

(No. 8.)



1875.

SESSION II.

TASMANIA.

HOUSE OF ASSEMBLY,
TASMANIA.

WILLIAM BEECROFT.

**REPORT FROM THE SELECT COMMITTEE ON HIS CLAIM
UNDER ESCHEAT ACT.**

Brought up by Mr. Reibey, and ordered by the House to be printed, November 1
1875.

Resolved, That a Select Committee be appointed to consider Mr. Beecroft's claim to certain escheated Property, with power to make use of evidence taken by the Select Committee of the First Session of 1875.

Thursday, 28 October, 1875.



REPORT of SELECT COMMITTEE appointed the 28th October, 1875, to enquire into and report upon the Claim of Wm. Beecroft under "The Escheat Act."

MEMBERS OF THE COMMITTEE.

MR. YOUNG.
MR. GELLIBRAND.
MR. JACKSON.

MR. BROWN.
MR. REIBEY.

DAYS OF MEETING.

6, 8, 10 September, 30 October, 1 November.

WITNESSES EXAMINED.

William Kidson.

William Beecroft.

William Stepney.

R E P O R T.

1. YOUR Committee have the honor to report that they have enquired into the matter referred to them in the case of Wm. Beecroft's claim, and have taken all the evidence they could command—which evidence is appended.

2. That as the Beecroft family held possession of the property claimed by Wm. Beecroft for twenty-five years, and expended money in the erection of buildings upon the same, it is strong evidence of his belief that he had a valid claim to the estate.

3. That your Committee are unanimously of opinion that it was the intention of Joseph Goodman to leave the property to Wm. Beecroft; and therefore earnestly recommend that the balance of the purchase money be given to the said Wm. Beecroft, in accordance with the spirit of Section 2 of 33 Vict. No. 13.

THOS. REIBEY, *Chairman.*

Committee Room, November 1, 1875.

MINUTES OF THE MEETINGS.

No. 1.

The Committee met on Monday, 6th September, at 11 o'clock.

Present—Mr. Reibey, Mr. Gellibrand, Mr. Young, Mr. Brown.

Mr. Reibey was moved to the Chair.

Papers laid upon the Table of the House were read.

Resolved—That Captain Gilmore, Mr. Whitehead, and Kidson be summoned for Wednesday morning; that certain information be obtained from Mr. Gunn respecting Stepney's evidence; and that the Committee meet again on Wednesday next at 11 A.M.

The Committee adjourned.

No. 2.

The Committee met on Wednesday, 8th September, at 11.20 A.M.

Present—Mr. Reibey (Chairman), Mr. Jackson, Mr. Brown, Mr. Gellibrand.

Wm. Kidson called in and examined.

William Beecroft called in and examined.

The Committee adjourned until Mr. Gunn's answer to information required with respect to Stepney's evidence be received.

No. 3.

The Committee met on Friday, 10th September, at 11.30 A.M.

Present—Mr. Reibey (Chairman), Mr. Gellibrand, Mr. Jackson, Mr. Brown, Mr. Young.

Mr. Stepney's replies to questions proposed by Committee, through Mr. Gunn, upon his evidence were read.

Resolved—That a copy of the Will of Joseph Goodman be obtained.

Resolved—That the Chairman refer the evidence obtained by the Committee upon this case to Mr. Tarleton, requesting his remarks thereon.

Committee adjourned to await Mr. Tarleton's reply.

No. 4.

Committee met on 30th October, 1875, at 11.30 A.M.

Present—Mr. Reibey, Mr. Gellibrand, Mr. Brown.

1. Mr. Tarleton's reply to Chairman's letter read, and evidence taken during the last Session of Parliament produced.

2. Stepney's examination by Mr. Gunn read.

3. Letters received by the Chairman from Mr. Norwood read.

4. Draft Report to be brought up on Monday.

5. The Committee adjourned to Monday, at 11 A.M.

No. 5.

Committee met on Monday, 1st November, 1875, at 11 A.M.

Present—Mr. Reibey, Mr. Brown, Mr. Jackson.

1. Draft Report submitted by the Chairman.

2. Report adopted unanimously.

3. Committee adjourned *sine die*.

WILLIAM KIDSON *examined.*

By the Chairman.—My name is William Kidson. I recollect Mr. Goodman very well. I made Mr. Goodman's will and witnessed it. The date of the will was about the beginning of October, 1852. A codicil was made by me about a fortnight after the will, at Joseph Goodman's own request. I took the codicil to him to sign. I prepared the codicil and took it to him to sign about 7 o'clock in the morning. I read it to him and said, "There is no other witness, but you cannot fail to sign it as you signed the will." He said, "All right, Kidson." I left the codicil with him, and he paid me for it. This was not very long before he died. I dated the codicil on the day I took it to him to sign. It was made at Goodman's own request. He came to my house and requested me to do so. No pressure was brought to bear upon Goodman in order to make him add the codicil.

By Mr. Jackson.—I had nothing to do with the Beecrofts at the time I made the will for Goodman. I have not been a hanger-on of the Beecrofts since. I believe Goodman had a tiff with Beecroft about some stone. The tiff took place before the making of the will. I don't think I ever saw Stepney after the making of the codicil. I did not endeavor to obtain the codicil from Stepney. I did not afterwards prepare a second codicil. I gave Beecroft, senr., a draft of the original codicil after Goodman's death.

By Mr. Gellibrand.—He (Goodman) did not include the land in his will because he did not know at that time what he would do with the land. He did not include the real estate in his will because he had had a tiff with Beecroft, senr. He afterwards sought me and asked me at a later date to make the codicil, saying "it was for the boy Billy Beecroft."

By Mr. Jackson.—He did not sign the codicil for want of witnesses.

By Mr. Gellibrand.—Had there been a witness he would certainly have signed the codicil at the time. I left Launceston for Victoria in 1853 and returned in 1863.

WILLIAM BEECROFT *examined.*

By the Chairman.—My name is William Beecroft. I recollect Mr. Goodman's death. I remember the fact that I was a pet of Goodman's. The value of the property is, I believe, £600 or £700. The buildings are worth very little at present.

INFORMATION required from William Stepney by Select Committee on Beecroft's Claim.

1. Does Mr. Stepney mean that it was the intention of Goodman, in consequence of his disagreement with Wm. Beecroft, senr., that the son should not have the property, or that the father should not enjoy it during the son's minority?

2. The value of the land itself?

3. The value of the buildings upon the land?

4. Who drew up the Codicils? And what evidence is there that Goodman instructed its insertion?

5. Mr. Stepney's explanation of the following discrepancy in his declaration, from which it appears that Goodman adds Codicil to Will on 19th October, 1852, and dies on 8th November, 1852. Mr. Stepney says that Goodman purposely left Codicil unsigned because of a quarrel with Beecroft, senr., about a matter that occurred about a month or six weeks before his (Goodman's) death; that is, he added Codicil in favour of Beecroft, junr., three weeks before his death, and refused to sign it six weeks before his death?

The following are Mr. Stepney's Answers to the preceding Questions.

1. Mr. Goodwin told Mr. Beecroft, senr., in my presence that neither he nor any of his family should ever have any portion of his property in consequence of his having detected him in defrauding him of the value of eight loads of stone.

2. I cannot fix the value of the land at this time, but Mr. Goodman paid £180 for it.

3. When taken possession of by the Government I should estimate the value of the buildings at about £100.

4. A man named Kidson drew up the Codicil, now I believe in the Depôt at Hobart Town, but I have no evidence that Goodman instructed the insertion.

5. I can give no explanation of the discrepancy between the date of the Codicil and the date of quarrel, but I may be in error in believing that a month or six weeks had elapsed from the time of his quarrel with Beecroft and the date of his death.

WILLIAM STEPNEY.
9 September, 1875.

Before me,
R. C. GUNN.

Launceston, 9th September, 1875.

SIR,
I FORWARD herewith the information obtained from Mr. Stepney with reference to Beecroft's claim.
I was unable to see Mr. Stepney at an earlier date.

I have the honor to be,
Sir,

Your very obedient Servant,

R. C. GUNN.

H. M. HULL, Esq., House of Assembly, Hobart Town.

I, WILLIAM Stepney, of Launceston, in Tasmania, gentleman, do solemnly and sincerely declare—

That I was intimately acquainted with the late Joseph Goodman, who died in Launceston in or about the month of November in the year 1852.

That the said Joseph Goodman appointed me one of the executors under his last will and testament.

That about a month or six weeks before the death of the said Joseph Goodman I was one day in his company when he had detected the late William Beecroft the elder in defrauding him of the value of eight loads of stone which were being sold off the allotment near the angle of Brisbane and George-streets, then and since occupied by William Beecroft and family.

That Joseph Goodman had expressed his intention of bequeathing the said allotment to the son of William Beecroft; but on detecting the attempted fraud, he at once informed William Beecroft that "he should not have a fraction of anything belonging to him," or words to that effect; and a codicil to this last will which had been prepared to give effect to his intentions was designedly left unsigned by the said Joseph Goodman.

All which matters I conscientiously believe to be true; and make this declaration under the provisions of an Act of Council of the Island of Tasmania, intituled "An Act for the Abolition of extra-judicial and unnecessary Oaths."

(Signed) W. STEPNEY.

Taken before me this sixth day of Sept., 1875.

(Signed) R. C. GUNN, J.P.

WILLIAM STEPNEY examined on Evidence given by William Kidson before Select Committee, House of Assembly.

I AM not aware of my own knowledge that Kidson made Goodman's will. I was under the impression at the time the quarrel took place between Goodman and Beecroft, sen., that a codicil to the will had been made; but this impression was formed solely from rumour, as I had not seen it, nor had Goodman ever mentioned it to me. I was acquainted with Kidson at the time, but I never heard Goodman speak about him in connection with business matters in any way.

I am not aware that Kidson was even acquainted with the Beecrofts at the time the will was made. Before the quarrel took place Goodman had informed me that he had appointed me executor to his will, and I stated on the occasion that I would act in that capacity. I should say that this conversation took place at least a week or so before the quarrel took place.

I never saw Kidson from the time of the quarrel, to my knowledge, until the date of Goodman's death. I am quite ignorant of any conversation which may have taken place between Goodman and Kidson, nor do I know to my own knowledge that they were even acquainted with each other. I cannot account for Goodman's not having signed the codicil in any other way but that the quarrel caused him to change his mind.

WILLIAM STEPNEY.

Witness—G. SMITH.
24th September, 1875.

Committee Room, House of Assembly, 10th September, 1875.

SIR,

AT the request of the Select Committee appointed to consider the claim of William Beecroft under the Escheat Act I forward for your consideration the following statements:—1. The evidence of Kidson taken before the Committee. 2. The statement of Stepney made before Mr. Gunn on the 9th instant. Also, William Stepney's original declaration before Mr. Gunn, which, together with the other papers enclosed, please return. 3. The declarations of William Hart, James Davies, and John Barrett.

The Committee desire to know if you can throw any light upon the apparent discrepancy in the declaration of William Stepney, dated the 6th May, 1874.

I have the honor to be,
Sir,

Your obedient Servant,

THOS. REIBEY, *Chairman.*

WM. TARLETON, *Esquire, Commissioner of Escheat.*

MEMO.

HAVING no personal knowledge of the real facts of this matter, I am unable to throw any light upon the discrepancies shown as it would seem in the declaration of William Stepney. I would point out, however, that Mr. Stepney was suddenly called on to give evidence as to matters which had occurred more than 22 years before; that he had not the codicil or any copy of it to refer to; that the codicil really was drawn out nearly three weeks before Goodman's death, and that the difference in time between three weeks and a month or six weeks is really not great, and such as might well have been made by any one in speaking without notes to guide him of such remote occurrences. I would also draw attention to the fact that Goodman had this codicil in his possession for nineteen days before his death, that he had thus ample time to have executed it; and that his not having done so is, to a certain extent, *prima facie* evidence of his having changed his intentions after the said codicil had been prepared.

W. TARLETON.
September 14th, 1875.

*The Rev. T. REIBEY, Chairman of Select Committee,
House of Assembly.*

Sheriff's Office, Launceston, 21st September, 1875.

SIR,

I FORWARD herewith the Papers of Questions and the Replies of Stepney thereto.

I have not yet received Kidson's Examination Papers, but on doing so will send for him again.

Stepney is an old feeble man and a very puzzling witness to examine, as he has a decided tendency to discursiveness. On the main points, however, he appears to be firm in his recollection.

I remain,
Sir,

Your obedient Servant,

G. SMITH.

H. M. HULL, *Esquire, House of Assembly.*

QUESTIONS to be put to MR. STEPNEY by the Deputy Sheriff.

1. Were you executor of late Goodman's will? Yes.
2. Were you aware that Goodman had made a codicil? Not before his death.
3. Was the will and codicil found by you? Yes, in presence of Wm. Moore deceased.
4. Where did you find them; together? On the floor, under Goodman's bed in his house, in Tamar-street, Launceston; the will and codicil were together.
5. Who attended on Goodman during his illness? Dr. Pugh at first, but for the last two months of his illness he had no medical or other attendant.
6. And in what way? As an ordinary patient.
7. What moneys did Goodman have at the time of his death? About four hundred and twenty pounds.
8. Did you pay funeral expenses? Yes.
9. Did you hand over balance of moneys to Benevolent Society? Part of the balance.
10. How much? £150.
11. How long after Goodman's death was it before you handed over the will and codicil to late Mr. Sams? To the best of my belief within a fortnight, Mr. M. Kennedy acting as my solicitor.
12. What did Mr. Sams say to you about the codicil? I do not think I had any conversation with Mr. Sams concerning the codicil as it had not been signed by Goodman.
13. How many days after Goodman's death was it that Kidson asked you for the codicil? Kidson never asked me for the codicil; but I believe it was originally drawn by Kidson.
14. Do you admit that it was Goodman's intention, prior to his making the will, to give the land to young Beecroft? Yes, but his intention to that effect changed some three weeks before his death, in consequence of a dispute between Goodman and young Beecroft's father about eight loads of stone which the former considered he had been swindled out of by the latter. There is no mention of a devise of real property in Goodman's will.

15. Was Goodman fond of children? No.
16. Was not Miss Johnson, a child named in the will, to whom he left money? Yes. How much? Two hundred pounds; but she received in the whole nearly £500 by the time she attained her majority.
17. How many years is it since you tried to dispose of the property? About twenty-two years. Did you fail, and why? I failed in disposing of it, not being authorised in the will to do so.
18. How came you to let this matter remain for 23 years before you mentioned your suspicion (and then not until you were examined) that the codicil was a forgery between old Beecroft and Kidson? I gave no thought to it after failing to sell it until young Beecroft, about nine months ago, wrote to me from Hobart Town, requesting me to exert my influence with Mr. R. C. Gunn to get him the ground, as he wanted to sell it. I showed his letter to Mr. Gunn, and stated my belief that he wanted to sell the place, and turn his mother and her four children out of doors. Had he not written that letter to me matters would have remained as they were, so far as I was concerned.
19. Did you, as Goodman's executor, ever wind up the estate according to the will, and render your account to the Registrar of the Supreme Court? I wound up the estate of Goodman according to the will, and took receipts for all sums so paid away by me as executor to it; but I never rendered an account to the Registrar of the Supreme Court, nor was I aware that I was called on to do so.
20. *Suggested by Mr. Gellibrand.*—The Committee have information that Goodman repeated before his death his threat to disinherit young Beecroft; will Mr. Stepney declare that of his (Stepney's) knowledge this statement is untrue? Was not Goodman a just man who, having once promised his property to the child Beecroft, would still leave it to him, though he had had a tiff or quarrel with the elder Beecroft? I saw Goodman constantly for years before he died, and daily for eight or nine months before his death, as he took his meals at my house. Within a fortnight or three weeks of his death Goodman told old Beecroft in my presence and hearing that none of his (Beecroft's) breed should have anything from him as he had been swindled; and to the day of his death he never, in my hearing or to my knowledge, repented of that determination. Goodman was a just man in his dealings, and from my knowledge of him I believe that he would not alter his intentions on any point of importance without good and valid reasons; but having been deceived as he stated in the matter of the sale of the stone, he there and then made up his mind that none of the Beecroft family should benefit by his death.
21. Did Goodman inform you of his instruction to Kidson to draw codicil, and of having paid Kidson for doing it?—Goodman never informed me that he had instructed Kidson to draw a codicil, or that he had paid him for doing so.
22. *Suggested by Mr. Brown.*—Ask Stepney whether he cannot more definitely state the period which elapsed between the so-called tiff or quarrel between Goodman and the elder Beecroft and Goodman's death?—I feel confident that the quarrel between Goodman and old Beecroft took place within three weeks of the death of Goodman.

Launceston, 19th October.

DEAR SIR,

I do not think Mr. Stepney a reliable witness in any matter where memory of occurrences long past is involved. I am satisfied he has made several contradictory statements in Beecroft's affair.

Mr. John Barrett, of Turner's Marsh, near Piper's River, could, I think, testify as to the expressed intentions of Goodman at different times before his death. He was well acquainted with him, and is an upright, and, I believe, thoroughly reliable man. I trust you will be successful in getting the balance of the money for the family. On reflection since I wrote to Captain Gilmore I still believe the division I recommended would be just, and I think all would be satisfied. I think it would be well if the vote decided the mode of division, as it would leave no room for taking advantage by any.

Yours respectfully,

W. J. NORWOOD.

Rev. T. REIBEY.

P.S.—I thank you for your exertions to get this wrong redressed. I have sympathised with the widow and her children in what is a great trial.

W. J. N.