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IN THE PROBATE COURT.

IN THE ESTATE OF SARAH C. GIBERSON, DECEASED.

HALIFAX, WEDNESDAY, JANUARY 13, 1937 .10am

Before ROBERT F. YECMAS, K.C.,
Registrar.

MINUTES OF EVIDENCE.

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ALMON E. HILCHEY, direct examination.
IN THE PROBATE COURT.

MR. SHAW: Yes.

MR. LAWRENCE: **IN THE ESTATE OF SARAH C. GIBERSON, DECEASED.** any comments and objections.

MR. ARCHIBALD: The objection taken last time was that the records were produced for one purpose and used for another purpose afterwards, for proof of certain handwriting; I simply wanted them available.

HALIFAX, WEDNESDAY, JANUARY 13, 1937. 10am

afterwards, for proof of certain handwriting; I simply wanted them available.

Before **ROBERT F. YEOMAN, K.C.,**
Registrar.

THE REGISTRAR: They will still be available in this case.

M. B. ARCHIBALD, K.C., } for the Salvation Army, Halifax, executor.
T. C. DOYLE, }

JOHN F. SHAW, for Lorna Doone Abbott.

ROY A. LAWRENCE, for Blanchard Giberson.

The hearing having originally been set down for 11 a.m. by agreement of counsel it was begun at 10 a.m.

ALMON E. HILCHEY, being called and duly sworn, testified as follows:

Examined by Mr. Archibald: the testatrix, was not a widow in 1912.

Q. You are chief clerk in the Department of Vital Statistics, Province of Nova Scotia?

A. Yes.

Q. That Department has the custody of records respecting marriages?

A. It has.

Q. Have you searched your records for the year 1899 to see if there is any record of a marriage between Sadie Davenport and Harry Croker?

A. I have.

Q. You have those records with you?

A. I have them here.

MR. ARCHIBALD: I ask the same provision respecting these that was made respecting former marriage certificates, that the originals be produced, and that they be returned to the Department, to their custody; I think the Act safeguards them, that they don't have to produce them here. I have photostatic copies.

ALMON E. HILCHEY, direct examination.

THE REGISTRAR: Is that satisfactory to you ?

MR. SHAW: Yes.

MR. LAWRENCE: I make the same observation, reserving any comments and objections.

MR. ARCHIBALD: The objection taken last time was that the records were produced for one purpose and used for another purpose afterwards, for proof of certain handwriting: I simply wanted them available.

THE REGISTRAR: They will still be available in this case.

MR. ARCHIBALD: I think it would be well to mark the originals and substitute copies.

Q. Exhibit E/1, look at that and tell us exactly what that is.

A. This is the marriage register of a marriage which took place on the 31st July, 1899, at Halifax, by license, Harry Croker and Sadie Davenport.

Q. Will you look at this other document, E/1.

MR. LAWRENCE: I don't know if this is the time to register this objection, but I submit - my objection is this, that the executor is estopped by the conduct of the testatrix from proving that she, the testatrix, was not a widow in 1912. I must apologize to your Honour that I have not the authorities and have not got it sufficiently in hand to argue the point of law very fully at this stage.

MR. ARCHIBALD: I think the evidence should be given and argue it at a later date.

MR. LAWRENCE: The evidence that would appear to be estopped by conduct has already been given. The second objection to the admissibility is, it offends against the parol evidence rule in this way - the parol evidence rule states - parol evidence may not be admitted to vary, alter or modify the words of a written instrument. In the will - a very material recital in the will is that the testatrix is a widow: I have not the prayer for probate - I suppose your Honour has it there - but I take it, - I want to know whether in the recital the executor alleged she was a widow - the prayer for probate and affidavit -

MR. ARCHIBALD: I think this had better be disposed of by argument afterwards.

MR. LAWRENCE: I don't want to prejudice my client's interests.

THE REGISTRAR: I think perhaps we should go ahead now with the evidence and your objection noted, and it can be argued later.

MR. LAWRENCE: I make these objections, -

- (a) it offends against the parol evidence rule;
- (b) the executor is estopped from setting up that the testatrix was not a widow.

MR. ARCHIBALD: If the evidence shews she was not a widow, I may move to amend the various probate documents to substitute for the word widow, the word married woman.

THE REGISTRAR: I don't think now would be the proper time.

MR. LAWRENCE: Estoppel being a rule of evidence I thought it well to note it now, that the evidence is taken subject to that objection.

MR. ARCHIBALD: That is a matter for argument; there would have to be some knowledge before there could be estoppel.

THE REGISTRAR: Mr. Archibald is not attacking that will; you are the one attacking the will: if he were attacking the will and trying to prove the word widow was not the correct word, it might be different; but you are attacking the will and he is answering your attack.

MR. LAWRENCE: The point is, I am doubtful if they can come in and be allowed to shew what is set up in the will is not so; the will is there, the only excuse for being in court -

THE REGISTRAR: It will be argued later. Proceed with the examination.

Q. Look at the other document, E/1, the copy: what is that?

A. I believe that is a photostatic copy of the original register,

Q. Will you look at it and see if the particulars are the same?

A. I have examined it and the particulars are exactly the same.

Q. Who officiated at the marriage according to the record there?

A. E. P. Crawford.

Q. Does it give the denomination?

A. Church of England, officiating clergyman, E.P.Crawford, denomin-

ation Church of England.

Q. Does it indicate where this marriage took place ?

A. St. Luke's, Halifax.

Q. Will you look at the document E/2 and tell me what it is.

A. That is the affidavit which is usually made by the applicant for a marriage license; in this case it is an affidavit signed by Harry Croker.

Q. And taken before ?

A. John H. Barnstead, Issuer of Marriage Licenses at Halifax.

Q. E/2, look at this other document, also marked E/2, and tell us what it is.

A. I believe this to be a photostatic copy of the original.

Q. Have you looked at the particulars there ?

A. Yes; the particulars agree in every detail.

Q. What is E/3 ?

A. The marriage license, which is the authority for the performance of the marriage, with the clergyman's certificate endorsed.

MR. ARCHIBALD: I appear to have mislaid the copy of this, but I will undertake to have a copy prepared of the license and endorsement.

THE REGISTRAR: Are you going to put the photostatic copy of this marriage license in evidence ?

MR. ARCHIBALD: Yes; I don't seem to be able to locate it at the moment.

Q. What is E/4 ?

A. That is the certificate of marriage of Harry Croker and Sadie Davenport, issued by the Registrar General's Department, dated October 13, 1936.

MR. ARCHIBALD: This is the usual one put in under The Evidence Act.

Q. Are these your complete records in respect to this marriage ?

A. Yes.

CROSS EXAMINED BY MR. LAWRENCE:

Q. The photostatic copy E/2 is an affidavit purporting to be sworn by Harry Croker; would that indicate what day the license was applied for ?

A. The affidavit would indicate the date the license was applied for.

Q. Might it be possible for the man to - the whole transaction would be done at one time ?

A. Well, I am unable to state about the year 1899, because the Act has been somewhat changed in respect to that, at a later date.

Q. In a marriage by license in 1899, was a man permitted to get the license and get married the same day ?

A. I could not say for sure, but I understand they were permitted to get the license and be married the same day they applied. The Act was changed in recent years, very recent years, where they have to wait five days before they can get their license.

Q. You don't know if that was the law in 1899 or not ?

A. I am not competent to say whether it was or not.

Q. These licenses are granted without checking the accuracy of the affidavit ?

A. At the present time ?

Q. Either present time or 1899 ?

A. Well, the usual procedure now is, a person comes in and says they want a marriage license; the affidavit is filled out and particulars taken from the party applying, and they are sworn by the issuer of marriage licenses.

Q. The affidavit is written by some one other than the person swearing it ?

A. Yes.

Q. Was that the practice in 1899 ?

A. I could not say.

Q. My question is, - the license is granted, but there is no checking up on the accuracy of the affidavit ?

A. There is no particular checking up that I know of.

Q. When he alleges he is a bachelor -

A. Of course, I am not an issuer of marriage licenses.

Q. What is your official position ?

A. Chief Clerk in the office of the Registrar General.

BY THE REGISTRAR:

Q. Custody of the records ?

A. Yes.

ALMON E. HILCHEY, cross examination.
ALMON E. HILCHEY, cross examination.

BY MR. LAWRENCE: I don't think there is any doubt in your

Q. You are not prepared to swear whether that affidavit is true or not true?

A. It is not for me to say.

MR. ARCHIBALD: It is an absurd question.

MR. LAWRENCE: There are many that seem absurd.

BY MR. SHAW:

Q. This exhibit E/1, photostatic copy of an original record?

A. Yes.

Q. In your custody?

A. Of the original record in our custody.

Q. These signatures there, Sadie Davenport, Harry Croker, - are those original signatures?

A. The signatures that were supplied on the original document, photostatic copy of the original.

Q. From your experience in the working of the records in respect to marriages, would you say in all probability those are the signatures of Harry Croker -

A. I didn't say so.

MR. LAWRENCE: He is not in a position to say that.

Q. Is this form filled up by the minister and returned, or does the minister attend at the registry and give this information?

A. The registers are filled up by the clergyman at the time of the marriage.

Q. And later filed?

A. Later sent to the issuer, who in turn sends them to the Department of the Attorney General.

Q. The original of this would be in the possession of the minister on the day of the marriage?

A. The original register in the ordinary course would be written up by the clergyman who performed the marriage.

Q. That is, you are saying that this original document filed with the provincial records was in the custody of the minister when the marriage was celebrated?

A. The minister made the register-in the ordinary course the clergyman who performs the marriage ceremony makes the register record.

MR. ARCHIBALD: I don't think there is any doubt in your Honour's mind.

Q. E/l, is the return from the clergyman ?

A. Yes, the return from the clergyman.

MR. LAWRENCE: It purports to be signed by him, but he is dead.

MR. ARCHIBALD: His handwriting is easily capable of identification.

THE REGISTRAR: I could almost prove it myself, although I am not here as a witness.

AND THEN THE WITNESS WITHDREW.

MR. ARCHIBALD: I want to settle this, how my learned friend is appearing. My learned friend Mr. Lawrence objects to certain questions that Mr. Shaw asks, as was indicated in the examination of the last witness.

MR. LAWRENCE: I didn't object; I made an observation.

THE REGISTRAR: I think he made an improper interruption.

MR. ARCHIBALD: That is more offensive still.

THE REGISTRAR: I ask him to refrain in future. I rather took it he was objecting to the answer of the witness. I thought they were both appearing together and both interested in the same parties.

MR. SHAW: At this stage I don't think it is necessary -

THE REGISTRAR: You will both have a chance, which I think is what you want.

MR. LAWRENCE: I have the right to examine on behalf of Mr. Giberson.

THE REGISTRAR: I think it was understood before they were representing different clients, but I was under the impression these gentlemen were partners until today, but I know now they are not; they were acting in concert very largely.

MR. ARCHIBALD: It didn't happen before when Mr. Giberson was being examined; curiously enough I think he was examined by Mr. Shaw, who was acting for Mrs. Abbott; it is an extraordinary

thing; they were certainly acting in concert.

MR. SHAW: When these proceedings were taken the interests of Mr. Giberson and Mrs. Abbott were substantially the same, they ran parallel; as the evidence unfolds itself to the court, I see certain points of law which have been brought out, and it may be that the interests of Mr. Giberson and Mrs. Abbott to some extent conflict.

THE REGISTRAR: I think that was made clear: up to a certain point your interests were the same, but the case might develop angles where there might be -

MR. SHAW: I don't think one man can conscientiously represent these two parties at this stage, with the evidence of Mr. Croker.

MR. ARCHIBALD: I object to two cross examination; when the time comes I will register my objection. I think it is intolerable these two young men taking this position today; they should have said at the beginning -

THE REGISTRAR: It arose in my misapprehension; when we have had a hearing I have intimated to Mr. Eccles the solicitors present and the clients they represented, and I think if we examine the record - I think except on one occasion, the record is correct - speaking from recollection; I think the misunderstanding arose through my misunderstanding: I think you will find on the record on a certain occasion it is right.

MR. ARCHIBALD: I find here, Tuesday, July 15, 1936; appearances: R. A. Lawrence, J. F. Shaw & D.R. Bishop (N.B. bar) for Blanchard Giberson; -

MR. SHAW: If I may say as to my recollection, - I came in when Mr. Archibald was speaking; I was not aware that I had been recorded as appearing for Blanchard Giberson.

THE REGISTRAR: I think Mr. Shaw raised the question, I don't know if in court, but he spoke to me; he said, the record is wrong, it has me down as representing so and so: I think you were there at the time.

MR. ARCHIBALD: I recall that. I object that Blanchard Giberson has no status in this court, he is not a party, and no one can

cross examine him. As was taken the exhibits that were filed

MR. LAWRENCE: As a party on the second application. to prove

THE REGISTRAR: I have the citation before me, the citation day for revocation, which says Lorna Doone Abbott has presented her petition, and Blanchard Giberson I don't think is a party to the proceedings.

MR. LAWRENCE: When the debate came up at the first hearing, it was your Honour's suggestion that the citation be issued forthwith, all parties being before the court; at that time there was a petition for Mrs. Abbott for grant of administration, and the second application was pursuant or in view of an objection raised by Mr. Archibald, when you issue a citation returnable forthwith, the application should rescind the grant of probate, and that Blanchard Giberson was present in court and was served, or his solicitor, returnable forthwith, and I submit it was then agreed that the evidence taken would do for one application and do for the other: I think that was the understanding. I say Blanchard Giberson is a proper party before this court on that application.

THE REGISTRAR: It seems to me Blanchard Giberson is vitally affected by these proceedings today, and if Mr. Lawrence says I represent this man whose interests are affected, I think he should be allowed a hearing: whether rightly or wrongly I will go on that principle; whether he was a party to the proceedings or not I will give Mr. Shaw and Mr. Lawrence a hearing as representing different clients: but I ask them not to overlap any more than they can help, and unduly occupy the time of the court.

MR. ARCHIBALD: I will be quite satisfied for one to pick up what the other misses.

MR. LAWRENCE: Yes, objected to at that time by my learned MAJOR THOMAS H. MUNDY, being recalled, and further examined by Mr. Archibald:

THE REGISTRAR: You are still under oath.

MR. ARCHIBALD: I am not just sure at the moment about the proof of these exhibits; you have the exhibits -

photographs that were taken: the exhibits that were filed on the last day - the photographs. I want him to prove where they come from: it may have been done the other day but I don't think it was.

Q. Will you look at Exhibit E/5, have you ever seen that before?

A. Yes, I have.

Q. Where did you first see that?

A. I first saw that picture in the home of Mrs. Croker on Brunswick street when we were gathering up photos and things in her home.

Q. E/5, that was among the photos?

A. Yes.

Q. When would that be?

A. That would be some time in June, when we were gathering up the things in her home, the last year.

MR. LAWRENCE: I object to its reception into evidence.

MR. ARCHIBALD: Your Honour is familiar with these; I think the evidence was given these were photographs taken from his

possession.

MR. LAWRENCE: I object to its admission.

THE REGISTRAR: On what grounds?

MR. LAWRENCE: The same grounds as my learned friend objected to the reception of evidence and photographs in the last hearing.

MR. ARCHIBALD: I don't know the object to the admission of them as such.

THE REGISTRAR: I don't know what value your evidence is, but I suppose it is intended for some purpose.

MR. ARCHIBALD: That is No. 3 of the photographs admitted before; these are numbered but not initialled.

THE REGISTRAR: This other document is already in evidence, put in by your opponents.

MR. LAWRENCE: Yes, objected to at that time by my learned friend.

MR. ARCHIBALD: I am using it now; It was objected to on

another ground.

Q. Will you look at the document No. 3, with the probate stamp,

Did you bring it to court this morning?

September 11, 1936, on it. Have you ever seen that ?

A. Yes, I have seen that before.

Q. Where did you see it ?

A. In the house at the same time as the other; at Mrs. Croker's house on Brunswick street.

Q. I am going to ask you to look at document No. 27, Court of Probate stamp, September 11, 1936: have you ever seen that document before ?

A. Yes. I saw that in the home of Mrs. Croker at the same time as the other, on Brunswick street, in the city of Halifax, last June.

MR. ARCHIBALD: I ask the indulgence of the court because we have a witness from afar here; I don't know I have anything more to ask Major Mundy at this particular stage.

Q. You are the executor ?

A. Yes.

GROSS EXAMINED BY MR. LAWRENCE:

Q. Do you know how they got into the possession of Mrs. Croker, as you allege - got in with her effects ?

A. I could not say.

THE REGISTRAR: Are you going to cross examine this witness, Mr. Shaw ?

MR. SHAW: No.

THE REGISTRAR: I think we should follow this practice, - you are senior, and if you don't cross examine first, you are out of it.

MR. SHAW: My ^{not} cross examining Major Mundy is not taken as an admission of the truth of his statements.

THE REGISTRAR: I will not allow you to cross examine on points that Mr. Lawrence has cross examined him on.

Q. Where has E/5 been ?

A. That has been in with other photos in our possession.

Q. In your possession ?

A. Well, between - Mr. Archibald has had them, and I have had them; they have been in our possession since.

Q. Did you bring it to court this morning ?

A. Not this one.

Q. How long has it been out of your possession?

A. Oh, - that is hard to say.

THE REGISTRAR: I don't see any use in asking questions like that: you were not at the last hearing.

MR. LAWRENCE: I want to know who all have been looking at these: this is the one put in this morning: I have no doubt it has been scrutinized by several people.

Q. How long has it been out of your possession?

A. Well, it has been in our possession all the time.

Q. Until when?

A. That is, between Mr. Archibald's office and our office: I cannot just say now when I had this last, but I have seen it, definitely seen it, and I saw that among the others in the home.

Q. Do you know if that has been shown to anyone in recent days?

A. I cannot say to any more than Mr. Archibald.

Q. How long has it been out of your possession?

THE REGISTRAR: He says it has not been out of his possession at all, and his counsel.

A. To my knowledge no one else has seen this picture apart from the lawyer representing the Salvation Army.

Q. It is possible the man named Harry Croker may have seen it?

A. Not to my knowledge.

Q. It is possible?

A. All things are possible.

MR. LAWRENCE: Our witnesses didn't have the advantage of scrutinizing these photographs.

MR. ARCHIBALD: Certainly some one other than Harry Croker saw it, because it was in our office.

Q. In London? AND THEN THE WITNESS WITHDREW.

A. Absolutely.

Q. When you went to work, what did you work at? when you sought employment? - what at?

A. I had a liking to go to sea, and I went on a training ship: I was put on a training ship: but before going to sea absolutely, I was put on a training ship with a view to see as to whether I liked it.

HARRY CROKER, being called and duly sworn, testified as follows:

Examined by Mr. Archibald:

Q. Your Christian name is Harry - Harry Croker ?

A. Harry Croker is my name.

Q. Where do you live ?

A. When I am at home in England, 8, Redmans Road, Stepney, E 1, London, England.

Q. How old are you ?

A. I were sixty the 30th June last year.

MR. ARCHIBALD: I am tendering the birth certificate of Harry Croker, which is admissible to our courts here by virtue of the statute - by virtue of The Evidence Act, as a record of the government of England.

MR. LAWRENCE: I object to this.

THE REGISTRAR: It will be received subject to objection.

Q. Will you look at E/6 - have you your glasses here ?

A. Yes.

Q. Is that a record of your birth ?

A. Absolutely.

Q. 30th June, 1876 -

A. I was born.

Q. And your father's name was ?

A. William George Croker.

Q. And your mother's name ?

A. Selina Croker.

Q. Where did you spend your boyhood days - while a boy ?

A. Up to the age of about 14, in school naturally.

Q. Where ?

A. Around about Kennington, where I was born.

Q. In London ?

A. Absolutely.

Q. When you went to work, what did you work at : when you sought employment - what at ?

A. I had a liking to go to sea, and I went on a training ship; I was put on a training ship; but before going to sea absolutely, I was put on a training ship with a view to see as to whether I liked it.

- Q. Where was this training ship ?
- A. She was moored off Woolwich in the Thames.
- Q. After you had been on the training ship where did you go ?
- A. I was sent from the training ship to - you might call it, a shipping agent in the East India Dock road, London; I was there two or three days and he got me a ship, the ATHENIAN, belonging to the Union Line, before they merged with the Castle Line, which is the Union Castle Line now.
- Q. What other shipping service had you after the ATHENIAN ?
- A. I left the merchant service and I went into the navy.
- Q. You joined the navy ?
- A. Yes.

MR. ARCHIBALD: Exhibit E/7; this is a rather valuable document to the man, and it is called a Certificate of Service, in the navy. There is no question of signature or handwriting.

MR. LAWRENCE: This is for the purpose of identification.

MR. ARCHIBALD: It is a record of his service which will be corroborated by certificate from the Admiralty. It is for the purpose of identification.

MR. SHAW: Is it your intention to make this an exhibit ?

MR. ARCHIBALD: We will have the exhibit here, and I am asking that we be allowed to substitute an absolute typewritten copy, so you can compare.

MR. LAWRENCE: This man may have taken it from someone who is Harry Croker; that is a possibility.

MR. ARCHIBALD: You can cross examine him on that.

THE REGISTRAR: On what ground do you claim it is admissible ? A document in his own possession.

MR. ARCHIBALD: He can tell where he got it.

THE REGISTRAR: Signed by various people.

MR. SHAW: I object to the admission of that document as evidence of no account whatsoever; it is apparently some record made by an official in England, in some naval office: it is not under the signature or seal admissible by The Evidence Act, and there is nothing to shew whether

- Q. Who made these entries subsequently added after signature, and whether the man who made it is conversant with the facts.
- A. Yes, it is my property; it was given to me as my MR. ARCHIBALD: Those are arguments as to weight but not admissibility, -
- Q. Did you MR. LAWRENCE: This man comes here - I left the PROSECUTOR
- A. From know on what grounds it is admissible.
- Q. Of two MR. ARCHIBALD: There may be some question as to its worth.
- A. THE REGISTRAR: As to its admissibility; I am not ruling on it.
- Q. When MR. ARCHIBALD: I claim it is admissible on the ground it is a paper in his own possession as to his record of service, which is confirmed by a certificate from the Admiralty.
- A. THE REGISTRAR: Will you have any other evidence?
- Q. I will MR. ARCHIBALD: No other witness at all.
- A. THE REGISTRAR: I think it might be put in subject to objection.
- Q. MR. LAWRENCE: I could steal that from Harry Croker.
- A. WITNESS: No, you could not.
- Q. MR. LAWRENCE: It is a possibility.
- A. MR. SHAW: If this were a document in possession of Mr. Croker, which he had received from some party, to show its origin, then I would say it was admissible.
- A. MR. ARCHIBALD: I didn't get to that point; I just got it numbered.
- A. THE REGISTRAR: You go ahead subject to objection, and I will see the relevancy of the evidence; you may be able to establish it.
- Q. MR. SHAW: I object to the admissibility.
- A. THE REGISTRAR: Your point about anybody else having the documents, if the whole case depended on a single document it might have weight; it is only a question of weight.
- Q. E/7, look at that and tell me what this document is.
- A. This is a record of my service, when I served in His Majesty's Navy.

- Q. Who gave you this document ?
- A. Presumably the paymaster on the PROSERPINE when I left her in Halifax, Nova Scotia, handed to me as my property; it was given to me as my property; the Admiralty had finished with it; they have a duplicate, but that was given to me as my property to try and get me a living on shore with the aid of that, when I left the PROSERPINE.
- Q. Did you see this document from time to time ?
- A. From time to time they would allow me to see it for the space of two minutes, from one table to another; you received it at this table, as it were, and you handed it in at that table.
- Q. Did you keep it as your own when you left the service ?
- A. When I left the PROSERPINE at Halifax.
- Q. These entries here, did you see those entries made ?
- A. No.
- Q. You didn't see them made ?
- A. No.
- Q. I will ask you to look at the first page, 1, - there is a number there - what is your official number ?
- A. 167337; the same number was given to me when I went back to serve during hostilities.
- Q. When did you join the navy to the best of your knowledge ? How old were you ?
- A. 16 about; it may be 15 and 11 months, or 16 years and one month. I can't tie myself to one month.
- Q. Which was the first boat you served on ?
- A. I was sent to the BOSCAWEN at Portland for training.
- Q. And how long there approximately ?
- A. Around about one year and nine months, or one year and ten months.
- Q. From the BOSCAWEN what boat did you go to ?
- A. To Chatham depot, PEMBROKE.
- Q. And from PEMBROKE ?
- A. I went to the BLENHEIM.
- Q. Did you do any service in the navy away from England ?
- A. Oh, yes; the BLENHEIM was attached to what they called in those days the Channel Squadron, and we visited ports and ports, and came home, and then if you were retained in that ship, away you go again, until such times they finished with your service on that ship and

then returned to your depot.

Q. Do any service in American waters in the navy ?

A. My last ship was out here; the first was the HOTSPUR.

Q. Where were you with her ?

A. Bermuda.

Q. How long were you with her ?

A. As near as I can tell you, about eighteen months; I can't tie myself to -

Q. From the HOTSPUR you went to -

A. I changed to the PROSERPINE.

Q. Where was she at that time ?

A. In Bermuda; I changed from one ship to another.

Q. Do you know when that was that you joined the PROSERPINE ?

A. Some time in 1899.

Q. Do you remember when you first visited Halifax on the PROSERPINE ?

A. I can't tell you, it is not quite clear to me: you see, from time to time we would go south for recuperating the crew's health, and another time come north, which would be Halifax; the other time was spent around the West India islands.

Q. Did you visit Halifax in the PROSERPINE ?

A. Yes.

Q. In what year ?

A. I should say 1899 was the first time I visited Halifax.

Q. Do you remember the occasion of your first visit to Halifax ?

A. Nothing definite; simply that, like others, I came ashore, and that kind of thing.

Q. Did you meet Sadie Davenport ?

A. I certainly did.

Q. At that time ?

A. I certainly did.

Q. On the first occasion ?

A. On the first occasion I came to Halifax.

Q. You met her ?

A. Yes.

Q. What happened the second time you came to Halifax ?

A. A marriage was spoken about, and I broke my leave and stayed hours over my time that I should have been aboard, for the purpose

of marrying Sadie Davenport.

Q. Did the marriage take place ?

A. Without a doubt, sir.

Q. Where were you married - do you recall ?

A. It was called St. Luke's church; it was St. Luke's church definitely; but, of course, I have been away from Halifax all these years and you cannot expect me to really take you - I say that where the marriage took place was St. Luke's church in Halifax.

Q. Do you remember the clergyman ?

A. No, sir.

Q. Or remember the witnesses ?

A. No, sir. Sadie and me walked by ourselves from the house to the church.

Q. There were other people around ?

A. There were other people there, oh, yes.

Q. I want you to look at E/1; look it through, and then I will ask you some questions. (Witness does so) Look at the words, Harry Croker, fourth line from the bottom; in whose handwriting is that ?

A. Mine.

Q. That is your handwriting ?

A. Absolutely.

Q. That is your signature: will you look at the signature under it - the signature under it.

A. Is my wife's, Sadie Davenport.

Q. Is that her signature ?

A. Yes.

Q. Look at E/2, - look at the bottom of the document - in the left hand side, Harry Croker - whose signature is that ?

A. Mine.

Q. That was when ? What day of the month in 1899 ?

A. When the marriage took place ? I can't recall the date. I didn't have possession of the marriage certificate. Sadie had possession of it. You are taxing my brain for over 36 years, but it was in the month of June or July, I will tell you that.

Q. You have no independent - you don't remember it independently

without referring to the record ?

A. I do not.

Q. You said you over-stayed your leave to get married ?

A. I did.

Q. I suppose you were punished for that ?

A. I lost a good conduct badge.

Q. Look at the document E/7 again, page 4, entries in respect to good conduct, and see if there is any entry about that time ?

A. On the 1st August, 1899, I lost my good conduct badge, and that was the occasion; that was the punishment.

THE REGISTRAR: Is it referred to there ?

MR. ARCHIBALD: There is just an entry there, 1st August, 1899; it does not give particulars.

Q. The PROSERPINE left Halifax some time after that ?

A. Yes.

Q. How long did you remain with her then - when did you leave the PROSERPINE ?

A. I left the PROSERPINE on the 25th September, 1900.

Q. Where ?

A. At Halifax.

Q. How did you come to leave ?

A. By purchase; I purchased my discharge.

Q. You purchased your discharge ?

A. I did.

Q. Was your wife living in Halifax at that time ?

A. I met her when I came on shore.

Q. That is the woman you called Sadie Davenport ?

A. Yes.

Q. Find anyone with her at that time ?

A. Lorna was with her then.

Q. How old was she then ?

A. As near as I can tell you she would be around about four years of age.

Q. Had you ever heard of her before that time ?

A. No, sir.

Q. Never before that time ?

A. No.

- Q. That was in 1900 ?
- A. When I purchased my discharge and came ashore.
- Q. You had not met - you had never seen Sadie Davenport until the spring of 1899, after you joined the PROSERPINE ?
- A. After I joined the PROSERPINE, yes.
- Q. Had you ever lived in New Brunswick at any time ?
- A. No, never knew of such a place; I might have known by geography when a child at school, but I never visited it.
- Q. You never were in Fredericton ?
- A. No, but I heard Sadie talk about Fredericton.
- Q. But you were never there yourself ?
- A. I was never there myself.
- Q. Were you related to Sadie Davenport ? Was she a relation of yours ?
- A. No, none whatever.
- Q. Is Lorna your child ?
- A. No, she is not my child.
- Q. Did she live with you ?
- A. Yes.
- Q. She lived with you and Sadie ?
- A. Certainly.
- Q. Was she like a child and you like parents to her ?
- A. She was our own, as you may say; I made my bargain, and of course Lorna came with us naturally. c.f. 51
- Q. And you treated her as your child ?
- A. Absolutely.
- Q. And you were fond of the child ?
- A. Most fond of her.
- Q. Had you ever been married before your marriage to Sadie Davenport ?
- A. No.
- Q. And you lived with Sadie Davenport as man and wife ?
- A. Sure, sir.
- Q. Had the usual married relations ?
- A. Sure, sir.

- Q. And intercourse with her ?
- A. Absolutely.
- Q. After you purchased your discharge in September, 1900, at Halifax, where did you go ?
- A. Remained with Sadie until I think the following day when we took train from Halifax to Quebec.
- Q. Where did you go from Quebec ?
- A. Home; we caught a ship there and went home; the LAKE ONTARIO.
- Q. What line was that ?
- A. It was called the Beaver Line, owned by Elder Dempster.
- Q. You went home, - you mean you went -
- A. Went to England then.
- Q. Where did you land in England ?
- A. At Liverpool.
- Q. Sadie, your wife, and Lorna and yourself ?
- A. The three of us.
- Q. Did you live at Liverpool for some time, do you recall ?
- A. I rather lost memory from the time of landing at Liverpool until such times as we got to my mother's and father's, you see. We stayed there until I was in a position to make a home for Sadie and Lorna.
- Q. Where did your father and mother live ?
- A. 39, Hubert Grove, Lander Road, Stockwell, S.W., in the vicinity of Brixton; Brixton post-mark.
- Q. Brixton is part of London ?
- A. Yes.
- Q. Did you finally establish a home for yourself and Sadie and Lorna in London ?
- A. The three of us.
- Q. Where ?
- A. In Brixton.
- Q. How long did you remain in Brixton ?
- A. As near as I can tell you, about two years.
- Q. Where did you go from Brixton ?
- A. We went to South Lambeth Road, Coronation Buildings.
- Q. How long did you remain there ?

- A. Until such times as Sadie came back here.
- Q. How long was that ?
- A. About two years.
- Q. Lorna was with you all this time, with you and Sadie ?
- A. Sure.
- Q. Do you remember the Coronation Buildings ; anything particular about them - were they new buildings at the time ?
- A. Sure.
- Q. What were they - apartments or flats ?
- A. Working class of people's flats.
- Q. You had one of those flats ?
- A. Yes.
- Q. You don't remember the floor it was on ?
- A. I have a faint recollection of it being No. 11; that is all I can tell you about it. You are taxing me back a number of years.
- Q. Just as a matter of interest, where did you hang the washing?
- A. There was a place specially built on top; a sort of play ground for children to keep them from the streets; children used to play on top, and the women used to use it for hanging out their washing.
- Q. The roof ?
- A. Yes, a flat top, the roof of the building.
- Q. Where did your people live ? Your father and mother - live near you ?
- A. 89, Hubert Grove; a suburb of Brixton then.
- Q. Were you far away from them ?
- A. A minute's walk; three or four minutes walk.
- Q. That is when you lived in Brixton ?
- A. Yes.
- Q. When you lived in the Coronation Buildings ?
- A. As far as the ride is concerned, a penny ride.
- Q. Your mother's name, you told us, was Selina ?
- A. Yes.
- Q. Recall when your father died ?
- A. No; I was quite a little fellow; I was quite young.
- Q. Did your mother re-marry ?
- A. Yes.

- Q. You had a step-father ?
- A. Yes.
- Q. What was his name ?
- A. William Henry Tanner.
- Q. Did you always call him father ?
- A. Well, - I am not prepared to say I called him father ; I recognized him as such; we used to call him dad, the equivalent perhaps. I had already had a father, you see.
- Q. This time that you went over to stay at your father's and mother's house, was it your real father's house you stayed at ?
- A. No, step-father's.
- Q. That is where you took Lorna and Sadie ?
- A. Yes, the three of us.
- Q. Look at Exhibit J, with the Court of Probate stamp on it; do you recognize these people ?
- A. Sadie Davenport, Lorna and myself; *an afterthought.* my wife, Lorna and myself.
- Q. Do you recall where that was taken ?
- A. No, I can't; it was evidently after I had left the navy because I am in civilian clothes, you see. *c.f. 43 29*
- Q. Some time after you left the navy: did you wear a uniform in the navy ?
- A. Sure.
- Q. Look at E/5, recognize that photograph ?
- A. That is my photograph.
- Q. Taken where ?
- A. At Bermuda, - Hamilton.
- Q. Remember which ship you were serving on ?
- A. I was on the HOTSPUR at that time ?
- Q. Had you any brothers ?
- A. I had one brother.
- Q. What was his name ?
- A. Tom.
- Q. Was he living when you returned to England in 1900 ?
- A. No, he died, at the age of 18; I would be going backwards and forwards at sea and practically lost the run of him.
- Q. Had you any half brothers ?

- Q. By the second marriage - by my mother's second marriage ?
- A. Step-brothers, yes.
- Q. By my mother's second marriage, two.
- Q. What were their names ?
- A. William was the oldest, and Dave was the youngest.
- Q. After you returned to England that time, were these boys living with your mother and step-father ?
- A. They would be at home.
- Q. Had you any sisters ?
- A. I had two.
- Q. What were their names ?
- A. Ada, was the oldest; and Dollie.
- Q. Was Dollie living when you came back ?
- A. She died around about the same time as young Tom died; Ada was living.
- Q. Look at exhibit 27, with the Probate Court stamp on it of September 11th, 1936.
- A. That is my sister Ada.
- Q. Do you know where that photograph was taken ?
- A. Brixton, that is my sister by my first father.
- Q. Had you a sister or half sister named Edith ?
- A. Edie married my step-brother Will; we called her Edie, - possibly short for Edith - an abbreviation then.
- Q. She was the wife of your half brother Will ?
- A. That is so.
- Q. I suppose she would be around your home from time to time ?
- A. Visiting.
- Q. What was your employment after you returned to England - what did you do ?
- A. For the first week or two we went around.
- Q. What work ?
- A. What job did I get eventually ? in the post office.
- Q. What was your work there ?
- A. Porter.
- Q. Did you retain - keep any connection with the navy at all

after you left it ? HARRY CROKER, direct examination.

A. I joined the Royal Fleet Reserve.

Q. Were you a member of the Royal Fleet Reserve during the time that Sadie and Lorna were with you in England ?

A. I done one or two - I am not sure which - drills: I had to.

Q. What was required of you in the Royal Fleet Reserve ?

A. To do one week's drill a year at the depot at Chatham: to be correct, from Monday morning until Saturday midday.

Q. You would be away from home while doing these drills ?

A. The whole of the time.

Q. How long did Sadie, your wife, and Lorna, the little girl, remain with you in England ?

A. About four years, - about four years.

Q. Do you remember the circumstances of her leaving you ?

A. Well, sir, she simply could not settle down; she simply could not settle down.

Q. The result was that she did what ?

A. She decided to return here.

Q. What about Lorna ?

A. She took her with her.

Q. Did you keep on with the house that you had ?

A. She sold the whole lot, body, stock and barrel; sold the furniture, bedding and everything: well, I mean to say, with my consent; she had the proceeds; she had the money.

Q. Did you go with her to the boat ?

A. No, I went with her to the station.

Q. You know about the tickets she got at the time ?

A. I didn't see them; she bought them herself.

Q. Do you know the boat she returned on ?

A. I can't tell you for definite; I have it in my mind it was the CARTHAGINIAN, of the Allen Line. I hope you wont take that as definite; that is my faint recollection of her telling me what boat she was going by.

Q. And they left you in London ?

A. They left me in London, at the railway station; I saw them off.

Q. Remember the station ?

A. Waterloo station.

Q. Did you hear from Sadie, your wife, after she returned to Canada ?

A. Not a word.

Q. Never heard a word ?

A. Not a word.

Q. Ever hear from Lorna ?

A. Not a word.

Q. I want to go back for a moment -

MR. ARCHIBALD: I think this evidence is relevant.

Q. Do you remember the pay you received in the navy ?

A. 2s 1d a day.

Q. In the PROSERPINE ?

A. It didn't matter whether I was with the PROSERPINE or anywhere else.

Q. What was your rank ?

A. Leading signal man. The record will shew that.

Q. Did you have any other source of income or pay ?

A. Oh, yes.

Q. What was that ?

A. Sewing.

Q. You were a tailor ?

A. No, I was not a tailor; I used to make clothes for the crew, what I taught myself, you see: they found out I could do it. When I left England I bought a hand sewing machine and I meant to make money by it.

Q. And did you ?

A. I did.

Q. After you married Sadie Davenport did you turn in all your money over to her ?

A. By all means I did; by all means I did.

Q. How did you do it ?

A. When I visited her I gave it to her, - may I put it this way, - in bulk: it didn't matter whether it was 1, 2, 3 - perhaps about ten or twelve pounds.

Q. Give her money from your pay, from the paymaster, in the usual way ?

- A. I used to make an allotment to the paymaster that she should receive it by post.
- Q. She sold all your belongings, the furniture and all that ?
- A. When we parted.
- Q. Know if she had money ?
- A. Heaps of it ; heaps of it ; I wish I had it now.
- Q. Were divorce proceedings - did you ever know anything about any divorce proceedings ?
- A. I never heard of them.
- Q. No documents from the Divorce Court were ever given you ?
- A. I never saw any.
- Q. I suppose you heard nothing about -
- THE REGISTRAR: Is that a leading question ; I don't like the way that is put.
- Q. When did you first hear about this estate - about these proceedings in the Probate Court, in reference to this estate ?
- A. When Mr. Doyle visited me in London.
- Q. You never heard of it before ?
- A. No.
- Q. Do you know what county in England Lambeth is in ?
- A. Surrey.
- Q. It is part of London ?
- A. Yes.
- Q. Look at E/8.
- A. Yes.
- Q. Who is that ?
- A. My sister Ada.
- Q. E/9, tell us what that is.
- A. My photo is there.
- Q. What is that ?
- A. Us chaps that worked in the post office.
- Q. When was this taken ?
- A. Between 1901 and 1902.
- Q. Are you in that ?
- A. That is me. (marked X on E/9).
- Q. The man marked X represents you ?

- A. Yes, that is my photograph.
- Q. Where did you get this picture ?
- A. Off the photographer, I suppose, we paid for them.
- Q. When you brought it here where did it come from ?
- A. It has been in my house all the time at home.
- Q. The same way with E/8 ?
- A. Yes.
- Q. E/10, tell us what that is.
- A. The man's name is Jack Collard; he changed with me from the HOTPUR to the PROSERPINE, we both changed together. I could put
- Q. Did he come into Halifax with you ?
- A. On the ship all the time.
- Q. Know the lady's picture there ?
- A. No.
- Q. Where did you bring this photograph from ?
- A. From home, from London.
- Q. Was Jack Collard on the boat with you coming into Halifax ?
- A. The whole of the time.
- Q. Know where this photograph was taken ?
- A. In Halifax.
- Q. Do you know of your own knowledge it was taken in Halifax ?
- A. Of course, I know it was taken in Halifax.
- Q. Look at E/11, what is that ?
- A. That is my book; that is my photo, or a photograph of me.
- Q. What is this photo doing in this book ?
- A. During the war - I was invalided out of the navy during the war -
- Q. Did you rejoin the navy at any time ?
- A. For hostilities, during the war.
- Q. When did you rejoin ?
- A. November, 1914.
- Q. You rejoined for hostilities ?
- A. Yes.
- Q. And you were invalided out ?
- A. Yes.
- Q. Following that, what did you do; after you were invalided where did you go ?

A. Yes, that is my photograph.

Q. Where did you get this picture?

A. Off the photographer, I suppose, we paid for them.

Q. When you brought it here where did it come from?

A. It has been in my house all the time at home.

Q. The same way with E/S?

A. Yes.

Q. E/S, tell us what that is.

A. The man's name is Jack Gollard; he changed with me from the ROTRUB to the PROMBRIN, we both changed together.

Q. Did he come into Halifax with you?

A. On the ship all the time.

Q. Know the lady's picture there?

A. No.

Q. Where did you bring this photograph from?

A. From home, from London.

Q. Was Jack Gollard on the boat with you coming into Halifax?

A. The whole of the time.

Q. Know where this photograph was taken?

A. In Halifax.

Q. Do you know of your own knowledge it was taken in Halifax?

A. Of course, I know it was taken in Halifax.

Q. Look at E/S, what is that?

A. That is my book; that is my photo, or a photograph of me.

Q. What is this photo being in this book?

A. During the war - I was invalided out of the navy during the war -

this proves he had a wife of some sort, because why say "they wanted a man" why didn't he say (1) they wanted another care-taker or another man.. N.B. He we - If he was rejoining the navy why ^{need} any place to move into.

c.f. page 43

Q. And you were invalided out?

A. Yes.

Q. Following that, what did you do after you were invalided where did you go?

A. I kept at sea in the merchant service.

Q. And continued at sea how long?

A. 1918, I think, to the best of my recollection; around about that.

Q. I asked you how it happens that the photo is attached to that book, E/11?

A. We had to have a photograph of some sort to act as a passport going from place to place; I put that in: I had no photo unless I used the one I was in the post office, and they would not stand for that I don't suppose, and that was the next best I could put in.

Q. That is the only photo you had to put in?

A. Yes.

Q. What do you do with this book?

A. Keep it.

Q. What is it anyway?

A. Record of ships, - voyages, we will say, I have made in the mercantile marine.

MR. ARCHIBALD: I submit that for what it is worth;

it is here anyway.

Q. Since leaving the mercantile marine where have you lived?

A. Sheerness, Sittingbourne, - of course, I came back to London.

Q. Where are you living in London now?

A. 8, Redmans road, Stepney.

Q. And how long living there?

A. 1912, - 26 to 27 years, - 24 perhaps, to 25.

Q. Excepting when at sea?

A. Yes.

Q. Did you live at more than one place on Redmans road?

A. Yes, when I joined up for hostilities I was caretaker of a Jewish school there; well, when I went back into the navy, of course they wanted somebody; they wanted a man, and of course we moved to two doors away from the school, and that was where Mr. Doyle found me.

Q. Do you remember 55, Redmans road?

A. I just mentioned it; the other number I think, if I remember right, was about 61.

Q. Did they ever have any notion that you had been drowned or lost at sea at any time?

A. Who?

Q. Anybody?

Q. You MR. LAWRENCE: I object; you can't cross examine your own witness.

Q. At last THE REGISTRAR: It is not cross examining, but I don't think it is a proper question.

Q. Did any rumours or reports reach your ears?

A. It is the first I have heard of such a thing.

Q. Do you recall how old Lorna was at the time she and Sadie, your wife, returned to Canada?

A. Well, assuming that I am correct in telling you that we lived together in England about four years, that ^{was} Lorna around about eight.

Q. When you were invalided out of the navy did you get a pension?

A. Sixpence a day for twelve months.

CROSS EXAMINED BY MR. SHAW:

Q. When did you start parting your hair in the centre?

A. I never done it in my life.

Q. Has the parting of your hair always been where it is now?

A. Absolutely.

Q. Is your hair parted in that picture?

A. Yes, and the parting is hidden by the way the photo is taken.

Q. Would you call that a front face?

A. No, I should not, - I would not; I am only an ordinary lay person, I am not a photographer; I would not call it full face.

Q. Both your eyes are visible?

A. That may be.

Q. What brothers have you?

A. What brothers have I? None.

Q. Have you ever had brothers?

A. Yes.

Q. Who were they?

THE REGISTRAR: He has already told us; are you going over the same ground?

HARRY ORRIS direct examination.

Q. Did they ever have any notion that you had been drowned or lost at sea at any time?

A. Who? Q. Anybody?

MR. LAWRENCE: I object; you can't cross examine your own witness.

THE REGISTRAR: It is not cross examining, but I don't think it is a proper question.

Q. Did any rumors or reports reach your ears?

A. It is the first I have heard of such a thing.

Q. Do you recall how old Lorna was at the time she and Sadie, your wife, returned to you?

A. Well, I don't know in telling you that we lived together in England about four years, she was around about eight.

Q. When you were invited out of the navy did you give antecedents testimony. *He does not say any more about his antecedents than Lorna does in her testimony.*

ORRIS EXAMINED BY MR. SHAW:

Q. When did you start parting your hair in the center?

A. I never done it in my life.

Q. Has the parting of your hair always been where it is now?

A. Absolutely.

Q. Is your hair parted in that picture?

A. Yes, and the parting is hidden by the way the photo is taken.

Q. Would you call that a front face?

A. No, I should not, - I would not; I am only an ordinary lay person, I am not a photographer; I would not call it full face.

Q. Both your eyes are visible?

A. That may be.

Q. What brothers have you?

A. What brothers have I? None.

Q. Have you ever had brothers?

A. Yes.

Q. Who were they?

THE REGISTRAR: He has already told us; are you going over the same ground?

MR. SHAW: I take it I may ask any questions.

THE REGISTRAR: Exactly the same questions asked in direct examination; there is no rule against it, only you are taking up time unnecessarily.

- Q. You say you had two brothers, I understood you to say ?
- A. No, I didn't: I said I had two step-brothers.
- Q. At least these step-brothers had the same name as you had - what last names did they go by ?
- A. Tanner.
- Q. You had a common father ?
- A. What is a common father ?
- Q. That is the father, - you had a common mother ?
- A. What is a common mother ?
- Q. The mother of the Tanner boys was also your mother ?
- A. Yes, yes.
- Q. What was your grandfather's name ?
- A. You have gone beyond me now, sir.
- Q. Can you remember the names of any of your father's brothers and sisters ?
- A. My father's brothers and sisters ? No.
- Q. Your mother's brothers and sisters ?
- A. What are you talking about ? The first or second name ?
- Q. I am talking about your mother; do you know the names of her brothers and sisters ?
- A. Their first or second name ?
- Q. Their name ?
- A. No.
- Q. What was your mother's maiden name ?
- A. Reed.
- Q. Do you know where she came from ?
- A. Devonshire.
- Q. Were you ever baptized to your knowledge ?
- A. Yes, I think so.
- Q. Where was that ?
- A. Kennington, I take it.
- Q. What part of England is that in ?

MR. BRADY: I take it I may ask any questions.
 THE REGISTRAR: Exactly the same questions asked in direct
 examination: there is no rule against it, only you are taking
 up time unnecessarily.
 Q. You say you had two brothers, I understood you to say?
 A. No, I didn't; I said I had two step-brothers.
 Q. At least these step-brothers had the same name as you had -
 what last names did they go by?
 A. Tanner.

Q. You were licensed in 1899, that
 Harry Croker's religion unstated or "none" is
 answer given.
 A. Yes, you.
 Q. The mother of the father says she also your mother?
 A. Yes, you.

Q. What was your grandfather's name?
 A. You have gone beyond me now, sir.
 Q. Can you remember the names of any of your father's brothers
 and sisters?
 A. My father's brothers and sisters? No.

Q. Your mother's brothers and sisters?
 A. What are you talking about? The first or second name?
 Q. I am talking about your mother; do you know the names of
 her brothers and sisters?
 A. Their first or second name?
 Q. Their name?
 A. No.

Q. What was your mother's maiden name?
 A. Reed.
 Q. Do you know where she came from?
 A. Devonshire.

Q. Were you ever baptised to your knowledge?
 A. Yes, I think so.
 Q. Where was that?
 A. Kensington, I think it.

Q. What part of England is that in?
 A. Kensington, I think it.

Q. What part of England is that in?
 A. Kensington, I think it.

- A. Lambeth.
- Q. What is Lambeth?
- A. A district of London.
- Q. Is Lambeth in Surrey?
- A. Yes.
- Q. You remember going to school?
- A. Yes.
- Q. And going to church as a boy?
- A. Yes.
- Q. What was the denomination?
- A. Church of England.
- Q. Did you continue to be a churchman during the remainder of your life?
- A. Absolutely.
- Q. Remember the names of some of the churches you went to as a boy?
- A. Yes, one is called St. Alphege's at Greenwich.
- Q. Is that far from London?
- A. It is in London.
- Q. How far did you get in school?
- A. To around about the age of 14.
- Q. How high did you go, what grade?
- A. I can't tell you.
- Q. At any rate, you joined the navy?
- A. Not straight away.
- Q. Where did you join the navy?
- A. At the Admiralty, in London.
- Q. And you have given us the name of - or number, when you joined the navy.
- A. The official number given to me, yes.
- Q. Where was it, - what part of London did you join the navy?
- A. At the Admiralty.
- Q. Where did you go first?
- A. I was taken from London by train to Portland.
- Q. Were you in any merchant school before that?
- A. Merchant training ship; I was on the WARSPITE when I first left

- left home to go to sea.
- Q. The HOTSPUR, what sort of vessel was she ?
- A. An old type of ship, practically obsolete then.
- Q. Was she a cruiser ?
- A. An old time battle ship.
- Q. Remember what kind of guns she carried: how long were you on her ?
- A. As near as I can tell you 1½ years; I am going back a long time, but I will tell you as near as I can.
- Q. When did you leave her ?
- A. I done about eighteen months on board the HOTSPUR and, what shall I say - about the month of June, 1899, around about that.
- Q. Where was the HOTSPUR in June, 1899 ?
- A. At Bermuda.
- Q. Were there any other ships in port at that time ?
- A. At what time ?
- Q. When the HOTSPUR was in Bermuda ?
- A. All sorts of ships used to come from time to time, ships that was stationed on the station: one would come up from the West India Islands, and one might come from Halifax, - what might I say ? It was central there. Bermuda is there, and Halifax is there, and the West India Islands down here; they would visit from time to time, and that being about half way may be, they called there for provisions or coal.
- Q. Your summer manoeuvres: was it the custom to transfer men from ship to ship at the request, if they wanted ?
- A. Certainly, no objection: I could not see any chance of getting a promotion, that is the reason I put in my request for transfer.
- Q. What was the vessel you joined ?
- A. PROSERPINE.
- Q. When was that ?
- A. When I left the HOTSPUR; of course, I am going back a long time; around June, - I can't tell you the month, - 1899.
- Q. How long did you stay on the PROSERPINE ?
- A. About the same time as what I did on the HOTSPUR, about eighteen months.
- Q. From June, 1899, until some time in the fall of 1900 ?

- A. What is the fall ?
- Q. October, November.
- A. This was in September.
- Q. Will you describe the PROSERPINE to me .
- A. Third class cruiser.
- Q. What class ?
- A. Third class cruiser.
- Q. What guns did she carry ?
- A. 4.7 I think was the biggest; I think so.
- Q. Were they muzzle loading guns ?
- A. No, breach loading.
- Q. Have torpedoes ?
- A. Sure.
- Q. You are a signalman ?
- A. Yes.
- Q. You don't know much about the guns ?
- A. You have to go through a certain course; that qualifies you as a trained man.
- Q. Do you know the Morse code ?
- A. I know the Morse code.
- Q. Familiar with Marconi, wireless ?
- A. No.
- Q. What was the name of the commanding officer of that ship, of the PROSERPINE ?
- A. John Locke Marks, post captain.
- Q. About how many men did she have aboard ?
- A. I will try and tell you; about 150, without a doubt. I might be wrong a few; nothing less than 150.
- Q. She was a third class cruiser ?
- A. Yes.
- Q. Remember roughly what tonnage she had ?
- A. No.
- Q. Can you name twenty shipmates who were with you on the ship at that time ?
- A. Momentarily, no; but I daresay if I was given time, yes.
- Q. Can you name forty ?

- A. If you ask me if I can name twenty, how could I name forty?
- Q. Your powers of recollection may be better than I think they would be; if you could name twenty that is pretty good - can you name forty?
- A. No, sir.
- Q. Know the names of all the men on the ship?
- A. At the time, yes.
- Q. If I asked if a certain man was aboard the ship - if I asked now if a certain individual was a member of the crew, could you tell me he was?
- A. I will do my best.
- Q. Are you sure there was nobody else aboard named Croker?
- A. Absolutely sure; not even a man by name of Croker: I am a Croker.
- Q. When were you last in Halifax?
- A. When I purchased my discharge from the PROSERPINE.
- Q. Could you purchase your discharge in Halifax?
- A. You could purchase it anywhere providing it is granted by the commanding officer.
- Q. Was she in Halifax when you purchased your discharge?
- A. I just told you so.
- Q. When was that?
- A. 25th September, 1900.
- Q. You were absent from the ship on a certain occasion and you remember the date very clearly because it was your wedding day; what was that date? How long after your wedding was it?
- A. A day - either next day, or the day after; I was punished for being over my time, for not returning to my ship at the time I should have done.
- Q. What time was the wedding held - what time of day?
- A. As near as I can tell you, about 9 in the morning.
- Q. Did you spend that night aboard the ship?
- A. No.
- Q. When did the ship sail after that?
- A. That I can't tell you exactly.
- Q. You should remember.

- A. You are taking me back a long time: I will tell you everything to give you any assistance; I will help you as much as I can.
- Q. Well, we want your help. You know a man's wedding day is an outstanding event in his life, and if he has to leave his bride shortly after, he probably would remember that. Did you sail with the ship when she left Halifax?
- A. Sure I did, absolutely.
- Q. How long were you with your wife after you married her, and before you sailed with the ship?
- A. Night times occasionally.
- Q. You remember your wedding day very clearly?
- A. I do.
- Q. You were away from your ship, you over-stayed your shore leave?
- A. I told you so. (*Hedging.*)
- Q. When did you get back to the ship?
- A. I returned myself to the CRESCENT because the PROSERPINE was laying out in the middle of the river; she was laying off anyway.
- Q. The next day?
- A. The same morning, about mid-day, at 12 o'clock, as near as I can tell you.
- Q. It was the night before you over-stayed your shore leave?
- A. Of course, it was not; it was this particular day.
- Q. You were married in the morning?
- A. I told you I was. (*Evasive.*)
- Q. What did your shore leave extend to?
- A. Until 7 or 8 a.m.
- Q. When would it start?
- A. Around about mid-day the day previous.
- Q. You were out the day previous and all the night before?
- A. That is so.
- Q. And married in the morning?
- A. Yes.
- Q. What condition were you in when married - sober?
- A. Absolutely.
- Q. You just happened to over-stay your leave?
- A. For the purpose.

A. You are taking me back a long time; I will tell you everything to give you any assistance; I will help you as much as I can.

Q. Well, we want your help. You know a man's wedding day is an outstanding event in his life, and if he has to leave his bride shortly after, he probably would remember that. Did you sail with the ship when she left Halifax?

A. Sure I did, absolutely.

Q. How long were you with your wife after you married her, and before you sailed with the ship?

A. Nights times occasionally.

Q. You remember your wedding day very clearly?

A. I do.

Q. You were away from your ship, you over-stayed your shore leave?

A. I told you no. (H. p. 14)

Q. When did you get back to the ship?

A. I returned myself to the ONCHONT because the PROGRAMME was laid out in the middle of the night and she was laying off anyway.

Q. The next morning, at 12 o'clock, she was laid off as usual as the same morning, and she was laid off as usual.

I can tell you.

Q. It was the night before you over-stayed your shore leave?

A. Of course, it was not; it was this particular day.

Q. You were married in the morning?

A. I told you I was.

Q. What did your shore leave extend to?

A. Until 7 or 8 a.m.

Q. When would it start?

A. Around about mid-day the day previous.

Q. You were out the day previous and all the night before?

A. That is so.

Q. And married in the morning?

A. Yes.

Q. What conditions were you in when married - sober?

A. Absolutely.

Q. You just happened to over-stay your leave?

A. For the purpose.

cf. 50 It was never back from day of marriage until day of discharge. - Didn't know where she lived yet had allotment sent her by post. p. 26.

To Halifax

cf. 26.

Q. By accident?

A. I didn't say it was by accident.

Q. Did the ship sail from Halifax then?

A. At the time?

Q. That day?

A. No.

Q. How long did she stay in?

A. As I told you, you are taxing my brain a lot; about three or four days, then she sailed.

Q. Is that a clear recollection, or are you just trying to please me?

A. I don't ask for any insinuations: I am here as a witness to give you a clear, truthful statement of what I remember, if that will satisfy you.

Q. The PROSERPINE, you stayed with her after you were married how long?

A. Of course, that was until such times as I left her, - what will I say? - Fifteen months.

Q. From the time you first joined her to the time you left her you never missed a voyage on the ship anywhere?

A. No, I was aboard her all the time, wherever she went, the crew went, unless there was somebody laid up or discharged to hospital, - that would be the only occasion; it didn't happen with me.

Q. After you were married was the ship back and forth to Halifax often?

A. About once after we were married.

Q. And then you were paid off in Halifax?

A. Well, yes, you can put it, paid off: I purchased my discharge, and that cost me twelve pounds.

Q. Where did you get the money for that; that is a lot of money for a sailor to have.

A. You think so?

Q. I would think so; 2/6 a day you got.

A. It was part and parcel of my wages and my earnings with my machine, which I told you I made money with just now; I made pounds, and pounds and pounds with it.

Q. What kind of suits were those?

N.B. Did he tell me he was not back here from day of marriage until Sept. 1900

Q. By accident?

A. I didn't say it was by accident.

Q. Did the ship sail from Halifax then?

A. At the time?

Q. That day?

A. No.

Q. How long did she stay in?

A. As I told you, you are talking my brain a lot; about three or four days, then she sailed.

Q. Is that a clear recollection, or are you just trying to please me?

A. I don't ask for any imagination; I am here as a witness to give you a clear, truthful statement of what I remember, if that will satisfy you.

Q. The PROSEPIRE, you stayed with her after you were married how long?

A. Of course, that was until such time as I left her, - what will I say? - fifteen months.

Q. From the time you left her to the time you left her you never made a voyage on the ship anywhere?

A. No, I was aboard her all the time, wherever she went, the crew went, unless there was somebody laid up or discharged to hospital, - that would be the only occasion; it didn't happen with me.

Q. After you were married was the ship back and forth to Halifax often?

A. About once after we were married.

Q. And then you were paid off in Halifax?

A. Well, yes, you can put it, paid off; I purchased my discharge, and that cost me twelve pounds.

Q. Where did you get the money for that; that is a lot of money for a sailor to have.

A. You think so?

Q. I would think not; \$1. a day you got.

A. It was part and parcel of my wages and my earnings with my machine, which I sold you I made money with just now; I made pounds, and pounds and pounds with it.

Q. What kind of outfit was that?

*W. B. did he tell me he was
we look here from day of marriage until Sept. 1900*

- A. Sailors; blue jackets' suits, - if you understand that.
- Q. How were things run in those days in the navy; were the men rationed off - was there so much rationing for each man - so much of this and that - so much clothing?
- A. The cook of the mess drew the provisions for the remainder of his mess mates.
- Q. You were supplied with uniforms?
- A. At your own expense.
- Q. And if there was not a handy man aboard where did the sailor get it?
- A. You got it ready made aboard the ship.
- Q. When you left Canada with your wife what port did you sail from?
- A. Quebec.
- Q. Did you and your wife ever live anywhere else outside England?
- A. No.
- Q. You were in London all the time?
- A. The whole of the time, yes.
- Q. I suppose your revenue from - you were a pretty well fixed man when you retired from the navy - pretty well fixed: you had enough to buy the discharge and enough to buy two tickets across the Atlantic, - you must have had a little money?
- A. I did have a little money, yes.
- Q. After you had provided all expenses, moving your wife, and so forth, did you have any left?
- A. Yes, I did.
- Q. And you went to live with mother and father?
- A. That is so.
- Q. How much money would you say you had at that time - heaps of money?
- A. I had plenty to keep myself idle until such times as I found a job.
- Q. What would you consider a lot of money in those days?
- A. When I arrived in England I reckon I had about twenty-five or thirty pounds myself, - myself.

- Q. You could not sell any more suits to navy men ?
- A. What do you mean ?
- Q. That business was out off once you got back to London; that way of earning your living was out off ?
- A. Sure it was.
- Q. What pay did you get in the post office ?
- A. £2, 7. 6 a week, I think, - in fact, I will tell you, 47/6.
- Q. That was a lot of money for those days ?
- A. It was a good wage.
- Q. And you were a porter ?
- A. I was a porter.
- Q. Was that above the average wage ?
- A. No, we were all on a level practically.
- Q. You could live comfortably on that ?
- A. Yes.
- Q. And you did ?
- A. In those days, yes.
- Q. Did you ever go to sea during those years, between 1900 and 1904, - ever go aboard a merchant ship at all ?
- A. No; the only time I left home at all was when I went to my depot to go to do my week's training on the Fleet Reserve.
- Q. You were interested in ships and matters of that kind ?
- A. I still am - what shall I say, - an interest - we will put it your way, - yes.
- Q. How many days holidays did they give you in the post office in those days ?
- A. You had a fortnight's holiday a year, on pay.
- Q. Were you always in work; was there any time you were out of work during those years when your wife was living with you ?
- A. Never out of work, constant work.
- Q. You drink a little do you ? Did you in those days ?
- A. I have done; opportunity does not give me a chance now.
- Q. It is an expensive habit.
- A. It is because I can't afford it; it is not expensive; I am out of work so I have to look after something else besides drink.
- Q. When doing pretty well 37 years ago, would you manage to spare

an odd shilling for a trip to the pub ?

A. I may have done, when the occasion arised.

Q. Can you ever remember being intoxicated ?

A. I have no recollection.

Q. Were you ever in gaol ?

A. I have no recollection.

Q. You saw your wife off at the train ?

A. I saw her off by train, yes.

Q. Were you good friends ?

A. Absolutely, to the last moment.

Q. Never any falling out ?

A. Absolutely friends; pals to the last moment.

Q. Pals to the last ?

A. Yes.

Q. And she left with heaps of money - your money ?

A. I didn't tell you it was my money; no doubt it was money accumulated, what I had given her, and what she had saved.

Q. What would you call heaps of money ?

A. What are you referring to ?

Q. What is your idea of a lot of money in those days ?

A. Anything over one hundred pounds.

Q. I suppose there are heaps and heaps then: there would be little heaps and big heaps.

A. It was in a heap, then, - in a heap.

Q. She had it in a heap ?

A. I saw it.

Q. Carrying gold ?

A. Yes, gold.

Q. Bullion; gold coins ?

A. In those days it was sovereigns and half-sovereigns, instead of paper money.

Q. Why did you leave the navy the second time ?

A. I don't follow you.

Q. You re-joined ?

A. For hostilities.

Q. Why did you leave the navy: how old were you when you re-joined

I think this is satisfactory?

oh! oh! c.f. 48

the navy? Did they think you were old then to enlist?

A. Nobody was too old in the war.

Q. But you rejoined in 1914?

A. Yes.

Q. Just after the war started?

A. Yes.

Q. Why did you leave the navy the second time?

A. I was invalided.

Q. What was the nature of your illness?

A. Hernia.

Q. That is quite a common thing among sailors?

MR. ARCHIBALD: There is no answer; was that an insinuation or a question?

MR. SHAW: It was an aside; strike it from the record, please.

Q. You were not fit for any further service?

A. I was unfit for naval service, anyhow.

Q. What did you do?

A. I went to the merchant service.

Q. Did you find that was less strenuous?

A. Yes.

Q. Less strenuous than being a leading signalman?

A. Different jobs I had to perform in the navy, - the answer is, yes, I found it was less strenuous.

Q. You got a pension?

A. I had sixpence a day for twelve months.

Q. And they cut you off after that?

A. Absolutely.

Q. Did they know of your previous record of service?

A. If they didn't, nobody else would. *Evasive.*

Q. Did you make any objection to your pension?

A. No, I was told when I came from the hospital that I should receive sixpence a day for twelve months, and there it ended. In fact, when I drew my last money, - I think I drew it every quarter - when I drew my last money, I was notified to send in my ring paper, where I drew it from the post office; I was notified by the Admiralty to send the ring paper back, and that terminated the

43 HARRY CROKER, cross examination.

pension, as you might call it.

Q. Your ring paper ?

A. I said ring paper, yes.

Q. What is a ring paper ?

A. Excuse me : this is sent to you, and all on that side is little rings, about the size of the top of that ink well, all the way down here, we will say, - every quarter of the year; and the same there: when you have received your cheque, you take it to the post office and hand it in; they have a duplicate; they certify it and stamp it to shew you have received it; that clears me and clears the post office officials.

Q. Whom did you give as the names of your next of kin when you joined the navy the second time; if you died who was to get any allowance or gratuity ?

A. My present wife. *The Bugger is married. c.f. 29.*

Q. You named her then ?

A. Yes.

Q. What address did you give for her ?

A. The job where I was caretaker, I took it to this school, 61, Redmans road, naturally. *that is where "we" moved from." c.f. 29*

Q. Did you give the names of your father and mother at that time?

A. No, not the next of kin.

Q. Mention your sister Ada ? *He recognized her photo so readily -*

A. Dead, as far as I know. *think he would know if she were dead. c.f. 24 - E. 27*

Q. Your brothers, - Dave ?

A. No.

Q. You didn't mention them at all ?

A. No.

Q. And where did you think your wife was then ? *c.f. page 29*

A. Are you referring to Sadie Davenport ?

Q. Yes.

A. My mind was a blank. *oh! oh!*

Q. Well, now, when did your mind cease to be a blank on the subject of your wife ?

A. When Mr. Doyle visited me. *ceased to be a blank on which wife?*

Q. When did you arrive in Halifax ?

- A. On the 10th of this money, last Sunday.
- Q. What ship did you come on?
- A. AURANIA.
- Q. What time of day did she dock?
- A. About 9 p.m.
- Q. Go to a hotel?
- A. Yes.
- Q. Know the name of it?
- A. I do; the Halifax.
- Q. Did you register?
- A. I was registered. *N.B. Didn't answer directly.*
- Q. Did you sign your name in the register?
- A. I did. *Why wasn't that produced to connect his signature to marriage documents.*
- Q. You are sure of that?
- A. I am sure.
- Q. Did you continue to stay there?
- A. No.
- Q. Where have you been since?
- A. Am I bound to answer that question? *In this satisfactory evidence.*

THE REGISTRAR: I don't see what bearing it has.

MR. LAWRENCE: It goes to credibility.

WITNESS: I ask for protection.

MR. SHAW: A man is thrown up by the sea after 38 years, presumed to be dead -

THE REGISTRAR: I don't think it has any bearing.

MR. SHAW: I withdraw the question and drop the matter.

THE REGISTRAR: I am not making any ruling.

WITNESS: I seek the protection of the court.

THE REGISTRAR: What point is there?

MR. SHAW: I am curious about this man. *what place is more suitable?*

THE REGISTRAR: I don't think the court is the place for curiosity, unless it is leading up to some fact in issue; if you have any good reason why his present address is material, well and good, I will allow it; but I have to be shewn the reason, if he does not wish to give it: unless you say it is material -

- Q. Were you given to understand you were interested beneficially

in the estate of your wife ?

A. Not a little bit, sir.

BY THE REGISTRAR:

Q. What does that mean, -- not at all ?

A. I am not being informed that I shall gain anything by being a witness.

BY MR. SHAW:

Q. What is your opinion about that, -- have you any ?

A. About what ?

Q. About whether you are interested ?

A. I have been called over here as a witness to give justice.

MR. LAWRENCE: objects.

THE REGISTRAR: Mr. Lawrence, you must not interrupt.

MR. SHAW: It goes to the man's bias.

THE WITNESS: I am not biassed one way or the other.

THE REGISTRAR: You have asked him if he was led to believe

that he was interested, and he answered, no.

MR. SHAW: The question was, believe he is beneficially

interested.

THE WITNESS: You asked me if I was told I should receive any

benefit; you raised the question.

MR. SHAW: I want to know if he is an independent witness;

whether he thinks he is beneficially interested in this estate

THE REGISTRAR: What is your opinion of what, -- you word

that question otherwise.

MR. SHAW: Strike it from the record; the question of opinion.

Q. Do you think you are interested in this estate ?

THE REGISTRAR: That is the same thing.

MR. SHAW: Surely I have the right to ask him whether he

thinks he will get anything out of this estate; surely that

is a proper question ? He surely must have an opinion.

THE REGISTRAR: You are not objecting ?

MR. ARCHIBALD: Certainly, I am.

THE REGISTRAR: You ask that question and Mr. Archibald's objection will be noted.

Q. What is your answer ?

A. To what?

Q. Do you think you are interested in this estate?

A. I have no interest in it at all; only as I told you just now, I have come over here to speak the truth so that justice shall be meted out, - that is my answer.

Q. You have certain tattoo marks?

A. Yes.

Q. Will you describe them; how many have you?

A. There is one, - visible.

c. f. page 30

Q. And that star -

A. Shall I undress?

Q. Describe them; you know them pretty well?

A. I am sure I do.

Q. If you don't, nobody else would.

A. That is right.

Q. Are there any large pictures, - objects of art?

A. There is two snakes, tied in a knot, and above that is a butterfly.

Q. Could I look at that one on your arm?

A. Yes, certainly.

Q. That is a dragon?

A. I should call it that; some call it a crocodile, and some a lizard; you call it what you like.

Q. If you had a little girl - you have no other large marks anywhere?

A. I was hit over the eye when a youngster, I don't know if that is visible or not; I don't look for it.

Q. Any more tattoo marks?

A. Yes, if those are of any consequence.

Q. Have you ever had your finger prints taken?

A. No.

BY MR. LAWRENCE:

Q. You were never in New Brunswick?

A. Never in my life.

Q. Or any part of it?

A. Never.

Q. How many times -- you said you were in Halifax once before the time you were married?

A. Yes, I think that is correct, too; once before I was married, yes.

Q. How long was the PROSERPINE in port that first trip?

A. I can't tell you; we used to visit from time to time, you see, -- a matter of days; might run into a week, and it might just overlap a week; but I think any great length of time.

Q. How many leaves, shoreleaves, would you have in a week?

A. Well, we had a system this way: we were in three watches, each watch constitutes four hours. That is at sea. When we arrive in port, not necessarily Halifax, we split into two watches, four hours on and four off, that releases one man and his mate for 24 hours, from noon to noon.

Q. Then the rest of the time except that four hours was your own time?

A. If you remained aboard the ship you were likely to be called for certain duties; the best thing was to clear off ashore.

Q. I suppose a lot of the boys did that?

A. Oh !!

Q. You do not remember just what time the PROSERPINE -- you were first in here on the PROSERPINE?

A. Oh, no.

Q. Would it be in the month of May?

A. I really can't tell you; I would like to be able to tell you.

Q. I appreciate you are doing the best you can; you joined it in March 25th, 1899.

BY THE REGISTRAR:

Q. Was that a boat of the Atlantic squadron, between here and Bermuda?

A. The North America and West Indies Station. It was called that in those days.

BY MR. LAWRENCE:

Q. You are not sure when you first came in here on the PROSERPINE?

A. I am not sure; I can't recall whether we went south or north.

Q. But you joined in Bermuda?

A. Yes.

Q. You say though you were in port about a week at that time ?

A. In Halifax, - give me a week, and I will give you a week: I can't tell to a day or two.

Q. Do you recall when you first met Sadie or Sarah Davenport -

A. Sadie.

Q. Where did you first meet her ; when did you first meet her ?

A. The first night of our arrival in Halifax.

Q. The first time you came on the PROSERPINE ?

A. Yes.

Q. You don't know if that was in - you don't know what time that was between June and March ?

A. The first time I visited Halifax after joining the PROSERPINE; that is as clear as I can give it to you.

Q. You courted her during your sojourn here during that time ?

A. Yes, from the time I first saw Sadie Davenport, our affections -

Q. It was love at first sight ?

A. Absolutely, you have said it.

Q. As far as you are concerned ?

A. As far as I am concerned, yes.

Q. Do you recall where you met her ?

A. Yes, but I could not take you to the place; don't ask me to do that: it was at a cafe or restaurant up here in one of these - as you go up - I remember Water street, where we used to land; Well, then, Jack Collard and me, he was my pal, we were together - wherever one was the other was - we came together, and we were in Water street, we will say, and we wandered about - wandered about - and dropped our anchor in this place - a cafe or restaurant.

Q. Does the name Grafton street suggest anything ?

A. Yes, I remember the name, Grafton street.

Q. Does the name George street mean anything to you ?

A. I am not clear on that.

Q. Albemarle street ?

A. Yes, I remember Albemarle street, yes; we used to call it arl - be-damn street.

Q. Do you remember a bar up there called Knips ?

A. That may have been the one: I am trying to mention to you;

*She must have been respectable!
Yet he is certain they parted as
pals. C. f. page 41*

but as far as the name is concerned, no.

Q. You saw her every night during the period you were in port ?

A. No, I didn't tell you every night; no, occasionally, I said.

Q. Can't you remember about how many times you saw her when you were first here in the PROSERPINE ?

A. I don't suppose I should be far wrong if I say at least three; I will say that, at least three.

Q. Where did you go with her ? I know it is a sad thing to recall to your mind: recall where you went ; did you go walking about the parks or what did you do ?

A. No.

Q. You don't recall where you went ?

A. I do recall, yes. Am I bound to answer that question ?

THE REGISTRAR: I don't see what bearing it has, and it is embarrassing to the witness.

WITNESS: I have respect for the dead, sir.

MR. LAWRENCE: I won't press it.

Q. She was a very good looking woman ?

A. Yes, I should say Sadie was a good looking woman; yes, I would call her a good looking woman.

Q. You said when in England she became unsettled ?

A. Yes, she did.

Q. What was her disposition; was she of the lonesome sort ?

A. I don't think her and my mother coddled on very well; they were not pally; visiting all right, you see, but I tell you definitely that was not Sadie's fault; everybody loves his mother and all that kind of thing, - well, then, let me tell you that was not Sadie's fault, - you have got that ? It was not Sadie's fault they were not friends.

Q. Going back to the time you married her; how many times did you see her when you came back to Halifax the second time on the PROSERPINE ?

A. Counting the night previous to the marriage, I would assume about the same number of times as the first visit.

Q. Three times; that means you saw on about six different occasions.

A. On the first two visits, - you will give me that ? It is no use me saying a dozen if I am going to tell a lie.

She must have been respectable?

yet he a possible

bigamist comes here to make Sarah

sh out to be another.

Q. I want to summarize it.

A. Exactly.

Q. You say she was sort of unsettled in her existence?

A. Yes, that will do.

THE REGISTRAR: What is this leading up to?

MR. LAWRENCE: It is anticipated proof; I think it is

quite important.

Q. About six times you saw her; what did she tell you about her past?

A. I am not prepared to say she told me anything about her past, no.

MR. ARCHIBALD: I object; I have kept away from this hearsay.

Q. I will put the question this way: I will put it differently: when did Lorna appear on the scene?

A. On the morning that I left the PROSERPINE, when I purchased my discharge.

Q. That was the first you had heard of Lorna?

A. Absolutely.

Q. And you had been away from the time you were married until the morning you purchased your discharge?

A. Yes.

Q. You had not seen her in that time?

A. That is true.

Q. Do you know where she was living?

A. No.

Q. Were you astonished - who did she say Lorna was?

MR. ARCHIBALD: I object.

A. Are you forcing that question? I seek your protection again: am I bound to answer?

THE REGISTRAR: I will not make any ruling until I know -

MR. LAWRENCE: I ask him if she told him who was Lorna's father.

WITNESS: You never asked that question.

Q. Who did she say Lorna was?

THE REGISTRAR: On what ground do you ask that question?

MR. LAWRENCE: It works up to a matter of capacity; her capacity to enter into this contract of 1899; we have an affidavit here - I don't feel I have to - I am

What satisfied it can be - what about that question your Honour ?

THE REGISTRAR: I will not say anything about that question until I find out the purpose and objections to the question, and then I will rule.

MR. ARCHIBALD: I object; hearsay.

MR. LAWRENCE: I think that is hearsay; I withdraw that question: I put the question this way, -

Q. Did you ask her who was Lorna ?

A. The answer is that Lorna was there, and she said something about the little girl, - all right: we were too busy I suppose, and going to leave, and there was nothing important said about it - simply there was a little girl there.

Q. Did you ask her who Lorna was ?

A. No, I did not.

Q. You didn't ask her ?

A. I did not.

Q. Were you surprised to find Lorna there ?

A. I was surprised, yes.

Q. But you didn't ask her who she was - whose child she was ?

A. No.

Q. And didn't volunteer to you -

How does this jibe with where he "made his bargain" c.f. 20

MR. ARCHIBALD: That is getting at it in the same way; I object.

MR. LAWRENCE: I withdraw that: we have ample evidence now as to who she said Lorna was: statement she had a daughter by name of Lorna - Giberson's statement.

MR. ARCHIBALD: It is all objected to.

Q. You took this child and was as kind to it as though it were your own ?

A. We did.

Q. And you accepted responsibility as a father ?

A. I accepted all responsibility as far as Lorna was concerned, she was yes.

Q. You told us that, you heard Sarah speak of Fredericton ?

A. Right.

Q. What do you remember her telling you about that ?

A. MR. ARCHIBALD: I object; the witness just said: I asked if he had ever been in Fredericton: he said he heard his wife speak of Fredericton.

A. THE REGISTRAR: I disallow that question as it is.

Q. MR. LAWRENCE: I ask the question, and it is disallowed ?

A. THE REGISTRAR: Yes, unless you can shew me some reason why I should allow it, I will disallow it.

Q. MR. LAWRENCE: The witness refuses to answer me anything as to his past life.

A. MR. ARCHIBALD: No, it was disallowed.

A. THE REGISTRAR: You have given me no reason why you should ask that question.

Q. I shew you E/2, that is your signature ?

A. Yes.

Q. What is that ? It is the affidavit you have to take before you get your license.

A. I can see it is an affidavit.

Q. It was sworn to, or purports to be sworn to, July 31, 1899; it is an affidavit you had to take before you were granted a license to marry ?

A. Yes.

Q. You swore in this affidavit that Sarah Davenport was a spinster.

BY THE REGISTRAR: Sarah or Sadie: know her as being referred to as Sarah ?

A. Only Sadie.

Q. How do you know Sadie and Sarah are the same person ?

A. I don't know. *What an admission! testimony of expert Stech.*

BY MR. LAWRENCE:

Q. I put the question to you, - you swore that she was a spinster in 1899 ?

A. Yes.

Q. I am asking you today, was Sarah Croker an unmarried woman when she married you in 1899 ?

A. To the best of my knowledge, yes: to the best of my knowledge, yes, sir.

THE REGISTRAR: I don't think that will get you anywhere.

Q. Would it surprise you to know that she was married?

A. Absolutely it would surprise me. Before I married her? That is the question you put to me?

Q. That she was a married woman when you married her?

A. It would surprise me; yes, sir.

Q. Why would it surprise you?

A. Because I have no other reason to believe otherwise than she was a spinster.

Q. That is not the question: why would it surprise you?

A. I don't know I can give a better answer than the one I gave you: if I could find a better one I would give it to you.

Q. What one was that?

A. I have no reason to suspect other than she was a spinster.

Q. Why have you no other reason to suspect other than she was a spinster?

A. I saw no indication of her being anything else; she had no wedding ring.

Q. Why would you be surprised to hear she was married when she married you?

THE REGISTRAR: He said she had no wedding ring; any other

reason?

Q. Any other reasons?

A. There is no other reason, sir.

Q. Other than she didn't carry a wedding ring?

A. She didn't wear a wedding ring.

Q. That is the sole reason why you believed in 1899 she was a spinster?

A. I did.

Q. And you believe to this day?

A. And I believe to this day, yes, sir.

Q. Do you deny that Sarah Groker was a married woman?

A. I can't deny that; I have answered your question, sir.

Q. Is it MR. ARCHIBALD: A very unfair question.

THE WITNESS: He is leading me to lie, sir.

A. You say MR. LAWRENCE: I am cross examining on his own affidavit.

THE REGISTRAR: I don't think that will get you anywhere;

he would be in the same position as anybody else.

MR. LAWRENCE: I daresay he in good faith married her, like Oiberson.

THE REGISTRAR: Unless you can bring in rebuttal; I don't think you can make him swear she was not married; no court would give any weight to the question or answer.

MR. LAWRENCE: All right; he does not deny it.

THE REGISTRAR: The record will have to be amended if you think he is making any admission. If that question means you are asking him to swear that she was not married, then I consider that question questionable; both question and answer should be struck out, if that is what you mean.

MR. LAWRENCE: I want his allegation; he says he was not in a position to deny she was married to somebody else in 1899.

THE REGISTRAR: I think that is objectionable.

MR. LAWRENCE: He swore in 1899 the woman was a spinster, and he gives evidence that he so believed.

THE REGISTRAR: And you ask him to swear something that no person can swear, and I will rule out the question and answer.

Q. It is possible and probable she was married ?

MR. ARCHIBALD: I object.

MR. LAWRENCE: In other words, there is no stronger evidence of her capacity other than this man's belief, and she didn't wear a wedding ring.

THE REGISTRAR: You can make it into two questions; you can ask if it was possible she was married and he didn't know.

Q. Is it possible that Sarah was married before and you didn't know about it, - is that possible ?

A. I should say, no, - no; I would not know.

Q. Do you understand my question, - she might have been married and you not know ?

A. I have already told you that; I told you that in another question you put.

Q. Is it possible that Sadie or Sarah was married, already married, when she married you, and you didn't know ?

A. You are coming to the same question again; I have answered that question.

Q. Is it possible that she was married and you didn't know about it?

A. Anything is possible, but hardly probable.

THE REGISTRAR: I think you are carrying on a futile line of enquiry; it is obvious that it would be possible a man marries a spinster, swearing she is a spinster.

WITNESS: That is my position.

THE REGISTRAR: If he saw her every day of his life, he could not swear she had not married some one secretly - he has sworn to his belief and it is all he can do.

Q. You spoke of Sarah being unsettled.

A. Yes.

Q. You saw her with this child?

A. Yes.

Q. When she left you, she up and left and came to this country?

A. That is the position.

Q. Left you flat there? Did you know any of the witnesses to this

A. Yes, if you put it that way, yes.

Q. Are you aware that it is alleged she went through another form of marriage here in 1914?

A. Am I aware of that?

Q. Are you aware it is said she did?

A. Am I bound to answer that question?

MR. LAWRENCE: The whole background of the woman must be brought into play: from what he knew of the woman, her temperament, moral fibre, - is it probably from what he knew of the woman, that she was married before she married him.

MR. ARCHIBALD: I object.

THE REGISTRAR: I rule out that question as inadmissible.

Q. Are you in a position to -

THE REGISTRAR: Word that question carefully: I am suspicious the way it starts off: I don't want to embarrass you in any way.

MR. LAWRENCE: They have to prove the woman's capacity.

MR. ARCHIBALD: Who has?

MR. LAWRENCE: I believe it is on the shoulders of my

A. I did learned friend.

Q. Did MR. ARCHIBALD: We have set up a prima facie form of

A. In marriage here; his marriage is not being impeached; by

Q. You this man they cannot prove whether or not she had

A. What capacity; he can only show he believes she had; that she

Q. Do you was not already married and had a status to marry.

A. THE REGISTRAR: Every married man's position would be

Q. I can vulnerable. Mr. Archibald may be basking under the

presumption it was the first marriage.

MR. LAWRENCE: We will ask further time to extend this

enquiry.

THE REGISTRAR: You will have to shew pretty good ground.

MR. LAWRENCE: Why? Have we not the right to check up

on this man's story?

THE REGISTRAR: You can have all the time you require now, but you are not going on a fishing expedition.

Q. Who was Mary Hutt? Did you know any of the witnesses to this

marriage?

A. No. MR. ARCHIBALD: That is very unfair.

Q. Do you remember in what part of the church it took place?

A. I simply went - we went in the church, and turned left as it were, and walked along until we came to the alter.

Q. Who was walking with you?

A. Me and Sadie Davenport, - or Sadie Davenport and me.

Q. Who made the arrangements with the minister?

A. I did not; I can tell you that I did not, - if that is an

answer to your question.

Q. You got your license?

A. I didn't.

Q. Who got it?

A. Sadie.

Q. Did you go with her to get it?

A. No.

Q. Did you know she was going to get the license alone?

A. She got it; she made the necessary arrangements, - is that an

answer to the question?

Q. So you didn't go near the place for the license?

A. I did not.

Q. Did you sign any papers ?

A. In the church.

Q. You signed all the papers you signed in the church ?

A. What were put before me to sign, I suppose I signed them.

Q. Do you know when all these papers - when was the license procured - the same day you were married ?

A. I can't tell you that; I could not tell you that.

THE REGISTRAR: Are you suggesting the marriage didn't take place?

MR. LAWRENCE: I am seeing if they complied with the statute.

MR. ARCHIBALD: He says he took an affidavit.

MR. LAWRENCE: He does not know what day he got the license.

THE REGISTRAR: This happened nearly 36 years ago.

MR. ARCHIBALD: Nearly 40.

THE REGISTRAR: Signed by John H. Barnstead, a man who is still alive.

MR. LAWRENCE: Then Mr. Barnstead must have been at the church.

MR. ARCHIBALD: That is very unfair.

MR. LAWRENCE: He said, Sadie, his wife, got it.

WITNESS: I did not; my answer to you was I did not.

THE REGISTRAR: I don't think this cross examination is helping things at all, along the lines you are proceeding: your suggestion there is anything irregular about the marriage, we have the affidavit signed by John H. Barnstead, and this man's signature is on it. He says he never applied for it: the way he is giving his evidence - if he didn't go, he is mistaken; he must have gone to Mr. Barnstead's office; I don't think he is lying.

MR. LAWRENCE: I say this, the statute may not have been fully complied with.

Q. Were you ever convicted of any crime or offence ?

A. None at all.

Q. Did you ever drink spirituous liquors ?

A. Spirits ? I don't touch spirits.

THE REGISTRAR: I ruled that you would not cover the ground Mr. Shaw covered, and that has been covered.

Q. Were you ever arrested for beating your wife ?

A. No, sir.

Q. Did you ever beat her ?

A. No, sir.

THE REGISTRAR: I don't see what bearing that has.

Q. You say she simply could not settle down; was she of a restless disposition ?

THE REGISTRAR: What has that to do with this ?

MR. LAWRENCE: It has a good deal to do later, and with the possibilities and probabilities.

THE REGISTRAR: In some other proceeding possibly, but I rule that out right now, and I am going to get annoyed, too, soon: you should keep within proper questions.

AND THEN THE WITNESS WITHDREW.

MR. ARCHIBALD: I don't think there is any more evidence I will have on that; there may be a little formal evidence to call, - Mr. Harris, - and close up all these things.

THE REGISTRAR: I don't know if the court should not have some assistance from a handwriting expert.

MR. ARCHIBALD: I will be quite prepared if you will take Mr. Croker's signature here.

THE REGISTRAR: The signature Sarah Davenport, - in connection with the signature Sarah Davenport.

MR. ARCHIBALD: Are you offering evidence in rebuttal ?

MR. SHAW: Yes, I am. I want to subpoena the manager of the Halifax hotel with the guests register.

THE REGISTRAR: What bearing would that have ?

MR. SHAW: I want to see this man's signature.

MR. ARCHIBALD: You can get it right here.

THE REGISTRAR: Get him to write his signature here.

MR. SHAW: It also goes to credibility somewhat if he says he registered at that hotel and he did not.

THE REGISTRAR: How would it be material ? Mr. Archibald brought this witness from England to give evidence; you don't have to put

him out in public and give everyone a chance to question him; if you choose to put him up at a particular place: I see what you probably are driving at, - a person's witness is their witness until he comes in court.

MR. SHAW: I am not interested in the motives of my opponents: I am interested in a man who keeps out of sight.

THE REGISTRAR: I don't have to account for where I was since this matter came on in October, or you, or anyone else. It is extraordinary to me you should want that.

MR. SHAW: This was an adjournment for further evidence, and it was given me to understand it would be an adjournment for permission to take evidence in England; the day before this hearing I find by an accident that a man from England is to be brought into court; he is brought here and hidden around the city so that even his own family -

THE REGISTRAR: You would not have access in an ordinary case; in the ordinary practice lawyers don't expose their witnesses to the opponents. It wont influence me, if he says he registered, and you bring a dozen hotel clerks to say he didn't register. He impresses me very favourably with his evidence: your evidence will have to have great weight. Is that the only evidence you offer in rebuttal ?

MR. LAWRENCE: There is a question at this stage: as to whether or not this woman was married prior to 1899.

THE REGISTRAR: There was three months adjournment and all had the same opportunity. I wont rule now, but when the matter comes on, as far as you, Mr. Archibald, are concerned, you will call Mr. R.V. Harris: I will feel very much disposed not to allow any further adjournment, and certainly not for a fishing expedition. You will consider carefully, Mr. Archibald, you must have it at the next hearing: I want to get it disposed of.

THEN THE COURT ADJOURNED UNTIL MONDAY,

JANUARY 18th, 1937, at 10am.

R. Eccles

Official Reporter.

