?—That was the impression conveyed to us at first.

997. And you believed that: you found that out: you found that something was wrong—that Mrs. Rose was trying to get willed away from Miss Prince four or five hundred pounds that was her right: do I understand you to say that?—Well, I heard that, in view of her early death, Mrs.

Rose got the child to make a will, and I assumed from that, if she died early, whoever she made the will in favour of would get the money. That is all I could assume.

998. Do you not think you were making a very severe statement when you said that you found this to be the case, and then you took steps?—No; I do not think it is worse than taking away that letter—I think that is as bad, if not worse—without advising any of us of it. Mrs. Rose knew very well that the child was in our charge.

999. When you made the statement, did you or did you not know that there was only £100 really belonging to Miss Prince?—I did not know until the 28th of February, when I got Mr. Salmon's letter. I was completely in the dark.

1000. *Mr. Joyce.*] You say that Miss Ida was very ill in February, Mr. Warburton?—Yes.

1001. And did not know what she was doing?—I think she was unfitted to do any business.

Just read this letter:—

“Wellington Terrace, 20th February, 1889.—Mrs. Thomas Rose, Madam,—Miss Ida Prince has appointed me as her representative, and if you have anything to communicate to her she desires that you do it through me. With regard to some parcel of letters which she tells me you have caused to be intercepted you will please to give them to the custody of the Postmaster-General, before whom I intend laying the whole affair. Miss Ida tells me that you have induced her to sign some document authorising you to draw out of the Government Savings Bank a considerable sum of money belonging to her, in order to pay a debt owing by the estate of the late Mr. Livingston. This money, with interest, will have to be replaced to her credit, if it be desired to avoid legal proceedings. I also request you to hand over Miss Prince's bank account to her own management; she is careful and economical, and will never do wrong unless driven by illness, &c., to do so.—I am, &c., THOS. K. Warburton.”

1002. She was incapable of appointing you?—It does not follow. She was with old friends. She knew that she was with friends.

1003. Was it your idea that she should manage her banking account?—Yes.

1004. How long have you known the Post Office law?—Since nearly fifty years ago, when I put a letter by mistake in the Nelson Post Office, and asked the Postmaster there and then to return it. He answered he could not, to return it was as much as his place was worth.

T. SALMON re-examined.

1005. *Mr. Grimmond.*] If Mrs. Rose had arrived at Blenheim before you posted that letter, as a friend of Mr. Livingston, would you have felt justified in handing over the whole thing to Mrs. Rose to take home with her?—I certainly had no preference in sending them by post. I did not know Mrs. Rose personally before that; but I had full confidence in Mr. Livingston, and knew the confidence he placed in Mrs. Rose; and, therefore, without the slightest hesitation, I would have placed the matter in Mrs. Rose's hands.

Mr. GULLY, Solicitor, re-examined.

Mr. Gully: The first complaint in this matter was made by letter on the 20th February. Mrs. Rose saw me some time—I cannot say what date—between the 20th and 27th of February. On the 27th February I, after consulting with Mrs. Rose, wrote a letter to Mr. Warburton, who was then acting as representing Miss Prince and Miss Warburton. I wrote a letter to him giving him express notice in the most explicit terms that, on Mrs. Rose's behalf, I was prepared to hand over the trust to any person nominated by him. To that letter I got no reply, neither did I get any reply from Mr. T. K. Warburton to any communications to him. He absolutely ignored the notice which I gave him of the 27th February, and persistently ignored every other communication sent him. The matter remained as it was before, and the trust remained in the same condition as it had been before. My own idea was that Mr. Warburton purposely abstained from any communication with me because he had got an idea that there was a grievance, and he was doing his level best to foster his grievance, instead of doing as I suggested, both verbally and by letter of the 27th February, that steps should be taken to hand over this trust fund, and that Mrs. Rose should wash her hands of the whole matter. I wish it to be distinctly understood by the Committee that I had absolutely no communication whatever from Mr. Warburton after this letter of mine to which I refer, dated the 27th February, until after this petition was lodged—I think, on the 23rd August—when he called upon me. All that I was desirous of doing was what I am sure the Committee will at once say any solicitor with ordinary prudence would do. All that I was desirous of was that the trust fund should be properly transferred, so that Mrs. Rose should be relieved of any personal responsibility; and it seems to me a remarkable thing that, after my express notice to that effect, I should have received neither answer nor communication from Mr. T. K. Warburton.

1006. *The Chairman.*] I want to know, on behalf of Mrs. Rose, if, as soon as Miss Warburton returned, you informed her of what had been done, or put her in possession of Mr. Livingston's letter: not after this trouble commenced, but before: we have not got that?—I took no further steps, because I had already taken the steps necessary—the steps already mentioned. They were taken after the 20th February, when the trouble began, I having given notice on the 27th February that, so far as my client was concerned, she was desirous of having the trust transferred. No-action was done. Mrs. Rose had been constituted trustee of this fund in the absence of Miss Warburton. Since I found that there was objection made to her as trustee I took the perfectly simple course of saying that she was prepared to hand over the trust and have done with it.

1007. What I want to arrive at is this: Whether Mrs. Rose—she may have done it without your knowledge—had taken any steps to hand the trust over to Miss Warburton immediately on her arrival in the colony, in accordance with the instructions of the letter from Mr. Livingston, or whether she only took steps through you, after the trouble with Mr. Warburton?—So far as I know, none.

1008. *The Chairman* (to Mrs. Rose).] Were any steps taken previously to your consulting Mr. Gully?—None.

1009. *Mr. Grimmond*.] When did Miss Warburton arrive in the colony—before the 27th February?—No.

1010. How long after?—I cannot say.

IDA PRINCE re-examined.

Miss Prince: I wish to say that Miss Barber has stated that I expressed a wish that the money should go to Mrs. Livingston. I did nothing of the sort. Mrs. Rose informed me that the money had no business to come to me, and should go to Mrs. Livingston. That is what she said. I do not remember whether Miss Barber was there or not. And when at Mrs. Gordon's, Mrs. Gordon did come into the room. What I said was that Mrs. Rose could take the trust account if she liked until Miss Warburton's return.

1011. *The Chairman*.] And you say that Miss Barber was mistaken when she said that you told her that you were troubled about this money being left to you, and could not rest at night?—I said I could not rest, and was troubled; that is quite true.

1012. *The Chairman* (to Miss Barber).] Have you anything to say, Miss Barber, on what Miss Prince has said?—I only wish to confirm what I have already said.

APPENDIX.

PETITION.

To the Hon. the SPEAKER and the MEMBERS of the HOUSE of REPRESENTATIVES of the Colony of New Zealand in Parliament assembled.

The humble petition of Ida Prince, of Wellington, sheweth,—

THAT a letter, containing my Government bank-book, in which £500 and interest appeared to my credit, and a letter of instructions from my late protector, Mr. E. A. Livingston, were intrusted to Mr. Salmon, a clerk in the Blenheim Post-office, for delivery to your petitioner in the event of any accident, such as sudden death, happening to the said E. A. Livingston.

That the said Mr. E. A. Livingston died suddenly on the 22nd December last, and that immediately afterwards Mr. Salmon placed the documents, which were intrusted to him for delivery to your petitioner, in an envelope and posted them to your petitioner's address, care of Mr. Kirkcaldie, to whom they were duly delivered.

That very shortly afterwards the chief clerk of the post-office, Mr. Hoggard, came and asked for the parcel, took it, and delivered it to the Inspector of Post-offices, Mr. Rose, who delivered it to his wife, who opened it without the permission of your petitioner, and has since kept possession of it, to the great inconvenience of your petitioner, who, but for kind friends, would have been left without means.

That your petitioner's letter, intended for her eyes alone, and which she has not yet received, has been read by the Post-office Inspector, by the Post-office Inspector's wife, by Mr. Gully, the lawyer, and has been communicated to Miss Combs.

That your petitioner wrote to the Hon. the Postmaster-General regarding the above facts, and he has stated that he will not interfere in any way to give relief to your petitioner.

Your petitioner, therefore, is compelled humbly to appeal to your honourable House, and to ask you to afford such redress as in its wisdom it may deem fit.

And your petitioner will ever pray.

Wellington, 27th August, 1889.

IDA PRINCE.

[Approximate Cost of Paper.—Preparation, nil; printing (1,400 copies), £31 2s.]

By Authority: GEORGE DIBSBURY, Government Printer, Wellington.—1889.

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1861. It is a very important document, as it contains the President's message to the Congress at the beginning of his second term.

2. The second part of the document is a report from the Secretary of the Treasury, dated January 3, 1861. It contains information about the financial state of the country at the beginning of the President's second term.

3. The third part of the document is a report from the Secretary of the Interior, dated January 3, 1861. It contains information about the state of the interior of the country at the beginning of the President's second term.

4. The fourth part of the document is a report from the Secretary of the Navy, dated January 3, 1861. It contains information about the state of the Navy at the beginning of the President's second term.

5. The fifth part of the document is a report from the Secretary of the War, dated January 3, 1861. It contains information about the state of the War Department at the beginning of the President's second term.

6. The sixth part of the document is a report from the Secretary of the State, dated January 3, 1861. It contains information about the state of the State Department at the beginning of the President's second term.

7. The seventh part of the document is a report from the Secretary of the War, dated January 3, 1861. It contains information about the state of the War Department at the beginning of the President's second term.

8. The eighth part of the document is a report from the Secretary of the Navy, dated January 3, 1861. It contains information about the state of the Navy at the beginning of the President's second term.

9. The ninth part of the document is a report from the Secretary of the Interior, dated January 3, 1861. It contains information about the state of the interior of the country at the beginning of the President's second term.

10. The tenth part of the document is a report from the Secretary of the Treasury, dated January 3, 1861. It contains information about the financial state of the country at the beginning of the President's second term.

11. The eleventh part of the document is a report from the Secretary of the State, dated January 3, 1861. It contains information about the state of the State Department at the beginning of the President's second term.

12. The twelfth part of the document is a report from the Secretary of the War, dated January 3, 1861. It contains information about the state of the War Department at the beginning of the President's second term.

13. The thirteenth part of the document is a report from the Secretary of the Navy, dated January 3, 1861. It contains information about the state of the Navy at the beginning of the President's second term.

14. The fourteenth part of the document is a report from the Secretary of the Interior, dated January 3, 1861. It contains information about the state of the interior of the country at the beginning of the President's second term.

15. The fifteenth part of the document is a report from the Secretary of the Treasury, dated January 3, 1861. It contains information about the financial state of the country at the beginning of the President's second term.