



**Sydney
Discovery
Services**

79
50 Dorchester Street
Sydney, Nova Scotia
B1P 5Z1

CBC 5
539-7591
SDS 86-169

1984

S.N. No. 03224

IN THE SUPREME COURT OF NOVA SCOTIA
TRIAL DIVISION

BETWEEN:

JOHN F. MacINTYRE,

Plaintiff

- and -

CANADIAN BROADCASTING CORPORATION,
a body corporate,

Defendant

DISCOVERY EXAMINATION OF WILLIAM A. URQUHART

Held at Offices of Sydney Discovery Services
 50 Dorchester Street
 Sydney, Nova Scotia

On May 9, 1986

Counsel Donald C. Murray, representing the plaintiff
 Gordon F. Proudfoot, representing the defendant

Court Reporter

Judith M. Watson, O.C.R.



AGREEMENTS

1. It is agreed that this Discovery Examination is held without order by the consent of the solicitors herein with the intention that it have the same force and effect as if all formalities had been complied with; and

 2. it is agreed that the Discovery transcript may be used at trial or subsequent proceedings in accordance with the rules pertaining to Discovery Examinations and the Rules of Evidence without the necessity to call in the Reporter in formal proof of the Discovery Examination.
-

- 4 - W. A. URQUHART, by Mr. Proudfoot

the Sydney Police Department in 1949.

12. Q. Who hired you?

A. The City of Sydney.

13. Q. And do you recollect who it was that hired you?

A. Which? The Chief?

14. Q. Yes.

A. Ronald MacDonald.

15. Q. Okay, and you started there presumably as a Constable?

A. Right.

16. Q. And you worked your way up from there?

A. Yes.

17. Q. What various ranks and positions did you hold in the Sydney City Police Force over the years?

A. Sergeant of -- Sergeant -- Detective-Sergeant, rather; Sergeant of Detectives, and Inspector of Criminal Investigations I finished up as in 1983.

18. Q. And Mr. MacIntyre, he was ahead of you, was he?

A. Yes, he was.

19. Q. And so when he was Sergeant of Detectives, you were what?

A. Detective-Sergeant.

20. Q. Okay, so you were directly under Mr. MacIntyre's command during the investigation of the Sandy Seale murder?

A. Yes, I was.

- 5 - W. A. URQUHART, by Mr. Proudfoot

21. Q. Okay. Was it usual for you two gentlemen to work together on major investigations?
- A. We worked together on a lot of cases, yes.
22. Q. And some say in the Seale investigation that you were Mr. MacIntyre's right hand man. Is that fair?
- A. Well, I worked with Sergeant MacIntyre, yes.
23. Q. He was Detective-Sergeant at that time?
- A. Yes, he was. He was my boss.
24. Q. Yes, but do you agree or disagree that you were his right hand man in this Sandy Seale murder investigation?
- A. Well, I was -- I don't know that I was his right hand man. There was other people involved in the investigation, too, but I worked pretty closely with Sergeant MacIntyre.
25. Q. Who else was involved in the investigation in a major way?
- A. Well, there'd be the Chief or Sergeant MacIntyre, at that time and myself, M. J. MacDonald, M. R. MacDonald.
26. Q. Yes, which one's that now?
- A. M. R.?
27. Q. Yes.
- A. Red Mick.
28. Q. That's Red Mike?
- A. Right.

- 6 - W. A. URQUHART, by Mr. Proudfoot

29. Q. Okay.
- A. And M. J. is -- he was the Deputy Chief and Gordon MacLeod, Chief. They're both retired now.
30. Q. The three major movers and shakers on the investigation were MacIntyre, Urquhart and Red Mike?
- A. Yes.
31. Q. Now on the night of the stabbing of Sandy Seale, did you arrive on the scene to investigate on the night in question?
- A. No, sir, I did not.
32. Q. Okay, when did you first get involved in the investigation?
- A. The stabbing took place, I believe, on a Saturday night and I didn't get involved until the following Monday.
33. Q. But it was Monday for sure that you got involved?
- A. Yeh. I was out of town.
34. Q. It was possible that the stabbing took place on Friday. You're not sure. Some time during the weekend?
- A. Some time during the weekend.
35. Q. Right, do you recollect where you were on the weekend?
- A. Yes. I was at West Bay.
36. Q. At home?
- A. At home on the shores of Bras d'Or.
37. Q. Okay. Did anybody call you to come out to help out

- 7 - W. A. URQUHART, by Mr. Proudfoot

in the investigation on the weekend?

A. No.

38. Q. All right, who made the first call to you to say that you're on this case?

A. Nobody did. I came to work on Monday morning and that's when I was filled in on it by Sergeant MacIntyre.

39. Q. But you had heard on the radio that there had been a stabbing in --

A. No, to be truthful with you, I didn't. I didn't know until I got back in town Sunday night that there was a stabbing.

40. Q. I see. So West Bay is your cottage, is it?

A. Right.

41. Q. Okay, so you go up there and you put your feet up and you forget about the radio and the T.V.

A. That's right.

42. Q. Okay. So you did not hear the pleas for help on the local radio stations on the weekend.

A. No, I didn't.

43. Q. And nobody called you and --

A. No.

44. Q. -- said this is what's up. Do you have a phone at your cottage?

A. I have now. I didn't then.

45. Q. Oh, I see. Okay. Now a lot has been said and

- 8 - W. A. URQUHART, by Mr. Proudfoot

discussed about the case. Were you aware that Mr. MacIntyre was called out on that Friday night to look into the case?

A. No. As I said, sir, I was out of town all weekend long.

46. Q. No, but you know -- are you aware of those circumstances now?

A. No.

47. Q. That's news to you?

A. Yeh.

48. Q. Okay. You were not aware of any discussions between the Chief of the day and Sergeant Detective MacIntyre with regard to that issue?

A. No. You're talking about the Chief at that time who was Gordon MacLeod?

49. Q. That's right. Was he known as "Goldie"?

A. No.

50. Q. That's a different man?

A. That's a different man.

51. Q. But it was Chief MacLeod who was in that day.

A. Chief Gordon Kenneth MacLeod.

52. Q. Okay. At that time of the investigation, was Mr. MacIntyre Chief MacLeod's obvious successor in your view?

A. I wouldn't know anything about that.

53. Q. That never even occurred to you?

- 9 -

W. A. URQUHART, by Mr. Proudfoot

- ✓ A. No, because it was an open competition. Everybody. There was a lot of applications went in when Chief MacIntyre got the job.
54. Q. I see. So back in 1971 I suppose a murder was a pretty big deal, and still is today.
- A. It still is.
55. Q. If you have a murder, it's a big deal.
- A. Yes.
56. Q. Okay, and prior to the Seale stabbing, killing, when was the previous murder that occurred in the City of Sydney?
- A. I believe it was Jimmy Seto. He was a Chinese restaurant operator on Charlotte Street.
57. Q. What happened to him? What was the story on that case?
- A. Well he was murdered in the basement of the apart -- of the restaurant on Charlotte Street. It was investigated by the present or retired Deputy Chief of Police, Norman MacAskill. There was other people involved in the investigation, too, including Sergeant MacIntyre, I believe, but it was never came to any conclusion of who did the murder.
58. Q. And the investigation of the Seto murder was headed up by who?
- A. Norman MacAskill.
59. Q. Norman MacAskill?

- 10 - W. A. URQUHART, by Mr. Proudfoot

- A. Yeh.
60. Q. So that was in 1960 some time?
- A. I'm not --
61. Q. Late 1960's?
- A. I'm not sure of the date of the Seale murder --
of the Seto murder.
62. Q. Okay, but it was just a couple of years before this
one.
- A. It was prior to the Seale.
63. Q. Yes, we know it was prior but was it just a few years
before? I suggest to you it was 1966. Does that
sound right?
- A. It could be very close, '66.
64. Q. So when the whole matter of the Seale attempt murder
which turned into murder occurred, there was extra
pressure on the Force to solve this one. Is that
true?
- A. No, I don't think there was. Nobody ever put
any pressure on me personally either by the Chief
of Police or by my boss at that time, Sergeant
MacIntyre.
65. Q. I'm not talking about -- okay, pardon me. I didn't
mean any direct pressure but I mean generally in
the police business you want to make sure that
you don't have two unsolved murders on your record.
- A. Well you'd like to get them all cleaned up if you

- 11 - W. A. URQUHART, by Mr. Proudfoot

could.

66. Q. Sure, but I mean there was some added incentive, "We've got to solve this one, boys." Is that fair?

A. No, I don't think so because never in any way, shape or form has anybody ever said to me "Get this cleaned up."

67. Q. You wouldn't expect that anyway, would you?

A. No. You do your work to the best of your ability and you know, that's all you can do.

68. Q. Okay. In this case there is a young black man that was stabbed and there was a young indian man that was accused. I suppose racial tension was running pretty high at that time after Marshall was charged. Is that fair?

A. I don't think so. I never heard any of it out on the street and I've been around the street for many years. I never heard anything about tensions between blacks, indians, or whites.

69. Q. After the funeral for Sandy Seale, were you aware that there was a fight just outside the funeral --

A. No.

70. Q. You never heard about that?

A. No, where did that take place?

71. Q. Well, I --

A. I never heard of it.

- 12 - W. A. URQUHART, by Mr. Proudfoot

72. Q. Sir, you're here to answer questions, not me.

A. Oh, I'm scrry.

73. Q. If you said you didn't know about it, then that's fair enough. You were not aware of that?

A. No.

74. Q. As far as you're concerned, there was no racial tensions surrounding the Marshall case?

A. Not as far as I'm aware of, no.

75. Q. Okay. Now from what I've read and talking to people here in Sydney, there appeared to be a lot of people in this City that figured the indians were trouble makers out there in the Park and people wanted them out of that Park, Wertworth Park. Do you agree or disagree with that?

A. I suppose that there was people back and forth through the Park. They're there every night, and the Police, I suppose, had been called. You'd have to search the records for that because I don't really know but I never heard of anybody or any direct order given to the Police to chase any particular persons out of the Park.

76. Q. But there was a feeling in the community that they were not happy with the --

A. Well, if there was a feeling, I wasn't aware of it.

77. Q. So you're not aware of that feeling?

A. No, sir, I am not.

- 13 - W. A. URQUHART, by Mr. Proudfoot

78. Q. Was there any feeling within the Police Department that that was a trouble area?
- A. No.
79. Q. Okay. Was it ever perceived that Donald Marshall was one of the so-called indian trouble-makers in town?
- A. No, I didn't even know Donald Marshall as --
80. Q. You didn't know him at all?
- A. Not growing up, no, or as a --
81. Q. Prior to the charges being laid against him and prior to this investigation of Seale occurring, you're saying you did not know Junior Marshall?
- A. No, I didn't.
82. Q. When's the first time you even knew that this man existed?
- A. When the investigation started of the murder of Sandy Seale.
83. Q. You were not aware, therefore, Mr. Urquhart, that various charges had been brought against Mr. Marshall previous to this?
- A. No.
84. Q. You were not aware that he was accused and charged with rape, for example?
- A. No.
85. Q. Not aware of that?
- A. No.

- 14 - W. A. URQUHART, by Mr. Proudfoct

86. Q. How many rapes do you get in the City of Sydney in the run of a year?
- A. Perhaps one, perhaps two. Very limited.
87. Q. Sure, and a rape is a serious crime.
- A. It is so, very serious.
88. Q. That's right, and that's a serious crime you would be concerned about, and you would make it your business to know who those people are that are accused, wouldn't you?
- A. If I'd known about it, yes, but I did not hear about Donald Marshall being charged with rape.
89. Q. I see. Now Monday morning when you came into the office and you got involved in the Marshall case, who brought you up to date on what was happening?
- A. Sergeant John F. MacIntyre.
90. Q. All right. What did he tell you?
- A. He told me that there was a stabbing in the Park, that there was a number of witnesses questioned and to be questioned.
91. Q. Did he give you a summary of where the focus of attention should be?
- A. What do you mean by that, sir?
92. Q. Just what it means. Where were you going to concentrate your investigation? What leads did you have? Where were you going to look? Who were you going to interview? Do you remember the --

- 15 - W. A. URQUHART, by Mr. Proudfoot

A. I was --

93. Q. -- general theme of things?

A. Yes, I was under the direction of Sergeant MacIntyre and when he went to take statements, I accompanied him either in the office or when we went out of town to take them.

94. Q. I'm not asking you what you did. I'm asking you in that first meeting with Mr. MacIntyre what your focus would be in the next few days, what he -- He had an agenda, obviously what had to be done.

A. Yes, to try and clean up the -- to try and interview all the suspects and to try and clean up the case.

95. Q. Right. Okay. And what was he saying to you? What did he tell you to do? What did he suggest be done? Did you give him any suggestions?

A. No. I can't remember. You know, this was a long time ago. But as far as I know, we -- I was under his direction. I'm not trying to put the blame on him but I'm under his direction. I done what he asked me to do and any statements or anything, I accompanied him and I was the witness to the statements.

96. Q. Okay, any of the statements that have your signature on them are you saying that you didn't take them, they were taken by Sergeant -- Detective-Sergeant MacIntyre and you just simply were there for a

- 16 - W. A. URQUHART, by Mr. Proudfoot

witness?

- A. No, I'm not saying that. I'd have to look at the statements to see if my -- if I took them or I just witnessed them.
97. Q. I see. Have you had an opportunity to review the statements prior to attending here today?
- A. Not all of them, no.
98. Q. Some of them you have?
- A. Some.
99. Q. Did you review Mr. MacIntyre's evidence that he gave earlier on Discovery in this case?
- A. No.
100. Q. You did not?
- A. No.
101. Q. You haven't read any of his transcript?
- A. No.
102. Q. But you have discussed the case?
- A. Yes, I have.
103. Q. Sure. Now on that Monday morning when you came into the office and spoke with Mr. MacIntyre, was there any discussion at that time that the Pond at Wentworth Park be drained? Whose idea was that?
- A. I don't know. I wasn't in on that part of it at all.
104. Q. That was something done --
- A. That was done either by -- it was likely done under Sergeant MacIntyre's direction but I wasn't involved in that part of it.

- 17 - W. A. URQUHART, by Mr. Proudfoot

105. Q. Okay, was that done after Monday or prior to Monday?

A. I would say it was done after Monday but I'm not sure of that.

106. Q. Okay. On Monday morning, who did you have for prime suspects of the murder?

A. I don't really know if there was a prime suspect at that particular time.

107. Q. Well, were there any names discussed as to who it might possibly be?

A. No, there would be no possibilities, you know, that I would know of at that particular time.

108. Q. But that -- I mean, that was the major effort was to find out who the main --

A. Oh, yes.

109. Q. -- suspect was and then follow up the leads, right? Are you saying, Mr. Urquhart, that on Monday morning Detective-Sergeant MacIntyre never mentioned Donald Marshall as a prime suspect in this murder?

A. He mentioned him that he was there and that he gave a story to them. Let me see now, yes, no doubt the name was mentioned of Donald Marshall.

110. Q. Sure, and --

A. Of him being there, certainly but at that time he wasn't accused of anything.

111. Q. When you say accused, what do you mean by that?

- 18 - W. A. URQUHART, by Mr. Proudfoot

A. Well he wasn't charged or accused of anything. He was a witness in the Park. He was the fellow that was close to Seale when he --

112. Q. I'm not asking you if he was charged, sir. I'm asking you if he was a suspect in this murder.

A. I'd imagine that everybody that was around was a suspect at that time.

113. Q. Oh, yes, Mr. Urquhart, but was he a prime suspect as far as you were concerned?

A. I couldn't answer that, no.

114. Q. And you're telling me here today that it's your recollection that Mr. MacIntyre did not put the finger on Donald Marshall on that Monday morning as a prime suspect?

A. No.

115. Q. He did not.

A. Not to me.

116. Q. And you never got that impression from Mr. MacIntyre that Donald Marshall was a prime suspect?

A. No.

117. Q. Okay. At what time that week did it occur to you that Donald Marshall was a prime suspect?

A. When the statement was taken at Louisbourg.

118. Q. From?

A. Maynard Chant.

119. Q. That's the one that was taken in the Police Station?

- 19 - W. A. URQUHART, by Mr. Proudfoot

A. Court, yeh.

OFF THE RECORD

BY MR. PROUDFOOT:

120. Q. Okay, just before the break there, I was talking about Louisbourg and the Maynard Chant statement. I'm going to show you this document here which is marked as exhibit D-1. Just take a look at D-1, Mr. Urquhart. Have you seen this document before?

A. No.

121. Q. You've never seen that before?

A. No.

122. Q. What does it look like to you? Have you ever seen some -- a document like that previous in your Police work?

A. No, I have not seen that document before.

123. Q. No, not that document, sir, a document like it.

A. No.

124. Q. But do you know what it is?

A. Oh, it's a capsule form of what happened it looks like to me.

125. Q. Right. Okay, have you ever used CPIC?

A. No, I'm not a CPIC operator. I never used it.

126. Q. Right, but did you ever go down to the CPIC operator and say, "Look, I want to send a message down to H Division.", or wherever?

A. Oh, yes, I've done that.

127. Q. Sure, and does that look like a CPIC communication,

- 20 - W. A. URQUHART, by Mr. Proudfoot

hard copy of it?

A. It could very well be but I'm not acquainted with CPIC really.

128. Q. Oh, yeh, but you've received messages on CPIC.

A. I have but --

129. Q. CPIC's been around for awhile, hasn't it?

A. I know, yeh.

130. Q. How many years?

A. Ten, twelve, I suppose.

131. Q. Sure, and you just retired just recently?

A. Three.

132. Q. Three years ago.

A. Yeh.

133. Q. So you had at least a half a dozen years dealing with CPIC. Is that correct?

A. Correct.

134. Q. And you've received and sent messages on CPIC.

A. Yeh, but I never sent one like that.

135. Q. Oh, I'm not saying the actual content of it, sir, but the foremat of it. You've seen CPIC messages before.

A. Yes, I have.

136. Q. Sure, and that's what that is. Isn't it?

A. If you -- I don't know if it is a CPIC hard copy or not.

137. Q. This date was May 30th at 3:11 a.m., it says in the

- 21 - W. A. URQUHART, by Mr. Proudfoot

upper right-hand corner. Got that? The communication was made when it would appear, and I suggest to you, that it was sent from Sydney R.C.M.P. Detachment to H. Division. In that document -- you read it, I take it?

A. Yes.

138. Q. It indicated there that

to date reveals Marshall possibly the person responsible.

You didn't direct this to be sent?

A. No.

139. Q. But someone obviously within the Sydney detachment asked that to be sent. Would you agree or disagree with that?

A. I wouldn't know because I know that it wasn't sent by myself.

140. Q. Right. Did Sydney have a CPIC --

A. No.

141. Q. -- unit?

A. No. Not in '71.

142. Q. Did they have one prior to that?

A. No. I could -- I could check but we didn't have a CPIC in 1971.

143. Q. Right, I remember --

A. Because it was only certain departments had them, the R.C.M.P. and the larger departments, I think.

- 22 - W. A. URQUHART, by Mr. Proudfoot

We were one of the smaller departments that got them later.

144. Q. Sydney was a smaller department?

A. At that particular time, yeh. Like Glace Bay -- Like I'm talking about Halifax and Dartmouth and those other larger cities had them before we did.

145. Q. I recollect something in the newspapers where certain police forces were given CPIC but they lost their privileges to CPIC. That didn't happen in Sydney, did it?

A. No. Once we got ours, we've never lost it, to my knowledge at least.

146. Q. You were aware of that fiasco, though, where some departments around the Province lost their CPIC because they were misusing them. You remember that. Is that correct?

A. Personal messages or something.

147. Q. Yes. Do you recollect that?

A. I recollect something about it, yes, but I didn't pay any attention to it at the time.

148. Q. I see, but that didn't happen to Sydney?

~~A. No.~~

149. Q. But at that time, 1971, if you wanted to make a CPIC request, you went through the Sydney Detachment?

A. Had to go through the R.C.M.P.

150. Q. And you had to go through the Sydney Detachment?

- 23 - W. A. URQUHART, by Mr. Proudfoot

A. Right.

151. Q. Now in Sydney I take it there's a regional R.C.M.P. office as well as a local detachment. Is that true, at that time?

A. No, the office would be -- it was on the Esplanade at one time, right below here where the old Government Wharf is and then it was moved up to Alexander Street. I don't know what year the transfer took place.

152. Q. No, but like in Halifax, there's a Halifax Detachment and then there's H. Division.

A. No, there's only the one here as far as I know on Alexander Street, and there's the other Detachments on the outlying districts like Hawkesbury and Cheticamp and New Waterford. They all come under this one here.

153. Q. Just under Sydney Detachment as far as you know?

A. Right.

154. Q. And that's the way it was in 1971?

A. Yes, as far as I know.

155. Q. Okay. So on Saturday or pardon me, Sunday, I guess -- it was the early morning hours of Sunday, May the 30th, somebody somewhere decided to tell H. Division that Donald Marshall was possibly the person responsible for this murder. Yet you're telling me here today that when you went in to see

✓
- 24 - W. A. URQUHART, by Mr. Proudfoot

Sergeant-Detective MacIntyre on Monday morning he did not even mention Donald Marshall as a prime suspect.

A. He mentioned him as being there, yes, at the Park but I don't know where that message came from and I don't know who sent it.

156. Q. Okay. Now Donald Marshall, did he stay around the Sydney City Police Department during the weekend? Did you ever get information as to where he had been over the weekend?

A. No.

157. Q. Right. Mr. MacIntyre didn't tell you that he had been at the Police Station over the weekend?

A. No. I heard about it but I don't know who told me that he was down at the Police Station.

158. Q. Right, okay. Did you hear about why he was there?

A. No.

159. Q. And did you hear about a line-up being conducted at the Sydney City Police Department?

A. No, I did not.

160. Q. And you -- are you telling me that you were never advised during this investigation that a line-up had been done?

A. No, I wasn't.

161. Q. Wouldn't that be something that you would have been informed of?

- 25 - W. A. URQUHART, by Mr. Proudfoot

A. Yes, but I don't recall any line-up.

162. Q. Okay. I'm not asking for you personally, sir, to recall a line-up. You already testified that you didn't get involved until Monday and our information from previous examinations is that this occurred during the weekend.

A. Yes.

163. Q. All right, so you wouldn't have been there anyway.

A. No, I wasn't there.

164. Q. But what I want to know is if you ever heard that a line-up was conducted for Donald Marshall to select someone from a line-up?

A. No, I didn't hear of a line-up.

165. Q. I see. Do you find that unusual that Mr. MacIntyre would not advise you of a line-up being conducted?

A. No, I think if there was a line-up held, he'd have told me.

166. Q. So as far as you're concerned if he didn't tell you about it, it would be natural to assume that no line-up took place? Is that correct?

A. Yes, I guess -- again, I say I don't know if there was a line-up or there wasn't a line-up.

167. Q. Okay, I suggest to you, sir, there was indeed a line up.

A. There wasn't a line-up?

168. Q. There was.

- 26 - W. A. URQUHART, by Mr. Proudfoot

- A. I don't know. I can't answer that because I don't know.
169. Q. Okay, but what you can say is that nobody told you about a line-up.
- A. Nobody told me about a line-up.
170. Q. Okay, and you're saying that that surprises you or doesn't surprise you.
- A. No. It doesn't surprise me, you know, and it-- there's no reason for it to surprise me.
171. Q. Did you read the file that had been accumulated to date on what was happening?
- A. Partly, yes.
172. Q. And during the week or so after the stabbing and the consequent death of Sandy Seale, I would assume that you were spending most of your time on this case, weren't you?
- A. I was spending a lot of it, yes.
173. Q. Yeh. The majority of your time in fact?
- A. Yes.
174. Q. And at no time did Mr. MacIntyre ever advise you that there was a line-up conducted for Donald Marshall?
- A. No, he didn't.
175. Q. Have you ever heard of a fellow by the name of Mickey Flynn?
- A. Mickey Flynn, by reputation, yes.

✓
- 27 - W. A. URQUHART, by Mr. Proudfoot

176. Q. Sure. In fact he was a murderer from these environs at one time, wasn't he?

A. He was a what?

177. Q. A murderer from this area at one time?

A. I wouldn't know that.

178. Q. You wouldn't know that?

A. No, I wouldn't know if Mickey Flynn murdered anybody, no.

179. Q. Yeh, well, he spent time in Dorchester Penitentiary for it and he returned to Cape Breton.

A. For murder?

180. Q. Yes.

A. No, I didn't know that.

181. Q. You did not know that, sir?

A. No. No.

182. Q. I see, but you heard about Mickey Flynn?

A. I heard about him by reputation, yeh.

183. Q. Was he living in Sydney at the time of the investigation prior to the charging of Donald Marshall?

A. That's something I can't tell you. I wouldn't know.

184. Q. But if Mickey Flynn was a prime suspect in the Seale investigation, you would have known about that. Wouldn't you?

A. Yes, I think I would. Sure.

185. Q. Were you aware of anyone ever bringing Mickey Flynn down to the Sydney City Police Department?

- 28 - W. A. URQUHART, by Mr. Proudfoot

A. No.

186. Q. And did you ever contact Mickey Flynn?

A. Did I ever personally?

187. Q. Yes.

A. No.

188. Q. Do you know where Mickey Flynn is today?

A. I have no idea.

189. Q. I see. You said you knew him by reputation. What did you know about Mickey Flynn?

A. I just heard about him around town that he was involved when he was younger and he left the area. That's all I can tell you.

190. Q. Okay, in your years in the Police Force -- how many years were you on the Police Force?

A. Roughly 35 -- 34½, give or take a few months.

191. Q. Sure and during that time you had conducted line-ups or participated in the organization of getting a line-up, had you not?

A. Yes, I had.

192. Q. How does it work?

A. Well, what we used to do if there was an offence took place, we got a line-up and we'd try to get people the same size out on the street. We'd send the police out to pick them up and take them into the station. You know, if they were five foot eight, we'd try to get people five foot eight.

193. Q. So if you've got some guy that's saying, "I saw this guy who was five foot eight, he had glasses and a mustache.", you try to get all five foot eight --
- A. Well you try the best you could, you know, and you had the line-up --
194. Q. Yeh, and just before you go any further, where do you get these people? Just off the street? You say -- do you pay them to come down?
- A. No, no. You go to the pool halls. That was a great spot. They'd be shooting pool, eh. Or the archades, you know. So you'd go in and you'd ask them. You very -- You very seldom got a refusal because they'd come down and they'd all be given cards something like that, five by seven or something like that and the number would be on it, eh, and then you'd put them in the line-up and you'd photograph the line-up.
195. Q. And so they'd be holding a card at their chest.
- A. They'd be holding a card in front. You know, because you couldn't put it on because it might interfere with them someway or another so you -- they held the card in front of them like this with the number on it. You have the outside glass. The people come in and looked at the suspects through that glass. The people that was inside holding the numbers

✓
- 30 - W. A. URQUHART, by Mr. Proudfoot

couldn't see them.

196. Q. Sure.

A. We'd photograph them. Then as each one was finished or as the line-up was finished, you got them up to the desk to sign the card that they were holding with their address -- their name, address, and telephone number on it.

197. Q. Yeh. Why would you keep that?

A. Keeps for records in case it had to go to court and then it would be in the file. It would be in the file with all of the rest of the statements, the line-up and what was done on the case.

198. Q. Sure, and that would stay with the file, would it?

A. Stay with the file, yeh.

199. Q. Do you pay these guys anything?

A. No.

200. Q. They just do it for a laugh, do they?

A. They do it. Well, I don't know if it's for a laugh but they do it anyway, out of their goodness of their heart I suppose. There's no problem to get them. I suppose you could go up town this morning and get a bunch.

201. Q. Okay. So other than the cards, what other records are kept of these line-ups.

A. The photographs.

202. Q. The photographs.

- 31 - W. A. URQUHART, by Mr. Proudfoot

A. Yeh.

203. Q. And who takes the photographs?

A. The Ident Section.

204. Q. Yeh, and where do those photographs go?

A. They go with the file. That's what I used to do with them anyway was put them in with the file, the photographs and you have the numbers.

205. Q. Okay. Now what would happen if somebody identified somebody in a line-up? What would happen then?

"I think it's that guy, second from the end."

A. You took -- you asked him to stay and you interviewed the fellow and you said, "Look, you were picked out of the line-up. What have you got to say?", and then he generally used to say, you know, whatever he wanted to say. You took it down in writing, question and answer, and that was it.

206. Q. Generally, "Sir, I don't know what you're talking about.", right?

A. You hear people say that, too. "I don't know anything about it. I wasn't there.", you know.

207. Q. Okay. During the investigation of the murder of Sandy Seale, you do not recollect Mickey Flynn as being any player in this investigation?

A. Not to my knowledge, no.

208. Q. Would you remember that?

A. I don't know if I would or not but I can't remember

- 32 - W. A. URQUHART, by Mr. Proudfoot

the name of Mickey Flynn ever popping up in this investigation. Now he could have, you know, because Sergeant MacIntyre's been around a lot longer than I was and he'd know all those people but I certainly didn't have any involvement in that way.

209. Q. What was your understand -- how many more years was Sergeant MacIntyre with the force before you?

A. I believe Sergeant MacIntyre joined the Sydney Police Department in 1942 and I didn't join until 1949.

210. Q. I see. Now after Monday, after you got involved, were any search warrants ever issued to search any premises in connection with this murder investigation?

A. I don't know. I can't tell you.

211. Q. Was -- Let's go on specifics. Do you recollect any search warrants being issued to search the house of Donald Marshall?

A. No, I don't. I don't remember any search warrants being issued for that.

212. Q. After Donald Marshall was charged, -- you remember that?

A. Yes.

213. Q. Would it be a natural thing to do to follow-up would be to actually get and obtain a search warrant to

✓
- 33 - W. A. URQUHART, by Mr. Proudfoot

search his home? Wouldn't that be proper investigative technique?

A. I don't know anything about that. I just as I said from the outset, I worked under Sergeant MacIntyre. He was the man that was spearheading the investigation and I don't know whether he got a search warrant. To my knowledge, he didn't get a search warrant to search Donald Marshall's house.

214. Q. Right. Would you ever go out on your own initiative and obtain a search warrant?

A. No, not unless I was --

215. Q. Directed?

A. -- directed by the man that was in charge of the case.

216. Q. Sure, I see. Okay. But when you came up on the Sydney City Police Force, did you take any courses in investigative technique?

A. No.

217. Q. So who taught you how to --

A. Sergeant MacIntyre.

218. Q. He was your mentor?

A. Yes, sir.

219. Q. He taught you everything you know.

A. Not quite everything I know.

220. Q. Basically. In general terms.

A. I'm glad you cleared that point, sir.

- 34 - W. A. URQUHART, by Mr. Proudfoot

221. Q. In general terms, though?
- A. Yes. Him and Norman MacAskill. Norman was -- Norman MacAskill was in charge of the Detective Department when I went in. John MacIntyre was second in command, and I studied under those two gentlemen.
222. Q. Right, did you take any courses, like down in Halifax on investigative techniques?
- A. Yes, I was at the Police School in Halifax.
223. Q. Sure, and how long was your course?
- A. Two weeks.
224. Q. That was the only other training that you received other than on the job?
- A. Right.
225. Q. And did you pass that course in Halifax?
- A. Yes.
226. Q. And that course was on what?
- A. On general police duties and investigation.
227. Q. And at what stage of your career did you take that course?
- A. In 1966 shortly after I went in the Detective Department.
228. Q. I see, and that was sort of a course to get you boned up for that task?
- A. A refresher, yeh.
229. Q. Okay. But do you see anything wrong in no search

✓
- 35 - W. A. URQUHART, by Mr. Proudfoot

ever being conducted of Donald Marshall's home?

A. No, I don't see anything wrong with it.

230. Q. Did you ever find the murder weapon in this case?

A. No.

231. Q. Was there any attempts made to find it?

A. Yes.

232. Q. Okay, tell me about them.

A. Well, as far as I can understand, the Park was drained, the grounds were searched, the area was searched, the brooks were searched. There was police all through the Park and to my knowledge, the murder weapon wasn't found.

233. Q. There are other places to look, though, beyond the Park?

A. Yeh, there was culverts and there was monuments.

234. Q. No, but beyond the Park.

A. Yes, all the -- all that area was searched.

235. Q. The whole general area, eh?

A. Well the whole area up to Argyle Street and all around the bushes was all searched by men.

236. Q. And that would have been immediately following the crime?

A. Yes, as far as I know it would be because I wasn't there immediately --

237. Q. Until Monday.

A. Yeh.

- 36 - W. A. URQUHART, by Mr. Proudfoot

238. Q. Now after Monday, was there any further searches for the weapon?

A. Yes, there was.

239. Q. Who conducted those or oversaw the searches?

A. Sergeant MacIntyre.

240. Q. Did you have any involvement in that?

A. No, I wasn't on any of the searches in the Park.

241. Q. No, I didn't ask you that. Did you have any involvement in it? Like did you speak to anybody "Look here. Look there."?

A. No.

242. Q. Okay, and was it ever discussed as between yourself and Mr. MacIntyre that search warrants should issue to look for the murder weapon at the Marshall residence at Membertou?

A. No.

243. Q. Did you discuss it with anyone else other than --

A. No, I did not, sir.

244. Q. -- MacIntyre? No?

A. No.

245. Q. Were any other search warrants discussed to search for the murder weapon beyond the Donald Marshall residence?

A. Not to my knowledge, no.

246. Q. And that's something you'd remember, wouldn't you?

A. Yes.

- 37 - W. A. URQUHART, by Mr. Proudfoot

247. Q. Mr. Urquhart, during the beginning of the investigation and throughout, you're testifying that you were not aware that Mickey Flynn was just freshly out of Dorchester and was living in Sydney?

A. No.

248. Q. Okay, let's go back to Louisbourg. You say you went to Louisbourg. That was for Maynard Chant's statement. Perhaps you could just fill me in on that Monday. You -- what happened? I take it you met with Detective-Sergeant MacIntyre, discussed the case. Do you recollect was it a long discussion or --

A. Well, I don't know what time limit you could put on, you know, but we did go to Louisbourg.

249. Q. Was it the same day, to the best of your recollection?

A. To the best of my recollection, it was on the 4th of May.

250. Q. The 4th of May?

A. I'm not sure, no. I'd have to check.

251. Q. Okay, just to save some time here, the murder occurred on the Friday, the 28th of May, I believe.

A. The 28th of May?

The 4th -- could it be the 4th of June? I'm not sure of the date that we went to Louisbourg.

252. Q. Okay, but it was around that. I just want to get you after the murder date that you're going to

- 38 - W. A. URQUHART, by Mr. Proudfoot

Louisbourg to interview Maynard Chant.

A. Yeh.

253. Q. Okay, I understand that it's been just a few years since then.

A. Just a few years, yeh.

254. Q. Anyway, don't worry so much about the dates as to what actually happened. Whose idea was it to go to Louisbourg? Was that --

A. It was Sergeant MacIntyre.

255. Q. And what gave him the idea that he'd find something when he got to Louisbourg?

A. Well, I think he wanted to talk to Maynard Chant again because Maynard Chant was one of the ones that was supposed to be in the Park the night that it happened, or in the vicinity of the Park. And we drove out to Louisbourg. Do you want me to continue?

256. Q. Oh, yes, I'm listening.

A. And we drove out to Louisbourg and Chant -- we saw the Chief of Police who is the High Sheriff of the County of Cape Breton now, Wayne Magee.

257. Q. Oh, yes, Mr. Magee.

A. Yeh, he was Chief of Police.

258. Q. In Louisbourg?

a. Yeh, and he knew -- he knew the Chant family and he went and he got young Maynard Chant and his

- 39 - W. A. URQUHART, by Mr. Proudfoot

mother and took them to the police station. Young Mr. Burke from the Probations Services was there, too. Larry Burke.

259. Q. Larry Burke?

A. Yeh.

260. Q. Okay, now, let's just slow down here a bit. So the first place you went was to the Chant home?

A. No, no. The first place we went was to the Police Station.

261. Q. Okay, you went there and told the Chief, "Hey, look, --

A. We'd like to speak to Maynard Chant.

262. Q. This young fellow.

A. Yeh, so he went and he got him and his mother and took them up to the Police Station.

263. Q. Okay, so that was what, general Police protocol? This was his area, let him do it and we'll just stay in the background?

A. Sure.

264. Q. Is that correct?

A. It's not the background. You go because we might be chasing around all day before we could find the Chant home and the Chief knows --

265. Q. Right away.

A. -- right away where all those places are and it's only common courtesy that you ask the Chief in the jurisdiction that you're in to go, you know, and

- 40 - W. A. URQUHART, by Mr. Proudfoot

he went and he got Maynard Chant and his mother and took them to the Police Station and Sergeant MacIntyre interviewed him.

266. Q. Okay, so yourself and Mr. MacIntyre stayed at the Police Station --

A. Right.

267. Q. -- and then Magee went out and brought Maynard Chant down the Police Station.

A. And the mother back.

268. Q. And the mother?

A. Right.

269. Q. And her name is what?

A. I don't know. Mrs. Chant is Margaret, is it? I don't know.

270. Q. Beuda?

A. Beula.

271. Q. Beula or Beuda?

A. Beuda or whatever it is.

272. Q. Something like that.

A. Yeh.

273. Q. Okay, and he brought them down the Police Station?

A. Yes.

274. Q. Okay, and so where did you have your meeting?

A. There was a long room. It looked like a court room. There was a long table and we were sitting up at one end and Chant and the mother were down, you know, part way. I don't know exactly the seating

✓
- 41 - W. A. URQUHART, by Mr. Proudfoot

arrangements then but we were, I would say, you know, a number of feet away from them.

275. Q. Yes, and would you gentlemen have been in uniform?

A. No.

276. Q. Just in your civies?

A. Plain clothes. And he told Chant that he was out, that there was a murder, and that he wanted to get the truth, that that wasn't too much to ask. He said that to the mother and the mother said, "No. Maynard, if you know anything, you tell the Sergeant." and he continued or proceeded to ask him questions. I believe it's in a question and answer form.

277. Q. So basically Mr. MacIntyre explained what was going on, why they were there, and then he just wanted him to tell the truth?

A. That's right.

278. Q. Okay, so it was your impression that was the first time that Mr. MacIntyre had spoken to Maynard Chant on that day?

A. Yes.

279. Q. It was the first time -- It was your impression
----- that was the first time Mr. MacIntyre had interviewed
Maynard Chant.

A. On that day, yes.

280. Q. At any time?

A. Oh, I didn't know about that.

- 42 - W. A. URQUHART, by Mr. Proudfoot

281. Q. Okay, but you didn't know about anything before but it was your impression that that was the first time there was any discussion with Chant by MacIntyre, with Maynard Chant. Is that correct?
- A. Right.
282. Q. Okay. So what happened?
- A. He asked him -- Have you the statement there?
283. Q. Yeh. We'll get into the statement but just generally what --
- A. Generally he asked him --
284. Q. So you had Burke, Beuda the mother, Maynard Chant, yourself, Mr. MacIntyre. Anybody else?
- A. Wayne Magee.
285. Q. Wayne Magee.
- A. Yes.
286. Q. And were all those parties always present during the full duration --
- A. Yes.
287. Q. -- of that interrogation -- meeting, interrogation, whatever you want to call it?
- A. Right, they were.
- ~~288. Q. They were. And who did -- who was doing the talking?~~
- A. Sergeant MacIntyre.
289. Q. Did you ask any questions?
- A. No, sir, I did not.
290. Q. Did any of the other parties speak?
- A. No.

- 43 - W. A. URQUHART, by Mr. Proudfoot

291. Q. Did the mother have any protest?
A. No.
292. Q. She was cooperative, was she?
A. She just didn't say anything outside of what she said in the first, "If you know anything, Maynard, tell the Sergeant the truth.", or words to that effect.
293. Q. How old would Maynard Chant be then?
A. I suppose he must have been a juvenile, 15.
294. Q. Something like that. Was -- had he been in trouble before?
A. I heard later that he was, yes.
295. Q. But at the time, did you know whether he was or not?
A. No, I didn't. No.
296. Q. I see, and --
A. And he'd be a juvenile and we wouldn't know because there'd be no records of juveniles.
297. Q. And are you saying that the Sydney Police Force had no way of determining if someone had a juvenile record?
A. You'd have to go through the Juvenile Court to find out.
298. Q. Oh, yeh, but you can get it though?
A. It wasn't all that easy in those days.
299. Q. Oh, is that right?
A. No.

- 44 - W. A. URQUHART, by Mr. Proudfoot

300. Q. Who would you contact in Sydney to find out if Maynard Chant had a juvenile record?
- A. You'd have to go through the Judge of the Juvenile Court.
301. Q. And you had done that as an Officer?
- A. Yeh.
302. Q. But it's just a matter of going down and saying what you're up to and why you need it and they'll give it to you.
- A. Well more or less, yeh, but not all that easy.
303. Q. What's the problem with getting juvenile records?
- A. Well, under the Juvenile Act, the names weren't supposed to be given out.
304. Q. When some one was convicted of something?
- A. Yeh.
305. Q. But they were given out.
- A. Yeh.
306. Q. Sure. Otherwise you wouldn't be able to do your job. Is that correct?
- A. That's partly correct, yes.
307. Q. So I'll get to the statement in a second but was it your recollection that Detective-Sergeant MacIntyre got anything out of Maynard Chant during that meeting?
- A. What do you mean got anything out of him?
308. Q. Well, anything useful for the investigation?

✓
- 45 - W. A. URQUHART, by Mr. Proudfoot

A. Well, you'd have to go back to the statement.

309. Q. No, but what was your feeling when you left? Was it --

A. My feeling was --

310. Q. -- successful?

A. Yes, it was a successful statement, yes. And there was no threats or promises or favours held out to Chant to give that statement.

311. Q. I didn't ask that, sir. Why do --

A. But I'm saying it.

312. Q. Okay. Why would you say that?

A. Because that's the normal procedure.

313. Q. No, but why are you telling me that there were no favours and no pressures and all this sort of thing? Why are you telling me that --

A. Because he gave it on his own free will. Nobody asked him to -- or threatened him in any way, shape or form.

314. Q. Who said he was threatened?

A. I'm saying that he wasn't.

315. Q. Oh, I see. Do you feel that that is an issue here?

A. It could be, sir, but I'm not sure if it is or not.

316. Q. Oh, I see. Do you know if Mr. Chant ever complained that those things did occur?

A. I don't know because I'm not privy to the records of the other cases.

✓ - 46 - W. A. URQUHART, by Mr. Proudfoot

317. Q. Oh, yeh, but you watch T.V., don't you?

A. Ahhh. I don't go by T.V. and I don't believe what I read in the papers at times.

318. Q. Oh, is that right?

A. No, I don't, because --

319. Q. But Maynard Chant later testified when they re-investigated this case and he appeared on T.V. and he talked about it freely.

A. Oh, yeh, when he was a Born-Again Christian?

320. Q. I'm asking you the questions, sir. Do you recollect if Maynard Chant indicated at a later time that pressures were put on him when he gave that statement in Louisbourg?

A. No, if you're talking about a T.V. report that he appeared on, I didn't watch it, sir.

321. Q. Oh, I see. Did you hear the general rumor that --

A. Yes.

322. Q. -- that's what he was saying?

A. Yes.

323. Q. Okay. Of course you didn't accept that?

A. No, and still don't.

324. Q. Have you ever read his sworn statements that indicate those things?

A. No.

325. Q. Now let's see if I got the right statements here. That would have been after Monday. Was that the

- 47 - W. A. URQUHART, by Mr. Proudfoot

afternoon or the morning? Do you recollect or --

A. In the afternoon, I believe, sir.

326. Q. Okay, because that one's marked at 2:55. I think that's -- Why don't you just take a look at D-2. I show you a statement of Maynard Chant dated June 4th, 1971.

A. Yes, it's 2:55 p.m.

327. Q. That's what they have marked on it, sir, yes. That's a type-written copy. I think this is the hand-written copy, D-3. Now have you had an opportunity to look at that? Does that look like the Louisbourg statement? Is there any date -- does it say "in Louisbourg"?

A. No.

328. Q. But it does have your name at the foot of it?

A. Yeh.

329. Q. And that's simply typed off this one here that I'm about to show you which is a hand-written copy.

Correct?

A. Yes.

MR. MURRAY:

I think in fairness you should show him the copy before he says whether it's the same one.

MR. PROUDFOOT:

I am. No, no, I'm not asking him to say whether it's the same one. I'm just saying has he seen that and does that look like

- 48 - W. A. URQUHART, by Mr. Proudfoot

the Louisbourg statement.

BY THE WITNESS:

A. It looks like the same but I don't know.

BY MR. PROUDFOOT:

330. Q. Now after that meeting in Louisbourg, do you recollect if everybody signed the statements that was there, like Beuda Chant and everybody?

A. I wouldn't know unless I saw the --

331. Q. The actual document?

A. Yeh.

332. Q. Do you recollect if you signed it, sir?

A. I'd imagine I did, sir.

333. Q. You would have --

A. I'm -- I'm -- You know, again, I'd like to see my handwriting before I'd say yes.

334. Q. No, okay. Well we'll look at it. I just want to see what your recollection of the events were without the aid of the statement if you don't mind

A. I'd imagine that I signed it. Sergeant MacIntyre signed it. I likely signed it. And he added the ones that were there. That's my recollection.

335. Q. That Detective-Sergeant MacIntyre would have wrote their names down unless they signed it themselves and I don't know unless I look at the documents, sir.

336. Q. Okay, I'll let you read this, look at it. It's a xerox so it's hard on the eyes even to look at it.

- 49 - W. A. URQUHART, by Mr. Proudfoot

Anyway I show you D-3 which purports to be a copy of the handwritten statement that was taken from Maynard Chant that day.

A. That's my signature appearing there.

337. Q. On the right-hand side of page 25?

A. Twenty-four -- 25, yeh.

338. Q. Page 25, that is your handwriting?

A. That is my handwriting there, yeh.

339. Q. Okay, the next page which probably should say 26?

A. Twenty-six and again mine is there.

340. Q. Okay, so you signed every page to make sure there were no added or deleted pages.

A. And here again page 27.

341. Q. You signed that, too.

A. Yeh, that's my handwriting.

342. Q. And that's just to firm up the fact that you were there and you heard this guy sign this statement.

A. Yes. Maynard Chant, 3:45 p.m., Sergeant John F. MacIntyre and Sergeant William Urquhart.

343. Q. Sure. Who actually wrote out the statement that we see there? Is that your handwriting?

A. No, sir, that's Sergeant MacIntyre's.

344. Q. He wrote it out?

A. Yeh.

345. Q. Okay, and you just were there for the witnessing.

A. Right.

- 50 - W. A. URQUHART, by Mr. Proudfoot

346. Q. Keep going to the next page there, please, 28.

A. And again this is Sergeant MacIntyre's writing.

347. Q. He just wrote down who was there?

A. Yeh. Beula Chant, mother; Lawrence Burke, probation officer; Chief Wayne Magee, Urquhart and myself.

And I don't know what this is.

348. Q. I don't know either. What's that, Maynard Chant?

Is it?

MR. MURRAY:

Something court.

BY MR. PROUDFOOT:

349. Q. Town Court?

A. Could be.

350. Q. Who knows? The great cryptic mystery.

A. Perhaps the Sergeant could help us out there.

351. Q. Actually the word looks like "Frank Covert". I don't think he was there.

A. I don't know.

352. Q. Okay. So that statement D-3 and D-2, one's simply a typed up version of the other.

A. Yeh.

353. Q. In a nutshell, they would -- just take a look at it there. What was the great significance of that statement, if any? Do you recollect?

A. On this statement here, there's one page missing, the fourth page from this one here.

354. Q. Yes, that is all the little addendums.

- 51 - W. A. URQUHAT, by Mr. Proudfoot

A. Yeh.

355. Q. The who signed what --

A. Yeh, and the names of those. That's missing from this typed sheet.

356. Q. Fair enough. That's absolutely correct. But other than that, on D-2 in that statement, do you recollect what the significance of that statement was? What use was it to you in your investigation? Do you recollect?

A. Well it puts two people in the Park.

357. Q. And those two people were who?

A. Sandy Seale and Donald Marshall.

358. Q. Does it go further than that?

A. Yeh, there was --

Was there any other conversation between you and Marshall at that time?

Yes, there were two men, the tall one with brown hair had done the stabbing.

This of course is not true?

And the answer is:

No.

359. Q. I beg your pardon?

A. He said -- and the question was asked:

This of course is not true?

And his answer was:

No.

Did you know you were over in the tracks?

- 52 - W. A. URQUHART, by Mr. Proudfoot

and he said no, that he did not. It was signed Maynard Chant.

360. Q. That rebutted what Marshall was saying --

A. Yeh.

361. Q. -- at that time. But of course was there any other significance to this statement?

A. Yeh, he said that he saw him stab him.

362. Q. Saw the right -- just a second now.

I seen Marshall haul a knife out of his pocket and jab the other fellow in the side of the stomach.

And the question was asked:

What side?

The right side I seen him jab it in and then slit it down.

How did you tell it was a knife?

By the figure. It was shiny and long.

363. Q. So the significance here is not so much that you had two men in the Park, sir. It was the fact that you had him eyewitnessing the murder.

A. Yeh, right.

364. Q. That was the big deal about Maynard Chant's June 4th statement, wasn't it?

A. Right.

365. Q. Okay. Why didn't you say that when I asked you?

A. Because I was reading over the statement.

366. Q. I see, so today you couldn't recall that that was the main significance of the Chant statement in Louisbourg?

- 53 - W. A. URQUHART, by Mr. Proudfoot

- A. The statement from Chant was to gather any additional evidence that we needed in the investigation.
367. Q. Were you aware on June the 4th when that statement was taken from Maynard Chant that a previous statement had been taken so you went into Louisbourg town --
- A. No, I didn't.
368. Q. You didn't know about a previous statement?
- A. No, I didn't know there was a previous statement taken off him.
369. Q. You know today that there was one, though, eh?
- A. Yeh.
370. Q. Let me show you another exhibit here, D-4. Just take a minute to take a look at that. Take your time. May 30, '71. You've read that?
- A. Yes.
371. Q. And you can tell by reading it -- is that the first time you've ever seen that statement?
- A. As far as I know it is, yes.
372. Q. And the first -- when was the first time that you realized that there was a prior statement contrary to the Louisbourg Chant statement? Was it long after this whole affair came out in the wash?
- A. Yes, I suppose, yeh.
373. Q. Years after?
- A. Oh, I wouldn't say it was years, no. No.

- 54 - W. A. URQUHART, by Mr. Proudfoot

374. Q. It was after Marshall was up in Dorchester?

A. Yes.

375. Q. Okay. How did you find out about it?

A. I don't recall.

376. Q. Did you -- who kept the file on this thing?

A. Sergeant John MacIntyre.

377. Q. Yeh, and he kept it, what, in his office or was it in general filing?

A. No, I imagine it was locked -- we had a filing cabinet with all the files were in.

378. Q. For the detectives?

A. The detectives and it was locked up in that. It was a cabinet, you know, file cabinet.

379. Q. With important cases?

A. Yeh, in drawers. You know, three or four drawers in it and they'd be in the back.

380. Q. Okay, so then we've got the Chant's statement --

A. Can I have a break for a minute?

381. Q. Oh, sure. No problem at all.

OFF THE RECORD

BY MR. PROUDFOOT:

-382.- Q. Mr. Urquhart, you said that it was some time after Donald Marshall was in Dorchester that it came to your attention that there was a prior statement of Chant. Somehow you don't recall -- did you do any thing about it? .

A. No.

383. Q. Did you mention it to Mr. MacIntyre?

A. I can't remember if I discussed it with him or not.

384. Q. Did it surprise you?

A. No.

385. Q. No?

A. No.

386. Q. That didn't bother you at all, eh?

A. No. You're talking about a second statement?

387. Q. Yeh. You had the statement that put Chant there eyewitnessing the stabbing and somehow the first statement came to your attention that indicated that Chant never saw a stabbing, that there was someone else doing the stabbing. That didn't bother you at all, eh?

A. No.

388. Q. Okay. You didn't raise it with anybody like the Chief?

A. No.

389. Q. Who would -- the Chief then would have been Mr. MacLeod still?

A. Right.

390. Q. Okay. When was the first statement taken from Marshall? Do you recollect? That was after you got involved?

A. I don't even know if there was a statement taken from

- 56 - W. A. URQUHART, by Mr. Proudfoot

Marshall. I can't recall if there was.

391. Q. Well, sir --

A. Now, I don't know.

392. Q. You don't know but wouldn't you be shocked as an experienced police officer if no statement had been taken from not only the prime suspect but the fellow that's being accused of non-capital murder?

A. No.

393. Q. That wouldn't surprise you in the least?

A. No.

394. Q. That's --

A. I don't -- See, I don't know if there was a statement taken from Marshall or not.

395. Q. No, but what I'm asking you as far as investigative technique in your shop there you're saying you wouldn't be surprised if no written statement was taken from Donald Marshall?

A. No.

396. Q. But you were aware that he was at the police station Saturday and Sunday with Mr. MacIntyre?

A. Yeh, I was aware of that.

397. Q. And you're telling me here today that you wouldn't be surprised if no statement was ever taken from Donald Marshall?

A. No. It wouldn't surprise me.

398. Q. Was that the usual investigative techniques of the Sydney Force at the time?

- A. Well that was the investigation -- that was -- I can't speak for the Sydney Police Department. I can only speak for Sergeant MacIntyre who I was under at the time, and if that was the way that he did it, I would figure that it was the right way to do it.
399. Q. I see. You never made any judgements on your own as to what was right and what was wrong.
- A. No.
400. Q. I see. During this investigation where you were working closely with Detective Sergeant MacIntyre, then you never saw a statement of Donald Marshall?
- A. No, I didn't.
401. Q. Okay, did you ever ask if one existed?
- A. No.
402. Q. And at -- so to this day, you don't even know if one exists?
- A. No, I don't.
403. Q. All right, and you've never read a statement from Donald Marshall after all this came out?
- A. No, I haven't, and I really don't -- I don't know if there was one or there wasn't. And I'm not going to say that there was or there might have been because I don't know.
404. Q. No, I don't ask you to speculate, sir. That's good. I showed you exhibit D-1 which was that CPIC telex-

typed message. When you asked for information on an investigation from the R.C.M.P., were they pretty prompt in replying to your requests generally?

A. Well, any requests that I ever had with them or any involvement I had (I can only speak for myself.) I always found them cooperative.

405. Q. Sure. Would they phone that back or would they send it hard-copy on this machine?

A. They generally phoned it back to you, the information that you wanted, and then, you know, forwarded a message to you.

406. Q. So there'd be both --

A. Yeh, you'd have both.

407. Q. Okay. Now you can see there in that telex or CPIC or whatever the heck it is, you can see there that they're asking for information on suspects that would fit the M.O. or the modus operandi of the accused stabber in the Wentworth Park that night. I think if you direct yourself to the end of the message, exhibit D-1, you'll see that. Just take a moment and read it. That's basically what the request is for, isn't it, sir?

A. Right.

408. Q. And what knowledge do you have of a reply from R.C.M.P., Criminal Investigations Branch, in Halifax, answering that request?

✓ - 59 - W. A. URQUHART, by Mr. Proudfoot

A. This is it here, D-1, I guess.

409. Q. No, no, that's the request for it. But what about the answer to it?

A. Well, I have never seen one.

410. Q. Is that right?

A. No.

411. Q. So you don't know if they ever replied?

A. No, I don't.

412. Q. Okay, and so you never got a list of people in the Sydney area that fitted that M.O.? You know what I mean by "M.O." of course. That's a standard police term.

A. Yes. Modus operandi.

413. Q. Yeh. Prior to charges being laid against Donald Marshall, you do recollect that day?

A. Yeh.

414. Q. Do you? Not the specific date but you remember when it happened?

A. Right.

415. Q. Okay. Were you there when the information was sworn by Detective Sergeant MacIntyre?

A. I was at the Court House with Sergeant MacIntyre. but I wasn't --

416. Q. You were there but you didn't have any direct --

A. No, I didn't have any.

417. Q. Direct involvement?

- 60 - W. A. URQUHART, by Mr. Proudfoot

A. No.

418. Q. But you do recollect the event?

A. Right.

419. Q. Prior to that day was the name "Roy Newman Ebsary" ever mentioned in the investigation?

A. I never heard it. I never heard of Ebsary either until much later.

420. Q. After the whole thing started to come up again, eh?

A. I didn't know Ebsary, you know. I learned later that he was a cook at the Isle Royale Hotel and all that stuff but I personally didn't know him as a -- you know, from the street or from my work on the street or in the Detective Department. I didn't know Ebsary.

421. Q. Yeh, what were your responsibilities in the Department anyway from a day to day basis?

A. Any crime that was committed in Sydney, we investigated. There was so much assigned to each of the officers by Sergeant MacIntyre.

422. Q. Did you have "bull" sessions first thing in the morning? You know, somebody would do a run-down on what, ~~who you're looking for, all that stuff?~~

A. Yes, and late in the evening too. We'd always have sessions, you know.

423. Q. Yeh. Who ran those sessions?

A. Sergeant MacIntyre.

✓
- 61 - W. A. URQUHART, by Mr. Proudfoot

424. Q. Yeh, and you always attended.

A. Oh, yes, if I was working at all, I did.

425. Q. Oh, yeh, if you -- and you worked like two hundred and twenty some-odd days a year or whatever it was, other than vacation you were there?

A. Yeh.

426. Q. And those sessions were held first thing in the morning?

A. Sometimes. Sometimes in the evening. Sometimes four o'clock. Sometimes five. You'd go over the days work. You know if you were stuck on something, you'd go to him and say, "Look, I've gone as far as I can on this. Have you any ideas on it?" The others would be called in to kick it around and find out, you know, and somebody would --

427. Q. "Try this guy." and "What about that?"

A. Sure.

428. Q. And who would be part and parcel of those meetings?

A. Well, there'd be myself. There'd be MacAskill when he was in charge there. John MacIntyre was the Sergeant. It would be Mike MacDonald and then again, ~~too, we had the evening shifts.~~

429. Q. So they'd have to be teed up too?

A. Yeh, they'd be teed up and the fellows on day-shift would tee up with what they had and the fellows coming out at the five o'clock shift, you'd tell

them or at the six o'clock shift, you'd tell them.

430. Q. So when your foot officers came in, the constables so to speak, you'd say, "Hey, look, we're looking for somebody doing this sort of thing and we're having trouble down in that area.", that sort of thing.

A. You'd notify the desk sergeant and any calls we'd be notified on it. Thefts, you know. Anything at all that went on.

431. Q. Right, that's standard?

A. Sure.

432. Q. And generally if somebody was quote/unquote a bad guy, you wanted to make sure that everybody knew about it?

A. Yeh.

433. Q. So if they saw something happen, they could follow up a lead.

A. Get your finger on it and find out.

434. Q. Now Ebsary at the time of the Seale investigation did have a prior record. Did he not?

A. I learned later that he did, yes.

435. Q. In fact, his ~~M.O.~~ fitted the circumstances at Wentworth Park in the night in question, didn't they?

A. I'd have to check the records before I could answer yes to that.

436. Q. Okay. What's your understanding of his previous conviction?

- 63 - W. A. URQUHART, by Mr. Proudfoot

- A. The only conviction that I or the only thing that he was charged after -- many years after with an incident on his home where he stabbed somebody.
437. Q. At his home, eh?
- A. Yeh.
438. Q. What was the outcome of that?
- A. I don't know whether he was acquitted of it or whether he was convicted to be truthful with you right now. I'd have to again go back to the records.
439. Q. Yeh, but you mentioned earlier that you knew he was a cook at the Isle Royale Hotel.
- A. That's right.
440. Q. Yeh, and he was --
- A. And I learned that after this all started, too.
441. Q. Sure. But at -- when he was at the Isle Royale, he in fact was running after a chef with a knife, wasn't he?
- A. I don't know.
442. Q. And he was convicted of that?
- A. I don't know.
443. Q. You don't know about that?
- A. No, I don't.
444. Q. Okay, and you weren't involved in that investigation, were you?
- A. No.
445. Q. I see, and you're saying that Mr. Ebsary was unknown

- 64 - W. A. URQUHART, by Mr. Proudfoot

to you and to the Sydney Police Force generally at the time of the Marshall conviction. Is that true?

A. I don't know. I can't speak for the rest of the Police Department now but I'm speaking personally for myself that I didn't know Ebsary.

446. Q. At the time of the Marshall --

A. No.

447. Q. -- investigation of the Seale murder?

A. No. I wouldn't have known him if I fell over him.

448. Q. Is that right?

A. Yeh.

449. Q. Okay. And you're testifying here today that if you were to ask your regular constables to identify someone that was wearing a cloak, gray hair, short with an M.O. of a knife, they wouldn't be able to tell you that was Roy Newman Ebsary?

A. I'm not saying that because I don't know.

450. Q. Okay. What steps did you take to review the information that was provided from various witnesses that in fact it was someone that fitted that description? How did you follow up on it, sir?

A. Now getting back to Ebsary --

451. Q. No, but how did you follow up on that description? If you want to add something later, you can add it with your own counsel but I want to find out what

✓ you did to inquire of constables or other officers in the Force about a gray-haired man in a cloak with an M.O. of a knife?

A. I didn't.

452. Q. You did not?

A. No.

453. Q. And did you intentionally not do it or --

A. No, I was working under the direction of Sergeant MacIntyre. He was in charge of the investigation.

454. Q. He told you what to do and what not to do?

A. That's right.

455. Q. You took no initiative on your own?

A. No, because we were working on the case and he was in charge of it and I didn't interfere one way or the other with his investigation.

456. Q. Okay, so you figured that if you would have suggested anything about following up leads on someone of that description, you would have been quote/unquote interferring?

A. No, no. No. I knew it was in capable hands and I was quite satisfied to go along with the investigation because he had -- Sergeant MacIntyre had a lot more experience than I did.

457. Q. But you had some experience in this business?

A. Yes, I had some.

458. Q. Sure you did.

- 66 - W. A. URQUHART, by Mr. Proudfoot

- A. But he was at it a lot longer. He was in charge of the Department and we took our direction from him.
459. Q. Yeh, but you've had an excellent police career. You've had a lot of successes.
- A. Yes.
460. Q. Yes, and you've had a lot of experience and you even had a lot of experience back there in the Marshall investigation but yet you just followed orders and --
- A. That's right.
461. Q. -- walked the straight line? Is that correct, sir?
- A. Do what you're told when you're told.
462. Q. Okay. Prior to Marshall being charged, though, it was known in the Sydney City Police Force that there were statements coming in saying that there was a fellow short, gray hair, glasses, cloak, in the Park that night. Isn't that so?
- A. Yes, I've heard those.
463. Q. Sure, and you knew about it before Marshall was charged, didn't you?
- A. Yes, I would say I did.
464. Q. Sure. Yet you took no initiative. You left it to Mr. MacIntyre?
- A. That's right.
465. Q. Now at these so-called "bull" sessions, if I can

- 67 - W. A. URQUHART, by Mr. Proudfoot

call them that where the detectives met, were the constables also there?

A. No.

466. Q. Just the detective people?

A. Yeh.

467. Q. And the Chief?

A. Sometimes the Chief of Police, sometimes not.

468. Q. So you'd have the Chief -- sometimes you'd have the Chief, Deputy Chief, all the detectives?

A. Yeh. Very seldom the Chief of Police because he left it to Sergeant MacIntyre.

469. Q. I see. So he was more of an administrator, the Chief?

A. The Chief, yeh.

470. Q. But the detectives, they were the working nuts and bolts of the investigation?

A. That's right. I suppose the Chief knew that it was in capable hands so why should he get into it, you know, because he was an investigator himself. He was in the Detective Department at one time. And furthermore, I want to clear up this point: I knew Gordon MacLeod perhaps better than any man in the City of Sydney.

471. Q. Was he the Chief?

A. Yes.

472. Q. At that time?

- 68 - W. A. URQUHART, by Mr. Proudfoot

- A. Yeh. And I, you know, he always spoke about very highly about MacIntyre.
473. Q. What's that got to do with anything?
- A. About his investigation and I suppose that's one of the reasons that when the investigation started he just said "MacIntyre's in charge of it. I have no worries about it.", and that was that. That's my opinion of it.
474. Q. Why are you telling me this?
- A. Well, because I want to clear up any misunderstanding that there might -- You said something about first when I came in the room that MacIntyre being called or the Chief calling MacIntyre or something this morning, didn't you not?
475. Q. Yes, I did.
- A. Yeh.
476. Q. And you want to speak to that point about --
- A. I just want to --
477. Q. -- Mr. MacIntyre not coming out the night of the murder, the night of the stabbing.
- A. So you know, but I have never heard MacLeod say anything about any part of that.
478. Q. Oh, no, I think you already answered that testimony. Okay. Now during the investigation from the Monday, the Tuesday, the Wednesday, the immediate days following the murder and the subsequent death of

- 69 - W. A. URQUHART, by Mr. Proudfoot

Sandy Seale, at these sessions where you'd brief the constables on what their agenda was and what they should be watching for, I take it the Marshall investigation - (I shouldn't call it the Marshall investigation.) - the Seale investigation was mentioned to them to keep on the outlook for suspects?

- A. Well, certainly anybody that had any information funnelled it back in to Sergeant MacIntyre and the head of the Detective Department.
479. Q. No, but I -- I guess I want you to see if you can recollect (Perhaps you can't.) whether or not Detective-Sergeant MacIntyre appeared at those sessions with the constables and said, "Look, we're looking for somebody who committed this stabbing." Do you recollect if Detective-Sergeant MacIntyre did that?
- A. No, I can't.
480. Q. Okay, and would that have been unusual for the Chief of Detectives to go and speak to the foot soldiers, as it were, to see if they had any leads on a murder investigation?
- A. The Force wasn't that large, you know --
481. Q. Yeh, how many people would be on a shift, how many officers?
- A. I suppose it would be no more than ten, if there would

be that many, seven to ten, and you knew each man personally, eh. That's -- John would likely or Sergeant MacIntyre at that time would likely talk to the individual and say to them, "Look," Tom or Joe or Billy or Angus, "Did you hear anything or anything come up?", and the shift changed at four at that particur time and at eight in the morning and you know, and at twelve at midnight and you'd catch most of the men as they were changing shifts and you'd talk to them individually or collectively.

482. Q. All right. Now as I understand it, the head of the Detectives, Detective-Sergeant MacIntyre, it was his job to know who the bad fellows were in town, the criminal element as it were?

A. Yeh, he had the responsibility of that shift.

483. Q. That was his job.

A. Yes.

484. Q. And to direct investigations?

A. And to direct the investigations of the Detective Department for the City.

485. Q. Generally speaking when you have a serious crime, frequently it's committed by someone that has a previous record. Frequently in your experience?

A. Right.

486. Q. Is that right?

A. Not necessarily, no.

- 71 - W. A. URQUHART, by Mr. Proudfoot

487. Q. Oh, no, not always but frequently in your experience?
- A. Yeh, for break and enters and that stuff it is. But for murders, no. The ones that I've been involved in, they were all first time fellows without records.
488. Q. All the ones that you've been involved in?
- A. Pretty well, yes.
489. Q. Is that right? How many murders have gone through in your --
- A. Five.
490. Q. Five?
- A. Yeh.
491. Q. And you're saying that all the people that were eventually apprehended and convicted were first-time offenders?
- A. Right.
492. Q. Okay, give me some of the names of the murder cases that you were involved in.
- A. The Weatherbee case.
493. Q. Right. When was that?
- A. That was I'd say five, six years ago. It was --
494. Q. Was Weatherbee the assailant or the --
- A. It was a very tragic thing. There was a young girl of four years of age and the Weatherbee that was charged and plead guilty to first-degree murder was

- 72 - W. A. URQUHART, by Mr. Proudfoot

her nephew or her niece --

495. Q. It was a family thing. It was a domestic --

A. Yeh, and he murdered her and raped her and put her in the snow bank and hid her clothes. She choked to death. It was just a hell of a thing anyway. And the other one was on Argyle Street where Alfie MacDonald picked up a hitch-hiker and I don't know what happened there whether it was sex or what but the young fellow from Glace Bay booted him to death and reported it to the Police Station that he killed somebody and went to Court with that and got a conviction. The other one was -- another one that I can recall was a young couple. They were having fun together in bed one night. He wanted her to do something she didn't want to do and an argument started. She picked up a bread knife and drove it through his stomach. It come out his backbone and he died. And there was one fellow -- I can't remember where it was but --

496. Q. Great stuff, eh!

A. -- it was -- you know, it's not --

MR. MURRAY:

It must have been pretty kinky.

BY THE WITNESS:

And she came into the police station and she said,
"I killed a fellow at the Pier. You can find him

- 73 - W. A. URQUHART, by Mr. Proudfoot

in room so and so. We went down there and there he was.

BY MR. PROUDFOOT:

497. Q. So all these murderers, they were all people that had --

A. They were all first offenders.

498. Q. First offenders. They weren't known to the Police Department.

A. No. You know one of them was -- the fellow that was killed by the girl, he was a meat cutter and he was a hell of a nice fellow. I don't know what happened.

499. Q. Yeh, but it is usual investigative technique to check in the community for people that had similar M.O.'s and prior records involving the same type of events. Isn't that so, Mr. Urquhart?

A. Yeh, but then we had another one. It was a double murder. It was a lover's quarrel again, eh. He wanted to have some fun and he couldn't get the fun that night because there was somebody else in the bed where he thought he should have been -- so he took a can of hairspray and he sprayed the room and he set fire to it with a cigarette lighter and caused an explosion and the two of them were burned to death and you know. So we had a lot of work, too.

- 74 - W. A. URQUHART, by Mr. Proudfoot

500. Q. But you don't disagree with the fact that you follow up the people with prior criminal records with the same M.O.?

A. Well you look everything over, you know, and you try to rationalize who was in the area, who was seen in the area, who saw them there, why they were there. You'd question them. You know.

501. Q. Okay, and you worked on all these murders. Would this -- would the Sandy Seale killing be one of the most extensive investigations the Sydney Force conducted?

A. It was extensive, yes, but there was others I suppose in their own right that was just as extensive. You know, like the double murder on Gritton Avenue because we had no place to start that morning. It was a telephone call that give it to us. A fellow called up and he was drunk on the phone. The desk sergeant didn't want to take the call but he said, "I want to speak to Billy Urquhart." I went on the phone and he said, "Are you looking for a fellow that killed two people up on Gritton Avenue?" I said, "I sure as hell am." "Well," he said, "if you come up to the house now, he's asleep on the chesterfield." I didn't take long getting to the house.

502. Q. You got your man, did you?

- 75 - W. A. URQUHART, by Mr. Proudfoot

- A. We got him and we convicted him and he's still in prison.
503. Q. Good for you. Okay.
- A. And that was a double murder. So I've been around a few of them, you know.
504. Q. Just a few by the sounds of it. Any more stories?
- A. Yes, I've lots.
505. Q. I bet you. Okay, let's move on to John Pratico. Where did he come into this picture here?
- A. John Pratico. I knew John Pratico around the street. I didn't know him personally but I knew his mother and they used to live back of the Sydney Credit Union. The reason I know them is because I used to deal at the Sydney Credit Union and I'd see him with this little fellow by the hand and she lived in one of those old houses behind there. That's how I got to know him. I didn't know him personally or anything --
506. Q. But he was known around town?
- A. Yeh, generally known around.
507. Q. Yeh. I noticed when I mentioned his name, a smile came to your face and a smile came to Mr. MacIntyre's face. Why?
- A. I'll tell you why. There's a fellow down on the Sydney Police Department. He's a big man and he had to go there on a call one morning and he said,

- 76 - W. A. URQUHART, by Mr. Proudfoot

"The finest looking lemon pie you ever saw coming out of an oven, Mrs. Pratico took it out but," he said, "it was so dirty I couldn't sit down and have a piece." He said, "There was those beads on the meringue all around the pie." He said, "God, it looked good." He said, "But, Billy, I couldn't eat it. The house was too dirty." So that's what I was kind of smiling at.

508. Q. I see. What kind of fellow was Pratico? What was your general impression of him before this investigation got underway?

A. Well he was just a kid around town as far as I knew him. You know he -- I don't think he was ever in any problem or any harm.

509. Q. Did you ever have cause to speak to him or --

A. No.

510. Q. -- get information from him before the Seale investigation?

A. No.

511. Q. And eventually he got involved in this case, didn't he?

A. Yes.

512. Q. And a statement was taken from him?

A. Yes.

513. Q. Right, and were you involved in that?

A. That again I don't know if I --

- 77 - W. A. URQUHART, by Mr. Proudfoot

514. Q. Okay, but do you recollect --

A. I believe that I was involved but I wouldn't say for sure until I see the statement with my name on it.

515. Q. Well, I'll find it here. There's so many statements. There you are, that's D-5.

A. No.

516. Q. No, you've got the wrong one.

A. I didn't have anything to do with this one.

517. Q. Okay, let's try this one, D-6. Okay, you're looking at D-6 which is a statement -- what date is on that, sir?

A. June 4th, 1971, 10:45 a.m.

518. Q. And that's a two-pager?

A. Two-pager.

519. Q. And at the bottom, it's got -- you can barely see it.

A. Signed John Pratico, John F. MacIntyre -- Sergeant-Detective John F. MacIntyre, and that could be my signature.

520. Q. It sort of looks like Urquhart, doesn't it?

A. Sort of.

521. Q. Okay, so I realize I don't have the hand-written statement but this is all we have but it is on -- I think it's on a Sydney City Police form, is it not?

- A. Yes, it is, continuation report.
522. Q. Have you seen that document before?
- A. Yes.
523. Q. Sure, and that's the Pratico statement that points the finger at Donald Marshall as the assailant of Seale. Correct?
- A. Yeh.
524. Q. At that time when John Pratico was questioned, were you aware of a prior statement of John Pratico?
- A. No.
525. Q. You were not?
- A. No.
526. Q. Okay, and when did John Pratico's prior statement come to your knowledge? After Marshall was in gaol?
- A. I don't even know if there was a prior statement. To this day I can't tell you.
527. Q. That's where D-5 comes in.
- A. I can't tell you whether there was or there wasn't, sir.
528. Q. Just take a gander at D-5. D-5 is a statement of John Pratico of May 30th, 1971? I take it that's all news to you, is it?
- A. Yeh.
529. Q. Have you ever seen that document before today?
- A. I wouldn't say that I haven't but I wouldn't say that I have. I don't know.

- 79 - W. A. URQUHART, by Mr. Proudfoot

530. Q. Yeh, let's put it this way, before Donald Marshall was convicted, were you aware of a prior statement of John Pratico?
- A. Before he was convicted?
531. Q. Yeh.
- A. I couldn't answer that. I don't know. I can't remember it and I'm trying to be, you know, honest as I can be. I don't know.
532. Q. How would you judge the credibility of a fellow like John Pratico? You were there for the second statement.
- A. Well, he seemed --
533. Q. The June statement.
- A. Pardon?
534. Q. I mean, you were there when Detective Sergeant MacIntyre questioned him.
- A. Yeh, and it's all questions and answers, you know. He asked the questions and he gave the answers, you know.
535. Q. Oh, yeh, but he was there for more than just the time it took to copy it down.
- A. I don't know how you would rate him, whether he'd be, you know, --
536. Q. Well, sir, I'm sure you're a keen judge of human nature over the years. You've seen a lot of people and talked to a lot of people.

- 80 - W. A. URQUHART, by Mr. Proudfoot

- A. I would say that he gave the statement as he thought it was, you know, as he saw it at that time and I think that he meant it. I don't think that he tried to cover up anything or hide anything. It's all here, you know, in the document. I have no fault to find with it.
537. Q. At the time did you have any reason to doubt what John Pratico was delivering in that statement in June?
- A. No, I had no reason to doubt it.
538. Q. Now today you're aware that John Pratico is recanting his statement that was used on the murder trial. You're aware of that, are you, sir?
- A. Yes.
539. Q. Does that surprise you?
- A. Yes, in a way it does because if -- I can't understand if he'd say one thing one time and then change it you know later. If his memory was bad then, how could it be better now? You know, I don't really know. I can't read the man now.
540. Q. Did he appear frightened or fearful on the day that that statement, the June statement, was taken by Detective Sergeant MacIntyre and yourself?
- A. No.
541. Q. You're saying that he was calm, cool, and collected?
- A. I would say he was calm there, sure.

- 81 - W. A. URQUHART, by Mr. Proudfoot

542. Q. Were you aware that he had a nervous condition, so-called?

A. No.

543. Q. No? You were aware however, sir, that he wound up in the Nova Scotia Hospital? Right?

A. Right.

544. Q. And during the trial of Donald Marshall, were you aware of any medical treatment that he was receiving?

A. No, I was not.

545. Q. At the time of the statement or prior to, were you aware that he was receiving medical treatment?

A. No.

546. Q. Is that something you'd ask somebody when you'd interrogate them?

A. No.

547. Q. No?

A. I wouldn't ask anybody if he was getting treatment at a medical clinic or, you know.

548. Q. Yeh, so he didn't strike you as being a little different --

A. No.

549. Q. -- at all?

A. No.

550. Q. Okay, did you speak with Pratico separate and apart from Detective Sergeant MacIntyre on June 4th, 1971, when that statement was taken?

- 82 - W. A. URQUHART, by Mr. Proudfoot

- A. No, I didn't. I didn't have any personal contact with Pratico.
551. Q. You just sat in there?
- A. That's right.
552. Q. Right. Did you pass notes to Detective Sergeant MacIntyre?
- A. No.
553. Q. Wasn't that the usual procedure, though, when Detective Sergeant MacIntyre was interrogating someone that you were not to interrupt verbally but to pass notes if you had any ideas?
- A. If there was any questions that I wanted to ask to be added, I would write it out on a piece of paper and pass it to Sergeant MacIntyre but in this case I don't believe I passed any notes to him.
554. Q. Why do you say that?
- A. I can't recall me passing any notes.
555. Q. Oh, okay, but you could have.
- A. I could have but I'm doubtful because I think if you follow the statement there that all of the questions were asked. I would -- I couldn't say for certain that I didn't but I'm reasonably sure that I didn't.
556. Q. Did you attend the preliminary hearing of Donald Marshall?
- A. I must have, yes.

- 83 - W. A. URQUHART, by Mr. Proudfoot

557. Q. Sure, and you attended at the trial of Donald Marshall?
- A. Right.
558. Q. And you were there when John Pratico announced that he was lying and he had to withdraw his story.
- A. No, I wasn't.
559. Q. You weren't there?
- A. No.
560. Q. Okay. Did you hear about it at the time?
- A. No, I heard about it afterwards.
561. Q. After the conviction was entered?
- A. Yeh.
562. Q. Right, who told you?
- A. I wouldn't know for sure.
563. Q. Was it Mr. MacIntyre who told you?
- A. No, I don't believe. I -- you know, again I can't answer that.
564. Q. I understand that.
- A. It was a long time ago.
565. Q. I understand that. But you heard about it.
- A. I heard about it, yeh.
566. Q. What was your understanding of that -- those events?
- A. Well, after he wanted to change it, he went back on the stand and told the same story again so I figured he must have been right.
567. Q. I see. Did you testify at the preliminary hearing

or the trial?

A. No, I don't believe I did. I don't believe.

568. Q. So my understanding of the events, first you got Chant's statement in Louisbourg. Then you got Pratico. And correct me if I'm wrong but if I was a Police Officer, I would say Pratico's statement was the quote/unquote big break?

A. Yeh, that and Chant's.

569. Q. Yeh, but you -- when you had Pratico, you had a corroborating eye witness.

A. Yeh, but then when you've got Chant's, you have the second one, you know, which stated what he saw.

570. Q. Sure, but you didn't know about the first and second Chant's statement. You just had one statement from Chant and one statement from Pratico. You said, "Hey, we got it.", and put it together. Correct?

A. Yeh.

571. Q. So as soon as you had Pratico's second statement, what did you and Detective Sergeant MacIntyre do?

A. I don't know what happened.

572. Q. Well normally what would you do as Police Officers as soon as you got --

A. You'd go to the Crown.

573. Q. Sure, you'd go down and see Donnie MacNeil.

A. Donnie MacNeil immediately and I remember coming in from Louisbourg and that was the first stop we made

- 85 - W. A. URQUHART, by Mr. Proudfoot

on the way in from Louisbourg. We went to see Donnie MacNeil.

574. Q. Okay, which statement came first, though? Was it Pratico's statement or Chant? You can't remember. Okay, your recollection is you came in from Louisbourg and you went to see Donnie MacNeil?

A. Right.

575. Q. Okay, what happened there?

A. And then he read the statement from Chant and he said to MacIntyre, "You get your Information.", and he did and we went and the events --

576. Q. Yeh. Let's just take a look at the Chant's statements to see which one came first there.

A. Yeh, that was June 4th, 2:55 p.m., and Pratico was June 4th, at 10:45 a.m.

577. Q. Yes, so you did Pratico in the morning.

A. Did Pratico and then --

578. Q. And then you went to talk to Chant.

A. -- to Louisbourg, yeh.

579. Q. So Chant was the --

A. The key.

580. Q. The key. You had him, you had a corroborating statement, you went and saw Donnie MacNeil and what did Donnie say: "Go swear the Information."?

A. Right, to Sergeant MacIntyre.

581. Q. And you were there?

- 86 - W. A. URQUHART, by Mr. Proudfoot

A. Right.

✓ 582. Q. Right. What other -- what else did Donnie say to you?

A. I don't remember what he said.

583. Q. Did he ever say, "You two fellows are the luckiest policemen in Canada."?

A. Words to that effect. I can't remember.

584. Q. Sure he did. No, but he congratulated you, both of you, and said that you guys must be the luckiest two policemen in Canada.

A. Well, when you get two eye witnesses.

585. Q. Sure, to a murder.

A. Yeh.

586. Q. But that's what he said, words to that effect.

A. Words to that effect, yeh.

587. Q. And the words, "luckiest policemen in Canada" were used, weren't they?

A. Words to that effect, yes.

588. Q. Yeh, so anyway you fellows were pretty pleased at that point.

A. Yes, we were.

589. Q. A lot of work had gone into the case and it looked like it was just a matter of tidying things up with other witnesses and that would be it.

A. We thought that. Now --

590. Q. It didn't turn out that way, though.

- 87 - W. A. URQUHART, by Mr. Proudfoot

A. No.

591. Q. Okay, so you had Pratico's statement, you had Chant's statement. Were there any other -- what was the -- Were there any other loose ends that you had to focus in on at that point? Do you recollect?

A. Pick up Marshall and we did.

592. Q. And Marshall was picked up at Membertou?

A. No.

593. Q. No. Where was he picked up?

A. We went to Membertou, Sergeant MacIntyre and I, looking for him and we met his brother there. I forget his name now and he said that his brother was with his father at Whycocomagh Reservation. That's outside of Baddeck. And we drove up to Baddeck, went to the R.C.M.P. and John talked to the R.C.M.P. Officer in charge there. I forget his name now. It's a long time ago. He knew the house that he was living at and we went out to the house. He come out with us and John read the warrant to Marshall. He was arrested, handcuffed, and taken back to Sydney.

594. Q. Took him back, eh?

A. Yeh.

595. Q. But it wasn't your impression that Donald Marshall was running from the police or anything at that

point?

- A. No, it wasn't my impression that he was running, no.
596. Q. No, and in fact he probably was up there because there was a lot of tension in the town concerning him.
- A. Yes, concerning Donald himself.
597. Q. Yeh, and at that point as I understand it, there were a lot of fingers being pointed at Donald Marshall. Is that fair?
- A. Well, I suppose it could be. I don't really know it to be factual but, you know, --
598. Q. Yeh, rumors and innuendo that was going on at the time. People were singling out Donald Marshall as the fellow.
- A. So he went up --
599. Q. Is that true?
- A. I don't know if that's true or not but he went up there and that's where we --
600. Q. Not the fact that it was true that he was -- that he had done it but the fact that there were -- Was this kind of talk going on?
- A. I never heard about it if there was but that's where we found him, not at Membertou where he was living.
601. Q. Yeh, but it wouldn't surprise you if I suggest to you here today that just before you arrested Donald

- 89 - W. A. URQUHART, by Mr. Proudfoot

Marshall and charged him with murder that there was a definite rumor in the City of Sydney that it was Donald Marshall?

A. Oh, I suppose there would but it never came to my attention, no.

602. Q. But you wouldn't disagree with that?

A. I'd have to wait before I'd answer yes or no to that, sir.

603. Q. Okay, so you don't know.

A. I don't know, no.

604. Q. Okay, fair enough. At the time that Donald Marshall was charged, were there any other suspects on the plate at that moment?

A. No, I couldn't answer that. I don't know.

605. Q. You don't know, can't remember?

A. No, it's not that I can't remember but I don't -- I just don't know.

606. Q. As far as you -- so you --

A. As far as I'm personally concerned, I don't know if there was other suspects.

607. Q. Wouldn't you know?

A. No.

608. Q. Why not? Are you suggesting that Detective Sergeant MacIntyre held back information from you?

A. No, no, I'm not saying he held back anything but I can't remember if there was, you know, and I don't

- 90 - W. A. URQUHART, by Mr. Proudfoot

really know if there was other suspects or not and I imagine there would be until all the statements were in.

609. Q. But they were pretty weak if anything. Is that fair --

A. Yeh, I would say they were weak, yeh.

610. Q. Prior to the date that Donald Marshall was charged, was there any talk of focusing the investigation on a fellow with gray hair, with glasses, and a cape?

A. That again I can't answer.

611. Q. Why not?

A. Because I don't know. If there was --

612. Q. You don't know or you can't remember.

A. No, I can't remember. It's back a number of years, and you know, when you're in an investigation of that depth, it's pretty hard to remember every detail unless you -- you know, and I didn't document it so therefore I don't know if there was other suspects or not but I imagine every suspect was looked at, you know, knowing that it was a thorough investigation by Sergeant MacIntyre and the rest who were working with him. I knew that all the leads would be checked out until you would come to the final summation and see what your statements told you.

613. Q. After the Chant statement and the Pratico statement which all happened in the one day, was there any

- meeting where you said, "Well, hold it now. Let's -- is there any other possibility?", or was it just, "Pratico, Chant, that's it. We've got it."?
- A. No, we did come back to the Sydney Police Station and of course Sergeant MacIntyre and I talked it over amongst ourselves. We had two eye witnesses --
614. Q. Hold it now. You said earlier you drove right from Louisbourg right to Donnie MacNeil's office?
- A. That's right. And then back to the Police Station.
615. Q. After he said, "Lay the charge, go ahead."?
- A. Yeh, because we had to get a car to go to Baddeck with --
616. Q. A car from Sydney?
- A. From our own Police Department, eh.
617. Q. What kind of car -- why would you need a --
- A. Because we had one with a screen in it. We didn't have one with a screen. The other car was just an open car, eh, that we used in Detective work.
618. Q. Oh, I see, you needed one so you could keep him under --
- A. Yeh, put the prisoner in the back or whatever the case may be.
619. Q. For a security measure.
- A. Yeh, right.
620. Q. So was it a marked car that you went in?
- A. No.

- 92 - W. A. URQUHART, by Mr. Proudfoot

621. Q. It was an unmarked car that you went in?
A. Unmarked car.
622. Q. You don't recollect getting an unmarked car from the R.C.M.P. to go up to Whycomach?
A. We did go up but I for the life of me can't remember whether it was a marked car or an unmarked car because the Mounties were back and forth there and they knew their way, eh.
623. Q. Okay, but you just said you went back to the Police Department --
A. To our Police Department, to the Sydney Police Department.
624. Q. That's right. That's right.
A. From the Court House.
625. Q. To get a car.
A. To get a car, pick up a car and go.
626. Q. To take him back from Baddeck back to Sydney?
A. That's right.
627. Q. With a screen?
A. Right.
628. Q. Because the Detective's car was just a civie car with no marks?
A. That's right.
629. Q. Okay. How long were you there at the Sydney City Police Department before you headed out to pick up Marshall?

- A. Not very long.
630. Q. A few minutes, eh?
- A. A few minutes, yeh.
631. Q. So you really didn't sit down and digest everything.
- A. No.
632. Q. You had the two statements, two eye witnesses on tap and you said, "That's it. We got him."?
- A. Yeh.
633. Q. Nobody ever sat down and said, "Well, look, maybe there's some other suspect that we should look at." That didn't happen, did it?
- A. No.
634. Q. Where was John Pratico's statement taken, the one where he puts Marshall in the Park with the knife and the stabbing? Do you recollect?
- A. No, I don't recollect but I imagine it would be at the Sydney Police Department in the office of the Detectives.
635. Q. Okay. We talked earlier about a line-up. After you got involved in the investigation, were there any other line-ups conducted on this case?
- A. Not to my knowledge, no.
636. Q. Okay. During the investigation have you ever heard Mr. MacIntyre ever tell a witness during an interview to get evidence and whatnot that "If you don't tell us about this, we're going to have to put you in

gaol until you do tell us."?

A. No. No.

637. Q. Never?

A. No, never.

638. Q. Okay. Did you ever say any such thing to a witness?

A. No, sir, I did not.

639. Q. And is it your evidence today that you have never ever said that to any witness in any investigation that you've ever conducted?

A. I -- in other words, did I ever threaten somebody to change their story or tell somebody --

640. Q. No, I'm not saying -- I'm not calling it a threat. I'm asking did you use words to that effect when you are doing an investigation? "If you don't tell us, we're going to have to lock you up."

A. No.

641. Q. No way?

A. No.

642. Q. Okay, and would the same answer apply to Detective Sergeant MacIntyre? Did he ever use words to that effect?

A. Not when I was there with him and I've been on a lot of statements with John MacIntyre and I've never heard him, you know, tell anybody, "Look, if you don't tell me what I want to know, I'll lock you up." I never heard that.

- 95 - W. A. URQUHART, by Mr. Proudfoot

643. Q. Now I didn't say that. "If you don't tell us what you know about it, I'll have to lock you up."
- A. No.
644. Q. No. Do you feel that that type of comment from an investigating officer is highly unusual?
- A. Yes, very highly unusual.
645. Q. Yeh, and it's also improper, is it not?
- A. Of course it's improper because if you warn a person, you know, to give -- Give them the warning and you ask them a series of questions, that's what you go with and you write down what they say. And there's another thing in the statements, you write down what they say whether it's helpful to you or whether it's -- you consider it harmful. You write it all in the statement.
646. Q. Sure, that's the ethics of the business.
- A. Certainly, and that's the way -- That's the way that he's practiced when he was in charge of the Detectives --
647. Q. When you say he?
- A. John MacIntyre, and that's the way that he passed it on for us to do and that's the way that I tried to do it to the best of my ability when I was in charge of it.
648. Q. What happens, though, Mr. Urquhart, if you get someone that's not giving you the full story?

- 96 - W. A. URQUHART, by Mr. Proudfoot

What do you do about something like that? They're lying to you. They're not giving you all the facts. What do you do? Just sit there and wait it out until you wear them down so they deliver the goods.

A. No, you take your statement from them. You sign it. If you have enough to charge him, you charge him. And then if he wants to change his story afterwards, that's up to him. Let him come to you.

649. Q. Okay, but in this case the witness issue is dealing with people who are not directly involved in it. They were simply witnesses of the crime so-called. In that circumstance when you have a standing -- a witness standing by a crime, they give a statement. They say it's true. In what circumstances do you go back and say, "Hey, let's see you again."?

A. Well, I'll tell you where you can go back. If you take a statement -- Say for instance you take five. Use that for a number. Take five statements and out of those five statements that you take, there's three of them or four of them, you know. Then you go back to the fifth and you say, "Look, are you sure that's what you want to tell us? Is that the truth of the matter?"

650. Q. "Because I got these other four that are saying this --

A. No, you don't mention that you have the others because that would be an intimidation to him, but

- 97 - W. A. URQUHART, by Mr. Proudfoot

then if --

651. Q. Was that the practice that yourself and Detective Sergeant MacIntyre used in this investigation?

You never ever mentioned the fact --

A. I never. I never heard him mention it and I never mentioned that we had other statements.

652. Q. Is it because you can't recollect Mr. MacIntyre saying that or is it that you just are sure he didn't say that?

A. Well it was always a practice with us that we never used somebody else's statement against somebody else.

653. Q. That may have been the practice, sir, but in this case do you -- are you saying here today that Detective Sergeant MacIntyre at no time while you were present for any statements ever say to a witness, "Look, I've got these people saying this --

A. No, I never heard that from John MacIntyre, no.

654. Q. No, and you can swear positive that in fact was never said by Detective Sergeant MacIntyre?

A. No, not when I was ~~with~~ John MacIntyre taking statements, no.

655. Q. Could you be -- could you be wrong on that?

A. No, because I'm under oath.

656. Q. No, I know that but I just want to make -- that's

why I'm giving you an opportunity because as you know there's all kinds of affidavits sworn to in the re-investigation in the Appeal Division by Chant, Harriss, Pratico, and others, who in fact suggest that all the interrogations were not as you say was the policy of the Department.

A. I again say that it was never mentioned in my presence, when I was there.

657. Q. And is that to say that it could have happened when you weren't there?

A. No, I'm not saying it could have happened when I wasn't there because I don't know what happened when I wasn't there.

658. Q. Fair enough.

A. Because I wouldn't be responsible for anything that happened when I wasn't there.

659. Q. Fair enough but some of these statements, sir, where your name is on them, are you saying that there were occasions when you were not in the room?

A. No, I was in the room at the complete -- from when the ~~statement~~ statement started until the completion of it.

660. Q. If your name's on it, you were there all the time?

A. That's right. And John MacIntyre never told them that there was another statement to change something

- 99 - W. A. URQUHART, by Mr. Proudfoot

that they were saying at that particular time.

661. Q. Okay, and you never said that either?

A. No.

662. Q. Okay.

A. And you know, I don't particularly care what Chant does now or any of the rest of them changing statements, you know, because they've changed -- You know, that's up to them. If they want to change it, they can change it.

663. Q. It must concern you, sir, though. I mean you were at the centre of this investigation.

A. No. As long as I know that I did what was right, I don't care what anybody else does or says.

664. Q. Fair enough. But it must concern you generally because you were involved in the investigation.

A. It --

665. Q. It doesn't cast a very good light on the Department when you were there?

A. Yeh, but you think of the people that's saying it today, too.

666. Q. Are you suggesting that they're not being honest?

A. I'm not going to suggest anything, sir, other than that.

OFF THE RECORD

BY MR. PROUDFOOT:

667. Q. We talked about John Pratico earlier. Was it your

- 100 - W. A. URQUHART, by Mr. Proudfoot

information that Detective Sergeant MacIntyre knew about Pratico's nervous problem at the time the statement was taken?

A. No, I didn't know that, no.

668. Q. Did you have the feeling when that statement was taken from Pratico that Mr. MacIntyre knew Pratico better than you did?

A. I would say he did, yes, but I didn't --

669. Q. Okay. On the Pratico statement, both your names are on it and I don't know if there's any significance when they retyped the statement as to the positioning of names but I just want to clarify the fact that it was Detective Sergeant MacIntyre who took the statement and you were simply there to observe it and witness it?

A. Yes, I would say that's how it was but it don't say it on here because you can see that --

670. Q. Yeh, it doesn't say that. I just has the names there.

A. Yeh.

671. Q. If we had the original, we could probably tell a little better but -- During these questionings or interrogations, whatever you want to call them, were things tape recorded?

A. No.

672. Q. They were not, eh?

- 101 - W. A. URQUHART, by Mr. Proudfoot

A. No.

673. Q. Has it ever become the practice of the Sydney City Police Force subsequent to the Marshall case that statements were tape recorded?

A. They might be now down there but in my time, no.

674. Q. No. Was there any reason for that?

A. No, there was no particular reason for it.

675. Q. It just never came into vogue.

A. No. It was a cost item and I suppose, you know, to set it up --

676. Q. Part way through that Chant interview at the Police Station in Louisbourg - (I may have asked you this before but I'll -- I'm not sure. I can't remember.) do you recollect if Beula or Beuda Chant, Maynard Chant's mother, ever left the room?

A. No.

677. Q. You don't recall or it never happened?

A. No, I would say she didn't leave the room. No, I don't -- I'm positive that nobody left that room.

678. Q. Okay, and are you also positive that Mrs. Chant actually was there for the taking of that statement?

A. Yes.

679. Q. And you're absolutely positive, are you, sir, that Larry Burke was present at that -- in that room during the entire proceedings?

A. Yes.

- 102 - W. A. URQUHART, by Mr. Proudfoot

680. Q. During that meeting in Louisbourg, earlier you testified you were not aware of Chant's prior statement?

A. No.

681. Q. Okay, and would you disagree with the proposition that at the Louisbourg interview of Chant, it was Detective Sergeant MacIntyre who said to Maynard Chant that he had perjured himself on his first statement?

A. No.

682. Q. No, you don't recollect that that was said or no, it didn't -- it was not said?

A. No, it was not said.

683. Q. At any time during your police career when you were doing interviews with Detective Sergeant MacIntyre, did he ever say to someone who had a prior inconsistent statement with another witness that they had perjured themselves in the giving of a prior statement?

A. No, I've never heard that statement from John MacIntyre taking a statement, no.

684. Q. Okay, thank you. Looking back at ~~this~~ whole affair as it's evolved over the more than decade, several years plus, do you have any personal theory on why Maynard Chant changed his statement?

A. No, I have not, sir.

- 103 - W. A. URQUHART, by Mr. Proudfoot

685. Q. And that is to say why he changed his statement from the one that you didn't know about to the one that was given in Louisbourg?

A. No, I have no reason, you know. I don't know why any of them changed their statements or anything. All I know is that what we took in good faith in that time in 1971 and if they changed after that, I have no reason -- you know, I don't know why they would do it or anything else.

MR. MURRAY:

I'll just put on the record I think that's an unfair question.

BY MR. PROUDFOOT:

686. Q. During the Louisbourg meeting, do you have any recollection of Detective Sergeant MacIntyre asking Mrs. Chant to leave, saying: "Look, he'll talk more freely without you here."?

A. No.

687. Q. No recollection?

A. No.

688. Q. And if Mrs. Chant said that today you would very strongly object to that?

A. I just -- you know, she was there and that's it.

689. Q. You would totally disagree with Mrs. Chant if that's what she said?

A. Yes, if she said that.

690. Q. Do you know a fellow by the name of Tom Christmas?

- 104 - W. A. URQUHART, by Mr. Proudfoot

A. I -- Tom Christmas, I don't know him well but I know who he is.

691. Q. Yeh, and what was his involvement in this whole affair at the time of the investigation?

A. I don't know if he had any involvement. Just if there was any statements from him, if we were taking them then, you know. Outside of that, I don't know.

692. Q. Yeh, I don't have any statements here to put to you or anything but do you recollect that he was -- he was charged with threatening a witness?

A. It -- there's something about him threatening a witness but I don't know the full story on it.

693. Q. But you were intimately involved in the investigation.

A. Yes, but I don't know about -- there was something and I can't just put a finger on it right now without, you know, research on it or finding out more about it.

694. Q. Okay, but you would not disagree that Mr. Christmas was in fact charged and convicted of threatening a witness and was sent to gaol?

A. Yeh, but again --

695. Q. You wouldn't be in a position to disagree with that but you --

A. No, no, I wouldn't be in a position to disagree with it but I couldn't swear to it that it was the

- 105 - W. A. URQUHART, by Mr. Proudfoot

truth either.

696. Q. Okay, but you heard something about it?

A. Yes, I did.

697. Q. And the person that it involved was John Pratico, was it not?

A. That again I don't know.

698. Q. Okay. Who was involved with Christmas? Was it Mr. MacIntyre the best of your recall?

A. No, I can't recall who did, you know, the investigation on it or who charged him, which one of the officers. I don't know.

699. Q. But you had absolutely no involvement with Christmas?

A. No.

700. Q. You'd remember if you did?

A. Yes, I think --

701. Q. I beg your pardon?

A. I think I would yes, but I don't think I had any involvement in that, but I'm not absolutely sure now until, you know; I'd have to see documentation on it to know whether it was right or not but I'm reasonably sure that I wasn't involved with Christmas, is it?

702. Q. That's correct.

A. Yeh.

703. Q. But he was known to you prior to the investigation.

- 106 - W. A. URQUHART, by Mr. Proudfoot

A. Yeh, I've known him from around town yes.

704. Q. Sure. Was Tom Christmas interviewed in the investigation?

A. I cannot tell you.

705. Q. You don't remember.

A. No, I don't know. I don't remember.

706. Q. Patricia Harriss, she was interviewed, was she not?

A. Yes, she was.

707. Q. And she was a witness at trial?

A. Yes.

708. Q. Right, and that was a statement that Detective Sergeant MacIntyre took?

A. Yes.

709. Q. And you've seen that statement subsequent?

A. Yes.

710. Q. And this is the next -- and you were there, too?

A. Right.

711. Q. This is D-7. Take a look at that, sir, for a moment. Have you seen this one before?

A. Yes.

712. Q. Right, and the date on that is?

A. June 18th, 1:20 a.m.

713. Q. Okay, and both you and Detective Sergeant MacIntyre were there for the full duration of that statement being taken?

✓
- 107 - W. A. URQUHART, by Mr. Proudfoot

A. Yeh.

714. Q. What time again was it?

A. At 1:20 a.m., and the statement was finished at
12:25 a.m.

715. Q. Come again?

A. That's what it says here. Statement, June 18th,
1:20 a.m.

716. Q. Yes.

A. And over on this page, June 18th, 12:25 a.m.

717. Q. Something funny there somewhere, isn't there?

We'll have to go back to the -- yeh, I understand.
It could be a typo on the copy or something. We'll
have to look into that.

MR. PROUDFOOT:

Mr. Murray, do you have a copy of the original of the --

MR. MURRAY:

No, we only have copies of what came in your document books.

MR. PROUDFOOT:

Oh, is that right?

MR. MURRAY:

Yeh.

MR. PROUDFOOT:

Well, we'll have to see if we can scrounge something up.

We'll have to get a hold of some files. Okay.

BY MR. PROUDFOOT:

718. Q. Okay, let's just take a look at that D-7, that
time differential. I wonder if it's all there.

- 108 - W. A. URQUHART, by Mr. Proudfoot

It appears on the bottom of the first page, though, that it refers to page two, doesn't it? You can barely see it.

A. Yeh, you can just -- it looks like continued on page, you know --

719. Q. Two.

A. Yeh, well, I think it says two.

720. Q. Take a guess at it as well as I can, I guess, but that looks like it's all the same statement?

A. Looks like it, yes.

721. Q. Yeh, okay. But the time at the top of that statement, sir, is?

A. Twelve-twenty a.m., 1:20 a.m.

722. Q. One-twenty a.m., and that would be the time when, when you started to take the statement?

A. Yes.

723. Q. Sure, that's generally where you mark it in?

A. Right.

724. Q. And the time at the end of the statement would be the --

A. When you're finished.

725. Q. When you're finished.

A. Right.

726. Q. Just to put some exactness to it.

A. Yes.

727. Q. Right. Was that statement ever tendered in evidence

- 109 - W. A. URQUHART, by Mr. Proudfoot

at trial? Do you know?

A. No, I don't know.

728. Q. Okay, did you ever speak to the Harriss statement at trial?

A. Did I -- no.

729. Q. You never did?

A. No.

730. Q. Okay, when you were there -- were you there the whole evening with Patricia Harriss or just for that final statement?

A. What do you mean the whole evening?

731. Q. Well, was Patricia Harriss there earlier than one-twenty a.m. speaking with you?

A. Yes, I believe she was.

732. Q. Sure, and were you there the whole time when Patricia Harriss arrived until she left that day?

A. Well, I don't know how long she says she was there. You take the statement and then normally you'd let them go and she might have been recalled back for another statement after evidence coming out or something coming out in somebody else's statement that would ask you to take her back to try and clarify it.

733. Q. No, I understand that but on that night, was it your recollection that you were there when she came in and you were there when she left?

- 110 - W. A. URQUHART, by Mr. Proudfoot

A. Right.

734. Q. And in fact, --

A. As far as the statement goes. You know, from the start of the statement until it was finished.

735. Q. Of that statement?

A. Yeh.

736. Q. Yeh, but were you there when Patricia Harris first came to the station?

A. I can't remember whether I was or not.

737. Q. Okay, was that the only statement taken from Patricia Harriss?

A. No, I took a statement from Patricia Harriss.

738. Q. Yeh, and that was when? Before or after that one?

A. I would have to look at it again to find out when it was.

739. Q. Okay. It wouldn't surprise you, though, if there was a prior statement taken from Patricia Harriss?

A. No, no, I likely took it.

740. Q. Yeh. That's D-8. I show you --

A. That's the original, isn't it?

741. Q. Well the best we can get to it. I show you D-8 which is a xerox copy of a hand-written statement of Patricia Harriss which was taken the same date or the evening prior to the early morning hours.

A. It was taken on the 17th, yeh.

742. Q. That's correct, sir, and that is in your handwriting?

- 111 - W. A. URQUHART, by Mr. Proudfoot

A. Right.

743. Q. And that is a statement of Patricia Harriss?

A. Yes.

744. Q. And it would appear that it was never signed --

A. No.

745. Q. -- by Patricia Harriss? And it was never signed by you?

A. No.

746. Q. And but that is a statement that --

A. Yeh, and it's in my handwriting.

747. Q. Sure and you took it down from what Patricia Harriss told you.

A. Right.

748. Q. So at eight o'clock that evening in your interview you spoke to her and that's the story that she gave you.

A. Right.

749. Q. I take it that that statement was never provided to Detective Sergeant MacIntyre or was it?

A. Oh, I imagine it would be all in the files, sure. Why should I hide the statement?

750. Q. Sure. Anything you had, you'd hand over --

A. Sure, yeh.

751. Q. -- immediately?

A. Because it was all in a file.

752. Q. Sure. So that night when you were there with MacIntyre

✓ - 112 - W. A. URQUHART, by Mr. Proudfoot

and Patricia Harriss, he would have known you had this other statement.

A. Sure.

753. Q. You would have told him that?

A. Yes.

754. Q. Okay, why did Patricia Harriss tell you this -- You didn't make this -- this was her.

A. That's her's.

755. Q. That's her story. That's -- you just took down what she told you, right, --

A. Yeh.

756. Q. -- on the first statement which was D-8. What happened between D-8 and D-7 that caused her to give an entirely different --

✓ A. I have no idea, sir.

757. Q. How old was she when you were --

A. She was born in 1957.

758. Q. So she would have been what, fourteen?

A. Fourteen.

759. Q. A juvenile, correct?

A. Right.

760. Q. Where was her mother? _____

✓ A. I can't tell you that.

761. Q. Isn't it --

A. I can't remember her being in there at that time at all and who was with her or anything. I just can't recall.

- 113 - W. A. URQUHART, by Mr. Proudfoot

762. Q. Well you're not denying though that Patricia --
A. No.
763. Q. -- Harriss was there. She was there.
A. No. That's my handwriting. I don't --
764. Q. Sure, she was there.
A. Sure. That's in black and white.
765. Q. Yeh, but Patricia Harriss's mother was not there,
was she?
A. I cannot tell you if she was or not.
766. Q. But if I suggest to you, sir, that Patricia Harriss'
mother was not in that room when you interviewed
her, you would not be in a position to disagree
with that, would you?
A. No, I wouldn't be in a position to disagree, no.
767. Q. And in fact you and Detective Sergeant MacIntyre
interviewed Patricia Harriss from eight o'clock
at least when that first statement was taken right
up to the final statement at one-twenty a.m. the
same night, didn't you?
A. Oh, I don't think so.
768. Q. Okay, well you tell me what happened, sir.
A. I don't know. _____
769. Q. You don't know.
A. I cannot tell you.
770. Q. You can't remember.
A. No, I cannot. But that's a period of six hours

roughly, isn't it?

771. Q. Sure. You can figure it out I guess as easy as me.
- A. No, I can't -- I can't -- I just can't picture it at all.
772. Q. I see. Why can't you picture it, sir?
- A. Because I can't. I remember her being in the station and giving me that statement but I don't know who was with her or if anybody took her in or how she got there or when she left.
773. Q. Did she -- do you recollect when during that interview that evening whether she ever asked for her mother to come with her or that she could see her, call her mother?
- A. No, I can't.
774. Q. You can't recollect?
- A. No, no.
775. Q. Would it surprise you though if a juvenile, fourteen years old, made that request?
- A. No, it wouldn't.
776. Q. Sure, and so you would not disagree with the possibility that Patricia Harriss asked to call or see her mother.
- A. Could have been.
777. Q. Right, and what would you have told her in those circumstances?

- 115 - W. A. URQUHART, by Mr. Proudfoot

- A. I'd have told her likely to use the phone and call her mother if she wanted to.
778. Q. Is it your evidence, sir, that at no time did you or Detective Sergeant MacIntyre deny her access to call or see her mother?
- A. No. No, because if anybody ever wanted to see anybody, you know, especially juveniles, we always you know said, "There's the phone. You call.". Just like people who come in, they look for lawyers. You know, "Who's the best lawyer to get?" "There's the phone. There's the phone book.".
779. Q. Go for it.
- A. Go for it, you know, because --
780. Q. But do you recollect Mrs. Harriss sitting outside in the waiting room of the Sydney City Police Department worried about her daughter, wondering why she was being questioned so long?
- A. No.
781. Q. And during that interview that yourself and Detective Sergeant MacIntyre conducted with Patricia Harriss, was there any one else present, other than the three of you?
- A. I cannot remember, sir.
782. Q. And during that -- you're not denying that the interview took that long, from eight o'clock until one o'clock in the morning, are you, or you're just

- 116 - W. A. URQUHART, by Mr. Proudfoot

saying you can't recollect?

A. I don't know whether it took that long or not because all I know is that I took a statement in my handwriting from her at 8:15. The next time it shows up on paper where there was an interview with her is at 1:20.

783. Q. The same night.

A. The same night. No -- Yes.

784. Q. The same night. You didn't go dig her out of bed and say, "Come on back.", did you?

A. Well, I don't know whether we did or not. I can't --

785. Q. Well you would have remembered that, wouldn't you?

A. No, I wouldn't. I don't know.

786. Q. You wouldn't remember that?

A. No.

787. Q. Oh, okay. But, sir, it would appear from all the documentation here that it was all one exchange and that she was there at eight o'clock and she was there at one o'clock in the morning.

A. I really -- I think she went home and was recalled.
That's my opinion.

788. Q. You're guessing now, though.

A. Yeh, that's right. I am.

789. Q. Okay. Well let's not guess. Let's just --

A. All right.

- 117 - W. A. URQUHART, by Mr. Proudfoot

790. Q. Let's just testify what you can recollect and what you're saying is that you can't recollect.

A. No, I can't.

791. Q. But you know that there was a statement at eight and there was one at one o'clock in the morning.

A. I know there was one at eight because I took it. And I'm not denying it, sir.

792. Q. No, I know you're not. As far as dealing with the Crown in the preparation of the case against Donald Marshall, was it your job or was that Detective Sergeant MacIntyre's job to provide statements and information to the Crown Prosecutor?

A. It was Sergeant MacIntyre's job.

793. Q. Did you ever have any discussions with him or was that chiefly -- was that his bailiwick?

A. That was his bailiwick. He was in charge of the investigation. He took all the file up and everything would be there, the statements, everything that was done and it would be -- the Crown would look it over and decide to do what --

794. Q. Whatever they were going to do.

A. Yeh, right.

795. Q. Did you go up with Detective Sergeant MacIntyre on that one?

A. No, I don't know if I did or not. There was likely other work to do out side of that and I perhaps got

- 118 - W. A. URQUHART, by Mr. Proudfoot

involved in something else. I don't remember.

796. Q. Yeh, but you don't have any recollection of going up there to see Donnie MacNeil.

A. No.

797. Q. Right. Was it Donnie MacNeil who had been running her?

A. Donnie was Crown Prosecutor then and Lou Matheson was Assistant Crown Prosecutor.

798. Q. Okay.

A. Donnie, as you know, is dead now and Lou is a Judge.

799. Q. Yeh. Now when you have an inconsistent prior statement -- say if Mr. MacIntyre was not involved in this investigation, he was sick or something, and you were the main man, would you reveal prior inconsistent statements to the Crown?

A. Sure, you present everything to the Crown. You don't hide anything. You know, every scrap of information you got -- we had even things that you'd write down on a piece of paper that you'd think would be, you know, relevant to the case, you'd have. Everything would be attached in that file so you wouldn't miss anything.

800. Q. So procedures being what they are then, that's what you'd do. You'd expect that the Crown would have all this information.

✓
- 119 - W. A. URQUHART, by Mr. Proudfoot

- A. Oh, yeh. You didn't hide anything from the Crown. You'd give them everything that you have.
801. Q. Would you expect the Crown to provide prior inconsistent statements to defense counsel?
- A. Oh, that's up to them. I --
802. Q. What's your experience, though, as a police officer of many years?
- A. I don't know how they work at it.
803. Q I see, have you ever --
- A. That's between the Crown and the other attorneys. I have nothing to do with that, sir.
804. Q. Right. Oh, I know that but I want to -- you know, you've been involved in a lot of prosecutions over the years. You don't know what happens there.
- A. Well, the Crown has asked us, I suppose, on different occasions to present or to prepare statements and to give it to the defense lawyers. We've done that, too.
805. Q. If I was to suggest to you that Detective Sergeant MacIntyre didn't know about D-8, the hand-written statement of Patricia Harriss, would that shock you, surprise you?
- A. It would surprise me, yes, because I think that everything would be in the files.
806. Q. Yeh, and you would have talked about that with Detective Sergeant MacIntyre for sure?

✓
- 120 - W. A. URQUHART, by Mr. Proudfoot

- A. Yes, I think I would have.
807. Q. Well, you think you would have.
- A. I'm pretty sure I would have, yes.
808. Q. Yeh, if you didn't, you'd be not doing your job.
- A. I'd be remiss in my duties.
809. Q. Yeh. This is a very important case and you would make sure that things were done right. Is that true?
- A. To the best of my ability.
810. Q. Sure and the best of your ability would be to make darn sure that MacIntyre saw D-8?
- A. Yes, I would say that he did see it.
811. Q. Just to go one step further, it would be very unlikely that Detective Sergeant MacIntyre didn't see the Harriss statement on the night that the other statement was taken from Harriss in your opinion?
- A. Yeh, I would say that would be fair.
812. Q. And would you say it was true?
- A. I don't know because I'm not absolutely sure of it, eh, but I would say that he should have been able to see that statement.
813. Q. In your opinion was it usual police procedure to interrogate a fourteen year old witness without a guardian present for more than four hours as was done apparently in the Harriss matter?

- 121 - W. A. URQUHART, by Mr. Proudfoot

- A. Now you're saying four hours. I don't know if she was in the office for four hours. I can't remember. I said that already. I don't know if she was in there for four hours.
814. Q. Okay, let's forget about --
- A. I have my serious --
815. Q. -- Patricia Harriss.
- A. I have my serious --
816. Q. Let's forget --
- A. -- doubts that she was in there for four hours.
817. Q. Okay. There are sworn affidavits from Patricia Harriss involved in this where she swears that in fact she was there for four hours. You have no reason to dispute that, do you?
- A. That's her opinion. I have no reason to --
818. Q. Well, it's more than her opinion, sir. It's sworn evidence that she was there.
- A. Well, I can't remember if she was there for four hours.
819. Q. Yes, so you have nothing to rebutt her testimony to that effect.
- A. No.
820. Q. Okay. After Donald Marshall went to the prison, there were people who came forward saying that "Hold it now. You got the wrong guy." That happened, didn't it?

✓ - 122 - W. A. URQUHART, by Mr. Proudfoot

- A. One man came into my office and told me that.
821. Q. What was his name?
- A. He was an Indian Councillor and I can't remember his name.
822. Q. Bernie Francis?
- A. No, I don't know if it was Bernie or not.
823. Q. You knew Bernie --
- A. Yes, I know Bernie.
824. Q. He was a day-to-day guy.
- A. Yeh. I know Bernie. I see him from time to time. He's a friend of mine I would say, you know.
825. Q. Was it Ray Gould -- Roy Gould?
- A. No, and I know Roy, too. He was ex-Chief up there. But he came in to the office and he said that he had a name and he said, "If you check this out, this is the fellow that stabbed Seale in the Park."
826. Q. What was the name?
- A. Roy Newman Ebsary.
827. Q. Okay, now how many years after the --
- A. Now this was only a year before I retired. I think it'd be four to five years ago. I --
828. Q. So that would have ~~been~~ back 1981-'82?
- A. Yeh, and I think it was in the spring of the year because John MacIntyre then had been promoted to Chief of the Sydney Police Department. He was away on an annual vacation in the spring of the year.

- 123 - W. A. URQUHART, by Mr. Proudfoot

Michael J. MacDonald was acting Chief in his capacity of Deputy Chief.

829. Q. Is that Red Mike?
- A. No, Black Mike, or gray Mike. And I took it to him and he said, "Billy," -- I said, "I just want to show it to you.", and he said: "What steps do you plan to take on this now?" I said, "I'm not about to go to Dorchester. I'm going to take it up with the Crown Prosecutor." The Crown Prosecutor at that time was Brian Williston. I took it up and I turned over what information I had and I took it back and that was in the file that was handed over to the R.C.M.P. when they started their investigation.
830. Q. Okay, what did Williston tell you?
- A. I don't know but he did give an affidavit on it later.
831. Q. Yes, I understand that but what did he tell you at the time that you recollect?
- A. I just don't recollect what he told me.
832. Q. But did he say, "Go up and check this out."?
- A. No.
833. Q. Start any reinvestigation?
- A. No.
834. Q. Did that concern you at all when someone came forward after someone was convicted as a murderer?

- 124 - W. A. URQUHART, by Mr. Proudfoot

- A. Yes. And I did what I thought was right with it and I turned it over to the Crown.
835. Q. And let them make the decision?
- A. That's right.
836. Q. Okay, when --
- A. Because I'd have no jurisdiction to go to the penitentiary to interview anybody without sanction of my Department and the Crown Prosecutor.
837. Q. And Mr. MacIntyre, the Chief, was away?
- A. Yeh.
838. Q. And obviously you brought that to his attention when he returned?
- A. When he returned and I showed him the slip of paper. I kept it in my locker until the investigation was called for and I in turn turned it over to Chief John F. MacIntyre and he in turn turned it over to the R.C.M.P. I believe that's what happened.
839. Q. Okay, so --
- A. And it's signed by me, that slip of paper, too, and the date that I received it and the time that I received it and from whom.
840. Q. ~~But we can't remember who it came from?~~
- A. No.
841. Q. But it must be in the papers somewhere.
- A. It's in the paper -- it's in the file wherever, you know.

✓ - 125 - W. A. URQUHART, by Mr. Proudfoot

842. Q. Yeh, okay. So what was MacIntyre's reaction when you said, "Look, I've got this call here saying that --

A. He asked me what I did with it and I told him what I did with it and he said I did the proper thing.

843. Q. Okay, and that was the end of it?

A. Right.

844. Q. Was he surprised that someone was casting doubt on the conviction of Donald Marshall?

A. Not -- I don't think he was, no.

845. Q. Was he concerned?

A. Well if he was, he never said to me that he was.

846. Q. Right, so the best of your knowledge he made -- took no action whatsoever on that piece of information?

A. No.

847. Q. Right. Okay, over the -- so that was the only time that you ever received any information that would question or cast doubt on the conviction of Donald Marshall.

A. Right.

848. Q. You're sure of that?

A. That's as far as I'm -- ~~As far as~~ I know and can remember that's the truth, yes.

849. Q. Okay. Do you remember an incident where Donald Marshall and a friend were knocking on doors in the vicinity of the murder looking for people, looking for witnesses?

- 126 - W. A. URQUHART, by Mr. Proudfoot

A. No.

850. Q. You had no knowledge of that?

A. No, I had nothing to do with that.

851. Q. Is this the first time you've heard about it?

A. That Donald Marshall and a friend of his were going around where?

852. Q. Knocking door to door after the Seale murder, a few days afterwards, looking for the gray haired fellow in the cloak.

A. No.

853. Q. That's all news to you?

A. Yeh.

854. Q. You've never heard about that before?

A. No, not that I can remember that I heard about it.

855. Q. Okay. Just a few minutes ago you talked that you knew Bernie Francis?

A. Yeh, I know Bernie.

856. Q. He worked for the Department of Indian and Northern Affairs?

A. Yeh.

857. Q. And he was sort of a liason when someone was accused of something and they were an indian and --

A. Yeh, well, Bernie was down to the office a lot, you know.

858. Q. Sure he was. A lot of activity happening there, eh.

- 127 - W. A. URQUHART, by Mr. Proudfoot

- A. Yeh, and Roy Gould, too. They were back and forth because if they -- We kept complete records, you know, reasonably complete and if they wanted any information from us they'd always come down because they were people in authority. He was Chief of the Band and Bernie was liason officer --
859. Q. Sure, and you cooperated with them.
- A. And we cooperated and in turn they did the same with us.
860. Q. Okay. Marshall's in gaol, he's arrested for murder, the trial hasn't come up. Bernie Francis suggested to Marshall in gaol that the murder weapon had been located on top of Pollett's Drug Store.
- A. I never heard that.
861. Q. Are you testifying today that you did not tell Bernie Francis that?
- A. No, I never told Bernie Francis that.
862. Q. And did you ever hear that at the time?
- A. No.
863. Q. Were there any police photos taken of Seale at the scene, the location of the scene or any other photographic evidence tendered at trial?
- A. I wasn't there that night but I -- I'd imagine there wouldn't be because if the body was still alive and he was bleeding badly, the first duty would be to get him to a hospital as quickly as

- 128 - W. A. URQUHART, by Mr. Proudfoot

possible, and I think that's what was done.

864. Q. Sure, but was there any -- were there any photographs taken of the Park to fix locations and whatnot after the fact?

A. No, but there was a sketch I guess you'd call it done by the Engineering Department of the City of Sydney.

865. Q. Which showed the pond, etcetra.

A. And the bushes and the tracks and the location of the houses and the location of band --

866. Q. Who headed up getting that map?

A. John MacIntyre.

867. Q. Yeh, did you have anything to do with that?

A. No.

868. Q. Okay. Why was the so-called gray-haired man theory turfed out in the investigation?

A. I can't answer you that question, sir, I don't know.

869. Q. You don't know?

A. No.

870. Q. Did it ever at any time raise any doubts in your mind that there may be somebody else involved here?

A. No.

871. Q. Today do you accept the fact that Roy Newman Ebsary was the murderer of Sandy Seale?

A. Say that again.

- 129 - W. A. URQUHART, by Mr. Proudfoot

872. Q. Today do you believe that the murderer of Sandy Seale was Roy Newman Ebsary?

A. I don't know.

873. Q. You don't know.

A. No. It's on appeal before the Courts now, isn't it?

874. Q. I have no idea. Was it your perception during the investigation of the Seale murder of those days that you were closely working with Detective Sergeant MacIntyre that the heat was on MacIntyre to solve the murder?

A. No, there'd be no more heat on him to solve this particular murder than any other. You know. I never heard of this so-called -- this is the second time this come up in this interview today, eh?

875. Q. That's correct.

A. Yeh, and I don't know of any heat that was on MacIntyre or there was -- if there was heat on him, he never transferred it to me, you know, so as I said I knew the Chief. No, I'd have to say no to that conclusion. There was no heat on him.

876. Q. Did he -- did Mr. MacIntyre ever express concern about the racial overtones of the whole affair?

A. Not to me, he didn't.

877. Q. All right, did you perceive anything like that?

A. No. Because we live in a community here of thirty-

- 130 - W. A. URQUHART, by Mr. Proudfoot

some odd thousand and there's blacks, whites, indians, and we always got along fairly well here together. You'd have little skuffles at the Pier where there's -- you know, but never anything that there's -- you got a line up on one side of the Park with slingshots and shotguns. We never had that stuff here.

878. Q. Oh, I never said that there was.

A. No, well, I just want to clarify that we never had it.

879. Q. Okay, Patricia Harriss has given sworn evidence that during the interview that you and Mr. MacIntyre conducted of her that Mr. MacIntyre banged his fist on the table and got angry. True or false?

A. False.

880. Q. She also testified that she requested to see her mother and was not allowed to by either yourself or Detective Sergeant MacIntyre. True or false?

A. I'd say it was false because if anybody wanted to see their mother and they were a juvenile as she was at that time, that of course would have been granted if the mother hadn't been there.

MR. MURRAY:

If I might just interject here.

MR. PROUDFOOT:

He can say maybe or he doesn't know if he wants.

- 131 - W. A. URQUHART, by Mr. Proudfoot

MR. MURRAY:

Yes.

MR. PROUDFOOT:

Sure, that would be fair. Fair enough.

MR. MURRAY:

Yes, but also to interject and I guess I'm a little concerned about what specific times you're saying Patricia Harriss said certain things because I'm familiar enough with some of the testimony that not only was she making statements not under oath but then also testimony where she gave the Appeal Division which rejects some of the things that you are ascertaining that she said. I want to make it clear on the record that what you say she is saying is not necessarily you know depending on which part of her evidence you pick is what she's saying.

MR. PROUDFOOT:

I understand. Fair enough.

BY MR. PROUDFOOT:

881. Q. Patricia Harriss has also given sworn evidence that yourself and MacIntyre told her what Chant and Pratico had given in their statements, what they saw. Is that correct?

A. No. No, because if it was that question would have been inserted in the statement.

882. Q. Those actual words?

A. Sure, because everything that is said in the statement

- 132 - W. A. URQUHART, by Mr. Proudfoot

room is inserted in the statement and she'd been asked it in the form of a question. That don't appear in the statement, you know, so he never banged his fists on the desk and he never said that, "Look, you tell me this or tell me that because somebody else said this or the other thing."
No.

883. Q. Did you bang your fists on the desk?

A. No.

884. Q. Or the table?

A. I'm a meek and mild man. I don't do those things.

885. Q. Okay. Does the name Constable Gary Greene ring a bell?

A. I knew Gary when he was here, yes.

886. Q. Sure. He was an R.C.M.P. officer with the Sydney --

A. Yes, he was.

887. Q. -- Detachment. Right. He approached you at one time about the fact that Roy Ebsary was the stabber of Sandy Seale.

A. Not to my knowledge Gary Greene didn't.

888. Q. You're denying that Gary Greene ever came to you and said that?

A. Yes.

889. Q. Okay, how sure are you?

A. I'm positive because I knew Gary. I knew Gary Greene, and he was stationed here for quite awhile.

- 133 - W. A. URQUHART, by Mr. Proudfoot

And he was back and forth to the station numerous times and he to my opinion or to my knowledge, he has never mentioned that case to me.

890. Q. Oh, hold it. What are you saying? Are you saying to your knowledge or you're positive he didn't?

A. I'm positive he didn't.

891. Q. Okay. Did you ever hear about Donna Ebsary coming forward with information?

A. Not to me, she didn't.

892. Q. Okay. Do you remember the O'Reilly sisters?

A. No.

893. Q. You don't remember them, eh?

A. No.

894. Q. Well let me see if I can refresh your memory. On the night in question, Donald Marshall was in a car in someone's back yard drinking some rum, I believe. Do you remember that?

A. No.

895. Q. But, sir, you were the officer who Detective Sergeant MacIntyre assigned to trace the whereabouts of Donald Marshall on the night of the murder, weren't you? You were the officer that ~~Detective~~ Detective Sergeant MacIntyre assigned to track and trace exactly where Donald Marshall was on the night of the murder, weren't you?

A. I don't know. I can't remember that.

- 134 - W. A. URQUHART, by Mr. Proudfoot

896. Q. You can't remember checking out what tavern he went to, who he was with, all that stuff?

A. No.

897. Q. But you -- you're not denying that you did?

A. No, I'm not denying that I didn't do it but I can't remember it.

898. Q. Okay. Do you remember taking statements from the O'Reilly sisters?

A. Have you got them there? I --

899. Q. No, I don't have them.

A. I don't know.

900. Q. Okay, you could have, though?

A. I could have, yes, but --

901. Q. Okay, but you can't recall.

A. No, if it's -- you give me these statements to look at from one to eight. I verified them.

902. Q. But you gotta get something so you can remember.

A. That's right.

903. Q. Fair enough. Fair enough. I'm not asking you to perform miracles but I just want to know if that name rings a bell. Okay, do you remember George and Roderick MacNeil giving statements?

A. George MacNeil?

904. Q. George and Roderick MacNeil, independent statements about who they saw in the Park. I think I do have some statements from them. Perhaps I don't. Do

- 135 - W. A. URQUHART, by Mr. Proudfoot

you remember that?

A. No.

905. Q. What about Dave MacNeil, James MacNeil?

A. Again I wouldn't know if I -- you know, it would be unfair for me to say that I took statements and then later it would turn up that I didn't, you know.

906. Q. No, no, I'm just trying to gauge your recollection of the events, sir, and it's not a memory test but it is salient to the case as to who you do remember and who you don't and that's no reflection on you, sir. I mean, how many years is it? Fifteen years ago? You're doing very well with your memory to date, I might add. Let's see here. Do you recollect if there were a group of statements prior to the Marshall preliminary hearing that you had that repeatedly mentioned a gray-haired man with a cloak and glasses in the Park that night?

A. I don't know if there was many statements, you know, but it showed up in some of them, yes.

907. Q. Sure.

A. Sure, it did. _____

908. Q. And at any time did Detective Sergeant MacIntyre say: "We've got to follow up this lead and I want you, Mr. Urquhart, to do the following things to follow up the gray-haired man with the cloak."?

✓ - 136 - W. A. URQUHART, by Mr. Proudfoot

A. I think everything was done that could possibly be done, you know.

909. Q. No, I'm not asking you that though. I'm asking do you have any recollection of your Detective Sergeant instructing you to follow up on the gray-haired man?

A. No.

910. Q. So that -- is it your recollection that that was a very minor part of the case?

A. Well this -- in murder, there's nothing minor. You have to go into the whole thing and separate the good from the bad or whatever the case may be.

911. Q. The chaff from the wheat.

A. The chaff from the wheat or you know. You have to look at everything on its merit and you have to go with what you have.

912. Q. Yeh, but you don't remember spending a lot of time running after a gray man?

A. No, I could have looked at John maybe at that time. He was gray-haired, too.

913. Q. No, but he wasn't a suspect in this murder.

A. No, but there's a lot of gray-haired people around town.

914. Q. Yeh. How many gray-haired people though are in Wentworth Park on a Friday night with glasses and a cloak, sir?

- 137 - W. A. URQUHART, by Mr. Proudfoot

- A. Well I don't -- I've never been into the Park on Friday night.
915. Q. Yeh, that's a pretty distinct description, though, isn't it?
- A. Yeh.
916. Q. You're a Police Office. You know that that is a distinct description, true?
- A. Gray-haired with glasses and a cloak. There's not too many of them floating around. Zorro is dead.
917. Q. Is he? Is it correct to say that the investigation in the Seale murder was conducted solely by you and Detective Sergeant MacIntyre?
- A. It was conducted by Sergeant John F. MacIntyre and I was assisting along with the other officers.
918. Q. Okay, along with the other officers?
- A. Mike MacDonald and Mike MacDonald.
919. Q. Okay, Red and Black Mike also contributed?
- A. Yes.
920. Q. Okay, were they major players or minor players?
- A. Well they were wingers, I guess you'd call them. They did what they had to do and what they could do and --
921. Q. Okay, but they only did what they were told to by Detective Sergeant MacIntyre?
- A. Yes, right and what --
922. Q. Just like you?
- A. Just exactly.

- 138 - W. A. URQUHART, by Mr. Proudfoot

923. Q. Okay, as the events unfurled, the fellow that was with Ebsary on the night in question did in fact come forward to the City of Sydney Police Department, did he not, and gave a statement. Is that your information?

A. Yes.

924. Q. Okay, let's see here.

A. Who would that be? James MacNeil?

925. Q. James MacNeil, yeh. Take a look at exhibit D-9. I note that it doesn't have your name on it.

A. No.

926. Q. But it does have Mr. MacIntyre's at the foot of it. What's the date on that?

A. The date is November 15, 1971, at 7:25 p.m.

927. Q. Okay. Is it your evidence that you were not aware of that statement being taken?

A. No, I wasn't aware of that.

928. Q. Oh, and when did this statement first come to your information -- attention?

A. I heard about it, you know, I suppose after it was taken. I don't know. It could have been the next day. It could have been just the last week. I have no idea.

929. Q. Did it cause any major sensation in the Police Department?

A. I think it did, you know, later possibly when the

- 139 - W. A. URQUHART, by Mr. Proudfoot

Mounties --

930. Q. Came in to take a look.
A. -- came in to take a look at it.
931. Q. They thought that it was pretty significant.
A. They put him on a Polygraph, I believe. I don't know the outcome of that because we weren't -- I didn't have any knowledge of what happened on that investigation.
932. Q. But the R.C.M.P. thought it was a big deal but you guys didn't.
A. Well.
933. Q. Is that the first time you've seen that statement?
A. I wouldn't -- I wouldn't -- I don't know. I can't remember whether it was the first time or not.
934. Q. Okay, but you know the import of that statement.
A. Yeh.
935. Q. It puts Ebsary in the murderer's shoes and Marshall being totally innocent.
A. Yeh.
936. Q. And the date on the statement was?
A. It was November 15th, 1971. It started at 7:25 in the evening and finished at eight o'clock. Sergeant Taylor or Corporal Taylor and --
937. Q. So that -- Was Marshall still in the County lock-up at that point or had he long gone to Dorchester?
Do you know?

- 140 - W. A. URQUHART, by Mr. Proudfoot

A. No, I don't.

938. Q. What's the usual procedure for a murderer? Do you keep him in the County lock-up for awhile or do you ship him out after the appeal period?

A. I think that there's an appeal period and --

939. Q. You wait until that lapses and then you --

A. Yes, unless he wants to sign and waive his rights and he can go right away.

940. Q. He can go earlier?

A. Yeh.

941. Q. But he can't hang around the County lock-up, can he?

A. No, no.

942. Q. Okay, if I was to suggest to you that after the appeal period Donald Marshall stayed in the County lock-up for beyond the thirty day period, in fact more than a month and a few days, would that surprise you?

A. No, it wouldn't surprise me.

943. Q. Why not?

A. I don't really know what the system is of keeping them incarcerated there.

944. Q. Here's one that you were involved in. Let' see this is D-9?

A. Ten.

945. Q. D-10. You're counting them. Thank you for your help. There are so many papers floating here.

- 141 - W. A. URQUHART, by Mr. Proudfoot

Take a look there at D-10, Mr. Urquhart. What do you see there?

A. I see a statement taken by me, William Urquhart.

946. Q. Date on it?

A. The 15th of November, '71, 6:25 p.m. and finished at 6:40, statement of John Joseph MacNeil. He's from Toronto, Ontario.

947. Q. What did he have to say? If you can read it, then just summarize it for us.

A. He went to bed at 5:05 and he got up at seven and come downstairs, couldn't sleep. Yes, that's the statement of James Joseph -- John Joseph MacNeil from Toronto, Ontario, when he came to the Police Station and on behalf of his brother who reported this and we took a statement.

948. Q. All right, was that given any serious consideration?

A. I -- I can't answer that because I don't know. I turned it likely over to Sergeant MacIntyre.

949. Q. And leave it to him to deal with?

A. Yeh, he was in charge of the case, yes.

950. Q. Here is another one that I want to show to you.

This would be D-11. It's a statement of -- oh, I'll give it to you to describe it. D-11, what's that, Mr. Urquhart?

A. Of David William MacNeil, age 19.

951. Q. Yeh, what's the date on that?

- A. November 15th.
952. Q. The year?
- A. 1971 at 7:10 in the evening.
953. Q. All these MacNeil statements appear to have been taken at the same time.
- A. The same day, yeh.
954. Q. At the same time. These three fellows came in and they had evidence to show that it was Roy Ebsary that was the stabber, not Donald Marshall. Isn't that correct?
- A. That's what they say.
955. Q. Yeh. You appear to be chuckling at these statements.
- A. Who?
956. Q. You.
- A. No, I'm not.
957. Q. Oh, you're not.
- A. A very serious business.
958. Q. Okay, I see a small smile on your face as you read the statement I put to you.
- A. Is that why you highlighted it here so I could --
959. Q. No, just so you could --
- A. Understand it better possibly.
960. Q. No, I'm sure you can fully understand it. It might save you some time, though. Was that statement turned over to MacIntyre as well?
- A. Yes, I would imagine it would be, sir.

- 143 - W. A. URQUHART, by Mr. Proudfoot

961. Q. Did you take that statement as well? Likely or?
A. That statement is only signed by MacNeil. It's not --
962. Q. Yeh, any time on that one?
A. No.
963. Q. At the top there is, I guess, 7:10.
A. Yeh, 7:10 on the 15th of November, '71, but it's not signed by who took this statement, whether it was me or anybody else. Now and this could be just a complaint that came into the desk. I don't know.
964. Q. Okay, but the other one here --
A. The other one is signed by a witness, you see.
965. Q. Sure, and the time on that is 6:40 p.m., just prior to the David W. MacNeil statement. Is it likely that you and MacIntyre were there for both these statements?
A. No, I don't -- MacIntyre wasn't there for this one because it was M. J. MacDonald.
966. Q. Okay, that was M. J.
A. Yeh.
967. Q. But this one, why would that have no -- _____
A. I'll tell you why. This could be that it came in to the main desk and it was put on paper there and turned over and this is, you know --
968. Q. Oh, I see. That would be their procedure?

- 144 - W. A. URQUHART, by Mr. Proudfoot

- A. Yeh, because I don't think this is a statement. It looks starting off like it's a statement but it's not signed by either one of us which I can't understand. Now I'm only trying to clarify it.
969. Q. Now it may -- No, I understand. We don't have the original so we don't -- maybe the other one is signed by somebody but when it got typed up, it wasn't completely done.
- A. Maybe, yeh.
970. Q. Okay, so you got all these MacNeil statements on the 15th of November, 1971, months after Marshall was convicted and sent to prison.
- A. Well, it's almost six months, isn't it, after.
971. Q. Yeh, about six months after. And you just turned them over to Mr. MacIntyre.
- A. Right.
972. Q. Was there any meeting at the Police Department about --
- A. No, but I would imagine --
973. Q. -- taking action on these statements?
- A. I would imagine what Sergeant MacIntyre did was take it to the Crown.
974. Q. That's what you figure. _____
- A. That's what I would say he did.
975. Q. But you have no evidence or information.
- A. No, I can't say that he did.
976. Q. Okay.
- A. But knowing him, I would say that's what he did with

it.

✓ 977. Q. Now we talked about the file earlier that it should have a photograph of the line up, have the cards in there, the names on it, and that file -- that particular file six months after the fact, you were starting to get information that would tend to cast doubt on the statements you got and relied in bringing the case forward. So would those photographs and whatnot, they would have been preserved at that point?

A. Oh, certainly. The whole file would have been, yes.

978. Q. Sure, okay, and furthermore the telex CPIC, the first document I showed you, D-1?

A. Right.

979. Q. You know the one I'm referring to.

A. Right, the hard copy.

980. Q. Yeh, it was your experience that the R.C.M.P. definitely would have sent back documents or information that they had on anybody in the Sydney area with that M.O. They were reliable, generally.

A. Yeh, unless they just called up and said, "Look, John, or ~~Billy~~ or -- _____"

981. Q. Somebody like that.

A. You know and said, "Look, we ran that through to Halifax. There's nothing back on it.", you know. That could possibly be.

- 146 - W. A. URQUHART, by Mr. Proudfoot

982. Q. Okay. But you don't remember any documents?

A. No. No, no. If --

983. Q. But somewhere on the computer records, it would show if a message was sent to Sydney.

A. I would imagine, yeh, because they keep their records, I think, pretty well -- they're on microfilm now I believe.

984. Q. Where do they store those?

A. God knows. I don't. I don't even know if it's on microfilm.

985. Q. Oh, I see. You're just guessing then that they keep it somewhere.

A. Yeh.

986. Q. Okay. Where did you usually do those line-ups at the Sydney Police Station back in 1971?

A. In the office outside of the Detective -- our --

987. Q. There's a special room for it, though, with a two-way glass, was there?

A. Not in those days, no. We didn't have that.

988. Q. Okay, but you had these -- you talked there was glass and there was another room.

A. Yeh, well, that was when we moved to the new station we had that.

989. Q. Oh, and you got fancy, eh.

A. Yeh, we got modern conveniences.

990. Q. How did you work it though in the 1971 when you had

- 147 - W. A. URQUHART, by Mr. Proudfoot

these characters up there in the line-up?

A. Well, we had a court room there in the old station on Bentinck Street, eh, and we could lock the outside door that was going out and the other -- the only main door was the one that was coming in to the Police Station. No one could get out or go in, eh. And there was a glass in that door and you could look through that.

991. Q. The glass was installed specifically for line-ups.

A. No, no, it was just plain glass with a pull-down blind and a slot in it.

992. Q. Oh, you used the slot system.

A. Yeh.

993. Q. Okay, and that was what was used here for that.

A. We used that for years here before we got the two-way glass.

994. Q. Probably worked just as good.

A. Just as good. We got a lot of people that way.

995. Q. Okay. Was there anybody in particular that collected people for line-ups in the Department?

A. No, whoever was in the Police Cars.

~~996.~~ Q. ~~Going out.~~ Yeh, okay.

A. And you see, too, if we were running the line-ups late at night, it was hard to get people to come in.

997. Q. At the time that you did the Chant interview at

- 148 - W. A. URQUHART, by Mr. Proudfoot

Louisbourg with Sergeant Detective MacIntyre, were you aware when you were driving out to Louisbourg that Red Mike had already spoke with Chant at the hospital on the night in question?

A. I could have been, yes, but I don't know for -- you know, I can't remember back.

998. Q. Okay. At any time did you tell Bernie Francis that somebody broke into the Police Department and burned evidence in his -- that was collected for his trial?

A. No.

999. Q. Okay, did you hear any rumors about someone breaking in and burning evidence?

A. In the Police Department?

1000. Q. Yeh.

A. No.

1001. Q. Was Marshall known to the Police Department prior to this investigation?

A. He wasn't known to me. As far as some of the rest of them, they might have known him. I didn't.

1002. Q. You didn't know him.

A. No.

1003. Q. If someone said, "Go find Junior Marshall. Pick him up." and you'd say, "What does he look like?".

A. No, I wouldn't know him.

1004. Q. You wouldn't know him from Adam as they say?

- 149 - W. A. URQUHART, by Mr. Proudfoot

A. No, I wouldn't know him.

1005. Q. Okay. The place where the file was kept on this particular investigation you say was locked up. Who had carriage of access to that file? Would it just be the Detective Sergeant of the day?

A. The Detective Sergeant and I imagine the stenographer. No, she used to ask him to open the file if we needed anything out of it.

1006. Q. So there was one key and that was with MacIntyre?

A. Yes, as far as I can remember that's all there was.

1007. Q. Now once Detective Sergeant MacIntyre was promoted, his next promotion would have been what, Deputy Chief?

A. Deputy Chief, yeh.

1008. Q. Right. What happened to the Marshall file then? Did he take that with him?

A. That I don't know. I can't answer that question.

1009. Q. Okay. Well, you were involved in the reinvestigation by Inspector Scott, were you not, peripherally. They came up and did the Polygraphs.

A. No, I wasn't --

1010. Q. You didn't get involved in that?

A. No. That was on MacNeil and Ebsary, was it?

1011. Q. Yeh. You weren't involved, eh?

A. No.

1012. Q. But basically to the best of your information, the

- 150 - W. A. URQUHART, by Mr. Proudfoot

file was either locked in the what, Detective's cabinet?

A. Yeh.

1013. Q. With Sergeant Detective MacIntyre having the only key when he was the Chief of Detectives and after that when he became Deputy Chief, you don't know where the file got to.

A. Well, he would turn his key over to the next man that was promoted.

1014. Q. And that would have been?

A. Black Mike.

1015. Q. Black Mike got the key then.

A. No, I'm not -- I won't definitely say that there was only the one key because I don't know.

1016. Q. Okay, when you wanted to get in to look at something what did you do?

A. Well, I'd ask Mike to open it for me or pull --

1017. Q. Black Mike when he had the --

A. Yeh, or pull the file out for me, whatever file I was looking for because most of us had our own cabinets, eh.

1018. Q. And you'd lock those?

A. Oh, yeh.

1019. Q. And a murder file like that would not be treated casually, I would not think.

A. No, that would be -- that would be put in large manilla envelopes and sealed and marked on the outside

- 151 - W. A. URQUHART, by Mr. Proudfoot

what it was.

1020. Q. Okay, now if you went into a file and you wanted to go into that envelope and break the seal, what did you have to do? Was there any special procedure?

A. Well, you talked to the Chief which would be John at the time or when he was Sergeant of Detectives, you'd ask him that you wanted to get in it for something or for some information or add something to it that came in later, eh.

1021. Q. Yeh. Would you give that to him to insert or would you do it yourself?

A. Well, most of the time you'd give it to him to insert and he'd open it and put it back in the pile and reseal it and put it away.

1022. Q. How -- would you go to a new envelope or would you retape it or what?

A. No, the old envelopes were kept and one would be slipped inside of the other.

1023. Q. Oh, I see, so after awhile you might get quite a few envelopes.

A. You might get three or four or five envelopes, yeh.

1024. Q. Okay, and that way --

A. And with big elastic bands around them.

1025. Q. So that way you could prove how many entries into that envelope were made.

A. Yes, unless the envelopes got destroyed in the meantime

- 152 - W. A. URQUHART, by Mr. Proudfoot

which I don't know if they did or not.

1026. Q. Okay. But that was the procedure in the office.

A. That was the procedure in the office.

1027. Q. Yeh, so if we went up there now and looked at a file, there'd be probably quite a few files in that condition.

A. Well, there could be and -- you know, I don't know what the system --

1028. Q. From your day.

A. Yeh, I don't know what the system is now.

1029. Q. Yeh, who knows, eh. At any time during the re-investigations, did you take copies of the original file for your own information?

A. To keep it for myself?

1030. Q. Yeh, for your own information.

A. No.

1031. Q. Did you ever ask for copies of anything?

A. No.

1032. Q. Okay, when's the last time you had an opportunity to get the file and look through it?

A. I don't know really. I have no idea.

1033. Q. Would it have been prior to the R.C.M.P. final re-
investigation?

A. The last time I suppose that I went through it was when the investigation was called by the R.C.M.P. or whoever called it, whether it was the Attorney

- 153 - W. A. URQUHART, by Mr. Proudfoot, by Mr. Murray

General or the R.C.M.P.

1034. Q. Was this R.C.M.P. number one or R.C.M.P. number two?

A. Number two and it was John MacIntyre that turned it over to them.

1035. Q. At that time?

A. Yeh.

1036. Q. Were you there when he did that?

A. No.

OFF THE RECORD

MR. PROUDFOOT:

Thank you very much, Mr. Urquhart. I have no further questions.

BY MR. MURRAY:

1037. Q. Okay, Mr. Urquhart, just a few questions for clarification, you speak about it being a practice with line-ups to take photographs. Can you say whether in 1971 the Sydney Police Force had a camera?

A. We had no Ident Section at that time.

1038. Q. Had you wanted pictures of something, where did you go?

A. You went to the R.C.M.P. and at their convenience they'd come and do it.

1039. Q. There was a question asked to you about tape-recorded statements. In 1971, did the Sydney Police Force have a tape recorder?

A. No. Not to my knowledge. We never had one in our

- 154 - W. A. URQUHART, by Mr. Murray

end in the Detectives. The girls that was doing traffic violations and them might have had one but we didn't have one in the Detectives Department, no.

1040. Q. You made a comment to my friend that the -- when you received this note from this fellow on the Reservation about Roy Newman Ebsary (It was some four or five years ago.) that was the first time you'd received any information that cast doubt on the Marshall conviction?

A. Correct.

1041. Q. If you would look at the statements again, and particularly D-10, D-11, D-9 --

A. Yes.

1042. Q. Now are you saying that the first time that you heard Ebsary's name was four or five years ago?

A. I likely heard it or saw it in these statements but had forgotten about it until I got the note.

MR. MURRAY:

I guess the evidence speaks for itself. I wouldn't want you to be mislead.

MR. PROUDFOOT:

I know you wouldn't.

BY MR. MURRAY:

1043. Q. You made a comment at one point with respect to the investigation that John MacIntyre was directing

- 155 - W. A. URQUHART, by Mr. Murray, by Mr. Proudfoot

with respect to the Seale killing and you said that you did not make any judgements as to what was right and what was wrong. Can you give your opinion as an experienced Police Officer who was participating in that investigation as to how things were done?

- A. I think they were done up and above board. John MacIntyre was -- had the name of a good investigator and on top of that, he was a good investigator. And I was well satisfied to take direction from John MacIntyre, not because he's here today, but he was a good investigator and I think that things were done very, very thoroughly and when the files were called for, I think we had them for people that wanted them. And our Department was looked up to because we had records back for many years and he was part of that record-keeping system.

MR. MURRAY:

I have no further questions.

BY MR. PROUDFOOT:

1044. Q. Just one thing arising out of that, Mr. Urquhart. Chief MacIntyre here ~~has~~ an excellent reputation in the City of Sydney today, does he not?

A. Yes, he has.

1045. Q. He's very well respected?

A. A well-respected family and I know them all.

- 156 - W. A. URQUHRT, by Mr. Proudfoot

1046. Q. That's right, and the particular broadcast in issue here today, the CBC radio broadcast, did you hear it?

A. No, I didn't, sir.

1047. Q. Right, has that effected your opinion of Chief MacIntyre?

A. No.

1048. Q. Do you think it's affected the opinion of people generally in the community of Sydney of Chief MacIntyre?

A. I wouldn't be able to answer that question because I haven't talked to anybody about that subject.

1049. Q. Sure but you haven't heard anybody saying this is -- questioning the Chief's integrity.

A. No because I just won't discuss this case with anybody.

1050. Q. I understand that.

A. I've been called. I've reported it already. I've been called at my home. My daughter was harrassed and life wasn't too pleasant for me either, you know, reporters calling and everything else but no. John MacIntyre as far as I'm concerned is above reproach.

1051. Q. And he continues to be?

A. Right. What he says on the stand is gospel or he wouldn't say it. And it was a pleasure for me to work under him from 1965 until 1983. We never had

- 157 - W. A. URQUHART, by Mr. Proudfoot

too many cross words but we had some discussions. Let's put it that way. And they were all for the betterment of my career which I finished up in 1983.

MR. MURRAY:

Just as an objection to your last question, you're asking him to comment about the effect of a broadcast that he hasn't heard and I would question his ability to comment on that.

MR. URQUHART:

I didn't comment on it.

MR. PROUDFOOT:

No, I -- I don't know if I asked him that. I can't quite remember how I phrased it but I guess I was just asking if in his opinion there's been any change in the Chief's reputation in the community. I believe his answer was that it hadn't changed.

MR. MURRAY:

Well, it's hard to -- We'll no doubt be discussing this at trial but it's hard to comment on whether a person's reputation has been affected if you don't know what has been allegedly said about him.

MR. PROUDFOOT:

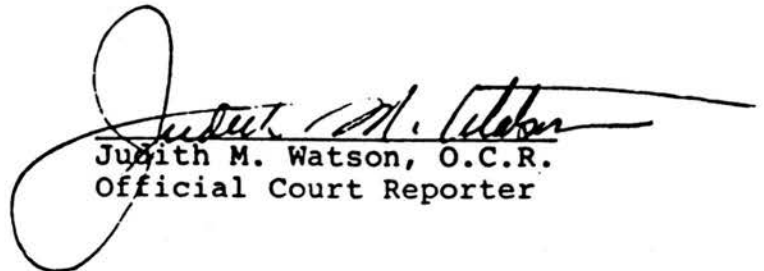
Okay, I have no further questions for you. Thank you very much. It's been pleasant and informative.

(WITNESS WITHDREW)

SYDNEY DISCOVERY SERVICES
May 13, 1986

- 158 - COURT REPORTER'S CERTIFICATE

I, Judith M. Watson, an Official Court Reporter, do certify that the transcript of evidence hereto annexed is a true and accurate transcript of the Discovery Examination of Mr. William A. Urquhart, as given at Sydney, in the County of Cape Breton, Province of Nova Scotia, on the 9th day of May, A.D., 1986, in the matters between JOHN F. MacINTYRE and CANADIAN BROADCASTING CORPORATION, 1984, S. N. No. 03224, recorded on tape, transcribed and checked by me.


Judith M. Watson, O.C.R.
Official Court Reporter

SYDNEY DISCOVERY SERVICES
May 13, 1986

IN THE SUPREME COURT OF NOVA SCOTIA
(APPEAL DIVISION)

IN THE MATTER OF A REFERENCE PURSUANT TO SECTION 617 OF THE
CRIMINAL CODE BY THE HONOURABLE JEAN CHRETIEN, MINISTER OF
JUSTICE, TO THE APPEAL DIVISION OF THE SUPREME COURT OF
NOVA SCOTIA UPON AN APPLICATION FOR THE MERCY OF THE CROWN
ON BEHALF OF DONALD MARSHALL, JR.

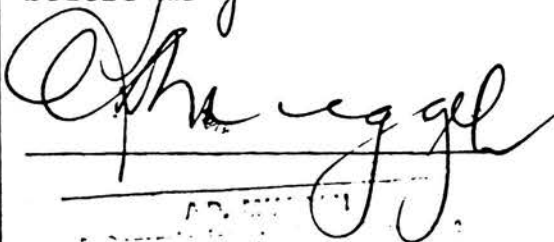
AFFIDAVIT

I, WILLIAM URQUHART, MAKE OATH AND SAY AS
FOLLOWS:

1. THAT I am presently the Inspector in charge of the
Detective Section of the City of Sydney Police
Department.
2. THAT in 1971, I was a Sergeant of Detectives with
the City of Sydney Police Department.
3. THAT on the 4th day of June, 1971, I witnessed the
taking of a statement, a typed copy of which is
annexed hereto as Exhibit 'A', at Louisbourg from
one Maynard Vincent Chant.
4. THAT when Exhibit 'A' was taken, all persons whose
names appear on the last page thereof were present
for the entire interview.
5. THAT at no time did anyone in my presence or to the
best of my knowledge make any threats or promises
or offer any inducements to Mr. Chant to have him
give Exhibit 'A' or to testify in a particular manner
in any of the subsequent proceedings.
6. THAT on the 4th day of June, 1971, I witnessed the
taking of a statement, a typed copy of which is
attached hereto as Exhibit 'B', from one John Louis
Pratico.

7. THAT at no time did anyone in my presence or to the best of my knowledge make any threats or promises or offer any inducements to Mr. Pratico to have him give Exhibit 'B' or to testify in a particular manner in any of the subsequent proceedings.
8. THAT on the 17th day of June, 1971, at approximately 8:15 p.m., I took a statement, a typed copy of which is attached hereto as Exhibit 'C', from one Patricia Harris.
9. THAT on the 18th day of June, 1971, at approximately 1:20 a.m. I took a second written statement, a copy of which is annexed hereto as Exhibit 'D', from the aforementioned Patricia Harris in the presence of Detective Sergeant John F. MacIntyre as he then was.
10. THAT I do not recall whether anyone accompanied Patricia Harris to the police station nor whether any of her relatives were present during the times when Exhibits 'C' and 'D' were taken.
11. THAT at no time did anyone in my presence or to the best of my knowledge make any threats or promises or offer any inducements to Patricia Harris to have her give either Exhibit 'C' or 'D' or to testify as she did in any subsequent proceedings.
12. THAT in 1971, I had no knowledge of a person named Roy Newman Ebsary, until on or about the 15th day of November, one James William MacNeil reported that he had seen Ebsary stab the victim Seale.

SWORN TO at Sydney
in the County of Cape
Breton, Province of
Nova Scotia, this 26th
day of July, 1982, A.D.
before me




WILLIAM URQUHART