

this arrangement was consented to by Mr. Kinnear, but he, Mr. Whitelaw, wished him not to act upon it hastily, but to consider the matter carefully, and talk it over with his wife, and that if it was decided upon, the note and the money might be furnished to him later during the evening or night, but that it must be arranged before the morning; that he and Mr. Kinnear then went into the house to discuss the arrangement with Mrs. Kinnear. Mr. Whitelaw admits that all that took place in the house, was heard by Mr. and Mrs. Kinnear, Miss Kinnear and Alexander Kinnear. All four of these swear positively, that there had been no interview in the Post Office; that there had been no talk whatever about the note of \$5,000 or \$5,300, or any amount; that the only talk was of providing \$200: that after considerable discussion Mrs. Kinnear, in her agitation and her alarm, promised to provide \$200 rather than have her husband arrested; that in their discussion about it they suggested Mr. Whitelaw ought to provide one half the amount, as they were innocent, and were not responsible for the loss of the money, and that Mr. Whitelaw ought to suffer half of the loss; that he refused to do so, on the ground that he was in no danger, (as the letter was his and he could put anything he liked into it), and it was quite sufficient for him to assume the responsibility of telling the Inspectors the money would be forwarded, which might bring him into "immediate trouble"; that the matter of providing the money was discussed; that Mr. Kinnear refused to provide the money, but Mrs. Kinnear promised she would do so later; that Mr. Whitelaw stated he had about \$150 of his own, and to make up the amount Mr. Kinnear let him have from his cash box \$60 or \$65, and gave it to Mr. Whitelaw to be returned about the 1st of January, as Mr. Kinnear desired to use it at that time; that Mr. Whitelaw then left.

Both parties swear that after his departure, and during the night, Mr. Kinnear made three visits to Mr. Whitelaw's house.

Mr. Whitelaw's version of the first visit is to the following effect, (page 8): "I found all my family in bed but my wife, to be followed very shortly by Mr. Kinnear. He brought with him \$60 or \$65, asked me if I could make up the balance of the \$200, that he would give it to me later on. He then asked me to draw the promissory note. I drew it in my study, but asked him not to sign it yet. I said to him it was a serious matter and don't sign it just now. I told him to take it to his house, and he could sign it in the morning, which he did."

His version of the second visit is to the following effect: "About midnight, Mr. Kinnear returned. Matter was talked over. I do not know whether it was at that visit at which he handed me the note. I rather think it was at the second visit. He went back home."

His version of the third visit is to the following effect: "About 4 o'clock in the morning, he called again. At this time. I certainly