



David Rosemary 15
10 Fairbank Drive
Westmount

Boye Dixon 16
1155 Westmount Rd.
Left home at 1145 PM the 2 of us
got Bus for westmount on the Esplanade
Boye says he drew a faked stamp
on Andy's hand, his own, Tester's hand
and Rosemary's hand. Tester drew his
own on someone's hand. He to do it
Andy was turned away by the Police
- Claire my sister got the Bus down the
13 and for us she was alone.

CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT



PAGE	SUBJECT <u>June 5th 1971</u>	CASE No.
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Kerry Best age 17. ^{3 yrs a sub} quarters
57 Zuppert St.

Shirley Josephine age 17
12 Wilkin St

Herbert Thomas Desmond 18
53 Zuppert St.

Lester Harris
Farnett

Allister Coward

Bill (Willy) Lucas
18 Kent St

Billy Mullin's
not pleasant st.

Hazel Desmond
Lorraine "
Karen Best
Beth Carter
Elsa Williams

Maureen Desmond
10/2 meeting sub
with head of study group

Patricia Hall
3rd house down
Grey House - not
Adrian Dried
Call to nearby that night.
Harris with friend

CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

PAGE	SUBJECT	CASE No.
------	---------	----------

Glen McDonald Seen
 33 Trinity and
 Barker of Sharon.

Keith Beaves 15 yrs Seen
 36 Richardson and

Paul Le Puy Seen
 stays at Le Puy Edgewood Drive
 5624809

Norman Le Duzell Seen
 Lawrence Low
 Atlantic St
 5393941

Andrea Morrison Seen
 Dr Richardson Dayste Marie Phoebe 46093
 Gilford Rute Seen

CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

PAGE	SUBJECT	CASE No.
------	---------	----------

Exhibit A.1 man's yellow jacket.

have
-6-

Examine Exhibit A for cuts. Marshall's Jacket
type of blood.

Exhibit B. Brown jacket.
type of blood

Seals
Jacket

Examine exhibit B for cuts.

Exhibit C.

type of wood, Seals Pants.

Exhibit D.

2 pieces. type of blood.

CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

SUBJECT

CASE No.

Rudy Poirier seen Marshall at
Kettering Sunday morning after stepping on
toys to test.

Delia W. Poirier

Kettering Drive recontacted Poirier statement.

Dr. Verick M.D.

Lawrence Davis 11-7 shift May 28
RNW duty 35 absent heart.

did not cut warbler pocket.

Const. Stanley George Clark KCMP, Badderly

855 PM L Badderly repts Marshall arrest Monday night,
Act 206 - 2000

Miss Joan Adamson Blood (Kettering)
Lauff, Ever, Poirier Labs

CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

PAGE	SUBJECT	CASE No.
------	---------	----------

Kleener

Blood on Kleener
what type

Does it compare to exhibit on Je Marshall
Jacket, or deceased Coat. (Seals)

Blood on jacket sleeve & front of
Exhibit Does Marshall's jacket does
it compare with this jacket or seals jacket.

Fabric

re left sleeve of Marshall's jacket
re stab wound & blood content
If weapon was first used on seals.

Mary O'Reilly saw to
 Jim Harris that hadyfeels
 now up to the corner where Pollett
 is to tell his girl that he
 was going with Jim. Mary
 is Margaret O'Reilly's sister

The Reillys twins too see
 to tell. The story about the
 Guy Hand now

Is the good friend of Harris they
 they around with the Dorian
 Mary told me that last school
 last Thursday she went with
 Pats Marshall that she goes
 with Steve?

Eddie Decks

Jerry Buskue.

Winky Lucas
Kitchener & Sillo Boy
Jester Harris

Dicks is fighting in our back
with Howard in our back
also had had 30 lbs of
Eddie's name in our back
of some quantity

Demity Lynch
Dino son

May 30th

Sandy & Neil Townsend st

Barbara Floyd

Dylan st

Blond Hair & Kobatty kid friend

Joan Clement

49 Rue

Janet Reid
age 14.

✓

Mail to Neil.

Al Marshall
Inspector Halpitt

Scotty Gardner

Nov 23 1971

~~Copy except taken
 Al Marshall.
 Gene Smith
 Nov 23 1971
 RCMP.~~

Supt.
Dug Christian Halpitt

1-426-3789

James William Neil
25

1007 Kings St

Roy Ebsary
age 59

126 Beaconsfield

NW-15-1971

May 28th - 1971

426-3789

Gene Alex. Pictou
RCMP

Peter Joseph Milha Simoes
operator 426 ~~426~~ - 7832

✓
Const Stanley Clark Kemp.
855 PM 2 Baddeck

CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

PAGE	SUBJECT <u>Patterson Wanted</u>	CASE No.
------	---------------------------------	----------

① Margaret Mac Donald. Tel # 5395568
 1012 Westmoent Rd. - 7:30 PM.
Girl friend Sandy Seal

② Patricia Wallace, Greyhound
 house down via Rd from Disco -
 side a service station, she was
 talking to Sandy that met
 Harris's girl friend; for 7:30 PM.
5393399

③ Maria Sophocleous, Harry's Daugh
 27 Newland Ave, (for 7 PM)
 Re - Lawrence Paul's Statement
 (29242)
 (46679) home

④ Debbie McPherson Keltic Drive
 re - Scott Mac Kay Statement.

CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

- | PAGE | SUBJECT | CASE No. |
|------|--|----------|
| | <p>^{bridge}
 (5) Donnelly, Ernest & M
 Ambulance, Curries,
 <u>44724</u> <u>745 PM</u></p> | |
| | <p>(6) Karan Mac Donald 539 #554
 33 Trinity Ave N. Claudia
 Piton Statement, Westmount
 (8.P.M.)</p> | |
| | <p>(7) Kullo Tavernier Jr Marshall
 May 28 - 71 going in re Station
 of French, Cross St</p> | |
| | <p>(8) Ruddy Poirier, he saw Jr
 Marshall at Pratie's Sunday
 morning after stabbing Jr
 Marshall story.</p> | |

PAGE	SUBJECT	CASE No.
------	---------	----------

Dr Vereck, M.D. ~~at~~ Treated
 Marshall May 28-71
 City Hospital. Stab wound
 left inner fore arm. Not
 deep. Some depth all along
 continuous cut not bleeding
 ten stitches. type of cut that
 does not bleed. Did not cut
Jack there.

Mrs Meryl Davis, 35 Alameda
 St

11-7 AM Shift

On duty out patients. claims
 she ~~do~~ did not cut the Jack
 Plums of Jr Marshall.

CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

PAGE	SUBJECT	CASE No.
------	---------	----------

George Wallace MacNeil (9
 Roderick Alexander MacNeil } PM
 Bessie A D Coxhead,

(91-84)
 add of
 house of

Police Statement of 3 Stat
 Wounds.

CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

PAGE	SUBJECT	CASE No.
------	---------	----------

Joe Volandé, — Brother.
 "Academy," 100 Lingaw Rd.
 All # 562 4307

Saw at Wentworth Park about 3 weeks ago, "Jerry Paul" friend of Joe. Found out story in school today.

② Carol Anne. Gentile, girl friend said she saw Jr marshal, Sandy and a man 324 Rosemount Drive Phone 564 9070 at the park. Get name of girl friend. inf to Lawrence Paul. Sr.

Lawrence Paul. Lawrence with Jr. Marshall from Tobins, about 5 min before incident at Park info from Arthur Paul.

Handwritten scribble or signature in the bottom right corner.

CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

PAGE	SUBJECT	June 14 - 71 - 715 Pm maria	CASE No.
------	---------	-----------------------------	----------

Buddy Mac Intyre Jerry Gushes,
 Prime Brook Patricia Harris,
 Valery Hewitt, Lawrence Paul Jr
 Comment, And I went to Park for
 about 20 minutes
 didn't see slave,
 Walked home, Was in Park and
 sitting on bench about 11.50 Pm and saw
 nothing

(Pier)
 Billy Mullins and sandy did
 not get along very well,
 Skippy King, Kenzie Best,

Kate O' Rielley
23 cross st
 Boy friend, Archie Paul.


Mary O' Rielley ^{Phon} (5622789)

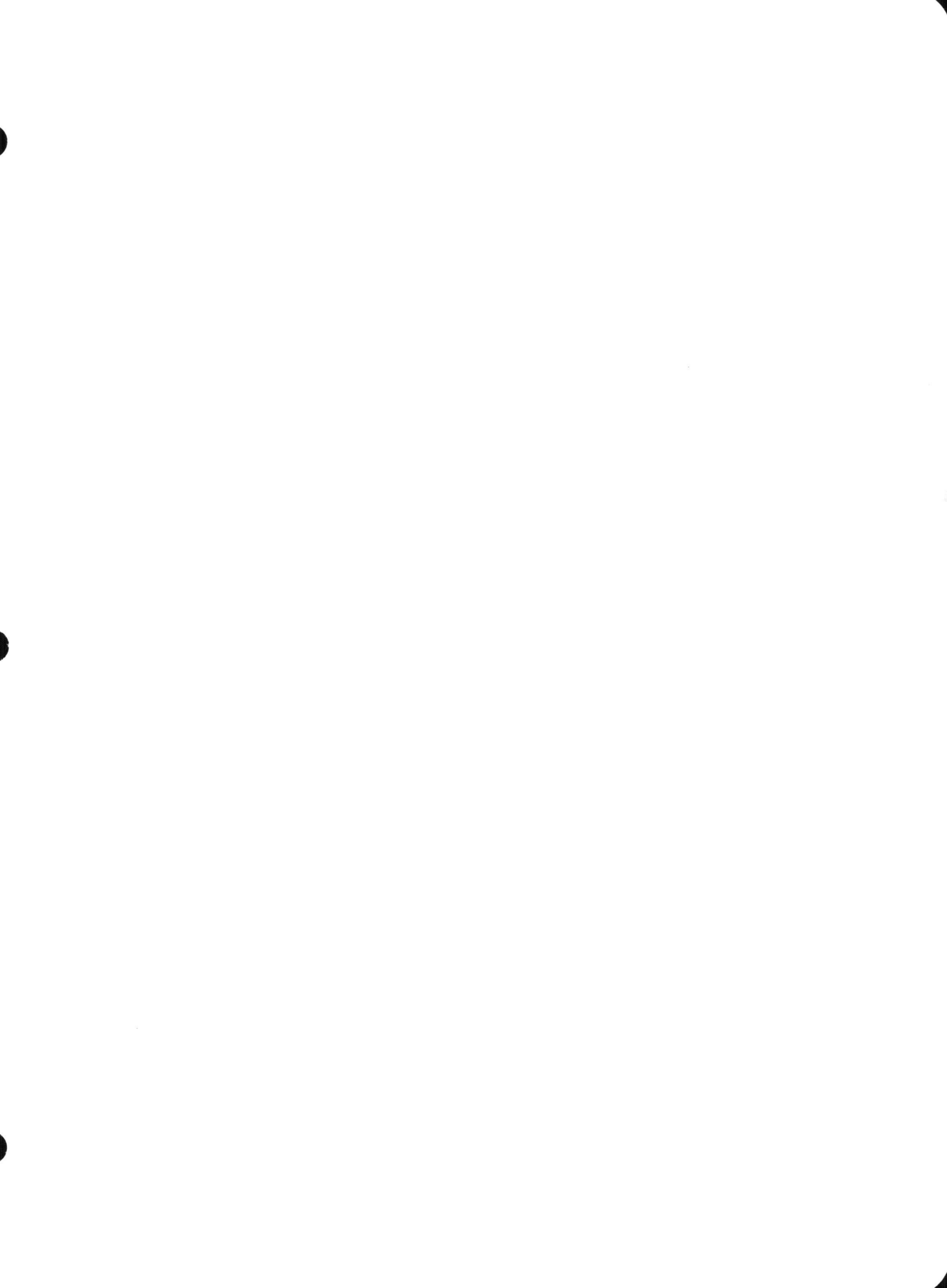
goss with Pius Marshall.
Brother of Jr Marshall

Margie O. Rielley
 goss with, Pius Marshall

Barbra Wignau,
Grand Lake R.
16 years old.
Staying with
Kolechucki,
White Lisle Laundry
N-Doune Marshall.

Father Joseph Sec
Phon. 539 4508

— — — — — 19
 Benko Paul
 Suberocable
 Annee Thunde ^{Have look}




Stabbing trees in Park.

Left handed good friends at Tobin
until 11 o'clock. No drinks at Tobin.

No people in park except Sandy Seal.

Patterson came up

Two men said Gen. Maniata & looked
like

Any women in letters in Park.

We don't like nigger or indians.

Start chess.

Why not a house.

3:27

Jury.

Disadvantage have to anticipate
Dyptis on Crown
Thank you for attention.

Not an intent could recollection.

Long list of witnesses.

2 witnesses for Crown.
Rubio Chant.

Corroboration by other witnesses.

Position of witnesses.

By her a good set of human
eyes. Then there was no P.D. in
the office.

1 Chant was running away from
Marshall.

Standing — Scand.

Chant didn't say he lied to
the police.

Drunk the 27th not on 28th

Plan given to Marshall
Houses on Plan.

Jury Points.

Maych

Blood type "O" on pants
Blood on yellow jacketDepends upon when the stitches were
taken out.

Q

May 27th Mary Kari Paul.Theresa Christmas - observed to

Small Joe

Before police talk with Mary

Talking with me + Sheriff

"Marshall didn't stick Seal"

Under oath
Commitment with Marshall on
May 29, 1987.

Carl MacDonald PLS.

Roy Gould - owner of jacket - got it from
Donald Marshall Sr.

Donald Marshall Sr. -- jacket.

Det. Michael McDonald get jacket & make
it to Sackville.

↳ Patricia ^{Ann} Harris
↳ Jerome Patrick Hurdue 2 Tulip Terrace St.
Conversation with Mary Patricia O'Reilly.
Holding cards.

↳ John Proctor

↳ Raymond Vincent Grant.

↳ Sgt Paul Mattson Bryn Ave

↳ ~~Robert~~ Robert W. Kay.

Brian Dewar 120 Crescent St.

Leo Currie Currys Quad Home

Dr. M. R. Nagvi 38 St. Peter's Pl.
Blood type of Seale. Room 305

Paul Mc Miller Seale's blood type.

Dr. David Yawn identify Sandy Seale.

Dr. M. S. Verick 336 Kings Road.
by Det. J. D. Dyer

Mr. James A. Ferguson
 Harbourview Hospital
 Sydney Nova, N. S.

Cause of death

Dr. Lawn.

Stab wounds.

When did he expire.

You conducted the operation.

Blood type.

Walking or standing.

Second time anyone present.

Next day after the dance.

How many times did you see
 him on Crescent St.

Doug Peterson objected
 MacNeil 3 - OK.
 Lund 6 - OK
 White objected
 MacPherson objected
 Libbey objected

Gillis - OK
 King OK
 Layton OK
 MacNeil OK
 O'Hanley OK
 Murphy — objected
 MacRae OK
 Harrison SA

1 Thompson SA
 7th W.S. Morrison objected
 Hannan objected
 Miles objection
~~MacNeil 3 - OK - excused~~
 Fred Dean objected
 Nickerson
 John L. Mack

Sr. Verick

Sr. Naqui -

Carl Mac Donald

May 28
June 15

Simon asked distance from house to curb.

Roy Gould: Thursday - Bedford & Schubarowski
loan a jacket (yellow) Ex 3 to Marshall
its condition good
differs today - no tear on sleeve
no blood stains either

Friday evening - returned to Reminton at 8:30
Marshall went home - with jacket.

obtained from Don Marshall Sr. in present form
given to Detective Mac Donald.

Donald Marshall - gave coat in its present condition
to Roy Gould

Det. ^{Mac Donald} Received - Exhibits and took them to Sackville.

Agent
Didn't the stabbing

Pearl MacMillan - Blood type "O" - May 29th

Constable Halloway -
tissue on the stairs
blood group "O"
direction from the sea event in
which Marshall was seen to have gone.

Donald Marshall

Nov. 2, 1971

3:20 p.m. Grand Jury returned. True Bill
Comments: on penetration see emission of seed
Grand Jury gives Lamont Case

Petit Jury called 3:27 p.m.

MRAZEK, Sandra Catherine, serologist.

B.A. Cl. Lab Tech U. of Sask 1967 - Cert. 1968 - P.C.M. (1)

~~2 Exhibits of~~

Exhibits

- 1 - Blue Jeans + Belt.
Human Blood Group 'O' on Jeans + Belt
- 2 - facial tissue
Human Blood - 'O'
- 3 - Yellow Ticket
Human Blood - Group? no concentrated material no. 20000
- 4 - Brown Ticket
Human Blood - Group 'O'
- 5 - Plan of Park

EVERS - Adolphe James Evers -

Exhibit 3. Fresh cuts or tears.

1 in cut, on left arm, fresh
6 in cut 1 1/2 torn -

4 - / 2 3/4 1 Broken front - fresh

Calling of Marshall Polit Jury

14 S. Han
 30 O'H
 13 Mick MacPhee
 15 Mick MacPhee
 31 A. Mathew
 37 MacCabe
 41 Fred Deen
 18 Ben Hanna
 43 James Nicholson
 10 Townsend
 11 J. E. MacLeod
 40 Tucker
 6 Lund
 52 Clarke
 45 Cash Brother
 42 Johnston
 36 Libbey
 53 MacPhee
 32 Murphy
 33 N. Johnson
 26 Gillie
 24 White
 23 King
 44 Marshall
 34 Leach
 16 E. MacNeil
 21 Gillie
 2 Doug Matheson
 24 Hugh Layton
 261 Chris Thomson
 46 J. L. MacPhee

SA
 * 10. Jas. J. Townsend - Foreman
 * 30. Alex O'Hanley
 D 13. Mick MacPhee
 D 40 Lloyd Tucker
 D 6. Earl Lund
 D 42. Murdoch Johnson
 SA 32 Harold A. Murphy
 D 23 Annie King
 * 16 Earl M. MacNeil
 SA 21 Lawrence J. Gillie
 * 29 Hugh Layton
 * 46 John Jos. Leonard MacPhee
 SA
 D
 *
 D
 D
 *
 D
 SA
 D
 *
 SA
 D
 *
 *
 D
 *
 SA
 *

Back to Foreman
 hung over for 2 days

② Dr. David Gamm - Knew Andy Seale 29
 May 1971 - Did not see original wound.
 Attended on second - laceration of main artery.

③ John Carl Macdonald - P.E.S. 15 year. - made survey
 Wentworth Park - Marked Exhibit M. 1

Names boundaries by faced by Street Name

South side Crescent - West of Bentincks - Houses

North side Crescent - West of Bentincks - tracks, trees,

Circles north of tracks are bushes varying in
 height 3-6 mostly $4\frac{1}{2}'$ to $5'$

Tracks to D.W. Campbell house 37 feet

N. side Byron Ave. - #103 Red House M. Mattson

2 poles - Light Standards: 1 N.A. MacQuinn - 164 feet between
 1 Crescent St.

* Daytime Survey - Rosie's questions

④ Roy Gould - Yellow windbreak - yellow stripes
 May 29/1971
 Loan to Don Marshall at Waverly he wore it. Got home 9:30. Still wearing.
 no rips or tears
 no blood

⑤ Donald Joseph Marshall Sr. - Saw him yellow with white stripes. Got it from his home one of the closets in one of the bed rooms. Saw it on Bull hot on his car.

⑥ Det. Michael McDonald - Rec'd from Roy Galt 1 yellow jacket with white stripes. Forwarded to the Crime Lab. in Saskatoon to Mr. Saff.

Good witness today. ^{Sony}
 ⑦ Patricia Anne Harris: Age 14 - Completed grade 7; driving - Go to a home. SWORN.

Res. at 5 King's Road.

May 25th - Dance at St. Joseph's with Tony Gushue at 10:30 or 11. went to Band Shell. Smoked. Passed over walkway to Crescent Street walked along Crescent by to Green Apartment. Met Don Marshall Jr. - accused another person present but can't identify. Terry asked for a match. Rec'd it from Donald Marshall. Marshall held her hand. Continued on the street to the Duck house then home.

Cross: Jacket Light in Color
 Hanging outside trousers

* Never saw him there before i.e. in park or on Crescent

⑧ Terry Let. ^{Sony as above} Gushue: Light Jacket 9 Darts

(9) M. V. Chant - Louisiana 14

Walked from bus terminal to park. Crossed bridge to the RR tracks - back along tracks toward George. - Saw man hunched in the bushes - didn't know as partner - looking toward Brent St. - Checked - Saw two guys talking. Profane language - Small - Donald. - hauled knife from pocket - drove it into stomach of other fellow. Saw him fall over. Witness Ran.

(10) - Partner

(10) MacKay - acc. to script.

(12) Dancet - Heard voices - Went to door - Marshall & another. - called police - Went out attended Ambulance arrived - P

The Queen
vs.
Marshall

Preliminary Inquiry
Judge John F. MacDonald - Court House, St. Catharines

Acc. C. MacNeil } Prosecution C. M. Rosenblum } Defense
D. Lewis Nathan } D. J. Khattar }

July 5, 1971 - 10 A.M.

Reporters: Irene Mac Mullin - Marie Nichol

Charge read as from information

MacNeil informs court that Exhibits are in Sackville. Will inform defence of result of tests.
Ground rules re: witnesses who establish continuity of possession of exhibits

Publications - Court orders no publication

Dr. Nagin - M.D. - Suly Qualified - Admitted

May 29, 1971 - Attended Sandy Seale -
shock

no blood pressure - no pulse - pale - unresponsive

Given blood

~~Open Room~~ T in tear into small bowel

heavy bleeding } Stomach
 } small bowel
 } entire gastro-intestinal tract
sig. bowel brought out as colostomy

No improvement - Critical

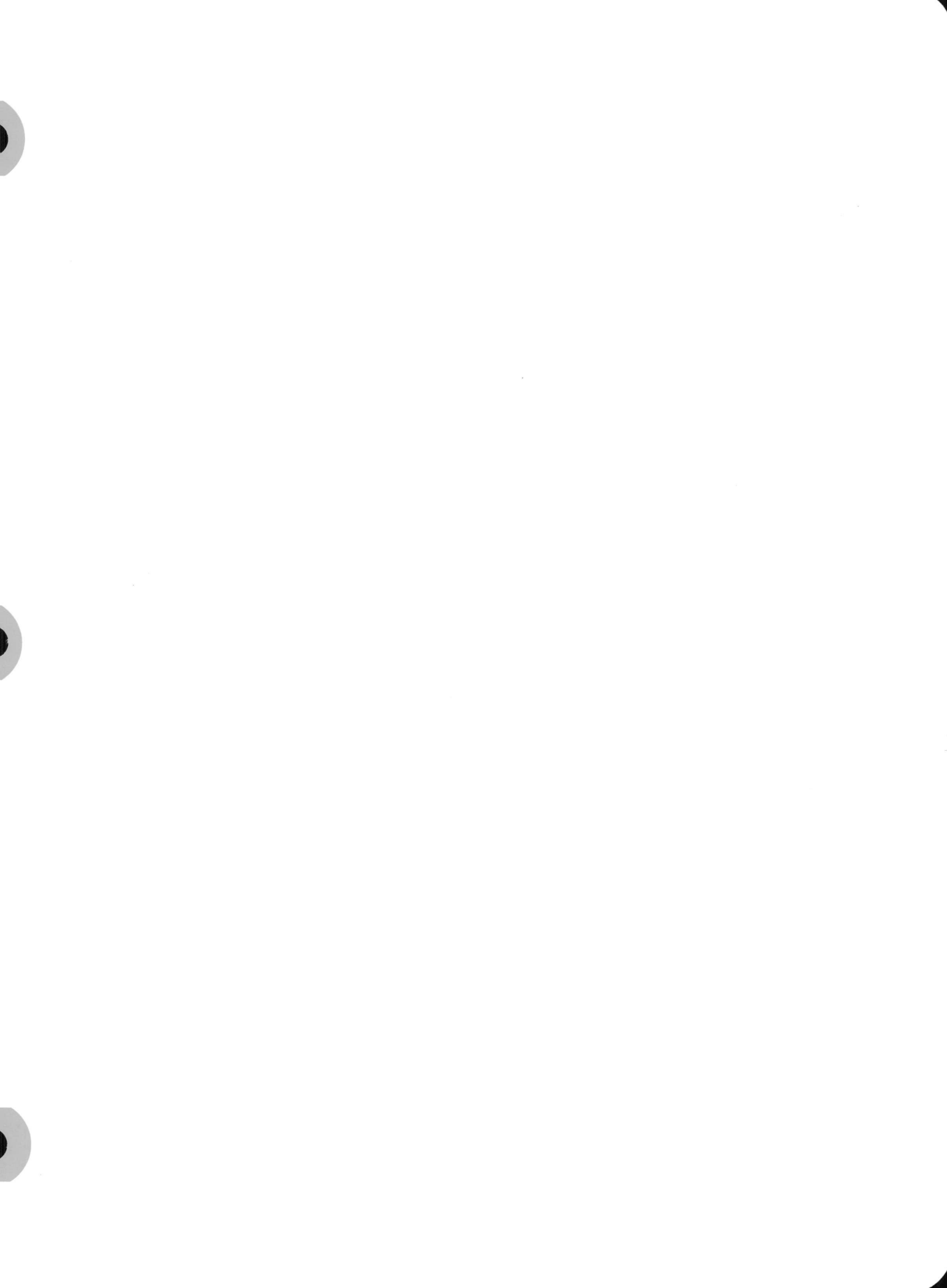
Returned to OR: Wounds opened top to bottom
Dr. D. Comm. present
ignition of gastric blood 27pts blood.

Renounced dead at - 8 o'clock # 29 May 1971
BLOOD TYPE - O Positive (amr)

Small bowel hanging out. wound into

Any sharp object

Cause massive Trauma caused by stab
wound caused by any sharp object.



REPORT OF OPERATION:

159

R.C.M.P. 2 377.

SEALE, Mr. Sandford
983 Westmount Rd., Westmount
02481
Dr. M. Naqvi/Dr. A. Gaum

R.C.M.P. 2 394

May 29, 1971

Pre-Operative Diagnosis: Stab wound of the abdomen with evisceration of the small bowel and colon.

Post Operative Diagnosis: Stab wound of the abdomen with perforation of colon, tear into the middle colic artery, tear into superior mesenteric vein, huge retroperitoneal hematoma with possible tear into the abdominal aorta.

NAME OF OPERATION: Laparotomy, Repair of the superior mesenteric vein and ligation of the branch of the middle colic artery and a transverse colostomy.

WOUNDINGS: (including condition of all organs examined) and PROCEDURES (including incisions, ligatures, sutures, drainage, sponge count and closure):-

NAME OF OPERATION: Laparotomy, Repair of the superior mesenteric vein and ligation of the branch of the middle colic artery and a transverse colostomy.

Patient was brought in from the emergency room in a state of shock with no blood pressure, no pulse and with rapid respirations who was pale. Patient was prepared after giving three units of O negative and giving four units of O positive blood in order to bring pressure, however, with no luck, it was best felt to do a laparotomy in spite of the critical situation and he was brought in from the emergency room directly to the operating room. He was prepared in the operating room and under general anesthetic an incision above and below the stab wound was made and this was converted into a paramedian incision. No tear into the small bowel was encountered but there was a tear into the midtransverse colon and there was free spillage of fecal material into the peritoneal cavity. Huge retroperitoneal hematoma extending from the level under the esophagus right down to the iliac crest on the left side. Although the aorta was palpated and as it appears pulsatile but this probably was secondary to a stab wound into the aorta which was sealed off into the retroperitoneal space. This was not touched with a fear of a bright bleeding already present into the peritoneal cavity. Large sized opening was seen to the superior mesenteric vein with a free bleeding of this area. This opening closed with 5/0 vascular suture and the superior mesenteric vein was repaired after dissecting proximal end. Then branch of the middle colic vessel which was bleeding, having passed the knife through the area, was ligated. The colon was exteriorized and there was a large amount of blood into the stomach, small bowel and the colon. The patient had brisk bleeding although the site could probably be a stress ulceration. However, the stomach was not opened due to the critical nature and there was no obvious laceration or tear seen into the stomach. The bowel was placed into the peritoneal cavity which again could not be placed because of this huge hematoma occupying the entire abdominal cavity. There was some free bleeding. Again it was all from the retroperitoneum space and a through and through

REVERSE

Signature of Surgeon
REPORT OF OPERATION

REPORT OF OPERATION CONTINUED

KLMP2 374

NAME OF PATIENT SEALE, MR. SANDFORD

UNIT NO. 71-02481

5 0 mersilene sutures were applied to close the abdomen after exteriorizing the perforated colonic part. This was the midtransverse colon and at the site where the vessel was injured. The patient, in spite of this, has not had any urine output and he was transported to Recovery Room on the respirator, having received over 12 pints of blood to combat hypovolemia and 4 pints of lactate ringer solution.

Taken from microfilmed records
April 21, 1982 ag

Dr. M. Naqvi
Signature of Surgeon

NURSES OPERATING ROOM NOTES:

Sutures: _____

Needle Count: _____

Sponge Count: _____

Drainage: _____

Instrument Count: _____

Packs, etc: _____

Ligatures: _____

REMARKS: _____

Signature of Circulating Nurse

REPORT OF OPERATION:

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RCMP2 395 305

SEALE, Mr. Sandford
985 Westmount Rd., Westmount, N.S.
71-02481
Dr. M. Naqvi/Dr. A. Gaum

May 29, 1971

Pre-operative Diagnosis: Aortic Laceration, Abdominal Aorta.

Post-operative Diagnosis:

OPERATION: Laparotomy, Closure of Thoracotomy for Aortic proximal control; and closure of aortic laceration.

OPERATOR: Dr. M.A. Naqvi ASSISTANT: ANESTHESIST:

NOTES: (including condition of all organs examined) and PROCEDURES (Including incisions, ligatures, sutures, drainage, sponge count and closure):-

Patient who has been in a critical condition since operation, was brought in the O.R. with pressure ranging from 40 to 50 of a systolic and the wound was opened from the xiphoid to the pubis. The small bowel was violaceous. The colon was already violaceous. The bowel was retracted and the hematoma in the retroperitoneal space was extended considerably since last night at first exploration. Because of this, Dr. Dave put a pressure on the aorta behind the esophagus and with this pressure behind the esophagus, the aorta was dissected. With this dissection, there was a gush of bleeding and we lost the control of the aorta at this point. Because of losing control, an immediate thoracotomy was done through a left thoracic incision cutting the two costal cartilages and going between the 6th rib intercostal space. The aorta was clamped in the chest with a Sarinsky clamp. Then opening was seen into the aorta distally which was just below the level of the renal vein. This opening was quite large and was closed with 4 0 silk suture. Once the hemostasis was achieved and the opening was closed, the pressure packs were applied and the aorta clamps were slowly released. After releasing the clamps, there was some increase in the blood pressure and attention was drawn to close the thoracotomy wound. The thoracotomy wound was closed with an interrupted chromic suture. Hemostasis was achieved. Continuous sutures were applied into the muscles and the fascia. Skin closed with black silk sutures and a chest tube was inserted for thoracic drainage. Following this, attention was drawn to the abdominal incision and there was some oozing and bright bleeding from the retroperitoneal space which was not from the aortic opening. However, we were unable to visualize this area but the posterior peritoneum was closed with continuous sutures to achieve hemostasis posteriorly. Then the small bowel was violaceous although there was no frank gangrene but there was extensive color change into the small bowel which involved almost the small bowel, two feet from the ligament of Treitz all the way to the terminal ileum of the transverse colon was also gangrenous where the previous perforation was encountered and this was exteriorized in the

REVERSE

Signature of Surgeon

NAME OF PATIENT

SEALE, Mr. Sandford

UNIT NO. 71-02481

original surgery. With this in mind keeping for an extensive resection, it was best felt at this point to drop all the bowel and this could have been due to the tear into the superior mesenteric vein which was sutured and this could be thrombosed and no attempt was made to resuture or dissect the superior mesenteric vein and it was felt if the patient's condition continued to improve, probably a second operation will be required on this basis but no attempt was made and the wound closed leaving all the small bowel inside the abdominal cavity. There was an extensive hematoma on the wall of the fourth portion of the duodenum and the proximal jejunum and massive bleeding still present from the Levine tube through stomach and the small bowel. This was evacuated through the Levine tube some of the blood clot and with great difficulty the bowel was placed into the peritoneal cavity however, and # 5 mersilene sutures were applied to close the abdomen. This was closed with great difficulty. Patient was transferred to Recovery Room again with a pressure of 40-50. There was no urine output in spite of patient being put on Osmitol intravenous drip and was given all supportive measures and including the massive antibiotics in the form of Ceporam, Chloromycetin. Aramine drip was started with no improvement and central venous pressure was placed. The patient was profused to the maximum up to the level of 12-13 central venous pressure requiring over a total of 27 pints of blood since the arrival through the emergency room with no essential change.

Taken from microfilmed records
April 21, 1982 ag

M.A. Naqvi
Signature of Surgeon

NURSES OPERATING ROOM NOTES:

Nurses: _____

Needle Count: _____

Sponge Count: _____

Drainage: _____

Instrument Count: _____

Packs, etc: _____

Sutures: _____

REMARKS: _____

Signature of Circulating Nurse

SYDNEY CITY HOSPITAL

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Room 305

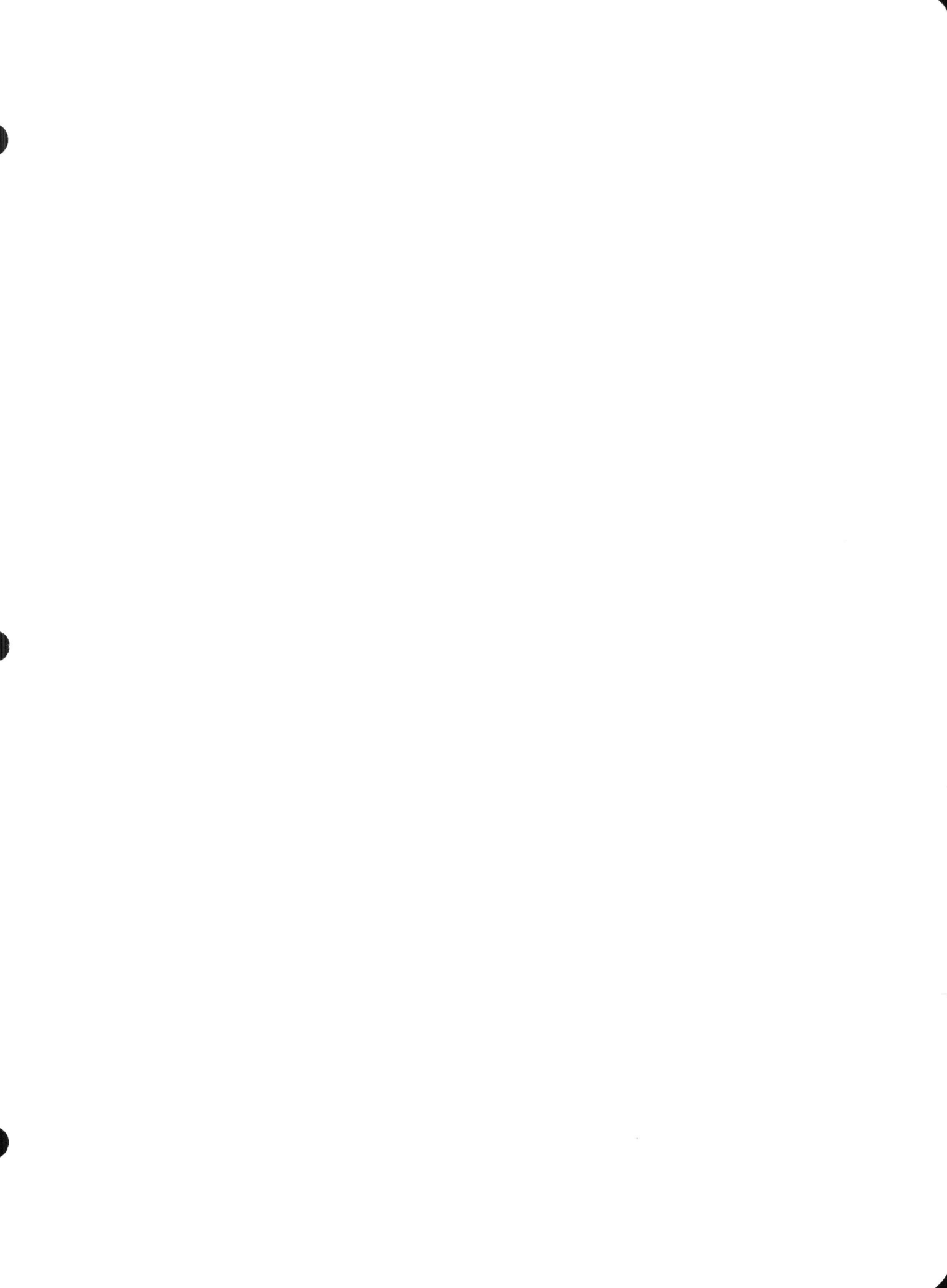
RCMP2 372

RCMP2 372

PROGRESS NOTES

SEALE, MR. SANDFORD
71-02481
Dr. Naqvi

DATE	NOTES
	<p>Follow-up note on May 29, 1971 at 7:00 a.m.</p> <p>Patient has had a very fluctuant blood pressure. Now his blood pressure dropped to 60 again, has tachycardia and responsive.</p> <p>Patient has had a drop in the hematocrit and I feel that he still continues to bleed into the retroperitoneal space by virtue of a sharp object; the possibility of a leaking opening in the aorta is great and the only solution I can think of is to re-operate and close the opening into the aorta. Patient will be taken back to the operating room at the earliest.</p> <p style="text-align: right;">Dr. M.A. Naqvi</p>
	<p>Follow-up note on May 29, 1971 at 7:00 p.m.</p> <p>Patient's condition remains critical. There has not been response since surgery and patient has been on the respirator with an endotracheal tube and has had no urine output. Has been given Edecrin in conjunction with the Osmitol to induce diuresis but there is no improvement. The chest tube is draining. Blood pressure is markedly fluctuant and is only 20-30 mm. of mercury. Patient's condition remains critical and it is hopeless. Family has been advised about his condition.</p> <p style="text-align: right;">Dr. M.A. Naqvi</p>
	<p>Follow-up note at 8:05 p.m.</p> <p>Unable to obtain blood pressure. Patient's condition is critical. No blood pressure obtained. No pulses obtained. Heart beat was absent. Patient was pronounced dead.</p> <p style="text-align: right;">Dr. M.A. Naqvi</p> <p>Taken from microfilmed records</p> <p>April 21, 1982 ag</p>



CANADA
 SUPREME COURT OF NOVA SCOTIA - TRIAL DIVISION
 PROVINCE OF NOVA SCOTIA

THE QUEEN on the information of
 SGT.-DET. JOHN F. MacINTYRE

- VS -

DONALD MARSHALL, JUNIOR

CHARGE:

DONALD MARSHALL, JR. did at Sydney, in the County of
 Cape Breton, Province of Nova Scotia, on or about
 the 28th day of May, 1971, murder Sanford William
 (Sandy) Seale, contrary to Section 218(2) of the
 Criminal Code of Canada." 206

WITNESSES:

✓ Dr. Mahomad Ali Naqvi
 ✓ Dr. David Gaun
 ✓ Carl MacDonald
 ✓ Roy Gould
 ✓ Donald Marshall, Senior
 ✓ Sgt. Michael R. MacDonald
 ✓ Patricia Ann Harriss
 ✓ Terrance Gushue
 ✓ Maynard Vincent Chant
 ✓ John Pratico
 - Robert MacKay
 Brian Doucette
 ✓ Leo Curry
 ✓ Pearl MacMillan
 ✓ Dr. Mohan S. Virick
 ✓ Mrs. Merle Faye Davis
 ✓ Aldophus James Evers
 ✓ Sandra Catherine Mrazek
 Cst. John Mallowney
 Det.-Sgt. John F. McIntyre

" 2 "

STATEMENT OF FACTS

On the 27th May, 1971 (a Saturday night) a dance was being held at a local hall (St. Joseph's Parish Hall) with a number of the witnesses in attendance. Near midnight the participants at the dance began to leave.

A Mr. John Pratico met the accused and the deceased, Sandy Seale, at the corner of Argyle and George Streets in Sydney, and was invited by the accused to go into Wentworth Park with them by the accused. Mr. Pratico did not like the way the invitation was extended so he declined and proceeded alone up Argyle St. to Crescent Street which skirts the edge of Wentworth Park. He proceeded along Crescent Street until he neared the intersection of Crescent Street and Bentinck Street. There he stepped behind a shrub in Wentworth Park in order to consume a pint bottle of beer. While behind this shrub he saw the accused and the late Mr. Seale walk along Crescent Street and engage in an argument, or at least a loud discussion. As he watched he saw the accused remove a knife from his right hand pocket and plunge it into the stomach of the deceased. He then panicked and ran from the scene to his home.

Meanwhile one Maynard Vincent Chant will testify that he missed his bus to his home at Louisaourg and that he proceeded down Bentinck Street, and coming to the railroad tracks that run through Wentworth Park he proceeded along these railroad tracks as a short-cut to George Street where he intended to hitch-hike a drive home. As he walked along the tracks he noticed, and can identify, Mr. John Pratico sitting behind a shrub watching two men in an argument on Crescent Street. He proceeded about thirty feet beyond Mr. Pratico and stopped to observe what was going on. He knew both the accused and Mr. Seale and he saw Mr. Marshall, the accused, draw a knife from his pocket and plunge it into the abdomen of Mr. Seale, the deceased.

" 3 "

He panicked and ran down the tracks and cut over a path to Byng Avenue, another street skirting Wentworth Park on the opposite side from Crescent Street.

While on Byng Avenue he saw the accused running down Bentinck Street and turn into Byng Avenue towards him. Mr. Chant turned to walk in the opposite direction when the accused caught up to him and told him that he and his friend, Mr. Seale, had been attacked by two men, one stabbed his friend, Mr. Seale, in the abdomen and he received a cut in the arm defending himself. This conversation took place in front of a house occupied by a Mr. Mattson, a former R.C.M.P. officer, who is expected to testify.

The accused showed Mr. Chant his forearm that was injured but no blood was in appearance. These two men stopped a passing automobile, the operator unknown, and were taken back to the scene where Mr. Seale was still alive, but beyond reasonable senses. Help was then summoned. Mr. Chant at first related to the police the story the accused gave him but later advised that he related the false story because of fear of the accused. He knew and can identify both men involved in the offence.

DR. M. A. HAJVI & DR. D. GALL will testify as to the identification of the deceased and the efforts put forth to save his life and the cause of death.

CARL MacDONALD will introduce the plans of Wentworth Park and the surrounding streets and area.

ROY GOULD will testify that he loaned the jacket in question to the accused on the night in question, that it was in good condition on the evening in question and its condition on recovery from the father of the accused. It was blood stained and torn.

DONALD MARSHALL, SENIOR, who is the father of the accused, will testify that he returned the jacket to its owner, Mr. Roy Gould.

DET. MICHAEL R. MacDONALD, a member of the City of Sydney Police Force, took the exhibit jacket from Mr. Gould and took it to the R.C.M.P. Crime Laboratory in Sackville, N.B.

PATRICIA ANN HARRIS, who is fourteen years of age, will testify that she left the dance with Terry Gushue at approximately 11 P.M. They went into Wentworth Park to the bandshell where they spent some time. Then they proceeded along Crescent Street at approximately 11:45 P.M. where they met the accused, and another man who she cannot identify. A conversation took place and they continued along to her home. Miss Harris had known the accused before.

TERRANCE PATRICK GUSHUE will give the same evidence as Miss Harris.

MAYNARD VINCENT CHANT, who is fourteen years of age and lives in Louisbourg, will testify that he missed the bus that was going to Louisbourg and that he walked down Bertinck Street to the railway tracks that run through Wentworth Park. As he walked along the tracks he noticed John Pratico hunched behind a bush watching something on Crescent Street. Mr. Chant stopped to see what Mr. Pratico was observing and saw two men talking to each other. Mr. Chant saw the accused haul a knife out of his pocket and drive it into the stomach of the other man. This other man keeled over and Mr. Chant ran away towards George Street. He cut off into a path to Byng Avenue. As he proceeded along Byng Avenue he saw the accused running down Bertinck Street and turn into Byng Avenue. Mr. Chant turned around but the accused caught up to him in front of a house occupied by Mr. M. Mattson. Here the accused showed his arm and said "Look what they did to me". The accused told him that two men attacked he and his buddy and that the buddy was over at the park with a knife in his stomach. The accused stopped a passing car and he and Mr. Chant were driven over to Crescent Street where Mr. Chant placed his shirt on the stomach of Mr. Seale. Mr. Chant remained there until Mr. Seale was taken away in the ambulance.

" 5 "

JOHN PRATICO will testify that he knew the accused and met him near the corner of George Street and Argyle Street. He declined an invitation by the accused to go into Wentworth Park. He then went down Argyle Street to Crescent, which he walked along until he came to a bush which he went behind in order to have a pint of beer. As he was there he saw the accused and the deceased talking or arguing, he saw the accused haul something from his pocket and stab Seale. Seale dropped and Mr. Pratico ran away from the scene. Mr. Pratico knew both Mr. Marshall and Mr. Seale before the night in question.

ROBERT MacKAY, who was attending the dance, left with Miss Debbie MacPherson around 11:40 P.M. They sat at the bandshell in Wentworth Park for a few minutes, then proceeded along Crescent Street. As they walked along they saw Sandy Seale lying on the street. He asked for help because he was stabbed. Mr. MacKay sent Miss MacPherson on her way and ran for help. He returned just as the automobile with the accused returned to the scene. Mr. MacKay and the accused went to a house to ask for an ambulance to be called.

BRIAN DOUCETTE will testify that he was asked by the accused and another man to call an ambulance. When the ambulance arrived Mr. Doucette accompanied the ambulance to the hospital. The accused showed Mr. Doucette his injured arm and there was no blood.

LEO CURRY will testify that he was the ambulance driver that took Mr. Seale to the hospital and stayed with the deceased until the doctor arrived.

PEARL MacMILLAN, a lab technician at the Sydney City Hospital, will testify that she typed the blood of Sandy Seale and found it to be "O" positive.

DR. MOHAN S. VIRICK will testify that he examined Donald Marshall and found that he had a laceration on the left arm which he sutured. There was no bleeding from this cut. It was a superficial laceration.

" 6 "

MRS. MERLE FAYE DAVIS will testify that she is a nurse at the Sydney City Hospital and that she examined Donald Marshall on his arrival at the Hospital. She will describe the condition of Mr. Marshall's arm and that there was no blood on the arm when he entered the hospital.

MR. ALDOPHUS JAMES EVERS will testify that he is with the R.C.M.P. Crime Laboratory in Sackville. He will testify that he received the Exhibits from Sgt. Michael MacDonald on June 16th, 1971. These exhibits were a light brown jacket and a bright yellow jacket. He passed these exhibits on to Miss Mrazek. He will then describe the conditions of the exhibits.

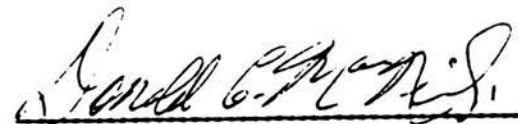
MISS SANDRA MRAZEK, from the R.C.M.P. Crime Laboratory, will explain her examination of the two exhibits and also of a piece of Kleenex given to her as an exhibit.

CONSTABLE JOHN MULLOWNEY, a member of the Sydney Police Force, will testify that he searched the Crescent Street area after the alleged offence and found the blood soaked piece of Kleenex in the area.

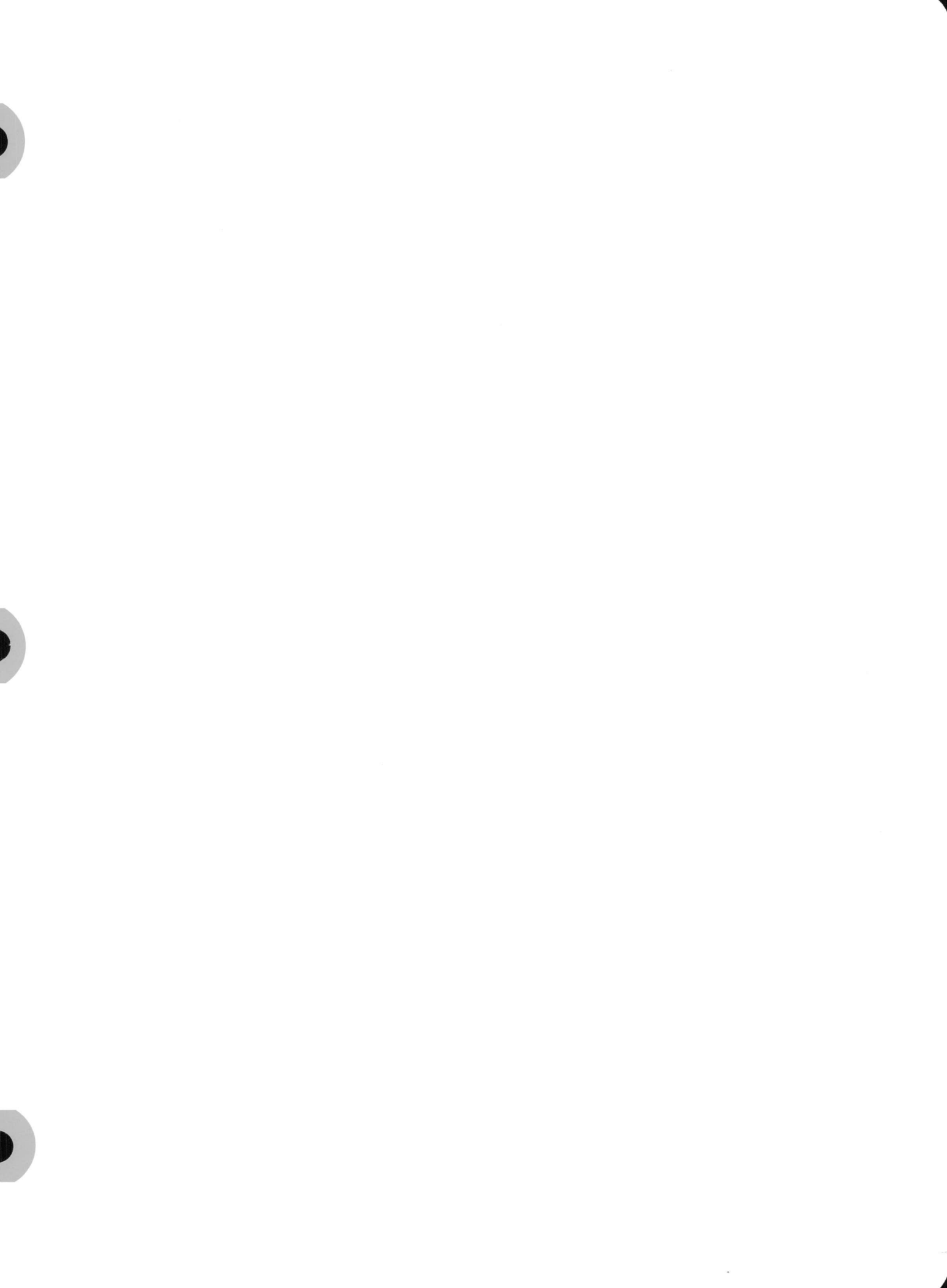
SGT. JOHN MacINTYRE, a member of the Sydney Police Force, may be called regarding statements made by the accused.

LAW INVOLVED: Section 206(2)
Section 203.

DATED AT Sydney, Nova Scotia, this 12th day of October, A.D., 1971.



Donald C. MacNeil
Prosecuting Officer
Cape Breton County



CONTINUATION REPORT

RCMP 2.52

SUBJECT

CASE No.

C O P Y

Nov. 15, 1971 - time 6:25 P.M.

Statement of John Joseph MacNeil, 187 King St., East Toronto, Ontario.

I arrived home from Toronto, Ont. this morning Nov. 15th, 1971 at about 2:30 A.M. I got off the train and walked home to 1007 Rear George St.

I talked to my brothers; my sister and my mother. Then I went to bed about 5:05 A.M. I got up about seven A.M. I came down stairs. My brother James (Jim) started talking about incident in the park. He said he was there and a fellow got life for it and he had nothing to do with it. So I asked him how he didn't go to the police. He said he was scared. He said the guy said for him to forget about it. He said he saw the fellow stab the fellow in the Park. He said the Indian guy had his hand behind his back.

Q. Did he tell you the name of the man that stabbed the man in the Park.

A. Yes, but I can't remember the name. It sounded French. Jim went and laid down. I asked my sister Florence about it and my brother David. They said he should go to the police. As he is not sleeping and he is scared of this man that did it - also of the police because he left it so long. We talked it over and then came to the police.

Signed: John J. MacNeil

Witness: Det. Sgt. M.J. McDonald

BY: Sergt. Wm. Urquhart

Nov. 15-71 - 6:40 P.M.

Nov 15th 1971, Time, 6.25 PM.

Statement of John Joseph Mac
Neil, 187 King St. East
Toronto Ontario.I arrived home from Toronto
Ont. this morning Nov 15th 1971.At about 2.30 PM. I got off
the train and walked home
to 1007. Rear Street. Italked to my brothers my sister
and my mother. then I went
to bed about 5.05 AM. I got

up about seven A.M. I

came down stairs. My brother
James (Jim) started talkingabout incident in the
Park. he said he was theand a fellow got stiff for
it and he had nothing todo with it. so I asked
him how he didn't go tothe police. he said he was
scared. he said the guysaid for him to forget about
it. he said he saw thefellow stop the fellow
the Park. he said theAfrican guy. put his hand
behind his back.Q Did he tell you the name of
the man that stopped the
man in the park.A. Yes. but I don't remember
the name. it sounded like
Jim Went and laid down

Witness Det. W. J. Edwards

Date Nov 15-71 Time 6:40 PM.

Det. W. J. Edwards

Signed

John J. Mac Neil

CITY OF SYDNEY POLICE DEPT.

STATEMENT

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I asked my sister Florence
about it and my Brother
David, they said. I should
go to the Police, as he is
not sleeping and he is
scared of the man that did
it also of the Police, because
he left it so long. We
talked it over and then
Drove to the Police.

John J. MacNeil

Witness D. J. [unclear]
Date Nov 15-71 Time 6:40 PM
D. J. [unclear]

Signed _____

CITY OF SYDNEY POLICE DEPARTMENT

CONTINUATION REPORT

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AGE	SUBJECT	CASE No.
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C O P Y

Monday, Nov. 15th , 1971 - 7:10 P.M.

Statement of David William McNeil, age 19 yrs., residing at 1007 George St., Sydney.

About 2 weeks ago, my brother James told me that himself and Roy Ebsary were walking through the Wentworth Park. He said Donald Marshall and Sandy Seale were on Crescent St. Donald Marshall grabbed my brother. He put his arm up behind his back. Marshall & Seale asked them for money. ~~Marshall & Seale asked~~ Marshall asked Seale to search James' father. Seale went to search him and Roy Ebsary said wait I have something and he pulled out a knife and stabbed Seale in the stomach. Then he stabbed Marshall in the arm. My brother went to Roy's home on Argyle St. and he washed the knife under the tap

Q. Did he know them by name

A. No. He did not know them. He read the names in the paper.

Q. When he told you about it was there anybody else around

A. I was in my house. There could of being other people around.

Q. Did you tell this story to anybody

A. No

Q. Do you know Roy Ebsary

A. Yes he was up at our house before this happened. He told me he was sailing on boats.

Signed: David W. MacNeil

Monday Nov 15th 1971 2:10 PM.

Statement of David MacNeil
 Neil age 19 yrs residing at 1007 Beaumont
 Sydney.

about 2 weeks ago my brother James
 told me that himself and Roy Elsbury
 were walking through the Botanical
 Park. He said Donald Marshall and
 Andy Lake saw on Crown St. Donald
 Marshall grabbed my brother he put his
 arm up behind his back. Marshall a
 knife asked for money. Marshall
 asked him to search James pocket
 he went to search his and Roy
 Elsbury said wait I have something
 and he pulled out a knife and stabbed
 James in the stomach then he stabbed
 Marshall in the arm. my brother went
 to my home on my leg and he washed
 the knife under the tap.

Q Did he know them by name

A No he did not know them he read
 the names in the papers.

Q when he told you about it was the night
 after the assault

A I was very busy this time of being
 with people around

Q Did you tell this story to anybody

A No

Q Do you know Roy Elsbury

A yes he was up at our home before
 this happened he told me he was sailing
 on Bristol.

Witness _____

Date _____

Time _____

Signed

David W. MacNeil

CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

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PAGE

SUBJECT

CASE No.

C O P Y

Nov. 15th, 1971 - 7:25 P.M.

Statement of James William McNeil, age 25 yrs., residing at 1007 Rear George St., Sydney:

Myself and Roy Ebsary were at the State Tavern, George St., Sydney, late in the evening in May of this year. We were there about an hr. or so. We left. We walked down George St. and took the short cut through the Park (Wentworth). We came up to Crescent St. and while walking along Crescent St. we were approached by an Indian & a colored fellow from behind. The Indian put my right hand up behind my back. The colored fellow said dig man dig. Then Roy Ebsary said I got something for you. He put his hand in his right pocket and took out a knife and drove it into the colored fellow's side

Q. What side

A. The left hand side of the colored fellow. I seen Roy's hand & knife full ob blood

Q. Did you see the Indian being stabbed

A. No. I did not

Q. What happened then

A. Roy went home and I was with him. He washed the knife under the tap and washed his hands off. Then he told me not to say anything about it.

Q. Did you ask him why he done it

A. Yes, he said it was self defence

Q. What time did you get home that night

A. About 12 P.M.

Q. How long were you at Roy's house that night

A. About 1 hr. after that

Q. When did you see Roy again

A. The next day I went to his house. He was laying in bed. I told him that fellow died

Q. What did he say

A. He said it was self-defence. I told him he did not have to kill him. He told me he had 2 children - a girl and boy and not to say anything to the police. I left then.

Q. Who seen you at the house besides Roy

A. His wife, daughter & son.

Q. Did they say anything to you then

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CONTINUATION REPORT

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PAGE	SUBJECT	CASE No.
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- A. No. Not that day. About 2 days after than his son, about 18 or 19 yrs old came to my house with his car. He drove me out to the Wandlyn Motel - He went in the motel and his mother came out to the car. She got in the back seat. He got in and she said don't go to their house any more because of what Roy done. The young fellow told me if I mentioned what happened to the police all your family will be in trouble. They will have to go to Court
- Q. Was his mother present when he said that
- A. No
- Q. What were you wearing that night
- A. I was wearing a college coat - blue with 2 white marks on the sleeve
- Q. What was Roy wearing
- A. A black shawl over his shoulders - something like a priest wears over his shoulders
- Q. When did you tell somebody about this
- A. The first one I told was my mother. She noticed I was not sleeping; and walking around since the trial. She asked me and I told her about the stabbing and Indian man was in jail for something he did not do. It isn't fair. Then I told my brother Johnnie last night. He told me to go to the police
- Q. Did you know Marshall or Seale that night
- A. No.

Signed: James MacNeil

Witness: Cpl. G. A. Taylor

Nov. 14th - 8 P.M.

By: Sergt. Det. J. F. MacIntyre

Nov 15th 1911 7:25 P.M.

Statement of James William Neil
age 25 yrs residing at 1007 Beaumont St Sydney

Myself and Roy Ebsary were at
the State tower. Sergeant Goherty took
me in the evening 2 days off this year.
me near the about 2 blocks. we
left me washed down. sleep at and
took the short cut through the park
(what road) we came up to Crescent st
and while walking along Crescent st
we were approached by a colored
a colored fellow from behind. The
colored fellow put my right hand up behind
my back. The ~~rest of the~~ colored
fellow said Dig man Dig. Then Roy
Ebsary said I got something for you
He put his hand in his right pocket
and took out a knife and showed it
to the colored fellows side

Q what side

A The left hand side of the colored fellow
I saw Roy had a knife full of blood

Q Did you see the colored fellow's name

A No. I did not

Q what happened then

A Roy went ahead I was with him he
washed the knife under the tap and washed his
hands off. Then he told me not to say
anything about it

Q Did you ask him why he done it

A He said it was only defense

Q what time did you get home that night

Witness [Signature]

Date 20-15th Time 8 PM

Signed [Signature]

of SA Taylor

A about 12 PM.

Q How long were you at Roy's house that day?

A about 1 hr after that.

Q intended you see Roy again?

A The next day I went to his house he was lying in bed I told him that fellow died.

Q what did he say.

A He said it was self defence I told him he did not have to kill him. He told me he had 2 children a girl and boy and not to say anything to the Police I left that.

Q who else you at the house besides Roy.

A His wife, daughter & son.

Q Did they say anything to you then?

A No. Not that day.

about 2 days after that his son about 18 or 19 yrs old came to my house with his car he drove me out to the nearby motel. He went in the motel and his mother came out to the car she got in the back seat. She got out and she said don't go to the house anymore because of what Roy done. The young fellow told me if I mentioned what happened to the Police all your family will be in trouble they will have to go to Court.

Q was his mother present when he said that?

A No.

Q what were you wearing that night?

A I was wearing a College Coat blue with

Witness CH A Saylor

Date 20-15th Time 8 PM

Sgt. [Signature]

Signed [Signature]

2 white marks on the sleeve

Q what was Ray wearing

A a Black shawl over his shoulders
sawal like a priest wears over
his shoulders.

Q who did you tell somebody about this

A The first one I told was my mother
she noticed I was not sleeping and
walking around since that time she
asked me and I told her about
the staying out on Inverness

was I told for something he did not do.

I told my brother
~~that~~ last night he told me to go
to the Police

Q Did you know Marshall or scale
that night

A No.

Witness

CPA A. L. L. L.

Date

24-15

Time

8 PM

Signed

James A. L. L.

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CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

RCMP2 22

SUBJECT

CASE No.

C O P Y

Nov. 15th, 1971 - 8:45 P.M.

Statement of Mrs. Mary Pratica Ebsary residing at 126 Rear Argyle St.
Sydney - Warned:

Q. Did you have a conversation with anybody in regard to the Sandy
Seale case

A. Yes I did

Q. With whom

A. A boy called Jim. I don't know his second name

Q. Where does he live

A. He lives off George near the cemetery down over the hill

Q. Where did this conversation take place

A. It took place in my car on Kings Rd

Q. Where on Kings Rd.

A. At the front of the Wandlwn Motel

Q. When was this

A. On or about 6 weeks ago

Q. What ~~time~~ took place in the car

A. The conversation was about this boy Jim and my husband being
attacked that night coming home by the park. Jim thought that
it may be the same two. The Marshall boy and the Seale boy.
I told him making statements like that - I would prefer he stay
away from my house after that

Q. Was anybody else present

A. Yes

Q. Who

A. MY son.

Q. Did you see Jimmie before that night

A. Quite frequently

Q. Where

A. at my house

Q. What was he doing there

A. Drinking with my husband

Q. Do you remember the night that Seale was stabbed

A. Not particularly. I remember reading of it in the Paper.

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CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

Rcmp 22

PAGE

SUBJECT

CASE No.

continued - page 2-----

- Q. Was Jimmie back and forth to your house at that time
A. Not after. He came about 15 times over a period of a couple of months.
- Q. How did Jimmie happen to meet you near the Wandlun Motel
A. I sent for him
- Q. Why
A. My husband had not been drinking and Jimmie came to my house on Sunday. I was getting ready to go out and he told my husband he would return on the weekend and I did not want my husband on the booze again. I sent for him and told him to stay away from my house and it was at this time the conversation about the Seale boy came up. I don't think Jim or my husband would have anything to do with that. Roy only weighs about 115 lbs.
- Q. Was there any discussion about this affair by Jimmie or your husband
A. No
- Q. When Jimmie came with your son to the Motel were you working
A. I was
- Q. What time of the day was this
A. About 6:30 P.M.

Signed: Marv P. Ebsary

Witness: Sergt. Wm. Urquhart

Nov. 15th - 9:07 P.M.

By: Sergt. Det. J.F. MacIntyre.

STATEMENT

Nov 15th 1971 845 PM

Statement of Mrs Mary Patricia
Elsary residing at 126 Beach Road
Lobby Mansions -

Q Did you have a conversation with
anybody in regard to the Landy trial
Case

A Yes I did

Q With whom

A A boy called Jimmy about three weeks
ago

Q Where was he living

A He lives off Kingsway near the Cemetery
I was in a car

Q Where did this conversation take place

A It took place in my car on Kingsway
at the junction of Kingsway

Q At the front of the road or the back

A At the back of the road

Q What time was this

A The conversation was about this boy
saying his husband being attacked
at night in his home by the Park
Road

Q Did you think that it may be the same
as the Marshall boy and the Sealie boy

A I tried to make a statement to the
Police before he stay away from my
house after that

Q Was anybody else present

A No
Q Who
A My son

Sgt P. Maguire
Nov 15th Time 9.07 PM
Lobby Mansions

Signed Mary P. Elsary

Q Did you see him before that night?

A Yes frequently

Q At home

A What was he doing there

A Drinking with my husband

Q Do you remember the night that the case was started

A Not distinctly I remember reading of it in the paper

Q Was your husband's first to your house at that time

A Not after he came about 15 times over a period of a couple of months

Q How did you happen to meet your neighbor and how treated

A I met her first

Q Why

A My husband had not been drinking and I was going to my house with my husband and he was getting ready to go out and he told my husband he would return in the afternoon and I did not report my husband on the Barge again I just told him and told him to stay away from my home and it was at this time that conversation about the Beale Barge Case opened that I think I am saying he had never had anything to do with that. My only weight about 115 lbs.

Witnessed by Sgt. P. J. [Signature]
Date Nov-15-1904 Time 9:07 PM
[Signature]

Signed Mary P. Elvany

Q was this a discussion about the affair by Jim and your husband.

A No.

Q when Jim came with you to the hotel were you working

A I was

Q what time of the day was this

A about 6.30 P.M.

Mary P. Eberly

Witness [Signature]
Date 2/14/57 Time 9:07 P.M.
[Signature]

Signed _____

CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

RCMP 226

PAGE

SUBJECT

CASE No.

C O P Y

Nov. 15th, 1971 - 9:15 P.M.

Statement of Roy Ebsary, age 59 yrs., residing at 126 Rear Argyle St.
Sydney - Warned:

I remember one night myself and Jimmie McNeil were at the State Tavern. We were going home down George St. across the bridge in Wentworth Park up to Crescent St.

Q. What happened
we

A. When we were almost over to the corner of South Bentinck St. 2 chaps who were behind us came around the sides of us and asked us if we had cigarettes and if we had any money. We told them we didn't. They asked us to turn out our pockets so we turned out our pockets. The short fellow tried to take my ring off my finger while the tall fellow had his arm around the other fellows throat (Jimmies) and had him on the ground. When he tried to get my ring I was not well. I tried to wrestle him. He slung me onto the ground. I made a kick at him and he got up and ran off. I went over to see how Jim was getting along with the other fellow and he dropped Jim and ran off with the other fellow.

Q. Did you stab the man you were wrestling with

A. Hell no. Why would I stab him

Q. How old were these fellows

A. Young men - one fellow was tall. I had to look up at him

Q. What were they wearing

A. I would not be able to tell you

Q. What nationality were they

A. I believe Canadian. I asked them where they were from when they asked us for the money and they said Truro

Q. Were they white or colored

A. Well the tall fellow I seen his face - I thought he was white

Q. What about the short fellow

A. I would say he was white too

Q. Where did you go then

A. I went home

Q. Where did Jimmie go

A. He went to my place for a few minutes and then he went home to Hardwood Hill

Q. When did you see Jimmie again

A. The next day - him and his father

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CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

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PAGE

SUBJECT

CASE No.

continued - page 2---

Q. Did he tell you the Seale Boy had died

A. No. I can't recall

Q. Do you carry a knife

A. No

Q. Does Jimmy still come to your house

A. No. I have not seen him for a long time. He was not a regular caller at my house

Q. Have you being to his house

A. Once

Q. Can you tell me when this disturbance took place on Crescent St.

A. After 11 P.M.

Q. What month

A. In May, the same night this boy was stabbed

Q. What were you wearing that night

A. A reversible top coat - blue.

Signed: Roy N. Ebsary

Witness: Det. Sgt. M.J. McDonald

Nov. 15th - 10:10 P.M.

By: Sergt. Det. John F. MacIntyre.

STATEMENT

Nov 15th 1971 9:15 PM

Statement of Roy Ekman age 51
residing at 126 Beaumont St
Wagga:

I remember one night myself and
Jim E. Reid were at the State Tavern
we were going home down George St
across the Bridge in Westwood Park
up to Crescent St.

What happened

Q. When we were about over to the Corner
of Bond Street at near B. White
Robertson on Crescent St 2 Chaps
were behind us. One arrived
the sides of us and asked us if we
had Cigarettes and if we had any money.
We told them we didn't. They asked us
to turn out our pockets so we turned
out our pockets. The chap suddenly
tried to take my Ring off my finger
while the tall fellow had his hand
around the other fellow's throat (Jimie)
and put him on the ground. When
he tried to get my Ring I was not
well. I tried to wrestle him he
slung me onto the ground I made an
attempt to get up and saw off
I had next to see how Jimie was getting
along with the other fellow and he
dropped Jimie and saw off with the other
fellow.

Q. Did you state the man you were
wrestling with

A. Well no why would I state his name

20-15-71

to 20-15-71 Time 10:11 PM

by [Signature]

Signed Roy W. Ekman

Q How did you know these fellows?
 A Young man one fellow wanted to talk to me
 Q What were they wearing?
 A I would not be able to tell you.
 Q What nationality were they?
 A I believe Canadian I asked them where they were from when they asked us for the money and they said I would
 Q Were they white or colored?
 A Well the tall fellow I saw before I thought he was white
 Q What about the short fellow?
 A I would say he was white too.
 Q Where did you go then?
 A I went home
 Q Where did you go?
 A He went to my place for a few minutes and then he went down to Hardware Hall
 Q Where did you see him again?
 A The next day he and his father's father's father
 Q They just dropped in?
 A Yes he actually met his father. The first time I met the first time
 Q Now you know that that boy?
 A Yes I believe I was
 Q What was he talking about?
 A They asked me to have a drink of wine
 Q Did he tell you the scale they had?
 A No. I can't recall

Witness Det. H. J. Delaney
 Date Nov 15 Time 10:10 PM
By [Signature]

Signed Ray. N. Epsary.

Q Do you carry a rifle?
 A No.
 Q Does Jim still come to your house?
 A No. I have not seen him for a long time. He was not a regular caller at my house.
 Q Have you been to his house?
 A Once.
 Q Can you tell me when this disturbance took place on Green St?
 A After 12 P.M.
 Q What month?
 A In May. The last night this party was shot dead.
 Q What were you wearing that night?
 A A Remondle top coat. Blue.
 Ray. H. Ekberry.

Witness Ray H. Ekberry
 Date 2-11-15 Time 10:10 P.M.
Ray H. Ekberry

Signed _____

CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

KCM 2 18

AGE	SUBJECT	CASE No.
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COPY

Nov. 15, 1971 - 9:55 P.M.

Q. Statement of Greg Allan Ebsary, age 17 yrs.
residing at 126 Rear Argyle St., Sydney - Warned:

Q. Do you know James McNeil
A. Yes

Q. Where does he live
A. Off Hardwood Hill near the cemetery

Q. Were you ever at his house
A. Yes, once

Q. What for
A. I had to go up and get him for my mother

Q. Where did you take him
A. To the Wandlyn Motel

Q. What took place there
A. My mother and him talked. She told him not to come back any more. He does a bit of drinking

Q. He goes to your house quite often
A. He has not been there for a long while

Q. When did you pick him up at his house
A. About 2 months ago. I am not definite

Q. What was the conversation about in the car
A. She just said it would be better if Jim did not come back any more

Q. Was there any conversation about a disturbance at the Park
A. No

Q. Did you tell Jimmie McNeil if he told the police what happened he would have to go to Court

A. I can't remember saying that
Q. Was there any talk in the car what Roy done
A. I said there would be trouble (Court). I meant if he, Jimmie would go back to our house anymore

Q. Did you see Jimmie when he came to your house the following day after the Seale stabbing
A. Yes.

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CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

RCMP2 18

SUBJECT

CASE No.

page 2 - continued -----

Q. Did he talk to your father

A. Yes

Q. Did he tell him Seale was dead

A. I don't know what they talked about

A. I don't know what they talked about

Q. Did you know your father and Jimmie were attacked that night
on Crescent St. - the same night as the Seale stabbing

A. I found out about a week after

Q. Who told you

A. My mother said they were attacked

Q. By whom

A. 2 fellow were going to beat them up for cigarettes or something

Q. Did you ask your father

A. No I never said anything about it.

Signed: Greg A. Ebsary

Witness: Cpl.G.A.Taylor

Nov.15th - 10:20 P.M.

By: Sergt.Det. J.F.MacIntyre.

12-15th 1971 9:55 P.M.

Q What name of Greg Allan Ebbary
age 17 years residing at 136 Beachway
Sydney 2000 -

Q Do you know James Neil
A yes.

Q Where does he live

A Off Harwood Hill near The Castles

Q How far is it from his house

A yes Sir

Q What for

A I had to go up and get him for my mother
Q Where did you take him

A to the road by the house

Q What kind of place there

A by the road and he took what he
had to come back by more beaches
a bit of Wink

Q He goes to your home quite often

A He has not been there for a long while

Q Where did you pick him up at his house

A about 2 months ago. To the Dept.

Q What was the conversation about the
Car

A I don't think it would be better if
I didn't say anything more

Q Was there any conversation about a
Distribution at the Park

A No.

Q Did you tell James Neil if he told
the Police what happened he would have
to go to court

Q Did he ever say that

Witness G. M. A. Singh

Date 12-15-71 Time 10:20 P.M.

Signed Greg A. Ebbary

12-20-71 J.D.T.P.

A was there any talk to the car what
I say alone

A I said I was worried but I could (Court)
I mean if the Jimmie would go back to the
house anyway

A Did you see Jimmie when he came to
your house the following day after the
beats talking

A yes

Q Did he talk to your father

A yes

Q Did he tell him that was dead

A I don't know what they talked
about

Q Did you know your father and Jimmie
were attacked that night on Crown St
the back night was the beats talking

A I found out about a week after

Q who told you

A my mother said they were attacked

Q by whom

A 2 fellows were going to beat them up
for liquor then or something

Q Did you ask your father

A no I never said anything about it

They are Ebony.

Witness George A. Taylor

at 21-15th Time 10:25 P.M.

Signed _____

George A. Taylor

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ROYAL CANADIAN MOUNTED POLICE
OUTGOING MESSAGE FORM

TIME OF RECEIPT	FILE NUMBER	DRAFTER'S NAME DLB	TIME OF DISPATCH <i>RCMP 2 287</i>
	BRANCH, SECTION, ETC. CIB READERS	ROOM NO. TEL. NO.	
PRECEDENCE FOR ACTION ADDRESSES PRIORITY	PRECEDENCE FOR INFORMATION ADDRESSES ROUTINE	DATE 17-11-71	SECURITY CLASSIFICATION UNCLAS
FROM H DIV			
TO F DIV			
INFO SYDNEY SUB DIV			
ORIGINATOR'S REFERENCE NUMBER CIB 4529/3 REQUEST SERVICES OF POLYGRAPH EXAMINER IN SYDNEY, N.S. ASAP IN CONNECTION WITH MURDER INVESTIGATION. DONALD MARSHAL RECENTLY CONVICTED OF THIS MURDER HOWEVER JAMES WILLIAM MACNEIL CLAIMS TO BE EYEWITNESS TO THE MURDER WHICH WAS COMMITTED BY ROY WILLIAM EBSARY WHO DENIES ALL KNOWLEDGE. EXAMINATION REQUESTED FOR MACNEIL WHO HAS GIVEN WRITTEN CONSENT. IF EXAMINATION OF MACNEIL REVEALS HE IS TELLING TRUTH POSSIBLY 3 FURTHER EXAMINATIONS WILL BE REQUIRED. ADVISE IF EXAMINER AVAILABLE & ETA SYDNEY.			
SIGNATURE OF PERSON RELEASING MESSAGE D.J. WARDROP SUPT. OFFICER I+C CIB		TIME RELEASED (TIME OF SIGNATURE)	

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1. FILE NUMBER, BRANCH or SECTION, DRAFTER'S NAME, etc. - To be filled in by the originator to facilitate prompt handling of a reply or query regarding the message. This information is not transmitted.
2. PRECEDENCE - Indicates to COMCENTRE the relative order in which messages are to be transmitted.
 - (a) FOR ACTION ADDRESSES - Enter precedence assigned to all action addressees, i.e., DEFERRED, ROUTINE, PRIORITY, OPERATIONAL IMMEDIATE or EMERGENCY.
 - (b) FOR INFORMATION ADDRESSES - Enter precedence assigned to all information addressees - usually DEFERRED.
3. TO - Enter all action addresses. Local abbreviations are not to be used if addressee is outside the Force.
4. INFO - Enter all information addresses. In multiple address messages (same message to more than one addressee), addressees to be designated either ACTION or INFORMATION.
5. ORIGINATOR'S REFERENCE NUMBER -
 - (a) Enter originator's reference number. It will be transmitted as first word of text of message.
 - (b) A message sent in reply to an incoming message MUST whenever available, contain a reference to and quote the Originator's number of that incoming message, i.e. HQ 127 Re Your K62 Text

ROYAL CANADIAN MOUNTED POLICE
OUTGOING MESSAGE FORM

RCMP 2 281

TIME OF RECEIPT	FILE NUMBER	DRAFTER'S NAME DLB	TIME OF DISPATCH
	BRANCH, SECTION, ETC. CIB READERS	ROOM NO. TEL. NO.	
PRECEDENCE FOR ACTION ADDRESSES PRIORITY	PRECEDENCE FOR INFORMATION ADD. PRIORITY	DATE 17-11-71	SECURITY CLASSIFICATION UNCLAS
FROM	H DIV		
TO	F DIV		
INFO	SYDNEY SUB-DIV.		
ORIGINATOR'S REFERENCE NUMBER 4532/3	REUR CIB2481 PSE HAVE POLYGRAPH EXAMINER CONTACT INSP.E.A. MARSHALL AT AREA CODE 902, PHONE # 539-5710.		
SIGNATURE OF PERSON RELEASING MESSAGE D.J. WARDROP SUPT. OFFICER I+C CIB	TIME RELEASED (TIME OF SIGNATURE)		

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1. FILE NUMBER, BRANCH or SECTION, DRAFTER'S NAME, etc. - To be filled in by the originator to facilitate prompt handling of a reply or query regarding the message. This information is not transmitted.
2. PRECEDENCE - Indicates to COMCENTRE the relative order in which messages are to be transmitted.
 - (a) FOR ACTION ADDRESSES - Enter precedence assigned to all action addressees, i.e., DEFERRED, ROUTINE, PRIORITY, OPERATIONAL IMMEDIATE or EMERGENCY.
 - (b) FOR INFORMATION ADDRESSES - Enter precedence assigned to all information addressees - usually DEFERRED.
3. TO - Enter all action addresses. Local abbreviations are not to be used if addressee is outside the Force.
4. INFO - Enter all information addresses. In multiple address messages (same message to more than one addressee), addressees to be designated either ACTION or INFORMATION.
5. ORIGINATOR'S REFERENCE NUMBER -
 - (a) Enter originator's reference number. It will be transmitted as first word of text of message.
 - (b) A message sent in reply to an incoming message MUST whenever available, contain a reference to and

197

RUMP2 369

Nov 17 4 04 PM '71

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RCMP HFX

EE8/89 PRIORITY PRIORITY REG NOV17 UNCLAS

H DIV HFX

INFO SYDNEY S/DIV

CIB2461 REUR CIB4529/3, POLYGRAPH EXAMINER ADVISED AND WILL PHONE SYDNEY S/DIV LATE PM THIS DATE. PLSE ADVISE NAME OF MEMBER TO BE CONTACTED AND TELEPHONE NUMBER.

F DIV REGINA

539-5710

RCMP HFX

RCMP 279

PRIORITY HFY NOV17 UNCLAS

COMMR OTT

MCIS4720/10 PLSE ADV FULL RECORD AND ANY WANTS FOR EPS 399634F
ROY NEWMAN ERSARY AND JAMES WILLIAM MACNEIL DE 25-6-46

MCIS HALIFAX

RCMP HQ HFY
PRIORITY HFY NOV17 UNCLAS

COMMR OTT

MCIS4720/10 PLSE ADV FULL RECORD AND ANY WANTS FOR EPS 399634F
ROY NEWMAN ERSARY AND JAMES WILLIAM MACNEIL DE 25-6-46

MCIS HALIFAX

MAKE EXIKH for Sgt Burgess
Sydney Spel ATTN Sgt Marshall Sg! Burgess
FOR 2:52 PM 71-11-71
in Alan Cross William G. Burgess - G. m.

Rcm112 354

7871

4725/10

RCMP MEY MCIS

62 HEY NOV17

214 PRIORITY OFF NOV17 UNCLAS

MCIS HALIFAX

MPSIC 42593/20 REUR MCIS 4720/10 ROY NEWMAN EFSARY FPS 399634A C/R
9/4/70 SYDNEY NS (1) BREACH OF LCA SEC 85 FINED 10 DLRS AND COSTS
1/D 10 DAYS (2) POSS OF CONCEALED WEAPON 8300 FINED 100 DLRS 1/D 2
MONTHS UNABLE TO ASSOC JAMES MACNEIL WITH FPS FILE NO 0/S WANTS

COMMR

Kcmp2 354

PRIORITY HFX NOV17 UNCLAS

SYDNEY S/DI V

MCIS4725/10 ATTN INSP MARSHALL RE PHONE CONVERSATION BETWEEN
 SGT BURGESS AND YOURSELF ROY NEWMAN ENSARY FPS 399634A C/R
 9-4-70 SYDNEY NS (1) BREACH OF LCA SEC 85 FINED 10.00 DLRS AND
 COSTS 1/D 10 DAYS (2) POSS OF CONCEALED WEAPON SEC 83 CC FINED
 100.00 DLRS 1/D 2 MOS UNABLE TO ASSOC JAMES MACNEIL WITH ANY
 FPS FILES THIS SECTION OR COMMR OTT NO O/S WANTS

MCIS HALIFAX

RCMP HQ HFX
 PRIORITY HFX NOV17 UNCLAS

SYDNEY S/DIV

MCIS4725/10 ATTN INSP MARSHALL RE PHONE CONVERSATION BETWEEN
 SGT BURGESS AND YOURSELF ROY NEWMAN ENSARY FPS 399634A C/R
 9-4-70 SYDNEY NS (1) BREACH OF LCA SEC 85 FINED 10.00 DLRS AND
 COSTS 1/D 10 DAYS (2) POSS OF CONCEALED WEAPON SEC 83 CC FINED
 100.00 DLRS 1/D 2 MOS UNABLE TO ASSOC JAMES MACNEIL WITH ANY
 FPS FILES THIS SECTION OR COMMR OTT NO O/S WANTS

MCIS HALIFAX

FORM 8-14 BY 17-11-71

TO - AU
THE COMMISSIONER
Commissaire

FROM - DU
THE COMMISSIONER
Le Commissaire

201

30 Nov 71
HQ FILE NO. - Dossier de la "D.G."
DIV. FILE NO. - Dossier de la div.
S/DIV. FILE NO. - Dossier de la s/div.
DET. FILE NO. - Dossier du dét. N
71 Poly 25

C.O. _____ DIV.
Commandant
O.C. _____ S/DIV.
Commandant
I/C _____ DET.
C/d

C.O. _____ DIV.
Commandant
O.C. _____ S/DIV.
Commandant
I/C _____ DET.
C/d

oic "H" DIV CBS 'F' DIV Polygraph Sec

OTHER REASONS/REMARKS - Autres raisons ou remarques

CORRESPONDENCE DATED
Ci-joint le rapport en date du

- INFORMATION - Renseignements
- ACTION - Suites
- ENCLOSURES - Pièces jointes

30 Nov 71 ATTACHED

RCMP 282

DIARY DATE REQUEST - DEMANDE DE LA DATE D'AGENDA

TO BE EXTENDED TO _____ FOR REASON INDICATED
Sera prolongée jusqu'au _____ Pour les raisons indiquées

- FINE & COSTS PAID - Amende et frais payés _____
- FURTHER ENQ. NEG. - Autres recherches nulles
- AWAITING INSTRUCTIONS - Dans l'attente de directives
- TRIAL DATE NOT SET - Date du procès non fixée
- ADJOURNED TO - Renvoyée au _____
- DISPOSITION OF EXHIBITS - Disposition des pièces à conviction
- UNABLE EXECUTE WARRANT (SUMMONS) - Impossibilité d'exécuter le mandat (sommations)
- AWAITING PAYMENT OF FINE & COSTS - Dans l'attente du paiement de l'amende et des frais
- REPORT OVERDUE - Rapport en retard



RCMP 2 373 010-6
202

"F" Division
C.I.B.

RCMP 2 373

Regina, Sask., 30 Nov 71.

UR NO. _____
STRE NO. _____

IR NO. 71 Poly 25
STRE NO. _____

CONFIDENTIAL

Officer i/c, C.I.B., Halifax, N.S.

Re: Donald MARSHALL - Non-Capital Murder
Sec. 218(2) C.C. - Sydney, Nova Scotia
28/29 May 71

GENERAL: On the authorization of the OIC C.I.B., "H" Division, a polygraph examination was administered to the following persons on 23 Nov 71 at Sydney, N.S.

1. James William MacNEIL
2. Roy Newman EBSARY

Before taking the examination both subjects signed forms stating that they were taking the test voluntarily. Particulars of this offence were provided by Insp. E.A. MARSHALL.

PURPOSE: The main issue under consideration in the polygraph examination was whether or not these subjects were telling the truth with reference to their knowledge of the above-noted offence.

DATA: (a) There were indications of truthfulness in EBSARY's polygraph recordings when he answered "No" to the following test questions:

1. Around the end of May this year do you know for sure who stabbed Sandy SEAL?
2. Around the end of May this year did you stab Sandy SEAL?
3. Around the end of May this year were you right there when Sandy SEAL was stabbed?
4. Around the end of May this year did you wash blood off a knife?

(b) Throughout MacNEIL's examination there were irregular and erratic reactions to the test questions. These variations are the type which prevent an analysis of the charts and I can render no opinion as to whether or not MacNEIL was telling the truth when he answered "Yes" to the following test questions:

pp. Marshall

10 1971

71 Poly 25

30 Nov 71.

Re: Donald MARSHALL - Non-Capital Murder
Sec. 218(2) C.C. - Sydney, Nova Scotia
28/29 May 71

1. Around the end of May this year did Roy really stab Sandy?
2. Around the end of May this year did you see Roy stab Sandy?
3. Were you right there when Roy stabbed Sandy?
4. Around the end of May this year did you see Roy washing blood off his knife?

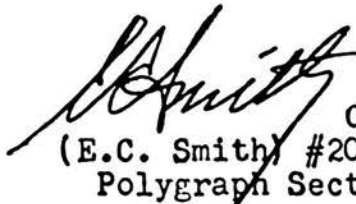
CONCLUSIONS:

It is my opinion, based on EBSARY's polygraph examination, that he was telling the truth to his questions.

REMARKS:

It will be noted that I gave an indefinite opinion as to MacNEIL's polygraph examination, however, the following should be added. This subject was interviewed after the examination and on a number of occasions was quite ready to admit that he was lying and that he was only "joking" when he said that EBSARY had stabbed SEAL. He would then revert to his original story. I believe that his mind was open to anything that might be suggested to him. Under the circumstances I do not feel that he is mentally capable of responding to a polygraph examination and for that reason no other tests were administered. I do feel, however, that EBSARY was truthful with reference to his polygraph examination.

DISTRIBUTION:


Cpl.,
(E.C. Smith) #20894,
Polygraph Section.

204 Rcmp2 352

OTHER FILE REFERENCES: REF. AUTRES DOSSIERS:	DIVISION	DATE	RCMP FILE REFERENCES: REF. DOSSIERS GRC:
	"H"	21 Dec. 71	
	SUB-DIVISION - SOUS-DIVISION		
	C.I.B.		
	DETACHMENT - DÉTACHEMENT		

Rcmp2 352

RE:
OBJET:

Donald MARSHALL, Jr.
Non-Capital Murder (Sec. 206(2)) C.C.,
Sydney, N. S.
(Sydney City Police Case)

MARSHALL was convicted in Sydney, N. S. for the non-capital murder of Sandford William @ 'Sandy' SEALE (Negro). He was sentenced to life imprisonment by Mr. Justice J. L. Dubinsky.

2. The offence took place around midnight of the 28/29 May 71 (Friday evening - Saturday morning) in Wentworth Park in the City of Sydney. SEALE was stabbed once in the abdomen with a rather large weapon (blade about 3/4" wide and at least 4" long). The deceased underwent an emergency operation, but, expired at 8:00 A.M. on Saturday, the 29 May 71. Although conscious a number of times after the assault, he did not name his assailant. MARSHALL denied being the murderer, both to the police when interrogated and later on the stand during the trial. The weapon has never been recovered. Intensive investigation by the Sydney City Police was commenced and MARSHALL arrested on the 4 June 71. His Counsel, C.M. Rosenblum, has applied for leave to appeal the conviction.

3. After sentence was passed, one James William McNEIL, age 25 years, came forward and said that he was with a man by the name of Roy EBSARY during the evening of the 29 May 71 and that he, EBSARY, had in fact murdered SEALE in Wentworth Park. McNEIL was interviewed by Sydney City Police and the Prosecuting Officer for Cape Breton County, Donald C. MacNEIL, Q.C., on Monday the 15 Nov. 71. Roy EBSARY was picked up and interviewed and he denied murdering SEALE, although he did say that McNEIL and himself were in the park, after visiting a tavern during the evening of the 28 May 71 and that he and McNEIL became involved in an altercation with two men (later determined through investigation to be MARSHALL and SEALE). According to McNEIL and EBSARY, MARSHALL and SEALE attempted to rob them in the park. This altercation, which obviously happened prior to the murder, was not known to the police until McNEIL came forward on the 15 Nov. 71. At this point the Force became involved and I went to Sydney on the 16 Nov. 71 where, together with Sgt. G.M. McKINLEY, i/c Sydney G.I.S., a thorough review of the case was conducted with the following results.

17 November 71

4. From the outset of our investigation it was apparent the use of the polygraph would be extremely useful. A request was therefore made for this equipment and the operator and the necessary authority received for Cpl. E. C. SMITH, "F" Division, to proceed to Sydney to assist with this investigation.

RE:
OBJET:

Donald MARSHALL, Jr.
Non-Capital Murder (Sec. 206(2)) C.C.,
Sydney, N. S.
(Sydney City Police Case)

PAGE

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5. Sgt. McKINLEY received McNEIL's written permission that he would undergo the polygraph test. We interviewed McNEIL and it was obvious by his demeanour and speech that he has sub-normal intelligence and is slightly mental. He was, nonetheless, convinced that EBSARY had stuck a knife into the deceased and that later they went to EBSARY's home where he, EBSARY, washed off the knife. Because we were certain that McNEIL's account of the altercation insofar as it concerned EBSARY allegedly stabbing MARSHALL was a figment of his imagination, we did not immediately question him or take any further action with respect to McNEIL at this time. Rather, a number of hours were spent by Sgt. McKINLEY and myself going over statements given by various witnesses to the police during the initial investigation and later and visiting the scene of the crime with Sergeant of Detectives John MacINTYRE, Sydney Police Department, and additionally perusing transcripts of evidence given at the preliminary hearing and some transcripts of evidence given in high court during the trial.

6. Without quoting all the evidence, the following are the salient points given by key witnesses of the events leading up to and following the stabbing. Kindly refer to the attached diagram which will illustrate and clarify much of the evidence given at the trial.

Maynard Vincent CHANT (Age 14 at time of murder - now Age 15)

Testified that he was walking down the railway tracks in Wentworth Park just prior to the stabbing. He first saw a person later identified as John Lawrence PRACTICO hiding in the bushes between the railway tracks and Crescent Street. He also saw two men, one of whom he recognized as Donald MARSHALL, standing close to each other on Crescent Street. He heard mumbling and swearing and he thought MARSHALL was doing most of the swearing. He then saw MARSHALL take out a knife from his pocket and jab it into the man he was with. CHANT became frightened at this point and ran down the railway tracks to Byng Avenue. During this time MARSHALL also walked over to Byng Avenue and met CHANT along with two other boys and two girls (these persons have never been located or identified). MARSHALL told the group that two men had attacked he and 'his Buddy' (SEALE). He also showed them a superficial cut on his arm, which was not bleeding, incidentally. He stated that his Buddy (SEALE) was on the other side of the Park with a knife in his stomach. A car then came along (neither the car or its driver were identified) and they (MARSHALL, CHANT and the occupants of the car) drove around to where SEALE was lying on the street. MARSHALL took care not to stand where SEALE could see him. CHANT took off his shirt and put it over SEALE's stomach while waiting for the ambulance.

John Lawrence PRACTICO (Age 16 Years)

PRACTICO attended the dance at St. Joseph's Hall, Sydney

RE:
OBJET:

Donald MARSHALL, Jr.
Non-Capital Murder (Sec. 206(2)) C.C.,
Sydney, N. S.
(Sydney City Police Case)

PAGE

3

6. continued.

until shortly before midnight, when he left by himself. He met MARSHALL and SEALE and they walked to the corner of Argyle and George Streets. MARSHALL wanted PRACTICO to come down into the Park. (Although PRACTICO never admitted or suggested that MARSHALL and SEALE were going into the park to attempt to 'roll' someone, the inference is there and it is the concensus of opinion MARSHALL and SEALE were, at this time, bent on robbing someone). PRACTICO then proceeded into the Park on his own and sat down in the bushes to drink a pint of beer when he saw SEALE and MARSHALL on Crescent Street. He testified that he was about thirty or forty feet from them at this time and that he heard an argument take place between the two during which SEALE is alleged to call MARSHALL a 'crazy Indian' and MARSHALL called SEALE a 'black bastard'. PRACTICO saw MARSHALL plunge a weapon into SEALE's side, SEALE fall to the ground and then MARSHALL running up Crescent Street towards Argyle Street. PRACTICO then ran to his home on Bentinck Street.

Neither of the two aforementioned witnesses told the truth to the police when they were first interviewed. However, this can be put down to the fact they were both scared and that PRACTICO is not too bright. In the final analysis evidence, which was as outlined above, is believed to be factual and, what is just as important, there was no collaboration between the two. In other words, what the court had were the same facts told by two quite independent witnesses.

Terrence GUSHUE (Age 20)

GUSHUE also attended the dance at St. Joseph's Hall, but, left about 10:30 P.M. with a young girl. They were in the Park for some time and in fact saw and had conversation with MARSHALL and SEALE, although they did not know SEALE at the time. They did not witness the murder, but, could put both MARSHALL and SEALE on Crescent Street prior to the stabbing.

7. Some of the exhibits, particularly the jacket MARSHALL was wearing the night of the murder was examined. This light-weight yellow jacket was found to have the left sleeve cut and ripped. There were also some light blood stains on the left front portion of the jacket (see attached diagram) in such a position as to strongly indicate MARSHALL wiped his forearm on it. There were no blood stains on the inside of the sleeve, although MARSHALL led investigators to believe he had also been knifed during the scuffle with two unidentified men just prior to SEALE being stabbed. There was an insufficient

RE:
OBJET:

Donald MARSHALL, Jr.
Non-Capital Murder, Sec. 206(2) C.C.,
Sydney, N.S.
(Sydney City Police Case)

PAGE 4

7. (continued)

quantity of blood on MARSHALL's jacket to have it typed. CHANT stated that the cut on MARSHALL's arm was not bleeding when he saw him on Byng Avenue. Although the cut was superficial, it was sutured at the hospital. While in gaol, MARSHALL removed the bandage from his arm and flushed it down the toilet and even removed the sutures himself, suggesting that he did not want to have anything around with his blood on that could be picked up by the police from which his blood type might be determined. There are on the jacket what appears to be hesitation marks caused by a knife, and I am firmly convinced MARSHALL inflicted the slight cut on his arm after he stabbed SEALE to add credence to his story.

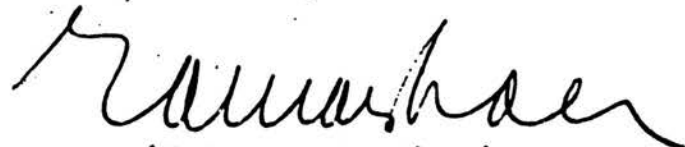
23 NOV 71

8. Cpl. E.C. SMITH conducted the polygraph tests on both McNEIL and EBSARY. His report is attached and indicates EBSARY is telling the truth when he answered "no" to the question, "Did you stab SEALE?" With respect to McNEIL's test, please note Cpl. SMITH cannot give an opinion as to whether or not he is telling the truth. Post-examination questioning leaves no doubt in my mind McNEIL is not telling the truth when he said EBSARY stabbed SEALE.

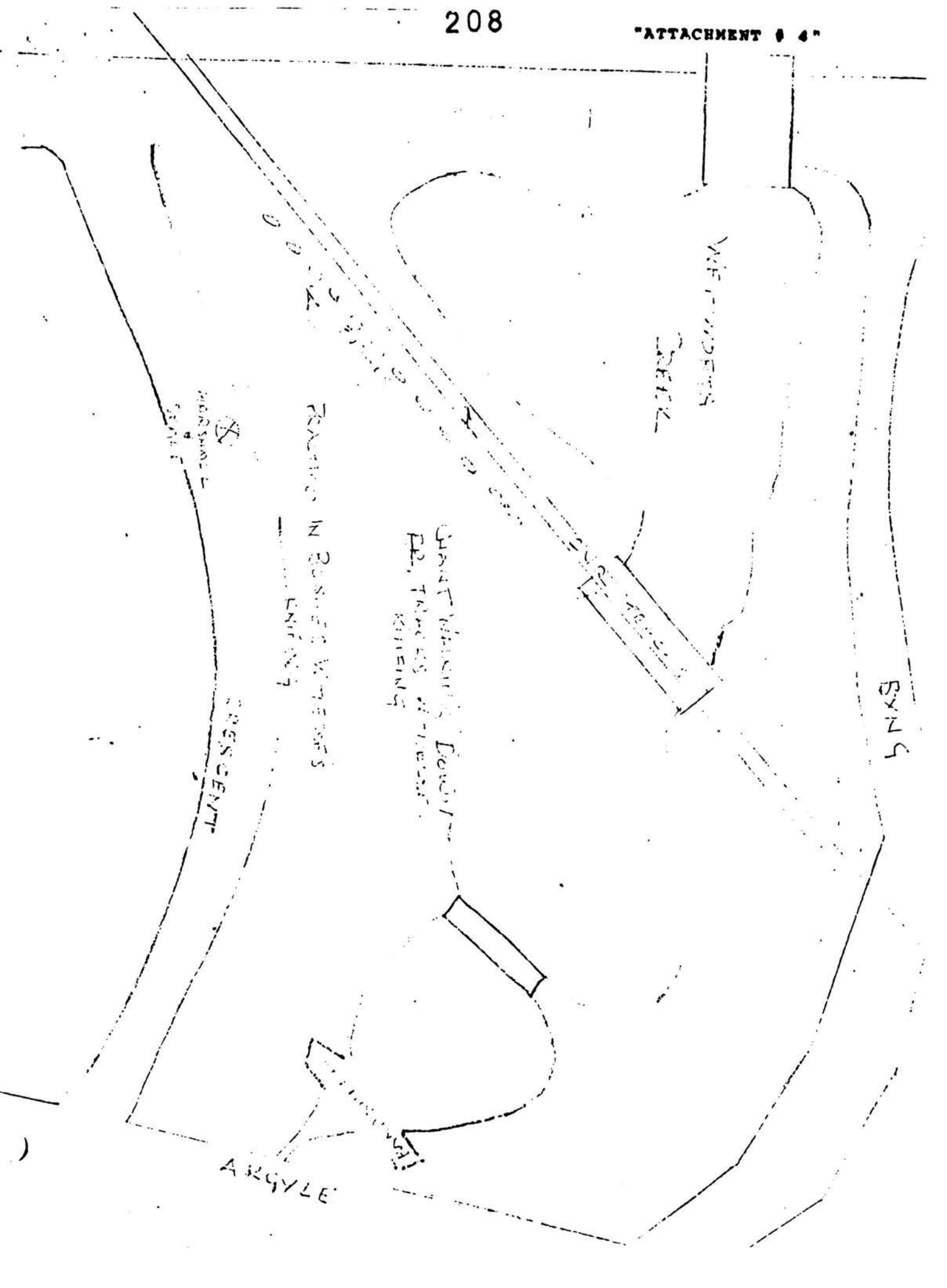
9. In conclusion, the chronology of events surrounding this murder appears thusly to the investigators. SEALE and MARSHALL entered Wentworth Park shortly before midnight intent on "rolling" someone. EBSARY and McNEIL, somewhat intoxicated, happened to walk through the park and were accosted by SEALE and MARSHALL. Their attacks were not successful and following the altercation a violent argument ensued between the two attackers culminating with MARSHALL stabbing SEALE and then inflicting a superficial wound on his own forearm to divert suspicion from himself before he made the pretense of summoning aid for SEALE. Later McNEIL, because he had been drinking and because of his subnormal intelligence, formed the idea that EBSARY had in fact stabbed SEALE when they were set upon. This became a fixation in his mind which surfaced in the form of positive action after MARSHALL had been sentenced to life imprisonment.

10. Mr. Donald MacNEIL, Q.C. has been made aware of the results of this investigation.

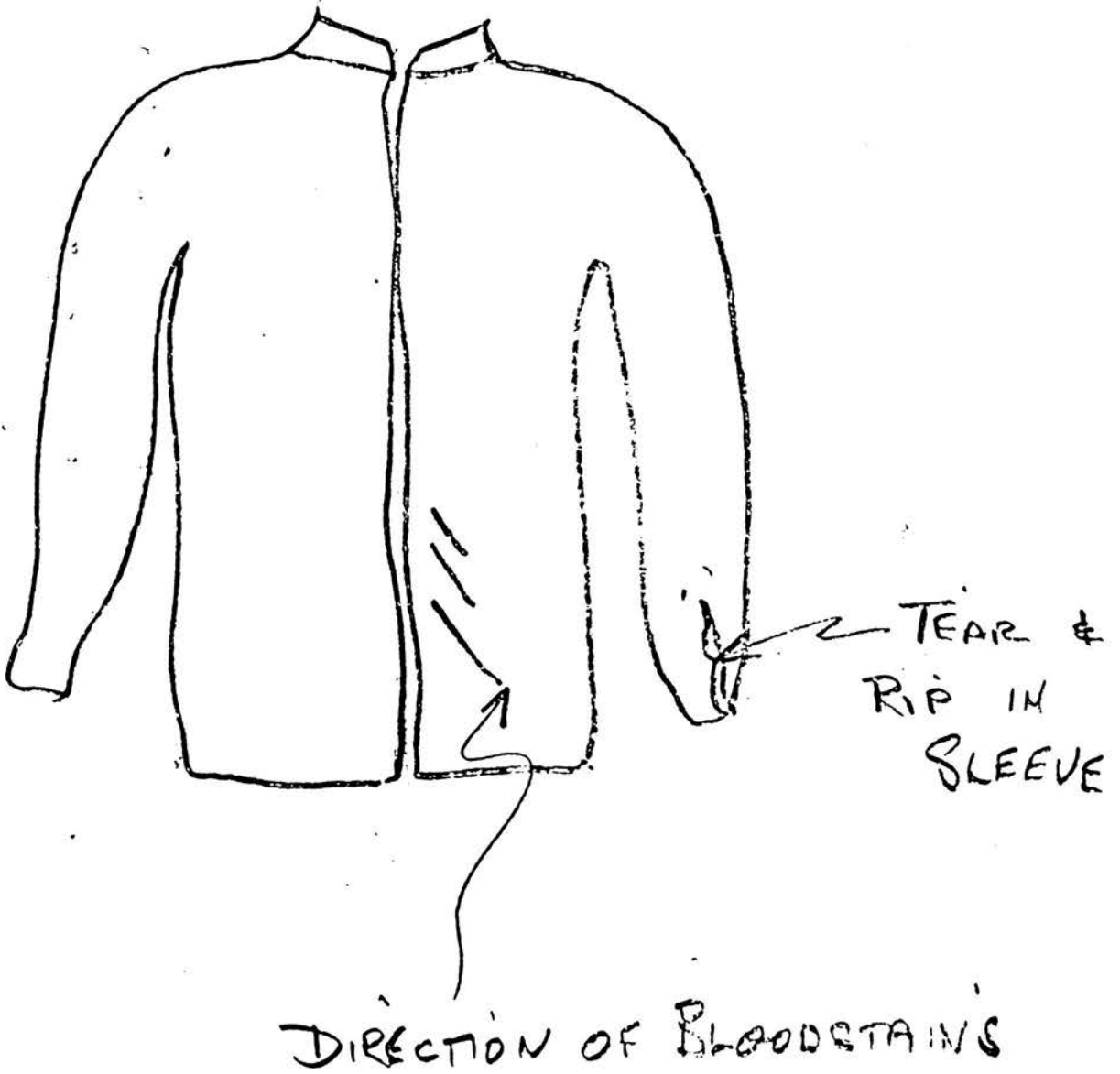
11. CONCLUDED HERE



(E.A. Marshall) S/Insp.
"H" Division Detective Inspector



MARSHALL'S JACKET



FC 18

January 23, 1984

HAND DELIVERED

The Honourable Ronald Giffin
Attorney General
Province of Nova Scotia
P.O. Box 7
Halifax, Nova Scotia
B3J 2L6

Dear Mr. Giffin:

RE: DONALD MARSHALL, JR.

Please be advised that I have been instructed by my client to allow his action against the City of Sydney and John MacIntyre and William Urquhart, S.N. No. 02790, to lapse. Mr. Marshall does not want this action to act as an obstacle to the governments handling of the issue of compensation and a public inquiry in his case.

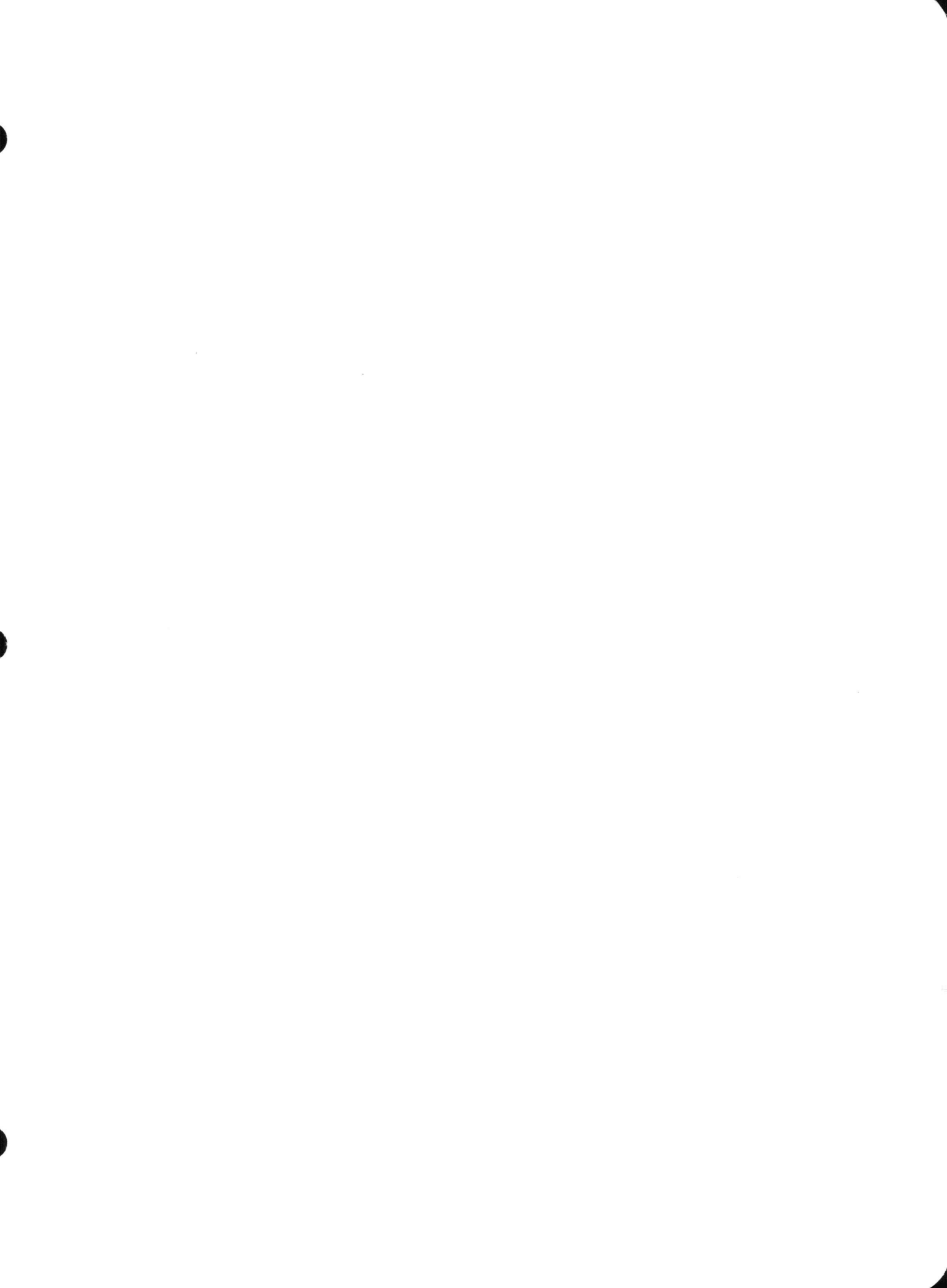
Mr. Marshall has instructed me not to commence and further proceedings against the City of Sydney but to reserve his right to commence an action against the police officers as individuals.

It is my client's hope that a just and speedy resolution of this matter can be forthcoming. A reply at your earliest convenience would be greatly appreciated.

Yours truly,

Felix A. Cacchione

FAC/oh



September 12, 1972.

Mr. J. P. Sullivan
District Representative
National Parole Service
Terminal Centre
4th Floor
1222 Main Street
Moncton, N.B.

Dear Sir:

Re: Marshall, Donald Jr.-1997
Dorchester Penitentiary

We are enclosing herewith a report re
the above named as per your request of recent
date.

Yours very truly,

G.K. MacLeod
Chief of Police

JMI:K
Encl.

212

CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

RUMP2 164

PAGE	SUBJECT	CASE No.
	Re: Marshall, Donald, Jr.-1997	

Re: Marshall, Donald, Jr. - 1997
Borchester Penitentiary

The charge read as follows: that Donald Marshall, Jr. did at Sydney, in the County of Cape Breton, Province of Nova Scotia, on or about the 28th day of May, 1971, murder Sanford (Sandy) Seale, contrary to Section 206(2) of the Criminal Code of Canada.

The accused was arrested in Whycocomagh on June 4th., 1972 and was remanded to the County Jail until June 7, 1972. There were other adjournments for various reasons and the Preliminary Hearing was taken on July 28th and Marshall was committed to stand Trial in Supreme Court and was found Guilty on November 5, 1971 and was sentenced to Life Imprisonment by Judge L. Dubinsky.

The evidence offered was that there was a dance at a local hall. Near midnight several young people at the dance left the dance hall. One witness stated that he had met the accused and the deceased and was invited by the accused to go into the Park with them; but he declined. The witness proceeding along the streets near the park, stopped behind a shrubbery in the park and observed Marshall and Seale walking along Crescent St. and involved in a loud discussion. As he watched, he saw Marshall remove a knife from his right hand pocket and plunge it into the stomach of the deceased. He, the witness, afraid, ran from the scene and to his home.

Another witness testified that he missed his bus and was proceeding along the tracks near the park, he observed the first witness sitting behind the shrubbery, watching the two men in the argument on Crescent St. He knew both the accused and the deceased. He also saw Marshall draw a knife from his pocket and plunge it into the abdomen of Mr. Seale, the deceased. Seale was alive when he was taken to the hospital but he died the following afternoon.

A comment from the Judge to the Jury was that the man who stabbed the late Sanford (Sandy) Seale intended to murder him because of the severe lacerations which were caused by the plunging of the weapon.

Mr. Roy N Absary
68 Falmouth ST.
Sydney'N,S.

RCMP2.156

Dear Sir.

My name is Donald Marshall Jr. And I,m Serving a life sentence For the Murder of the late Sandy Seale.

It was brought to my attention that you know the circumstances surrounding this important matter. I have Maintained my innocences for 11 years and unfortunately could not get a retrial.

I know the facts. And that is why I,am asking you to come out with what information you may have.

Mr. Absary, I've been locked up for 11 years.

I'am still a young man so believe me when I tell you that I went throught hell dealing with this difficult case.

I suffered long enough my friend for somebody's mistake and knowing I,m an innocent man ' I,m asking you to be sinere and to help me concerning this very important matter.

I will pray that you;ll be honest about it and ask God to give me the strenght to forgive you and to forgive the people that were involed with my Trial.

Thank you for your time.

c/c. Detective J Mabooney.

UNSI. Mr. Roy Gould.

Mr. Steve Aronson B&S.

Sinerely Yours.

Donald Marshall Jr.
Donald Marshall Jr,

Roy Ebarsy - Age 62

RCMP 2.157

68 Falmer St

Sydney

Re: J. Marshall

Turned over to me Insp W A Hefelant Sydney
Police Officer, Rex Don Paul, Aug 26-1981
Time, 4:30 P.M. & notified C.P. Bill Welleston
As Don Paul told me that Roy Ebarsy
is the one that started sand sea
in the Park, this information came
from J. Marshall, I told Paul that
was not enough information, he
is going to try and get the name of
the person who gave the name of
Ebarsy to J. Marshall.

Insp W A Hefelant

27 Aug 81, Time 11:20 AM.

The above information given to Deputy
Chief M. J. Mac Donald, G. S. D. and Tom
Insp W A Hefelant.

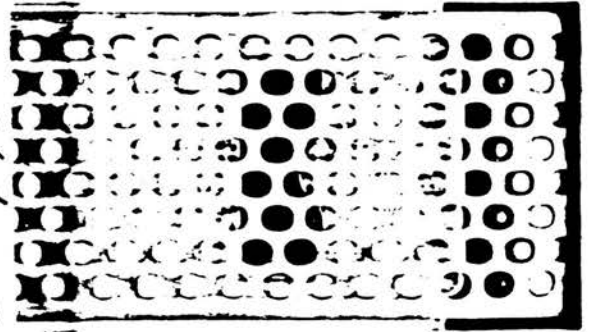
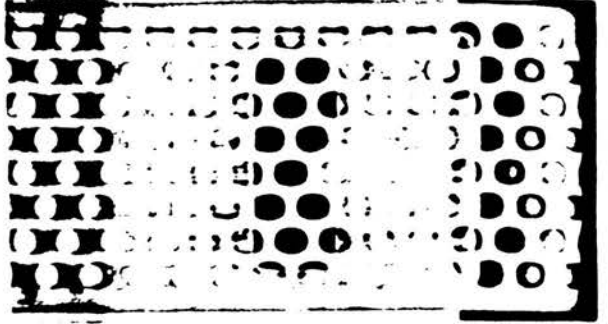
RCMP 157

RCMP 2.157

Chief Justice J. Macdougall

Just April 26/82

Document containing the name of Roy L. Leary received from Stan Paul, member of Aug 26/81 Joseph R. O'Rourke



CITY OF SYDNEY
P. O. BOX 730
SYDNEY, NOVA SCOTIA
B1P 6H7

February 2, 1982

Sydney Police Department
City Hall Building
Sydney, N.S. BLP 6H7

ATTENTION: Chief John McIntyre

Dear Sir;

RE: Donald Marshall
Murder, Sydney, N.S.

This will confirm our telephone conversation of this date with reference to the above murder.

In 1971 I was a member of the Royal Canadian Mounted Police and stationed on the Polygraph Section at Regina, Saskatchewan. During the month of November that year I received a call from Supt. E. A. Marshall of Halifax, N.S. to assist him with reference to the Marshall murder. Supt. Marshall is now stationed at R.C.M.P. Headquarters at Ottawa, Ontario.

As a result of that request I attended at Sydney, N.S. on 23 November 1971 and my personal ledger shows that I gave polygraph examination to two persons on that date in this regard. It indicates that I examined one J.W. MacNeil and rendered an indefinite opinion as to his truthfulness. It also shows that I examined one R.N. Ebsary and rendered a truthful opinion when he denied committing the murder in question.

I have no other records of my involvement in this matter and I would assume that the R.C.M. Police at Regina would have destroyed the file after a five year period as that was their policy at that time.

My memory of this particular file is quite clear because I use to be stationed in Nova Scotia prior to entering the polygraph program and I remember that the Sydney trip was the first time I returned to Nova Scotia after leaving in July of that same year.

Supt. Marshall advised that One Donald Marshall had been convicted earlier that year of murdering a Negro chap in the park at Sydney, Nova Scotia. The offence had been investigated by your Department and prosecuted by one Donald McNeil. Sometime after the conviction was handed down by the court, one J. W. McNeil came forth and advised that the wrong man had been convicted as he alledged that he saw one R. N. Ebsary commit this murder rather than Marshall. That information had been reported to the Nova Scotia Attorney's General Department and they asked the R.C.M. Police to look into the matter.

It was decided between Supt. Marshall, Supt. Gardiner (O.C. then of Sydney Sub-division of the R.C.M. Police) and myself that we should first examine MacNeil on the story he was giving to the police. I recall that I found him to be a very difficult polygraph subject and I was not able to obtain polygraph charts that I could properly interpret. I therefore had to render an indefinite opinion.

Following that examination, I examined Ebsary on his denial of the murder. I was satisfied that his charts were truthful when he denied involvement and so rendered that opinion.

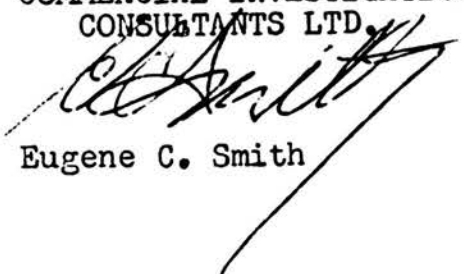
The results of Ebsary's polygraph examination were given to Mr. Donald MacNeil and it is my understanding that he so advised Donald Marshall's lawyer and give him the opportunity to submit his client to the examination. It is also my understanding that Marshall, through his lawyer, declined the examination.

The foregoing concluded my involvement in this particular matter and I must confess that the subject never crossed my mind again until you called this date.

I trust that the information I have provided will be of some assistance to you. Should you have any further questions, please don't hesitate to contact me again at (506) 849-2049.

Yours truly,

COMMERCIAL INVESTIGATIONS &
CONSULTANTS LTD.


Eugene C. Smith

ECS:vs

JOHN F. MacINTYRE
Chief of Police



Address All Communications To
Chief Of Police

OFFICE OF
CHIEF OF POLICE
SYDNEY, NOVA SCOTIA

February 15, 1982.

Mr. Stephen J. Aronson
Aronson & MacDonald, Barr.etc.
Dartmouth Professional Centre
Suite 305
277 Pleasant Street
Dartmouth, Nova Scotia
B2Y 4B7

Re: Donald Marshall, Jr.

Dear Mr. Aronson:

I wish to acknowledge your letter of January 26, 1982 re the above named and wish to advise you that the information contained therein has been duly noted.

Yours very truly,

John F. MacIntyre
Chief of Police

Aronson, MacDonald Barristers & Solicitors

Stephen J. Aronson
Leo I. MacDonald

Dartmouth Professional Centre · Suite 305 · 277 Pleasant Street · Dartmouth, N.S. Canada B2Y 4B7 · (902) 463-9131

January 26, 1982

Chief
Sydney City Police
Sydney, Nova Scotia

Dear Sir:

Re: Donald Marshall, Jr.

I have been retained by Mr. Marshall to look into the circumstances surrounding his conviction for the murder of Sandy Seale in Sydney.

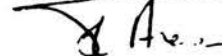
I have had several conversations with Mr. Marshall at Dorchester and he continues to declare his innocence. I have also spoken with several other individuals who are concerned with this matter.

One individual - Mitchell Bayne of 11 Twining Street, Pictou who in October of 1979 was living in Sydney with Roy Ebsary. Ebsary, according to Bayne, raised the matter of the Seale murder and told Bayne that it was in fact he (Ebsary) who committed the murder. I spoke with Bayne personally and he told me that Ebsary had indeed confessed to him.

Recently I was advised that Ebsary has been charged with an assault in the Sydney area. May I therefore ask that you look into Mr. Bayne's story to determine whether it warrants further action on your part.


I would appreciate hearing from you once you have looked into this information.

Yours sincerely,



Stephen J. Aronson

SJA:md
c.c. - Donald Marshall, Jr.



ATTORNEY GENERAL
NOVA SCOTIA

RCMP 2310

Our File: 09-82-0236-08

P. O. Box 7
Halifax, Nova Scotia
B3J 2L6

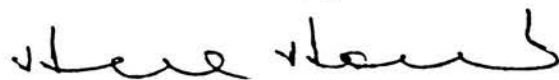
April 20, 1982

Mr. John MacIntyre
Chief of Police
Civic Centre, Esplanade,
Sydney, Nova Scotia
B1P 6H7

Dear Mr. MacIntyre:

Pursuant to Section 31(2) of the Police Act
I hereby request you to deliver to Staff Sergeant H. F.
Wheaton of the Sydney Sub-Division of the R. C. M. Police
all warrants, papers, exhibits, photographs and other infor-
mation or records in your possession or under your control
dealing with the Donald Marshall, Jr. case commencing with the
initial investigation in 1971.

Yours very truly,



Harry W. How, Q.C.

ATTORNEY GENERAL
NOVA SCOTIA

RCMP 311

Our File: 09-82-0236-08

P. O. Box 7
Halifax, Nova Scotia
B3J 2L6

April 20, 1982

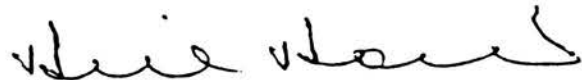
Mr. Manning MacDonald
Mayor of Sydney
P. O. Box 730
Sydney, Nova Scotia
B1P 6H7

Your Worship Mayor MacDonald:

I am writing to you in your capacity as Chairman of the Sydney Board of Police Commissioners. Under Section 31 of the Police Act I wish to advise you that I am removing from the Sydney Police Department the investigation of the Donald Marshall, Jr. case and any matters arising therefrom and the R. C. M. Police will assume all matters connected with that investigation.

I am also writing to the Chief of Police requesting that he deliver to the R.C.M.P. all matters in his possession or under his control relating to the Donald Marshall, Jr. case.

Yours very truly,



Harry W. How, Q.C.