

RESUME OF OFFENCE AS PRESENTED IN 1971DEFENCE

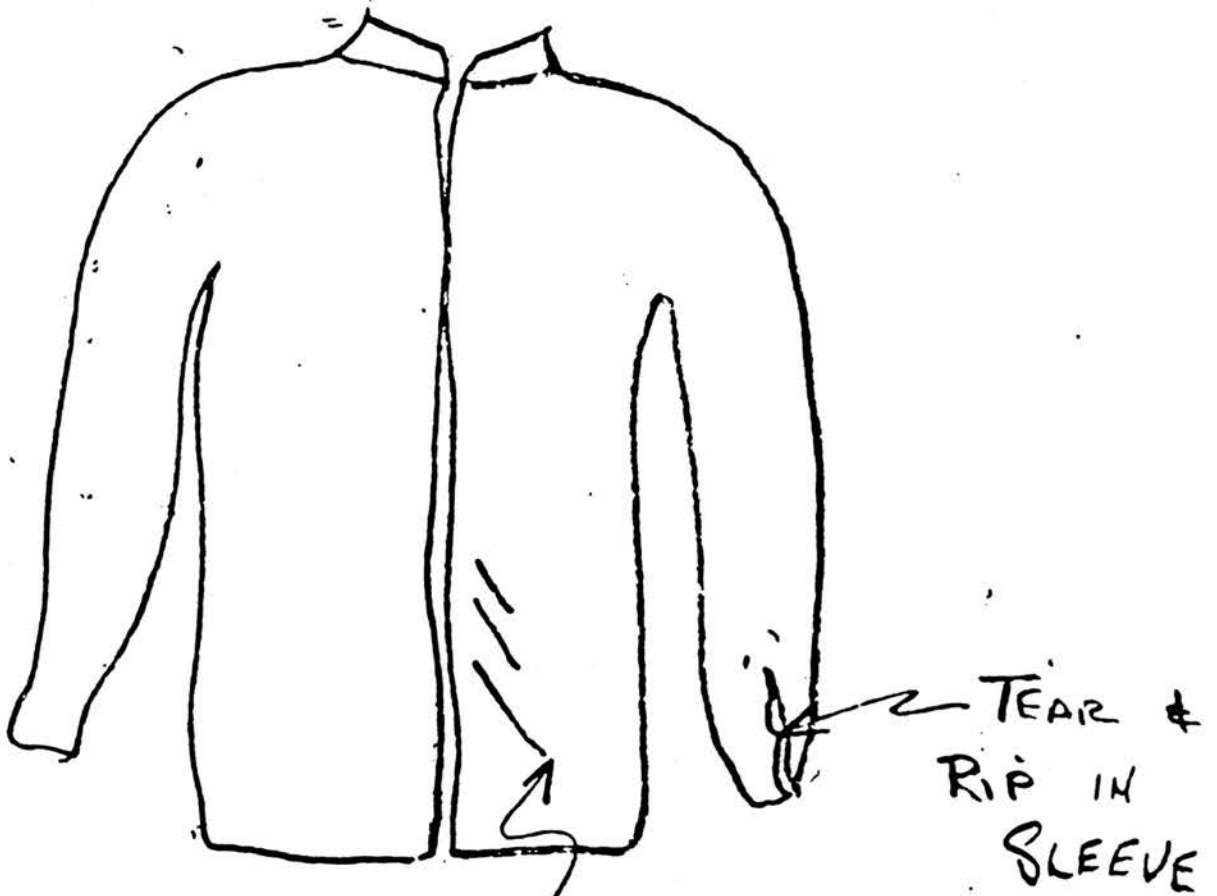
Donald MARSHALL took the stand on his own behalf and advised the Court that he was in Wentworth Park on the night of the 28th of May, 1971. He stated he met Sandy SEALE in the Park and the two proceeded to Crescent Street. On Crescent Street they met with two persons, one being young and tall, and the other being short and old with white hair. A conversation ensued relative to cigarettes and a light. MARSHALL describes the older person as wearing a long blue coat and that he looked like a priest. The conversation then took on racial overtones with the short man saying he didn't like niggers or Indians and stabbed SEALE and then attacking MARSHALL stabbing him on the inner left arm. MARSHALL then ran from the scene to Byng Avenue where he encountered Maynard CHANT in front of 103 Byng. He advises CHANT and others present of the stabbing and returned to the scene and summonsed an ambulance.

The foregoing is the main evidence that His Lordship, MR. Justice J.L. DUBINSKY, considered in his address to the Jury on the 5th of November, 1971.

MOVEMENTS OF DONALD MARSHALL JR.  
28/29 MAY 71. STATEMENTS ATTACHED

- (a) MARSHALL returned from Halifax with one Roy GOULD arriving in Sydney at approximately 9:30 P.M. Roy GOULD.
- (b) His movements can be traced around Sydney to the Keltic Tavern at approx. closing time. Francis FRENCH, Gary TOBIN, Arthur PAUL, Gary TOBIN.
- (c) MARSHALL states he then went to Wentworth Park, entering same on George Street side, and saw a guy and girl sitting on a bench. Cst. J.A. MacDONALD, Baddeck Det.
- (d) He then met Sandy SEALE coming down a path from Mac's Dairy, having just left the DIXON/BEAVER group.
- (e) An agreement was made to commit a robbery instigated by MARSHALL.
- (f) Proceed towards EBSARY and McNEIL on Crescent; however, HARRISS and GUSHUE come along and MARSHALL gives GUSHUE a light while SEALE detains EBSARY and McNEIL.
- (g) Robbery attempt resulting in stabbing.
- (h) MARSHALL runs down Bentinck to Byng Ave. advises CHANT and they return to scene.
- (i) Summon help at home of Mr. L. DOUCET and remains at scene until arrival of Police. Then taken to hospital.
- (j) MARSHALL does not tell police or his lawyers of robbery attempt. Arrested 4 June 71 does not give statement of admission.
- (k) MARSHALL's jacket contains two cuts on the left cuff area. To be covered in Lab Evidence.
- (l) While in jail, MARSHALL removes stitches as he claims they were dried up and falling out some 15 days later.
- (m) Incarcerated Dorchester and Springhill for a short period. Maintains innocence.

# MARSHALL'S JACKET



TEAR &  
RIP IN  
SLEEVE

DIRECTION OF BLOODSTAINS

## CONTINUATION REPORT

ATTACHMENT 0 9

SUBJECT

CASE No.

COPY

1971

May 30 - 4:50 P.M.

Statement of Donald John Marshall, age 17 yrs., residing at 38 MicMac St., Sydney -

About 12 P.M., Friday night, I came through the park from the direction of George St. near the tracks. I met Sandy Seale in the park coming towards me. We walked together. We met Bob Patterson. He was drunk. We asked him if he knew us and he called us by name. We told him to sit down. We started to walk to the bridge. We stood there for a few seconds; 2 men whom we did not know called us up from Crescent St. They asked us for 2 cigarettes. I gave them to them; also a book of matches. The old guy started to talk to me about women. I said lots of them in the park; also they wanted to know where a bootlegger was.

I asked them where they were from and they said Manitoba. I asked then if you guys are priests and the tall fellow ~~xxx~~ said we are. One fellow had a long blue coat on. They told us we don't like colored people and Indians. The old guy turned to Sandy and said there is one for you black boy and he put the knife in his stomach. He then took the knife out of Sandy and swung at me and put it in my left arm. He told me there is one for you to Indian.

I stood for 2 seconds and then I ran for help.

They both ran away up back of a green house. I circled around and got help. The police were called and ~~xxx~~ the ambulance.

Q. Did you know these fellows

A. No

Q. Did you ever see them before

A. No

Q. Describe these fellows to me

A. 1 fellow - the small fellow was 5-9-10 - 190 lbs. hair - grey combed back. wore glasses (black rimmed) age 50 yrs. Long wide face. long blue coat; dark blue sweater; black shoes-rounded toes.

The other fellow - brown cordroy short coat - 5-11 - 150 - hair-black. short hair - age 35 yrs - he was wearing a blue sweater too - V neck sweater with buttons - both of them - thin faces.

Signed: Donald Marshall

May 30th-5:12 P.M.

Sergt. Det. J.F.MacIntyre

## CONTINUATION REPORT

SUBJECT

CASE No.

C O P Y

June 14th, 1971 - time 7:55 P.M.

Statement of Brian Doucet, 120 Crescent St., Sydney, N.S.

On May 28th, 1971, around 12 P.M. I was watching TV, the late show. I heard people come up the front steps. I went to the door. I opened the door - two fellows were there. Both said call an ambulance.

Q. Did you know any of the people that came to the door.

A. No.

I went to the phone and called the police. Sgt. Len McCillivray was on duty and told him to call an ambulance. As I was hanging up the phone, the police car came. I put my shoes and jacket on and another police car came. The first car that came took a fellow with a yellow jacket - one of the fellows that was at my door - he showed me a cut on his left arm - from which there was no blood.

I helped the other help put a body in the ambulance - which was lying on Crescent St. on the track side near the residence of Len Campbell, Crescent St. almost in line with the double driveway that services the Campbell residence and Crescent ~~XXXXXXXXXXXX~~ Apartments.

Detective MR McDonald

Came to the City Hospital and the Dr. would not let him in the room.

Signed: Brian Doucet

Time 8:20 P.M.

June 14th, 1971

Serget. Wm. Urquhart

CITY OF SYDNEY POLICE DEPARTMENT  
CONTINUATION REPORT

151

AGE

SUBJECT

CASE No.

COPY

July 2nd, 1971 - 10:10 A.M.

Statement of Raymond Rudolph Poirier, age 20 yrs., residing at 209 Bentinck St., Sydney:

Sunday after the stabbing at the park, I was sitting on John Pratico's steps on Bentinck St. with Glen Lamson and John Pratico. Jr. Marshall came along walking; he stopped and talked to us. He asked for a smoke. He said he was nervous. He appeared to be. Somebody asked him what happened. He showed us his arm (left). He pushed the bandage down and showed us the ten stitches.

Q. Did he say what happened

A. He told all of us that him & Sandy were walking together in the park. 2 guys came up and asked Sandy for a cigarette and a match. Sandy said he did not smoke. The guy had the knife up his sleeve and stabbed Sandy in the stomach.

Q. Did he say what this guy looked like

A. He said one guy was about 50 yrs. old with grey hair and he said that was the fellow that stabbed Sandy. He said the other fellow tried to stab him - he was about 35 yrs. old. He said that he Jr. when he seen Sandy being stabbed he turned around and said what is going on here. He said the other fellow 35 yrs. old came at him with a knife. Jr. said he got his arm in the way of the knife and was stabbed in the arm.

He said then the two men took off and jumped in a white Volkswagon. He said he did not recognize them at all. He said he was at the Police Station talking to the police.

Signed: Rudy Poirier

July 2nd - 10:12 A.M.

Serget. Det. John F. MacIntyre.

CITY OF SYDNEY POLICE DEPARTMENT  
CONTINUATION REPORT

152

PAGE	SUBJECT	CASE No.
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COPY

June 7th, 1971  
3:55 P.M.

Statement of ROY A. GOULD, age 25 yrs., residing at 124  
Memberton St., Sydney:

Q. I show you a jacket - is this your jacket  
A. Yes

Q. Did you give this jacket to anybody last week  
A. Yes, I gave it to Donald Marshall Jr. on the night of  
the 27th of May 1971 at Bedford, N.S. and he continued  
to wear it from there on.

Q. Where were you going  
A. We stayed in Bedford that night. We were going to a meeting  
in Shubenacadie the next morning

Q. When did you return to Sydney  
A. Friday night 9:30 P.M. ~~xxxxxx~~ arrived home on the 28th  
of May

Q. Where did you let Donald off at  
A. From my residence - then to his own

Q. Did he have your jacket at that time  
A. Yes

Q. Did you see him after that - that night  
A. No. Not that night I did not see him till either Saturday  
afternoon or evening

Q. Where did you get the jacket from later  
A. I got his father to bring it to me on June 2nd and I gave  
it to Det. M.R. McDonald

Q. Was the jacket in good shape when you gave it to him  
A. Yes it was

Q. Was it ripped or cut on the sleeve  
A. No

continued - page 2-----

CITY OF SYDNEY POLICE DEPARTMENT  
CONTINUATION REPORT

153

SUBJECT

CASE No.

continued - page 2-----

Q. No blood on it

A. No - under the right arm pit was tore

Q. Was Donald drinking that evening in your presence

A. About an ounce of rum that afternoon at Stewiacke about  
4 P.M.

Q. Is there anything else you wish to tell me

A. No. nothing of any value.

Signed: Roy Gould

June 7th - 4:10 P.M.

Sergt. Det. J.P. Macintyre



2:00 P.M. NOVEMBER 4, 1971, JURY POLLED, ALL PRESENT

MR. ROSENBLUM:

Your Lordship, Mr. Foreman, gentlemen of the Jury:

As you heard my learned friend, Mr. MacNeil, state before we adjourned for lunch, the Prosecution has proved its case in his opinion and completed the calling of witnesses. I intend to call the accused on the witness stand and you will hear from him the events of that night, May 28, which resulted in the death of

(10) Sandy Seale. You will hear from Mr. Marshall here, a boy seventeen years of age, that he had been away for some time prior to that particular date; that he returned to Sydney at about half past nine on that evening; that he spent the evening at the home of a family by the name of Tobin; and that eventually he came down to the park. He had not been at the dance at St. Joseph's Parish Hall. In the park he met Sandy Seale walking towards him. He had been friends with Sandy Seale for about two years. They had no argument in the park whatsoever. They were talking to each other.

While they were talking, two men came along - two men whom he

(20) did not know. He will describe these two men to you except that he can't tell you their names. He will tell you that they asked Sandy Seale and himself for two cigarettes which the accused gave to them. And then they asked him for matches which he gave to them. And then they asked where they could find some women to which Marshall replied that "lots of women here in the park right now." Then one of these men said, "I don't like niggers! I don't like Indians!" and he pulled out a knife and he slashed it into Sandy Seale and also slashed Marshall on the left arm.

You will hear from Marshall that he himself - that he himself

(30) is left-handed, not right-handed as you have heard from some of the witnesses here today and that when this occurred he ran for help. He ran down Byng Avenue and who did he bump into but Maynard Chant and said, "Look what they did to me up there!" And he immediately flagged the first car that came along looking

185 -

for help and directed the driver, "take us back to Crescent Street" and stayed there with the deceased Seale until the police came along -until the ambulance came along and prior to their arrival, he had gone to a house to call the police and to call an ambulance. He stayed there until the ambulance and the police came along. His wound was bleeding and he went to the hospital and then home. He was questioned by the police and he will tell you about that when he is on the witnessstand.

10) And so in brief, you will hear from the accused that he did not lay a hand on Sandy Seale let alone stab him; that he caused him no harm; that there was no argument between them; and that this fatal incident which resulted in the death of young Seale was caused by a man, one of the two men, whom they met in the park - this meeting place for people late at night and about which he will tell you; that he did everything possible to apprehend the men and to render assistance to Seale; that he had no part in it whatsoever.

I call the accused, Donald Marshall Jr.

C.S.

186- DONALD MARSHALL JR., Dir. Exam.

DONALD MARSHALL JR., being called and duly sworn, testified as follows:

BY MR. ROSENBLUM: Dir. Exam.

Q. Now Donald, I'm going to stay back here so that you have to speak up loud enough for me to hear and by so doing, every juryman here will hear you. Your name is Donald Marshall, Jr?

A. Yeah.

Q. Now speak out loud. Are you right-handed or left-handed?

A. Left-handed.

Q. Just take your hand down. Now did you know the late Sandy Seale?

A. Yeah.

Q. How long did you know him before he was stabbed on the night of May 28, 1971?

A. Three years.

Q. Three years. Did you use to go places with him?

A. Yeah.

Q. Were you good friends with him?

A. Yeah.

Q. On the night of May 28, 1971 where were you the early part of the evening?

A. Home of Tobin's.

Q. Home of Tobin's - what street do they live on?

A. Intercolonial.

Q. Intercolonial Street. And you stayed there until about what time?

A. Uh -

Q. Roughly?

A. About 11:00 o'clock.

Q. About 11:00 o'clock at night. Now had you been in Sydney or Cape Breton for a few days before May 28?

A. No.

Q. Where were you?

A. Trying to think of the name -

Q. Take your hand down Donnie.

A. Bedford.

87- DONALD MARSHALL, JR., Dir. Exam.

Q. In Bedford. Who were you with?

A. Roy Gould.

Q. Roy Gould. And you borrowed this jacket, this yellow jacket from Roy Gould?

A. Yes.

Q. And you were wearing it on the night of May 28 of this year?

A. Yes.

Q. All right. Now had you been drinking on the night of May 28 when you were at the home of Tobin's?

A. No.

Q. And where did you go after you left Tobin's home?

A. Down the park.

Q. Down to Wentworth Park. And did you go in the park?

A. Yeah.

Q. Were there people in the park?

A. No.

Q. Did you meet anybody in the park?

A. Sandy Seale.

Q. Sandy Seale. Did you have any argument with him?

THE COURT:

Will you kindly ask the witness to tell the story? Don't lead him.

MR. ROSENBLUM:

Thank you.

BY MR. ROSENBLUM:

Q. What happened when you met Sandy Seale?

A. Talking for -

THE COURT:

Speak up, Mr. Marshall, please.

BY MR. ROSENBLUM:

Unfortunately it is very difficult for him to do. I have instructed him to do it and I am standing back for him to do that very thing. Take your hand down, Donnie, and speak loud.

-188- DONALD MARSHALL, JR., Dir. Exam.

BY MR. ROSENBLUM:

Q. Now when you met Sandy Seale, what happened when you met him in the park?

A. We were talking for a couple of minutes and Patterson come down -

Q. What's that?

A. Patterson come down.

Q. You met a fellow by the name of Patterson?

A. Yes.

Q. What condition was he in?

A. Drunk.

Q. He was drunk. What happened then when you met Patterson?

A. Put him on the ground. Walked up to the bridge.

Q. Who walked up to the bridge?

A. Me and Seale.

Q. Will you put that hand down Donnie. We want to see and hear you. Yes, you and Seale walked up to the bridge. Go ahead.

A. Two men called us up Crescent Street.

Q. Two men what?

A. Crescent Street.

Q. Crescent Street, yes. What happened when you met these two men up there?

THE COURT:

I appreciate your problem, Mr. Rosenblum, but you must try to whatever extent you can not to lead. You're doing it all right now.

MR. ROSENBLUM:

Thank you, my Lord.

BY MR. ROSENBLUM:

Q. Yes, you met two men. You'll have to take that hand down, Donnie. I will tell you that repeatedly. You met two men and you walked up towards Crescent Street. Go ahead.

189- DONALD MARSEALL, JR., Dir. Exam.

A. Burned us for a cigarette.

Q. Umm?

A. A cigarette.

Q. What?

A. Smoke.

Q. What about them?

A. Asked for a cigarette.

Q. What?

A. And a light.

Q. When they asked you for the cigarettes and the light, what did you do?

A. I gave it to them.

Q. Go ahead.

A. I asked them where they were from. Said Manitoba. Told them they looked like priests.

Q. Told them what?

A. Looked like priests.

Q. Why did you make that remark to them? Take your hand down, Donnie.

A. Looked like it.

Q. In what way?

A. Dressed.

Q. Umm?

A. Dress.

Q. What kind of dress? How were they dressed?

A. Long coat.

Q. What colour?

A. Blue.

Q. What religion are you yourself?

A. Catholic.

Q. So when you asked them if they were priests, did you get an answer?

MR. MacNEIL:

No, no, my Lord. I don't think he said he asked them if they were priests. At least not that I could hear. He said they looked like priests. He didn't say that he asked them.

MR. ROSENBLUM:

... for your information but please, it is

90- DONALD MARSHALL, JR., Dir. Exam.

MR. MacNEIL:

Just one minute, if Your Lordship pleases, I take an objection to my learned friend leading the witness. I am suggesting that he is putting words into the mouth of this witness that he never uttered.

THE COURT:

Now gentlemen -

MR. ROSENBLUM:

It is very harsh language, My Lord, with the accused on the witness stand. I resent that. However -

BY MR. ROSENBLUM:

Q. What did you say to these men?

A. They looked like priests.

Q. Yes, go ahead. Did you get an answer to that?

A. Yeah.

Q. Tell us.

A. The other guy, the younger one, said, "We are".

Q. Go ahead.

A. They asked me if there were any women down the park. Told them there were lots of them down the park. And any bootleggers. I told them I don't know.

Q. Take your hand down, Donnie, please. Go ahead.

A. Told us, don't like niggers or Indians.

MR. MacNEIL:

Can't hear the witness, My Lord.

THE WITNESS:

We don't like niggers or Indians. Took the knife out of his pocket -

BY MR. ROSENBLUM:

Q. Who did?

A. The older fellow.

Q. What did he do?

A. Took the knife out of his pocket.

Q. Yes.

1- DONALD MARSHALL, JR., Dir. Exam.

A. Drove it into Seale.

Q. What part of Seale?

A. Here.

Q. Are you referring to the stomach?

A. Yeah.

Q. Yes. And then?

A. Swung around me, moved my left arm and hit my left arm.

Q. Hit your left arm? Just roll back your sleeve, please.  
Is there a scar now visible from the slash of the knife?

A. Yes.

Q. Just show it please.

A. (Witness complied.)

Q. Is that the scar that the doctors described?

A. Yeah.

Q. Show it to His Lordship as well. On what arm is that  
slash?

A. Left arm.

Q. On your left arm. Yes, after that happened what did you do?

A. Ran for help.

Q. Where did you run?

A. Byng Avenue.

Q. Take your hand down Donnie. Did you meet anybody on Byng  
Avenue?

A. Yeah.

Q. Who did you meet?

A. I don't know his name.

Q. Take your hand down.

A. Don't know his name.

Q. Take your hand down, please. Did you see him on the witness  
stand here?

A. Yeah.

Q. May I suggest the name, My Lord? May I suggest the name of  
the person he met on Byng Avenue? He can't recall his name.  
Was it Mr. Hayward Chant?

A. Yeah.



92- DONALD MARSHALL, JR., Dir. Exam.

- Q. All right. And that was by Mr. Mattson's home, the man who gave evidence here this morning.
- A. Yes.
- Q. And when you met Chant what did you do?
- A. Stopped the car.
- Q. You stopped a car and where did you go with this car?
- A. To Crescent Street.
- Q. Who went with you? Did Chant go with you?
- A. Yeah.
- Q. When you got up to Crescent Street, what did you see there?
- A. Sandy Seale, laying on the ground.
- Q. Yes.
- A. I went to Doucette's house.
- Q. Where was this house?
- A. Crescent.
- Q. On Crescent Street, what did you do there?
- A. Told them to call for an ambulance for me.
- Q. Called an ambulance, yes.
- A. And the cops.
- Q. What's that?
- A. And the cops.
- Q. And the cops, yes. And did you stay there until the ambulance and the police arrived?
- A. Yeah.
- Q. How many police arrived, do you know?
- A. No.
- Q. Where did you go after that?
- A. To the City Hospital.
- Q. And you were treated by a doctor and a nurse as they have told us. And then where did you go after you were treated at the hospital?
- A. Went home.
- Q. You went home. When did you next see the police?
- A. The next morning.

-193- DONALD MARSHALL, JR., Dir. Exam.

Q. Where at?

A. Home. Took me down the police station.

Q. Did you visit the police station very often that week?

A. Yeah.

Q. How often?

A. All week.

Q. What lengths of time did you stay there on these days that you went to visit the police? Do you understand my question?

A. Yeah.

Q. How long did you stay there on these particular days?

A. About five hours.

Q. Five hours on each day that you were there?

A. I don't know.

Q. Who were you talking to there in the police station?

A. MacIntyre.

Q. Sgt. MacIntyre. Sgt. MacDonald -

A. Yeah.

THE COURT:

Stop for a minute. What has this got to do -

MR. ROSENBLUM:

I'm not going to bring out conversation.

THE COURT:

There was nothing brought out -

MR. ROSENBLUM:

Yes, the police officer testified that Marshall was there at the police station. That's all. I'm leaving it at that.

BY MR. ROSENBLUM:

Q. Now did you stab Sandy Seale?

A. No.

Q. Or lay hands on him of any kind?

A. No.

BY MR. MACNEIL: (Cross-Exam.)

Q. Mr. Marshall, were you up around St. Joseph's Dance that evening?

194- DONALD MARSHALL, JR., Cross-Exam.

A. No.

Q. Were you up around in the area of the hall?

A. No.

Q. Do you remember meeting Mr. Pratico?

A. No.

Q. You don't remember meeting him?

A. Didn't see him.

Q. You didn't see him on George Street?

A. No.

Q. Did you at the corner of Argyle Street and George Street invite him to go down into the park?

A. No.

Q. Didn't see him at all?

A. No.

Q. And did you know Mr. Pratico?

A. Yeah.

Q. How long had you known him?

A. Six months.

Q. Tell me, did you have any dispute with Mr. Seale in the vicinity of the dance hall, St. Joseph's hall, that night?

A. I wasn't there.

Q. You weren't anywhere near there. So therefore you didn't have any dispute with him that night?

A. No.

THE COURT:

Where is this?

MR. MacNEIL:

St. Joseph's Hall or in the vicinity of the hall.

BY MR. MacNEIL:

Q. Now tell me, sir, you say you went down into the park and you were standing at the footbridge of the park?

A. Yeah.

Q. And you heard these two men call out?

195- DONALD MARSHALL, JR., Cross-Exam.

A. Yeah.

Q. And up you went to Crescent Street right above the footbridge there?

A. Yeah.

Q. Is that right?

A. Yeah.

Q. There is where this incident took place with these two men?

A. Yeah.

Q. And then you ran for help?

A. Yeah.

Q. Tell me, didn't Miss Harris see you on Crescent Street?

A. I met them somewhere there.

Q. No, that's not my question. My question is this, didn't Miss Harris - you know Miss Harris, the lady who gave evidence here in court, and Mr. Gushue -

A. Yeah.

Q. Did you hear him in court here today?

A. Yeah.

Q. Did you hear him say they were walking along Crescent Street and they saw you?

A. Well I might have met them there.

Q. Are you telling me now that you were called up to these two men from the footbridge?

A. Yes.

Q. And that is when the incident took place?

A. Yeah.

Q. Well all right, how could you have met Miss Harris -

A. I don't know where I met - my mind blacked out on me.

Q. Oh, now, there is a blackout in your mind is there? When did this blackout take place?

A. After he stabbed me.

Q. After he stabbed you. All right, after he stabbed you, but you were not injured when Miss Harris was talking to you?

A. No.

6- DONALD MARSHALL, JR., Cross-Exam.

- Q. All right then, when did Miss Harris and Mr. Gushue talk to you on Crescent Street? Can you explain that? Take your hand down from your mouth and explain that.
- A. I met them on the road.
- Q. Pardon?
- A. I met them on the road.
- Q. I'm sorry.
- A. I met them on the road.
- Q. You met them on the road. Well then these two men - you were up on Crescent Street before these two men called you up from the footbridge, is that so?
- A. Pardon.
- Q. You were on Crescent Street before these two men called you up on Crescent Street?
- A. No.
- Q. Well what road did you meet Miss Harris on?
- A. I'm not sure.
- Q. You're not sure. Do you know where Crescent Street is?
- A. Yeah.
- Q. Are you familiar with Crescent Street?
- A. Yeah.
- Q. Was it on Crescent Street that you met them?
- A. Yeah.
- Q. Pardon.
- A. Yeah.
- Q. Well all right now, what I'm trying to drive at - take your hand down from your mouth, please - what I'm trying to drive at is this, you and Sandy Seale took a walk to the creek and you got to the footbridge which separates the creek that is down in the middle of the park - you know where that is?
- A. Yeah.

7- DONALD MARSHALL, JR., Cross-Exam.

- Q. And that is where you were when these two men called you up onto Crescent Street?
- A. Yeah.
- Q. Now had you been up on Crescent Street before that with Sandy Seale?
- A. No.
- Q. All right, then. As you walked up to these two men that called you when did Miss Harris see you?
- A. Well there were four of us there I guess.
- Q. Did you hear Miss Harris say that there was one other person? You heard her giving evidence in court yesterday?
- A. Pardon.
- Q. Did you hear her giving evidence in court yesterday?
- A. Yes.
- Q. Pardon?
- A. Yeah.
- Q. Did you hear her say that you were alone except for one other person and didn't know whether it was a man or a woman, because they were standing back away from you.
- A. Did she say one?
- Q. Yes. My recollection is that she said there was one other person there. Take your hand down from your mouth and answer my question. Now tell me, did you give a light to Mr. Guzhue?
- A. Yeah.
- Q. All right then. Where were these two men that you're talking about that looked like priests at the time you gave the light to Miss Harris?
- A. They were on the sidewalk.
- Q. Near you?
- A. Well from where we were at and the two men.
- Q. Well tell me, sir, you didn't mention it to my learned friend. You said that these two men called you up from the bridge up on to Crescent Street?
- A. Yeah.

198- DONALD MARSHALL, JR., Cross-Exam.

Q. And that is the first time you went up to Crescent Street?

A. Yeah.

Q. And they asked you for a match, cigarettes, something, and then they said, "is there any women around" and said, "yes, there's lots of them in the park" and this is when the knife came out and the action took place?

A. Yeah.

Q. You didn't mention anything about Miss Harris, meeting Miss Harris on the road or Mr. Gushue? You can't explain that away can you.

A. I met them.

Q. I know, but when?

A. I can't remember.

Q. You can't remember. All right, now would you look at Exhibit 5 - can you read a plan?

A. I don't know.

Q. Well you take a look at Exhibit 5. This is a plan of the creeks in Wentworth Park. Now I will show you an area called the southern corner of the map or southern end of the drawing, a marking called, Bandshell. You see that there?

A. Yeah.

Q. Do you know where that is?

A. Yeah.

Q. All right. At the other end of the creek there is, between the words Wentworth and Creek, there is a bridge is there not?

A. Yeah.

Q. That is the footbridge?

A. Yeah.

Q. And that is the footbridge on which you were standing when these two men called you from up on Crescent Street?

A. Yeah.

Q. Pardon.

A. Yeah.

-199-DONALD MARSHALL, JR., Cross-Exam.

THE COURT:

He is not talking loud enough.

MR. MacNEIL:

All right, I'm sorry. You will have to speak up much louder. You hold on to that plan. I will get another one.

BY MR. MacNEIL:

Q. Now, sir, these two men called you up from that footbridge, which is between the two creeks, one mentioned Wentworth and the other creek - there is a portion there called bridge, this is a footbridge that you say you and Seale were standing on?

A. Yeah.

Q. And these two men called you up to Crescent Street?

A. Yeah.

Q. And as you walked up from Crescent Street, you took the walk leading onto Crescent Street away from that bridge?

A. Pardon.

Q. You took the walk away from that bridge, the portion - you took the walk, the gravelled walk, up to Crescent Street did you?

A. Yeah.

Q. All right, that would put you up on Crescent Street on the position of the map where it is marked 21 feet in width - the road is marked 21 feet in width - is this not true?

A. Yeah.

THE COURT:

I didn't hear his answer.

THE WITNESS:

Yes.

BY MR. MacNEIL:

Q. That is where it is and that is where the slaying or stabbing took place, is it?

A. Yes.

Q. Now can you tell me, sir, - would you mark that map with an "S" where you came on to Crescent Street from the bridge and where this event took place? Would you put an "S" there?



-200-DONALD MARSHALL, JR., Cross-Exam.

A. (Witness complies).

(Shown to the Court and Jury)

Q. This is where the stabbing took place?

A. Around there.

Q. Around there?

A. Yes.

Q. Whereabouts did you meet Miss Harris?

A. Around there some place. I don't remember.

Q. Pardon?

A. I don't remember. Around that street somewhere.

Q. Well now you just went up to the top of the street to the point where you marked "S" did you not and this is where the event took place?

MR. ROSENBLUM:

He didn't say that.

BY MR. MacNEIL:

Q. That is where the two men were and the events took place, is that not so?

A. I said around there.

Q. Around there. It certainly wasn't up on the map which is marked "X" - where the letter "X" appears. The "X" is there. All right, Mr. Marshall.

A. (No response.)

THE COURT:

I didn't get an answer.

MR. MacNEIL:

I didn't get an answer. I gave him lots of time. Are you going to answer?

THE WITNESS:

What?

BY MR. MacNEIL:

I will withdraw the question, My Lord.

Q. Is that where the stabbing occurred where you marked the exhibit with the letter "S"?

A. I said around there.

Q. In that area right into the path where the path joins Crescent Street and your memory is blank as to your meeting with Mr. Gushue and Miss Harris?

201- DONALD MARSHALL, JR., Cross-Exam.

Q. Do you remember holding Miss Harris by the hand, while Mr. Gushue lit his cigarette?

A. No.

Q. You don't remember that. Do you remember giving Mr. Gushue a match?

A. Yeah.

Q. Pardon.

A. Yeah.

Q. And where were you when you gave him the match?

A. I was with him.

Q. With him where on the plan?

A. I forget.

Q. You forget?

A. I was on the street.

Q. It was on the street but the only place that you came up to the street is where you marked "S" is it not?

A. Right there, I said around there.

Q. Around there, I realize that, but that is where the path joins on the street. That is where you met these two men?

A. Yeah.

Q. Pardon.

A. Yeah.

Q. And you didn't go up the street or down the street after meeting these two men before the foray took place, did you?

A. I met Terry Gushue. I gave him a light.

Q. Where did you meet him?

A. I don't know. Can't remember. On the street.

Q. Whereabouts on the street? Would you care to mark on that plan where you met Mr. Gushue and Miss Harris?

A. Don't remember.

THE COURT:

He said he didn't know.

2-DONALD MARSHALL, JR., Cross-Exam.

MR. MacNEIL:

He said around there. I'm sorry, maybe I missed that.

BY MR. MacNEIL:

Q. You don't know where you met them. Now sir, did Sandy Seale fall immediately to the ground when he was stabbed in the stomach?

A. Yeah.

Q. And was he still there when you came back in this car?

A. Yeah.

Q. When he fell?

A. I'm not sure.

Q. You're not sure of that. Why aren't you sure of it?

A. Well he put the knife in him and got me. I had to run.

Q. I know. Take your hand down, please. When you came back to find Seale - you saw Seale fall?

A. Yeah.

Q. When you came back was Seale still where he fell?

A. No.

Q. Pardon?

A. No.

Q. Where was he?

A. On the middle of the road.

Q. On the middle of the road in the vicinity of the area you marked "S"?

A. Around there.

Q. Around the area on which you marked "S"?

A. Yes.

Q. Could it possibly have been up in the area opposite the building marked Green Building Central Apartments?

A. Wait a minute -

THE COURT:

What's that? Mr. Marshall, what did you say? You were asked could it possibly have been around the place called Green Building, Crescent Apartments. What is your answer?

-203- DONALD MARSHALL, JR., Cross-Exam.

A. Yes.

BY MR. MacNEIL:

Q. Your answer is yes, it could have been. So these men they called you up to Crescent Street and you went to where they called you from -

A. Pardon.

Q. These two men beckoned to you or called to you from the park and what did they say to you? How did they call your attention?

(10)

A. They said, "Oh you guys, got a cigarette."

Q. They hollered that down to you?

A. Yeah.

Q. Now were they in front of the apartments, Green Apartments?

A. Apartment house -

Q. Apartment house, Green Building, Crescent apartment house, when they hollered this to you?

A. No.

Q. Where were they?

(20)

A. Around here.

Q. On the point marked "S", is that it?

A. Around here.

Q. Did you walk anywhere with them?

A. We were walking around, moving around,

Q. Moving around and the conversation took place there, moving around the vicinity of the position marked "S"?

A. Yeah.

Q. And all the time you were on Crescent Street, those two strange men that you hadn't seen before were in your presence?

(30)

A. Yeah.

Q. And Sandy Seale was in your presence?

A. Yeah.

Q. So there were four of you there?

A. Yes.

-204- DONALD MARSHALL, JR., Cross-Exam.

Q. And you can remember that Miss Harris came along?

A. Pardon.

Q. You can remember that Miss Harris came along?

A. I met them on the road somewhere.

Q. But the four men would be with you, the other three men would be with you, the four of you together?

A. Yeah.

(10) Q. Did you hear them say anything in their evidence here in court yesterday that they were aware of only one other person with you and that they didn't take any particular notice of that person so as to tell whether it was a man or a woman - did you hear them give that evidence?

A. Yeah.

Q. What?

A. Yeah.

Q. Did you hear her give evidence that you held her hand?

A. Yeah.

Q. So this all took place before the stabbing, did it?

(20) A. No. Yeah.

Q. After you finished this, when did you have the conversation with the men who looked like priests?

A. Pardon.

Q. When did you have the conversation with the men that looked like priests?

A. We were talking to them and met them two and gave them a light and came back.

Q. Do you see on the plan Exhibit No. 5, the letter "B"?

A. Yeah.

(30) Q. Written on the road and it is next to the figure 21 - "B".  
"B" is here and "S" is here. (Mr. MacNeil shows to the Jury)

MR. MACNEIL:

I'm going to have to rely on my recollection, My Lord, but I believe I am correct and say that "B" is marked on the plan where the body was located. (Markings on plan checked)  
(Discussion between Counsel)

05- DONALD MARSHALL, JR., Cross-Exam.

MR. MacNEIL:

Sorry, My Lord, I am now advised by Mr. Pratico that he put the "B" on the plan indicating where he walked, turned off and walked up to the railroad and walked along to the point marked "X". "X" is the bush behind which Mr. Pratico says he was hiding, My Lord.

BY MR. MacNEIL:

Q. Let me see that arm again. Pull your sleeve up. That is where you see the wound is about three inches. Just let the jury have a look at that please.

A. (Witness complies).

Q. Would you turn your arm around and see if there is any other wound on your arm?

MR. ROSENBLUM:

I object to that, My Lord. The witness is being asked to show a specific part of his body and I don't think he has to expose any other part of his body except that which has relevance to this case.

MR. MacNEIL:

That's an arm that has been put into exhibit, if Your Lordship pleases.

MR. ROSENBLUM:

No, it hasn't -

MR. MacNEIL:

It has been referred to and on exhibit. It has been referred to by my learned friend. If he is entitled to refer to one portion or a particular part of the arm, surely it is within the right of cross-examination to look at the whole arm to see whether there are any other cuts or bruises or marks of any kind.

MR. ROSENBLUM:

There's been no suggestion, My Lord, of any other bruises or marks. We've had medical testimony from two nurses, from three doctors and from other witnesses and the accused himself and he has shown the part that he says was wounded

206- DONALD MARSHALL, JR., Cross-Exam.

and which has been referred to by the medical people. He doesn't have to expose any other part of his body at all.

THE COURT:

Well the rule with regard to body, physical matter, is different from verbal as you know and he has answered your question. Perhaps you will limit yourself to that.

MR. MacNEIL:

Thank you, My Lord.

BY MR. MacNEIL:

Q. Tell me, Mr. Marshall, were you wearing jacket, exhibit No. 3, on the night in question?

A. Yes.

Q. Is it true that when you got down to Brookland Street or Byng Avenue, after running that distance that you showed your arm to the people down there and there was no blood in it?

A. There was blood on my arm.

Q. There was blood in it. Did you hear Mr. Chant say there was not any blood in it, when you showed it to him?

MR. ROSENBLUM:

That's not borne out by the evidence, My Lord. Mr. Chant - and I challenge a reference to the court reporter that Chant said very shortly after he first looked at the wound, blood was seeping from the wound. That's what Chant said.

MR. MacNEIL:

I asked the witness if when he first showed his arm to Mr. Chant - I forget my wording now - no blood in the wound at all.

BY MR. MacNEIL:

Q. Did you hear Mr. Chant say that in his evidence?

A. He said a couple minutes later.

Q. Now did you hear the nurse, Mrs. Harris, I believe, Mrs. Davis, the nurse who admitted you to the hospital say there was no signs of blood in the wound?

A. Yes.

07- DONALD MARSHALL, JR., Cross-Exam.

Q. Pardon?

A. Yeah.

Q. Did you hear the doctor say there was no sign of blood in the wound?

A. Yes.

Q. That it didn't bleed?

A. Yeah. It bled.

Q. Pardon.

A. But when I got down the hospital it wasn't bleeding.

Q. Well wouldn't the doctor be able to see - was there any reason why the doctor couldn't see where it had bled if there was any blood there?

MR. ROSENBLUM:

This is argumentative, My Lord.

MR. MacNEIL:

No, it's not. I'm asking him if there is any reason why the doctor couldn't see the blood, if there was any in the cut.

MR. ROSENBLUM:

That's for the doctor to say, not the witness. This is argument, My Lord, for the jury.

THE COURT:

Mr. Rosenblum, he has considerable leeway on cross-examination. Let him go ahead.

BY MR. MacNEIL:

Q. Will you answer my question?

A. A girl gave me a handkerchief.

Q. Pardon.

A. A girl gave me a handkerchief to wipe it off.

Q. A girl gave you a handkerchief?

A. Yes.

Q. Where did this girl give you the handkerchief?

A. On Byng Avenue.



208- DONALD MARSHALL, JR., Cross-Exam.

Q. What did you do with the handkerchief?

A. I don't know.

Q. Now tell me when you came back up to Byng Avenue with Mr. Chant and the other man, the driver of the car who was unknown, did you keep to the back of Mr. Seale as he lay on the ground?

A. Yes.

(10) Q. You stood there where he couldn't see you, when you went back to the scene?

A. He was all curled up.

Q. Yes, that's right, and you stood in such a position that he could not see you, isn't that correct?

A. Well there was nobody else there so I ran to a house.

Q. I thought Mr. Chant was there administering to the deceased?

A. There were people there.

Q. Pardon?

A. There were a few people there.

Q. Was Mr. Chant with you?

(20) A. Yeah.

Q. Was anyone else there?

A. The driver.

Q. Did the driver get out of the car?

A. I don't know.

Q. Take your hand down, please. Who was there besides you and Mr. Chant?

A. The driver.

Q. Did the driver get out of the car?

A. I don't know.

(30) Q. Didn't he just drive on after you got out of the car?

A. I went to a house, called the ambulance -

Q. You went directly to a house did you?

A. Yeah.

Q. You didn't go around Mr. Seale?

A. I ran up where he was and -

-209-DONALD MARSHALL, JR., Cross-Exam.

Q. Tell me - I want you to think of something Mr. Marshall. Isn't it a fact that after the stabbing you started to run towards Argyle Street?

A. No.

Q. That's not so?

A. No.

Q. Did these men attempt to follow you?

A. I started running.

10) Q. You started running?

A. Yes.

Q. Did they attempt to follow you?

A. Well I looked back. They ran behind the house.

Q. They ran behind the houses. Why did you not go to a house to seek aid, assistance?

A. Well I wasn't going to take a chance going back.

Q. No, but there were plenty of houses between the portion where you marked "S" - there is 1-2-3-4-5-6-7-8-9- houses along that street:

20) A. If I'd went to the house they would've come after me.

Q. Who would have come after you?

A. The two men.

Q. Were they following you along the street as you were running?

A. A few feet.

Q. They were running after you were they?

A. Well a few feet, you know.

Q. How far?

A. Just across the street.

Q. Across the street and then they stopped?

30) A. Yeah.

Q. And you had run from across the street to the position where you marked "S" - you had 1-2-3-4-5-6-7-8-9 houses, that you could have gone to seek assistance?

A. I couldn't run into a house.

Q. Well, run into a house and knock on the door. I don't mean smash it down.

-210- DONALD MARSHALL, JR., CROSS-EXAM.

A. By the time somebody comes up, I'm liable to be dead.

MR. ROSENBLUM:

What was that answer, please? I didn't hear the answer,  
My Lord.

THE COURT:

What did you say? Take your hand down and keep it down.

THE WITNESS:

I told him I didn't run to a house because they would  
have come after me.

BY MR. MacNEIL:

Q. Then sir, there are a number of houses on Byng Avenue?

A. Yeah.

Q. You didn't go to any one of those?

A. No.

Q. Pardon?

A. No.

Q. And tell me, these stitches that the doctor put in your  
arm, who removed them?

A. I did.

Q. Why?

A. They were on there too long.

Q. They were on there too long?

A. Yeah.

Q. And whose opinion was that, that your opinion they were on  
too long?

A. Yeah.

Q. What?

A. Yeah.

Q. I can't hear.

A. Yes.

Q. How long did you leave them in there?

A. Fifteen days.

Q. Did you ask to see a doctor in that time in order to get  
the stitches removed?

A. He said he was coming up but he didn't come up.

-21F- DONALD MARSHALL, JR., Cross-Exam.

Q. Did he eventually come up?

A. Didn't come up. They were coming out anyway - falling off.

Q. Do you remember Dr. Virick saying that he did go to the hospital or up to the County Jail to remove the stitches?

A. Yeah.

Q. When he got there you had already removed them?

A. Yeah.

Q. Tell me - no, I won't ask that question.

20) Q. The next day did you go down to the home of Mr. Pratico?

A. No.

Q. Saturday morning?

A. No.

Q. Sunday morning?

A. No.

Q. You didn't go down to his home on Saturday or Sunday?

A. No.

Q. Do you know where he lives?

A. Yeah.

20) Q. When did you go down after this incident? Take your hand down please.

A. Sunday evening.

Q. Sunday evening and you hadn't seen Mr. Pratico since when, before that Sunday evening?

A. Saturday?

Q. Since Saturday, well Saturday after the events took place -

A. Yeah.

Q. The day after - well I understood you a moment ago to say you didn't see him Saturday?

30) A. You said Saturday morning.

Q. I said Saturday morning.

A. I saw him Saturday afternoon.

Q. You saw him Saturday afternoon?

A. Yeah.

Q. Did you see anyone on the railway tracks that evening?

-212- DONALD MARSHALL, JR., Cross-Exam.

A. What evening?

Q. The evening of the 20th day of May, 1971, when the stabbing was taking place?

A. No.

BY THE COURT:

Q. Did you say you went to see Pratico on Saturday?

A. I went by his house. I met him on the step.

Q. On Saturday?

(10) A. Yeah, and Saturday.

Q. And Sunday?

A. Yeah.

Q. You say, "I went by Pratico's house Saturday afternoon"?

A. Yeah.

Q. And Sunday?

A. And Sunday evening.

Q. And you say "I met him" - where?

A. Over his house. His place.

Q. On Saturday where did you meet him?

(20) A. His place.

Q. Were you inside?

A. No.

Q. And on Sunday where did you meet him?

A. His house.

Q. Inside?

A. No.

Q. Outside?

A. Yes.

BY MR. MacNEIL:

(30) Q. Now I show you exhibit No. 3. Do you see a small cut approximately half an inch long on that sleeve?

A. Yeah.

Q. How did that get there?

A. I don't know.

Q. Do you see a number of superficial cuts on this sleeve referred to by the Royal Canadian Mounted Police - would you look at it please?

3- DONALD MARSHALL, JR., Cross-Exam.

A. Where?

Q. Pardon.

A. Here.

Q. No, that's not a superficial one. That's a lengthy one. There.

A. He said cuts or what.

Q. Cuts, yes.

A. I don't see no cuts there.

0) Q. Ragged or sharp slits or something. All right, never mind. Now tell me do you see where this sleeve was cut?

A. Yeah.

Q. And then it was ripped? Not cut but ripped.

A. It was cut right around here. My cousin cut it right here.

Q. With what?

A. A knife at Membertou.

Q. Up at Membertou?

A. Yes.

20) Q. Tell me, did you hear the R.C.M.P. officers saying that that bottom portion of the sleeve was not cut but that it was torn?

A. It was cut.

Q. I know there was a cut there. I realize that but getting down to the last inch of it, it was torn.

A. He might have torn it. It was hurting my wrist.

Q. Tell me, was there blood on the front of this jacket?

A. Yeah.

Q. Were you near Sandy Scale after Scale was stabbed -

A. Pardon.

0) Q. Were you near Sandy Scale after he was stabbed?

A. I was near him.

Q. Pardon.

A. I was near him.

Q. Were you near enough to him to get blood on your clothing?

A. No.

4- DONALD MARSHALL, JR., CROSS-Exam.

Q. Of course you have never seen these gentlemen before or since?

A. Who?

Q. These two gentlemen you talked about that looked like priests?

A. No.

BY THE COURT:

Q. Mr. Marshall, I didn't get what you had said. You saw two men. Two men and one asked for a cigarette?

A. Yeah.

Q. Speak up.

A. Yes.

Q. "I gave them a cigarette and light."

A. Yeah.

Q. Now they were from Manitoba?

A. Yeah.

Q. Who said that? How did you know?

A. I asked them where they were from.

Q. And they said one or two of them was from Manitoba?

A. Yes. The old fellow.

Q. The old fellow, said they were from Manitoba. Then I have here, "I said you look like priests."

A. Yeah.

Q. Is that correct?

A. Yeah.

Q. Then what did the younger man say?

A. "We are".

Q. "We are." Now then, then what?

A. I don't understand.

Q. The younger man said, "We are." and who spoke then, the same one?

A. Pardon.

Q. Who went on to say that they didn't like -

A. Coloured -

Q. The younger or the older?

A. The older.

215- DONALD MARSHALL, JR., Cross-Exam.

- Q. The older man said what?  
 A. We don't like niggers.  
 Q. We don't like niggers or Indians. That's the older man said that?  
 A. Yeah.  
 Q. And then what happened?  
 A. He took a knife and he drove it into Seale's stomach.  
 Q. He took a knife from where?  
 A. His pocket.  
 Q. Out of his pocket and drove it into Seale's stomach.  
 A. And turned on me.  
 Q. "Turned around to me" -  
 A. Swung the knife at me.  
 Q. "Swung the knife at me" -  
 A. I moved my left arm. He cut me in the left arm.

3:05 P.M. COURT RECESSED TO 3:15 P.M.

3:15 P.M. JURY POLLED, ALL PRESENT

BY THE COURT:

- Q. Mr. Marshall, there is one question I want to put to you. You say that you were at Pratico's home on Saturday afternoon and Sunday evening.  
 A. Yeah.  
 Q. Did you know on Saturday that Pratico had been in the park the night before? The night, May 28, did you know when you were over at Pratico's home that Pratico had been in the park the night before, did you know that?  
 A. You mean on Friday night.  
 Q. Yes.  
 A. No.  
 Q. On Saturday when you were over at his home, at that time did you know that this man had been in the park on Friday night?  
 A. No.  
 Q. You didn't?  
 A. No.



-216- DONALD MARSHALL, JR., Cross-Exam.

Q. You didn't know on Saturday, nor did you know on Sunday that he had been there?

A. No.

Q. But you were over to his place on Saturday and Sunday?

A. Yeah.

Q. And you were talking to him on each occasion?

A. Yeah.

( THE WITNESS WITHDREW )

(10) MR. ROSENBLUM:

May it please Your Lordship, that's the case for the Defence.

3:18 P.M. COURT RECESSED

C.S.

186  
Statement of: Donald MARSHALL, Jr. (B: 53-09-13)  
No. 1997, Dorchester Pen.

## Statement # 21

In 1971 I was convicted of the murder of Sandy Seale in Sydney, N.S. At this time I was seventeen years old and living with my parents on Membertou Reservation. I guess you could say I was a bad young guy. I drank a lot and generally hung around. I was picked up by the Sydney City Police on several occasions. I was questioned a lot by John MacIntyre for things like knocking over gravestones, dynamite caps and was kicked out of Wentworth park. MacIntyre didn't like me as I wouldn't talk or confess to these crimes.

On the night of the murder I was not with Sandy Seale until around midnight. I was with Roy Gould, Pauline Bernard and some other woman. We came from Halifax and arrived in Sydney around 9:30 P.M. Artie Paul, Roy Gould and I then went to the Liquor Store. Artie and I then went to Terry Tobins on Inter Colonial St. From there we went to the Keltic Tavern. I left the Tavern alone at roughly a quarter to ten or ten to ten. I walked from Dorchester St. to George St. in the area of Wentworth Park.

When I arrived in Wentworth Park that night I enter the Park on the little path that runs off George Street. I remember seeing Sandy coming down the Path that runs from the little store on George Street that would be Mac's Dairy. Sandy and I met in the center of the park on this path. I remember Sandy telling me he came from the dance and he said he was heading home. I think this is when Bobbie Patterson came down from behind the bandshell. Patterson was very drunk so put him under some bushes so the police wouldn't get him. I recall asking Patterson if he knew us as he was also stoned on acid. He said he did.

I asked Sandy if he wanted to make some money. He asked how and I explained to him we would roll someone. I had done this before myself a few times. I don't know if Sandy had ever rolled anyone before. We agreed to roll someone so we started to look for someone to roll. The first time I saw the two fellows we later decided to rob was on the George St. side of the Park. The short old guy I now know as Ebsary was dressed like he came off a boat. He had a blue coat over his shoulders. My memory is poor on just how we got over to the Crescent St. side

.../2

Statement of: Donald MARSHALL, Jr.

cont'd

Statement # 21

of the Park but I do remember seeing Patricia Harris and Terry Gushue and giving Terry a light. Sandy went over and talked to Ebsary and the other guy. The three of them would be maybe 20 yards from Patricia, Terry and I.

I then walked down Crescent Street to Sandy and the two guys. We talked about everything women booze about them being priests and hinted around about money. The two guys started to walk away from us and I called them back. They then knew we meant business about robbing them. I got in a shoving match with the tall guy. Sandy took the short old guy. I don't remember exactly what was said but I definitely remember Ebsary saying I got something for you and then stabbing Sandy

I let go of the guy I had and Ebsary came at me. He swung the knife at me and I held the knife off with my left hand. The knife sort of caught in my jacket and I pulled free and ran and felt blood running from the cut. I can't describe the knife and Sandy fell and stayed there. I ran across the bridge and ran into Chant. I told him what happened. I met people coming from the dance and we went over to where Sandy was. I remember going up to a house and asking a guy to call an ambulance. A girl gave me a kerchief to put on the cut on my arm.

I definitely did not stab Sandy Seale I saw Ebsary do it. When questioned about this I did not mention that Sandy and I were robbing these two as I thought I would get into more trouble. I never told my lawyers or the Court I just thought I would get in more trouble. I felt bad about Sandy dying as it was my idea to rob these guys. I knew Sandy but not real well and its to bad he died but I didn't kill him Ebsary did. I am willing to take a polygraph test to prove I am innocent. I did not stab Sandy. I gave the Police a statement when it happened and a week later I was picked up by MacIntyre he didn't question me very much he said he had two witnesses to say I did it and locked me up.

Jr. Marshall

Witnesses: Cpl. J.E. CARROLL 12:39 P.M.  
S/Sgt. H.F. WHEATON

82-04-06

STATEMENT OF: Cst. Joseph Andrew MACDONALD

On the night that Sandy SEAL was killed, there was a dance at St. Joseph's Church Hall on George Street in Sydney. That evening Linda MANN and I left the dance before it was over and walked to Wentworth Park. We walked into the park on the path and sat on one of the benches on the side of the water closest to George Street. We were there a short time when Junior MARSHALL came up and there was an old fellow came up too. Junior MARSHALL asked me for a cigarette and I gave him one. The old fellow, I took him to be a drunk, was wearing a trench coat and a hat. I can't recall seeing his face. Linda and I were about to leave when a group of 4 or 5 people came up to the bench, I can't recall who they were. Then Linda and I walked back up by the dairy and headed towards Linda's home on Ankerville Street.

  
(J. A. MacDonald) Signed

MOVEMENTS OF ALEXANDER (SANDY) SEALE  
NIGHT OF 28/29 May, 71 - STATEMENTS ATTACHED

- (a) SEALE attends dance at St. Joseph's Hall, George St. Sydney. Due to crowd does not get in but remains in area: Statements of Donald NOSEWORTHY, David NOSEWORTHY.
- (b) SEALE leaves the dance at approx. 11:40 P.M. and proceeds to park enroute to bus station on Bentinck At. STATEMENTS: Alana DIXON, Keith BEAVER.
- (c) SEALS meets MARSHALL and they agree to rob two men one tall one short, observed in Park and on Crescent St.
- (d) Patric HARRISS and T. GUSHUE come along so SEALE detains EBSARY while MARSHALL gives GUSHUE a light.
- (e) MARSHALL returns to SEALE, EBSARY, McNEIL and conversation plus robbery attempt.
- (f) EBSARY stabs SEALE and MARSHALL. MARSHALL runs away.
- (g) SEALE is discovered lying on road by Robert Scott McKAY.
- (h) MARSHALL returns with CHANT and summons help.
- (i) SEALE taken to hospital, dies 8:00 A.M. 29 May 71

11:00 Hrs  
82-03-02

STATEMENT OF: Melvin Keith BEAVER  
P.O. Box 400  
Baddeck, N.S. 55-09-10

On the evening of 28th May 71 myself, Lana DIXON (not sure of spelling), Karen MACDONALD, and Sandy SEAL left a dance at St. Joseph's Parish on George St., Sydney just around midnight. SEAL was going to catch the bus for Westmount at the depot on Bentinck St. DIXON and MACDONALD came with me to my parent's house on Richardson Ave. I'm not sure where SEAL and I split up but it was either on George St just before entering the park or by the bridge in the park (walkway) separating two small ponds on the George St. side. The girls and myself walked up to Crescent St. after going through the park, down Crescent, up St. Bentinck, and down Richardson. I'm not sure how long the girls were at my place, maybe ten to fifteen minutes, and then they left. SEAL did not come up to my house because he wanted to make sure he caught the bus for home. I believe it was the next day that I went to the City Police after hearing what had happened. They didn't seem very concerned at the time and that is all I had to do with them.

Trying to recall who I saw around the park area, only one person comes to light. One man was sitting on a park bench on the George St of the first pond to the Band Shell. We would have passed him on our right. He seemed to be asleep but I'm not sure. I do not recall seeing anyone else.

M.K. Beaver  
Baddeck Hwy Patrol (Signed)

RE - OBJET

PAGE

STATEMENT OF: David Blair NOSEWORTHY, DOB: 13 AUG 1955,  
223 Windmill Road, Dartmouth, Hfx. Co., N. S.  
469-5747. Taken at Dartmouth Det. on Wednesday  
the 24th of March 1982 at 14:50 hrs.

Ten years ago when I was about sixteen I attended a Rock dance with Gay DIXON, Colin MACDONALD and Sandy SEALE. The dance was held at St. Joe's Hall in Sydney, N. S. The dance took place in the evening and I remember it was warm outside but I can not recall the date. Gay DIXON and I left the dance early to hitch hike home. Nothing unusual had taken place at the dance. Sandy SEALE had met a girl and he stayed behind, I recall he was going to catch the 11:30 bus home, I don't recall where MACDONALD was when I left. DIXON and I walked to the corner at Kings road and we got a lift home, I cannot recall who drove us home. I never saw SEALE again, I was told that he had been stabbed and was in the hospital but I never saw him again.

Q. Where you in the area of Wentworth park on the night SEALE was stabbed.

A. When I left the dance I walked along beside the park to get to Kings road but I never seen nothing unusual in the park.

I don't remember we never seen nothing when we left the dance.

Wit: B. E. ROBINSON, Cpl.  
82-03-24 1515 hrs.

Signed: David B. NOSEWORTHY

## CONTINUATION REPORT

SUBJECT Stabbing-Sandy Seale

CASE No.

interviewed the following boys on May 30th - at the Dixon  
road - Westmount:

Donald Kosworthy, age 15, 110 Fairhaven Drive and Gary  
Dixon, age 16, 1155 Westmount road, Westmount:

Left dance at 11:45 P.M. - the two of us got the bus for  
Westmount on the Baylanade. G. Dixon stated he drew a fake  
stamp on Sandy Seale's hand and on his own; and also on  
D. Kosworthy - Sister drew his own, or got ~~somebody~~ somebody  
else to do it. Sandy was turned away by the Police. Elaine,  
my sister, got the bus down the road from us. She was alone.

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June 1-1971 - interviewed James Cottle, address - 220 George St.  
Sydney, N.S., as a report received from P.C. John  
Kullowsky was that Cottle was in Westworth Park and  
was also stabbed. Examined Cottle's body and found  
burn marks on his back. He indicated to us that he  
had fallen down the stairs at his home with the baby  
carriage at 220 George St. and this is what happened  
to his back. A story which could be true. They were  
definitely not stab marks on his back as reported.

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May 31, 1971 - interviewed Keith Beaver in regard to Alanna  
Dixon's story and the only change that I found in his story  
was that they were talking with Sandy Seale leaving the dance  
and that he walked down George St. with them - that Sandy did  
not enter the Park at that time. He kept on down George by  
himself. The Dixon girl stated that Sandy walked through the  
Park in her statement but went by the bank to the railway  
track.

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AGE

SUBJECT

CASE No.

C O P Y

June 2, 1971 - 6:30 P.M.

Statement of Robert Scott MacKay, age 16 yrs., residing at 225 Fulton Avenue, Westmount, C.B.

I was at St. Joseph's Dance Hall last Friday night. I was with Debbie McPherson, Keltic Drive and left the hall about 11:45 P.M. because she wanted to get the North Sydney bus home. We walked down to Wentworth Park. We were there for 5 to 10 minutes; so we walked up on to Crescent St. She noticed Sandy Seale lying down on the roadside. I went over. I noticed it was Sandy and I asked him what was the matter. He told me he was stabbed and he needed help. I told her to go get a bus and I ran and tried to find a person to help me. I ran across the Park up to Polletts and I found a boy named Livingston from East Bay. He was with a girl at the time. So we ran back down through the park and up to Crescent St., but by the time we were getting up to him a car slowed down and a Marshall boy got out. Junior said I was with him and he showed me his arm and so I told him we should go to a house and call the police. He said No. So I talked to him and both of us went to a house there and I said "Call the Police. Jr. Marshall showed this man his arm. When we got back from the house, 2 police cars arrived.

So the Police questioned me and told me to leave. I went home with Bruce Butt from Westmount. I met him at Harris' corner after I left the scene.

Q. Did you ask Junior Marshall who stabbed them.

A. Yes, he said a man with glasses and a younger man with him. Jr. said the man with the glasses stabbed Sandy and said that is for you Buddy and then Jr. said he tried to get away and he stabbed him in the arm.

Signed: Scott MacKay

By: Sergt. Let. J.F. MacIntyre

## CONTINUATION REPORT

SUBJECT

CASE No.

COPY

May 30, 1971

Statement of Alanna Dixon, age 15 yrs; residing at 1155 Westmount Road, C.B.

I went to the dance Friday Night at St. Joseph's Hall, George St., Sydney with Karen McDonald, Trinity Ave.

We left St. Joseph's - myself; Karen and Keith Beaver about 11:40 P.M. we were walking down toward the Park (Wentworth) and Sandy Seale came behind. The four of us cut down into the park. I was going to catch the bus on the other end. Karen, I and Beaver cut across the bridge to Crescent St. and over by the Court House where I stayed on the Main Rd. waiting for the bus to come. Beaver went home. Karen stayed with me until the bus came.

Q. Where did Sandy Seale go

A. Sandy did not go over the bridge. He went up over the bank to the tracks - that is the last I saw of him

Q. Why did Sandy go by himself at this point.

A. He told us he was going up town to get a bus

Q. Did you see anybody else in the park

A. Just one man wearing something light sitting on a bench with his head down. He was tall. we passed by him.

Q. Was Sandy with you then

A. Yes

Q. Did they speak

A. No

Signed: Alanna Dixon