

February 13, 1937.

Mr. M. B. Archibald, K.C.,
Roy Bldg.,
Halifax, N.S.

Dear Sir:

RE: CROKER WILL

Confirming what I said to you in conference yesterday with yourself, Mr. Doyle and Mr. Shaw, I wish to advise you that I have been retained in this case as Counsel with Mr. R. A. Laurence.

I have advised Mr. Laurence that in my opinion an Appeal from the decision of Mr. R. F. Yeoman, Registrar of Probate, could be successfully asserted to the Judge of the County Court sitting as Judge of Probate and I understand that Notice of Appeal has been duly given.

If necessary, I propose to make an application to the Registrar of Probate to receive further evidence which I believe, under the law, he has power to receive if he thinks the circumstances are such as to justify its reception, or as an alternative I shall on the hearing of the Appeal, apply for permission to introduce further evidence before the Judge of Probate.

Since the termination of the trial Counsel for

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*Actually
and in fact
1908*

Giberson has come into possession of evidence of which he was not aware at the time the trial was concluded. The additional evidence that it is desired to have on the Record is that Harry Croker was validly married on the 18th of July, 1898, to one Florence Mary Eliza Hughes and that this marriage had not been terminated and was in full force and effect on the 31st day of July, 1899, when the said Harry Croker went through a form of marriage at Halifax with Sadie Davenport. If that is true, then Harry Croker completely misled the Court when he stated, in answer to a question put to him as to whether he had ever been married, "NO". This, in my opinion, is the very crux of the case and seems to be a material fact which should be proven before the Court.

I am prepared to furnish you with copies of cables that were exchanged with Scotland Yard and the information which leads me to state that Harry Croker was married on the 18th of July, 1898, comes to me from the officials of Scotland Yard, who, on our instructions, looked into the matter.

I would suggest to you that instead of prolonging the litigation that you consent -

1st: That Harry Croker was married as above stated and that he was not free to marry Sadie Davenport.

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2nd: I would suggest that if you are not prepared to admit the 1st item, that you agree that the evidence be admitted on the appeal, or that the case be opened up before the Registrar to receive such evidence.

3rd: I make the suggestion that Counsel on behalf of all the parties agree to have some independent party on which Counsel can agree to investigate the facts in London, as to whether the marriage of Harry Croker and Florence Mary Eliza Hughes was a valid marriage and in full force and effect on July 31st, 1899.

I am making these suggestions with a view of expediting the matter and for the saving of costs, as you can readily understand if witnesses have to be brought from London to Halifax to give evidence it will be very expensive and an unnecessary waste of funds of the estate.

I am putting myself on record in such a way that if it hereafter becomes necessary, I may use this letter for whatever purpose it may serve my clients.

I only got confirmation of the information, herein given to you, yesterday, and in order that I might convey it to you as soon as possible I conferred with you yesterday as above mentioned.

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Will you please give these matters your immediate attention and advise me what attitude you are taking in regard to the same.

You will please let me hear from you not later than Tuesday of next week as the time for the hearing of the Appeal is near at hand.

Yours very truly,

ETP/P.

Eugene T. Parker.

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