

I N D E X

VOLUME 34

WHEATON'S INVESTIGATION ----- PAGES 1 -125

LAB REPORTS ----- PAGES 126 - 135

**MEDIA POOL COPY**



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Extract of Notes from S/Sgt. Wheaton's Notebook 1982 -  
Re: Donald MARSHALL Case

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1. Mary EBSARY - Mechanic St. across from Taxi Stand  
Phone 539-4399
2. Jimmie MCNEIL - 222 Mt. Pleasant St.  
Father - Spring Garden Villa
3. To Dorchester 18Feb82 - Interview MARSHALL 11:34 a.m.
4. John L. PRACTICO - Andy ARSENAULT  
Phone 562-3202
5. Interviewed Mrs. M. PRACTICO mother of John L. 10:00 a.m. -  
15Feb82.
6. 22Feb82

EBSARY came into office at 10:17 a.m. Jim CARROLL and myself. Religious talk, war experiences.

11:15 a.m. left room and returned 11:31 a.m.

Read MCNEIL'S statement 12:27

1:41 p.m. finished interview - 3 hrs. 25 mins.

82Feb22

Received call from EBSARY at 4:30 p.m.

E - All our talking today was not in vain.

W - What do you mean by that?

E - Well, you know I am a British Officer and a gentleman.

W - Yes.

E - You called me a homosexual

W - Yes.

E - All our talking was not in vain.

W - Why is that?

E - Well I did it.

W - Are you admitting stabbing SEALE?

E - Yes.

W - Would you like to speak to me?

E - No, the other fellow.

W - Okay, I'll send Jim down.

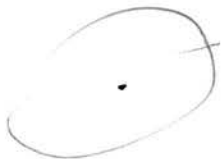
7. Ian MCPHERSON, Social Services
8. 3March87 - Ten knives seized from Greg EBSARY.
9. Forwarded to Lab - 4Mar82, Reg. Mail #2185;  
Attention: Richard MCALPHIN
10. Knives returned via Registered Mail, No. 242 on  
7April82.
11. 9March82 - Interview MARSHALL Dorchester -  
Warned Statement taken 12:03 p.m. to 12:30 p.m.
12. 23March82 - Fruit basket found in basement of  
EBSARY home.
13. 26March82 - Basket turned over to Guy ARSENAULT to be taken  
to Lab.
14. A.D. GUNN - Confirms meeting with Patricia HARRIS and  
mother on 28June71 at 4:30 p.m.
15. 25March82 - Cst. Gary GREEN contacted - recalls Dave  
RATCHFORD telling him re Donna EBSARY'S father's knife -  
Reports to Billy URQUHART - cool reception.
16. Debbie MACDONALD - Couture Bisco - 564-8228,  
Home - 539-1790, 18 Milton.
17. 1April82, Interview with Dr. DONOVAN
18. 31March82 - Mary corroborates coat seized Jim MCNEIL.
19. 30March82 EBSARY remanded to Nova Scotia Hospital.
20. 2April82 - Interview with Donna EBSARY by phone.
21. Brian KAZOO - 469-7500, Local 715  
539-7121
22. Catherine - 23 Cross St., Sydney  
Mary O'RILEY - SEAL'S girlfriend  
PALLETTS - tell going - Margaret O'RILEY'S sister.
23. Rudie POIRIER saw JUNIOR at steps.

24. Interviewed once EBSARYS.
25. Patricia HARRIS - 1-455-8070  
3536 Connaught Avenue, Apartment #3.

26. 16April82

Interview 3:45 Chief MCINTYRE, Cpl. DAVIES, myself. Chief produced brown accordion file folder containing approximately four manila file folders as well as a number of envelopes. Chief was asked four or five times for any other statements from Patricia HARRIS. Last statement given - hand written statement of Bill URQUHART. On HARRIS showed numerous, only one read. Cpl. DAVIES saw it placed on floor, asked numerous times why, PRACTICO no explanation. No comment on line up. No comment on PRACTICO re witness.

Definitely did not interview EBSARY'S wife or son after murder on 15th. Total correspondence 31 pieces.



RE — OBJET

Statement of: Raymond POIRIER  
90 Victoria Road, Sydney, N.S.

PAGE

Back in 1971 I painted a house for Chief John MCINTYRE and knew him. John PRACTICE lived next door to me and I knew he was not all there. He was going around saying he knew about the murder. Junior MARSHALL came by one time and told us that he and Sandy were stabbed by two priests.

I told MCINTYRE what MARSHALL was saying and what PRACTICE was saying that day. Junior was as calm as you and me.

(signed) Raymond POIRIER

Wit. H.F.WHEATON

REP. ED SIGNALE	Date 82-02-03	Time - heure	Priority Priorité 3
Details of Event - Précisions sur l'incident  Investigation re murder			
Location - Endroit Sydney, N.S.		Zone	
UNITS ASSISTING - UNITÉS DÉPÊCHÉES			
P.C. - V.P.	Traffic Circulation	GIS - SEG	Ident.
Dog Services Serv. des chiens		Other - Autre	

Subject No NO du sujet	G1 - P1	G2 - P2	5	RCMP 2.186
Address - Adresse Sydney, N.S.				BIN BD
Phone - NO de tél				
DOB Y-A M	DATE DE NAISS D-J	App Age Age an	Height Taille	Mass Masse
Hair Cheveux	Eyes Yeux	Race/Desc Race / Origine	POB - LDN	
Driver's Licence No - NO de permis de conduire		POI - P. em	Photo No - NO de photo	
Charges - Accusations			F.P.S.	
Investigator - Enquêteur WHEATON & CARROLL			Unit - Service GIS	
Nature of Event - Genre d'incident Re: Donald MARSHALL, Jr. Murder - Sydney, N.S. 1971 Asst. to Sydney P.D. REGISTERED OWNER - PROPRIÉTAIRE				

Status État	License No - NO d'immatr	Prov.	L. Yr. Année d'im.	No. of Occupants Nombre d'occupant(s)	Sumame - Nom de famille	<input type="checkbox"/> As above - Même que ci-dessus
Type	Make - Marque	Model - Modèle	Style	Year - Année	G1 - P1	G2 - P2
Colour Couleur	Top - Toit	Bottom - Carross	Val. Tag. No. - NO d'étiquette de validation	Year - Année	Address - Adresse	
V.I.N. - N.I.V.					City - Ville	
Distinct Features Caractéristiques		Interior - Intérieur	Exterior - Extérieur		Prov.	Phone - NO de tél.

DATE	TIME HEURE	ACTION TAKEN - MESURES PRISES
82-02-03		Insp. D.B. SCOTT, O.C. Sydney Sub/Div. advised that on even date he had attended a meeting requested by Chief John F MacINTYRE, Sydney P.D., in the office of Crown Prosecutor Frank EDWARDS. In this meeting Chief MacINTYRE advised that he had received a letter from a solicitor, Steven J. ARONSON from the firm of ARONSON & MacDONALD, 277 Pleasant St., Dartmouth, N.S. # 463-9131. This letter was dated 82-01-26 and in it Mr. ARONSON advised that he was representing one Donald MARSHALL, Jr., an inmate of Dorchester Penitentiary who had been convicted of a murder of one Sandy SEALE in Sydney N.S., in May of 1971. Mr. ARONSON advised that MARSHALL has for the past 11 years maintained that he is innocent of this
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<input type="checkbox"/> Concluded Enquête terminée	Date Complainant Notified Date d'avis au plaignant	S.U.I. S.E.	D.D. - DA	<input type="checkbox"/> Consulted Consulté	<input type="checkbox"/> Attended Sur les lieux	<input type="checkbox"/> Advised Avisé
Investigator - Enquêteur		Date		SUPERVISOR SUPERVISEUR Signature		Date
COPIES TO COPIES A :		<input type="checkbox"/> H.Q. D.G.	<input type="checkbox"/> Div.	<input type="checkbox"/> C.I.S. S.F.J.	<input type="checkbox"/> G.I.S. S.E.G.	Other - Autre

RE - OBJET:

Donald MARSHALL, Jr. Murder

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BIN - BD

DATE TIME  
HEURE

ACTION TAKEN - MESURES PRISES

82-02-03

murder. MARSHALL has retained Mr. ARONSON to look into this matter and to this end he has interviewed one Mitchell Baine SARSON of 11 Twining St., Pictou, N.S. Mr. SARSON advised that he lived with a Roy EBSARY of Mechanic St., Sydney, N.S. during 1979. Mr. EBSARY had an occasion to confess to SARSON that it was in fact he who stabbed the colored chap, SEALE, in the park in 1971. ARONSON requested that the matter be looked into and subsequently the Officer i/c gave this file to this office. On reviewing this file it was found that on the night of the 28th/29th of May, 1971, Roy EBSARY was in Wentworth Park accompanied by one James MacNEIL. MacNEIL and EBSARY were apparently approached by SEALE and MARSHALL and an attempt was made to rob them. This fact did not come to light until November, 1971 at which time MARSHALL had been convicted in Supreme Court for non-capital murder. After this conversation MacNEIL went to the police and advised that in fact EBSARY had stabbed SEALE during the attempted robbery. MacNEIL was frightened for his own life and afraid to come forward prior to this time. The original investigation was conducted into these new facts by Chief MacINTYRE and he requested the assistance of this Force to further look into the matter. To this end then Sub/Insp. E.A. MARSHALL and Polygraph Operator E.C. SMITH conducted interviews of both MacNEIL and EBSARY.

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Investigator - Enquêteur		Date		SUPERVISOR SUPERVISEUR		Signature
1824 (80-10) 7530-21-036-6853		COPIES TO: - COPIES A		Other - Autre		PAGE 2
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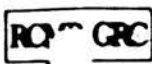
RE - OBJET:

Donald MARSHALL, Jr. Murder

BIN - BD

DATE	TIME HEURE	ACTION TAKEN - MESURES PRISES
82-02-03		<p>The results of this interview was that EBSARY came out as truthful and not involved in the murder and MacNEIL came out as uncertain due to his low mental capabilities.</p> <p>In the latter part of January of this year Roy EBSARY was involved in the near fatal stabbing of a man at his home on Faulkner St., Sydney. This matter is presently being investigated by the Sydney City Police Det. Horace WOODBURN. On speaking to Det. H. WOODBURN it would appear that this was an unprovoked attack and EBSARY is a very violent individual. EBSARY's wife, Mrs. Mary EBSARY was interviewed and she also feels that her former common-law husband is indeed very violent and is capable of stabbing a person. She further advised that EBSARY is eccentric, feels that he is an ordained minister as well as a sea captain. She discussed her life with her former common-law husband and there seemed to be no love lost between the two of them. During the time that Mitchell SARSON lived at their home she felt that EBSARY and SARSON were conducting a homosexual relationship. She therefore kicked the pair of them out of the house and they lived together for a period of time in Whitney Pier, then moved to Faulkner St., Sydney. She could offer no direct evidence in relationship to the stabbing in 1971 and I feel that if she knew anything she would tell us.</p> <p style="text-align: right;">.../4</p>

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Investigator - Enquêteur		Date		Signature		Date	
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CONTINUATION  
REPORT

RAPPORT DE  
CONTINUATION

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OCCURRENCE No. - N° D'INCIDENT  
Y-A  
82 - 77

RE - OBJET:

BIN - BD

Donald MARSHALL, Jr. Murder

DATE	TIME HEURE	ACTION TAKEN - MESURES PRISES
82-02-03		<p>James MacNEIL of 222 Mount Pleasant St., Sydney, was interviewed and attached statement obtained. MacNEIL is still positive to this date that EBSARY did stab SEALE and advised that he was present when the incident occurred. There can be no doubt that MacNEIL is a simple person but the manner in which he revealed the foregoing appeared forthright and honest.</p>
82-02-10		<p>Patrol was made to Pictou, N.S., and Mitchell SARSON was interviewed and attached statement obtained. In the statement SARSON advised that EBSARY admitted stabbing SEALE and that this revelation came out of the blue with no previous coaching from SARSON. It might be noted in the statement that the wording used by EBSARY at the time of the stabbing was similar to the wording used by MacNEIL and MARSHALL in their original statements taken back in 1971. SARSON would have a vested interest for defending MARSHALL as his sister had an affair with MARSHALL during the period of time that he escaped from Dorchester Penitentiary approximately two years ago. SARSON visits his brother who is doing time with MARSHALL and he has undoubtedly discussed this case at great lengths with him. It was at MARSHALL's instigation that SARSON made the revelation of EBSARY known to lawyer, ARONSON. Investigation will continue in relation to this file.</p> <p>S.U.I.</p>

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Investigator - Enquêteur		Date		Signature		Date	
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1624 (80-10)  
7530-21-036-9853

OTHER FILE REFERENCES. REF. AUTRES DOSSIERS	DIVISION	DATE	RCMP FILE REFERENCES REF. DOSSIERS GRC. 9 92-77 AG 218
	"H"	82-02-25	
	SUB-DIVISION / SOUS-DIVISION		
	Sydney, N.S.		
DETACHMENT - DETACHEMENT			
Sydney Sub/Div, GIS			

RE: - OBJET:

Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206(2) C.C.C.  
Sydney, N.S. 71-05-28/29  
(Sydney City Police Case)

1. On 82-02-03 a meeting was held at the office of Crown Prosecutor, F. EDWARDS, with Insp. D.B. SCOTT, O.C. Sydney Sub-Division, Chief J.F. MacINTYRE, Chief of Police for the City of Sydney, and Mr. EDWARDS in attendance. Chief MacINTYRE had called this meeting for the purpose of discussing the SEALE murder which took place in the City of Sydney on the night of the 28th - morning of the 29th of May, 1971.

2. Chief MacINTYRE produced a letter written to him by Steven J. ARONSON of the Law Firm of ARONSON & MacDONALD, 277 Pleasant St., Dartmouth, N.S., telephone number, 463-9131, copy number 1 attached. In this letter Mr. ARONSON advised that he was representing Mr. MARSHALL and that he had uncovered new evidence in the noted case. This evidence came from the person of Mitchell Payne SARSON of 11 Twining St., Pictou, N.S. Mr. SARSON had been interviewed by ARONSON at MARSHALL's request and he had told him that in 1979 one Roy EBSARY of Sydney, N.S., had admitted stabbing SEALE. Mr. ARONSON requested Chief MacINTYRE look into the matter.

3. It was Chief MacINTYRE's feeling and concurred with by Mr. EDWARDS that an impartial investigation should be conducted by this Force. Chief MacINTYRE was very familiar with the case and was in fact a Detective Sergeant at the time and main investigator of the offence. The Chief turned over all statements taken in the case and thoroughly explained the case to Insp. SCOTT and later to myself. A description of the offence is as follows.

4. At approximately 12:00 Midnight on the night of the 28th/29th of May, 1971, the Sydney City Police received a call from a Mr. Brian DOUCET of 120 Crescent St., Sydney, N.S. Mr. DOUCET related to the Police that he had two men at his door advising of a stabbing outside his home on Crescent Street. Mr. DOUCET stated that one of these men was Donald MARSHALL and that he had a cut on his left arm which was not bleeding. Mr. DOUCET later gave evidence to this effect, copy of his original statement attached - number 2. I find two points interesting in this statement; one, that it was Donald MARSHALL who came to his door with another man, two, he observed a cut and it was not bleeding.

5. On the date in question the Sydney City Police had three vehicles on duty which were immediately dispatched to the scene. Attached are copies of the reports made by the various officers. Basically, SEALE was found with a very extensive slashing wound to his stomach and lost a great deal of blood. MARSHALL was at the scene and taken by the Police to the Hospital where he received ten stitches

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Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206(2) C.C.C.

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for the cut in his left arm. Police Officers roughly describe the scene and their actions. The main point of interest is that eye witness, Maynard CHANT of Louisbourg, N.S., was uncovered at this point. For the sake of clarity statements will be numbered "3a, b, c, d, e." A plan of the scene also attached numbered 4.

6. Numerous neighbourhood enquiries were conducted and statements taken, however, very little of an evidentiary nature was revealed. From these statements we are able to follow the paths of the two principle subjects, SEALE, the deceased, and MARSHALL, the accused. Witness, Alana DIXON's statement, number 5, traces SEALE from the dance at St. Joseph's Hall walking behind her and her two friends down George Street and entering Wentworth Park. It is interesting to note that conversation took place with the deceased and he did not talk to anyone else between the dance and entering the Park. An interview with Keith BEAVER confirms this story but states that SEALE walked down George Street with them but did not enter the Park, statement number 6 attached. The next witness to see SEALE was Patricia Ann HARRIS and Terrance GUSHUE. GUSHUE was apparently intoxicated but HARRIS gives an account of seeing MARSHALL and SEALE together on Crescent Street. From the sequence of events this must have been a few minutes prior to the murder. There appears to be no conflict at this point; MARSHALL gave GUSHUE a match. SEALE appears to have walked away from the group as they approached, statement number 7 attached. Shortly after the stabbing, one Robert Scott MacKAY and his girlfriend arrive at the scene. SEALE is lying on the roadway stabbed with no one else in sight. MacKAY runs across the Park for help and when he returns MARSHALL is returning to the scene in a car, statement number 8 attached.

7. In relation to Donald MARSHALL's movements, they were traced to Bedford, Shubenacadie and returning to Sydney on the day of the murder. During this time he was in the company of one Roy GOULD and on the evening in question was wearing a light yellow jacket belonging to GOULD. During the evening there is no connection with Sandford SEALE. MARSHALL did not attend the dance and as near as can be ascertained they met in the Park shortly before 12:00 Midnight. The previously mentioned witness, HARRIS, places the two of them together on Crescent Street. From this point one could only take the statement of MARSHALL, copy attached, number 9. It will be noted that MARSHALL states he saw one Robert PATTERSON in the Park. There is no statement taken from PATTERSON and to date he can not be located. MARSHALL's statement is self-explanatory. He attributes the stabbing to the shorter of two men who they met on Crescent Street. The reason being that they didn't like colored people or Indians. What appears to be minor points in this statement later prove rather interesting. He believed the two men were Priests. In evidence he stated that the shorter man wore a long blue coat over his shoulders. He also stated that the older of the two wore glasses and gave a general physical description.

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Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206(2) C.C.C.

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8. Investigation on 71-05-30 included the taking of a statement from Maynard Vincent CHANT, age 15 years, of Louisbourg, N.S., as well as John Louis PRACTICO of 201 Bentinck Street, Sydney, statements number 10 and 11 attached. CHANT stated he was standing on the tracks and saw the two men that stabbed SEALE and MARSHALL. After the stabbing he stated that MARSHALL caught up to him, showed him his arm where he was stabbed and they then returned to SEALE in the company of others and he placed his shirt on SEALE's wound. His description of the two men does not match MARSHALL's. A short statement was taken from PRACTICO directly following CHANT's statement. In this statement he places SEALE and MARSHALL together outside the Park between the dance hall and the store on George Street. He states he was some distance from the scene and did not see the murder, but saw the two assailants make good their escape in a Volkswagon car which he describes.

9. On 71-06-04 PRACTICO and CHANT were again interviewed. It should be noted that these two subjects did not know one another. The only common thread being that both discussed the murder with MARSHALL. PRACTICO was interviewed first and substantially changed his story from the first statement. He states he met SEALE and MARSHALL at the corner of George and Argyle Streets and they endeavoured to entice him into the Park. He then took up a position on the railroad tracks and observed Donald MARSHALL stab SEALE. In Court he gave in evidence that he was seated behind a bush drinking a pint of beer and observed MARSHALL stab SEALE. He was cross-examined closely by Defence on his verbal statements and gave his reason for divergence as being in fear of his life from MARSHALL's Indian friends. At one point in Supreme Court, PRACTICO approached the Defence and Sheriff advising he was lying. This was brought out in Court and PRACTICO attributed it to his fear of Indians.

10. On the afternoon of 71-06-04 a second statement was also taken from CHANT. In this statement he recants his first statement and advises that he saw MARSHALL stab SEALE. It might also be noted that he says that MARSHALL did not go for help, however, witness DOUCET says he arrived at his home and requested an ambulance. There is no reason given for this change of heart but Chief MacINTYRE advises he lied in the first instance at the instigation of, and from fear of MARSHALL. It will be noted that the second statement is signed by Det. Sgt. John MacINTYRE, Det. William URQUHART, Mrs. Beulah CHANT (mother), Chief Wayne MacGEE, and CHANT's Probation Officer. In reading the transcript of the trial of this case I note that CHANT was declared a hostile witness when it came to the point of saying he saw MARSHALL stab SEALE. He was then questioned on the evidence given in lower Court and answered in the affirmative that MARSHALL stabbed SEALE. There was no cross-examination in regards to the first statements taken from both PRACTICO and CHANT.

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Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206 (2) C.C.C.

cont'd AC 218

11. The foregoing was the basic evidence for the Crown. Evidence for the Defence was given by MARSHALL and it would appear from reading the transcript that he made a poor witness. MARSHALL was convicted of non capital murder and the case was appealed to the Supreme Court of Nova Scotia and the appeal was dismissed. On 71-11-15 after the completion of trials, one James William McNEIL of George Street, Sydney, contacted Chief MacINTYRE. He basically advised the City Police that he was with Roy EBSARY on the night of the murder on Crescent Street. He observed EBSARY stab SEALE in an abortive robbery attempt. His conscience had bothered him since MARSHALL's conviction and he told his mother and brother and then the Police, see statement number 12.

12. As MARSHALL had already been convicted and all the facts as then known presented to the Court, Chief MacINTYRE felt that an independent investigation should be done by the R.C.M.P. To this end then S/Insp. E.A. MARSHALL came to Sydney as well as Cpl. E.C. SMITH. Cpl. SMITH conducted a polygraph test on both EBSARY and McNEIL and found EBSARY truthful in that he did not stab SEALE. McNEIL was found indeterminate as he has a low I.Q. and is easily led. Please find attached copies of S/Insp. MARSHALL and Cpl. SMITH's reports noted as attachment number 14a. Roy EBSARY was interviewed and admitted to the robbery attempt by SEALE and MARSHALL but denied the murder. This would more or less terminate the investigational process in regards to this investigation. During the ensuing years Chief MacINTYRE advised that he periodically heard from the MARSHALL family. On one occasion MARSHALL attempted to get Christmas parole which the Chief felt was improper due to the threats made and possible follow-up of same. In reviewing the statements originally taken in this case, the only reference to EBSARY and McNEIL I can find is a statement from George McNEIL and Sandy McNEIL of 91 and 84 Bungalow Road, Coxheath, N.S., In this statement they advised that they observed two men answering the description of EBSARY and McNEIL in the Park talking to a fellow and girl sitting on a Park bench, statement number 13 attached.

13. Investigation in regards to the letter of complaint of Mr. ARONSON was conducted by Cpl. J.E. CARROLL and S/Sgt. H.F. WHEATON As Mr. EBSARY is presently before the Courts for a stabbing incident the investigator, Detective Cpl. H.A. WOODBURN of the Sydney City Police was interviewed. It was learned that EBSARY and the victim got into an argument with reference to placing a lock on his door. As the victim was about to leave, EBSARY appeared from the kitchen with a knife and plunged it in the victim's chest. EBSARY has categorically denied same and comes to trial on 82-03-05. EBSARY was well known to Detective Cpl. WOODBURN as an eccentric wino who lives in a fantasy world. Subject refers to himself as an ordained minister and a sea captain, neither of which he is. He is known to have a violent side to his personality and has been charged with carrying a concealed weapon (knife) since the murder of SEALE as well as the recent stabbing

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Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206(2) C.C.C.

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incident. EBSARY normally dresses in a rather natty fashion wearing a blue burbery over his shoulders, numerous rings on his fingers and a sea captain's hat. His day to day life consists of brief sober periods with varying degrees of intoxication the remainder of the time.

14. Mrs. Mary EBSARY, Mechanic St., Sydney, N.S., the former common-law wife of Roy EBSARY was interviewed. Also present at this interview was Gregory A. EBSARY, age 26 years, son of Roy and Mary EBSARY. Mrs. EBSARY and her son were very rational and co-operative. They described the period of around May, 1971, as being a very turbulent time for them. Roy EBSARY at this time was working as an assistant chef at the Isle Royal Hotel and drinking heavily. When drinking he was extremely violent and Mrs. EBSARY would have to dress the two children and get out of the house as she feared for their safety. Roy EBSARY also had a fetish for knives. Son Gregory described a grinding wheel he had in the basement where he would make knives. Subjects could not categorically state that on the evening in question that Roy EBSARY was carrying a knife but they would be very surprised if he were not. Gregory EBSARY turned over ten knives which would have been in Roy's possession at the time of the murder. Photo attached. These knives had been placed over a beam in the basement and had never been touched. Knives have been forwarded to C.D.L. Halifax for hair, fiber and blood examination. The second point of note from this interview is that after Roy EBSARY completed the polygraph test, which he passed, he returned home and did not leave the house for seven years. He completely changed his habits by not drinking or associating with anyone. This situation stopped when Mitchell SARSON came to live at the home and a homosexual relationship began. Roy EBSARY then returned to his former pattern of drinking, violence and an affinity for knives. Statement of Mrs. EBSARY and her son attached, number 14b. Also attached pictures of knives seized # 14d.

15. James William McNEIL of 222 Mt. Pleasant St., Sydney was interviewed. McNEIL was quite sure that on the evening of the 28/29 of May, 1971, he saw EBSARY stab SEALE. He used the same words that were used in statements some ten and one half years ago, "dig man dig". When questioned in detail McNEIL's memory was not accurate and there were areas he could not recall. I found McNEIL to be sub-average intelligence, simple but honest. He was not vindictive or motivated in a derogatory way to tell his story about EBSARY. He said his conscience bothered him and he told his family about it and they went to the Police. See statement number 14c taken from McNEIL as well as statements taken from his brothers numbered 15 and 16. When asked about the polygraph he said that he was very nervous and felt he flunked it.

16. Mitchell Bayne SARSON of 11 Twining St., Pictou, N.S., was interviewed, see statement number 17. It will be noted that SARSON met Donald MARSHALL, Jr. in Dorchester and had several discussions with him. The possibility of collusion between MARSHALL and SARSON can not be precluded. However, SARSON says that EBSARY told him he stabbed SEALE and is willing to take a polygraph to this effect. It should also be mentioned that SARSON has been convicted of poss. for the purpose of trafficking and is known to Pictou Det. as a trafficker in marijuana.

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Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206(2) C.C.C.

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17. From reading Judge DUBINSKY's address to the Jury it becomes evident that this entire case hinged around the evidence of the two eye witnesses. There was no murder weapon recovered, no statement of admission from MARSHALL, and no strong motive of hatred, etc., between MARSHALL and SEALE. The two witnesses indicated they heard an argument. On 82-02-16 witness Maynard Vincent CHANT was interviewed at his father's home, statement number 18 attached.

18. It will be noted that CHANT states that he did not witness the murder, and was in fact on the opposite side of the Park when it happened. The first he knew of same was when MARSHALL came running up to him. The story from that point basically agrees with MARSHALL. He advises that he repeated the story to the police because when he was checked on George Street near Shadwick he had advised he saw it all meaning the wound, blood, intestines, etc. From that point he was interviewed by the Police and felt obligated to say something so he repeated the story told him by MARSHALL in the car around the Lake and at the scene waiting for the Police. On the 4th of June when interviewed by the Police he was told he was seen in the Park so he agreed to it and from there on he was afraid not to agree. He emphasized that he was fourteen turning fifteen years of age at the time and felt pressured into helping the Police and the Prosecutor. He advised that the prosecutor threatened him with a charge of perjury if he changed his story after the lower Court hearing. Mr. CHANT volunteered this information to the investigators absolutely without prompting and said it has been on his conscience since the trial. Approximately two years ago CHANT became a "Born Again Christian" and advised his mother of what he had done. I asked Mrs. CHANT about this and she confirmed Maynard CHANT's story. This family is well known in Louisbourg as being very religious. CHANT swears he is now telling the truth in regards to this matter and exhibits considerable remorse for what he had done.

19. The investigators had some difficulty locating the second eye witness, John L. PRACTICO. Subject's mother was eventually located and she advised her son is living in New Waterford, however, refused to divulge his location. She stated that he has had severe mental problems since this incident and was fearful that our interviewing of him would bring on a complete nervous breakdown. She stated that after giving evidence in Court her son had to be admitted to the Nova Scotia Hospital. He fears greatly that some day MARSHALL will get out of jail and kill him. She requested that we speak to his psychiatrist, Dr. MIAN, at the Cape Breton Hospital, or his case worker, Andy ANDERSON.

20. Dr. M.A. MIAN, Director of the Cape Breton Hospital, and Miss Ann McLEOD, Hospital Staff Administrator, were interviewed; they both concurred on their views of PRACTICO. Dr. MIAN advised that he has been treating PRACTICO since he was twelve years old, subject being sixteen at the time of the murder. He is classed as being

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Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206(2) C.C.C.

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schizophrenic. This condition manifests itself in this man by his continually lying and manipulating so that he can place himself in the limelight. He craves to be the center of attention and is continually a social problem. When confronted he becomes aggressive and belligerent. Subject is kept on continual medication in order to function outside the institution. Dr. MIAN and Miss McLEOD were most helpful and allowed the investigators to peruse PRACTICO's complete file. In doing so the pattern could be clearly seen as described above from Doctors locally as well as the Nova Scotia Hospital and an Army psychiatrist which PRACTICO became involved with when trying to join that organization. Dr. MIAN was very strongly of the opinion that PRACTICO would be a most unreliable witness in the murder case he gave evidence on in 1971. As an aside, the Doctor advised that he was surprised someone did not contact him at the time of this trial as he was then treating PRACTICO. PRACTICO never talked about the trial other than to express fear that the Indians were out to get him. Statement of Dr. MIAN number 19 attached.

21. In view of the serious nature of this matter it was felt that PRACTICO should be interviewed. An interview was conducted by Cpl. CARROLL with Mr. A. ARSENAULT present. Cpl. CARROLL found PRACTICO to be very nervous, however, appeared in control of his faculties. Please find his statement number 20 attached. Mr. ARSENAULT who has been in touch with PRACTICO for a number of years advised Cpl. CARROLL that this was one of PRACTICO's better days.

22. A patrol was made to Dorchester Penitentiary and Donald MARSHALL was interviewed. The facts of this investigation were not made known to MARSHALL. We advised him we were looking into Mr. ARONSON's letter and if he had anything to tell us in regards to the SEALE murder to feel free to do so. He then began to recall the events of the night of the 28/29 of May, 1971. He followed the events as previously outlined stating that he was not at the dance at St. Joseph's Hall and met SEALE on the George Street side of Wentworth Park. He advised that the first time he saw EBSARY and McNEIL who he refers to as the tall fellow and short fellow or young fellow and old fellow was on the George Street side of Wentworth Park and they were talking to a guy and a girl sitting on a Park bench. MARSHALL and SEALE walked about the Park and discussed getting money by robbing someone. He said he had never told anyone about this as he felt it would look bad for him. They saw the tall fellow and short fellow go up on Crescent Street and go in the direction of South Bentinck Street. They also saw Terry GUSHUE and Patricia HARRIS and GUSHUE asked him for a match. At this time SEALE and MARSHALL broke up, MARSHALL going to Terry GUSHUE and giving him a match and SEALE went back and engaged EBSARY and McNEIL in conversation. After leaving GUSHUE and HARRIS he went down Crescent Street to SEALE, EBSARY and McNEIL. They engaged in conversation and talked about women in the Park, booze and other things. EBSARY and McNEIL turned to leave heading toward South Bentinck Street.

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Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206(2) C.C.C.

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cont'd

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23. At this point MARSHALL called them back and told them they wanted their money. SEALE was in front of EBSARY and MARSHALL took McNEIL and a scuffle ensued. He observed EBSARY stab SEALE and he then let go of McNEIL as EBSARY was then coming after him. EBSARY swung the knife at him and he warded the blow off receiving a cut on his inner left arm. He then ran from the scene until he ran into CHANT and reported the incident to him and returned to SEALE as previously described. He describes the two men as the short man being older wearing glasses with a blue coat over his shoulders. The young fellow was tall and very drunk. In the conversation one of the two said they were priests but they were both fairly drunk and trampish looking.

24. MARSHALL maintains his innocence and has done so during his entire time in prison. He advised he thinks continually of his case and the evidence given. During our visit at Dorchester, Supervisor Dale CROSS was spoken to. He showed us MARSHALL's file and stated that he was a very good prisoner. The fact that he maintains his innocence is rather rare as it would be definitely to his advantage to admit his guilt because he would then be eligible for more consideration from the parole board. Mr. CROSS feels that with his prison record there is a good possibility he would be out now if he admitted guilt. Written statement obtained from Donald MARSHALL on 82-03-09. Statement number 21 attached.

25. On reading the transcript of evidence and the address to the Jury by both the Crown and Defence another area presented to the Jury to support MARSHALL's guilt was the evidence of Patricia HARRIS. It will be remembered that HARRIS and her boyfriend, GUSHUE, met MARSHALL on Crescent Street minutes prior to the murder. MARSHALL gave GUSHUE a light, GUSHUE being rather intoxicated. GUSHUE's evidence was rather vague due to his state of sobriety, however, Miss HARRIS then 14 years of age, gave evidence that there were no other people on Crescent Street at this time. She stated SEALE walked away from MARSHALL, GUSHUE and herself and the other two alleged people which would be EBSARY and McNEIL were not on the street. Miss HARRIS was located and interviewed, Statement number 22 attached. It will be noted that Miss HARRIS states she was pressured into saying that the two other people were not present. She was quite upset with the way she was treated by the Police, and felt forced to lie on the stand because she had given a written statement. Miss HARRIS's recollection supports MARSHALL's story completely in regards to the number of people present on Crescent Street at that time. The evidence as presented to the Jury was that only MARSHALL and SEALE were on Crescent Street when in fact there were two other people present on the street at the time and Miss HARRIS says she told the Police repeatedly and they refused to accept. In view of the serious allegations being made by Miss HARRIS she was requested to relate her story to Crown Prosecutor, F.E. EDWARDS, which she did on 82-03-01. Terrance GUSHUE was interviewed, however, his memory of the night in question was poor. GUSHUE's statement number 23 attached.

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Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206(2) C.C.C.

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26. On 82-02-22, Roy Newman EBSARY was picked up and brought to our Sydney office. He was interviewed from 10:17 A.M. until 1:41 P.M. at which time he complained of chest pains and was taken home. I found this man to be as basically described by Det. Cpl. WOODBURN. Subject rambled a great deal and at best is a very odd individual. When confronted with the crime he would try to change the subject or evade the issue. He seems to totally believe his fantasies as his wife predicted. On several occasions during this interview I felt that EBSARY was about to confess to the crime, however, he did not do so. At 4:30 P.M. I received a message to call EBSARY which I did with the conversation going as follows:

Introduction:

EBSARY: All our talking today was not in vain.

WHEATON: What do you mean by that.

EBSARY: Well you know I am a British Officer and a gentleman.

WHEATON: Yes.

EBSARY: You called me a homosexual.

WHEATON: Yes.

EBSARY: All our talking was not in vain you know.

WHEATON: Why is that.

EBSARY: Well I did it.

WHEATON: Are you admitting to stabbing SEALE.

EBSARY: Yes.

WHEATON: Would you like to speak to me.

EBSARY: No the other fellow.

WHEATON: Okay, I'll send Jim down.

27. At this point Cpl. J.E. CARROLL went to the EBSARY home. He found EBSARY drinking but not drunk and accompanied by another wino. He took him to a private room, however, he maintained a conversation with the man in the next room. Cpl. CARROLL asked him if it was self-defence and he stated it was and that he used a small pen knife which he no longer has. He said he did not wish to give a written statement at this time. He wanted to see Mrs. MARSHALL and see her face so he could judge her before he would give a further statement. He said he would give evidence at a new trial for MARSHALL. In view of the circumstances, Cpl. CARROLL left at this point.

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Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206 (2) C.C.C.

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28. On the afternoon of the 23rd of February, 1971, a meeting was held with Mr. & Mrs. Donald MARSHALL, Sr., and Roy EBSARY was present. At this meeting he assured Mrs. MARSHALL that her son did not stab anyone and that he would get him out of prison. EBSARY indicated to the MARSHALLS and the investigators that everything hinged on what happens to him on his 5th of March Court appearance.

29. The two eye witnesses have completely changed their stories as told in their statements to Chief MacINTYRE and to the Court. Witness HARRIS has substantially changed her story in relation to the events of the evening of the 28/29 of May, 1971. If the two eye witnesses and Patricia HARRIS had given statements as they now have, there would not be a prima facie case against MARSHALL. EBSARY has made a verbal admission, however, refuses to give a written statement and is indeed a very strange individual who has never been mentally assessed. MARSHALL's story as presently told has changed from the evidence as given in Court in regards to the robbery. Witness McNEIL has not changed his story and maintains that EBSARY stabbed SEALE. When questioned about the murder weapon, EBSARY's comment was that his wife probably threw any knife away after he moved out. There can be no doubt that Donald MARSHALL, Jr., is doing everything within his power to get out of jail. He has written the Sydney City Police and also wrote to EBSARY after reading the account of the recent stabbing in the Cape Breton newspaper. He asked EBSARY to take the protection of the Canada Evidence Act and admit to his guilt as he knows he saw him stab SEALE. At this juncture, on balance, and keeping in mind the mental capabilities of the majority of the persons involved, I have very grave doubts as to MARSHALL's guilt. Contact will be maintained with Chief MacINTYRE and Crown Prosecutor F. EDWARDS.

30. Any direction which might be forthcoming would be very much appreciated.

  
(H.F. WHEATON) S/Sgt.  
P.C. Co-ordinator  
Sydney Sub/Division G.I.S.

The Officer i/c C.I.B.

FORWARDED 82-03-12. Attached for your information is completed report with appendices, as submitted by S/Sgt. H.F. WHEATON, Sydney Sub/Division P.C. Co-Ordinator.

On 82-02-26, Chief John McINTYRE, Sydney City Police Department, came to my office at which time I allowed him to read the statements of CHANT and PRACTICO, in which they state they lied at the trial of MARSHALL in 1971. I also advised him in general terms the investigation we had conducted to that date.

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Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206(2) CCC

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CONT'D FROM PAGE 10

Chief MacINTYRE brought up several points that we both thought should be clarified to determine the accuracy of this investigation. As a result of this meeting, I requested all witnesses be interviewed and, in particular, the HARRIS girl to determine the accuracy of her statement that only MARSHALL and SEALE were present, as this seemed critical in Chief MacINTYRE's mind that this proved MARSHALL was lying.

You will note that HARRIS' statement is quite revealing and as a result of her remarks it would appear to strengthen MARSHALL's claim that there were these other men present and his recollection of what happened that night is accurate.

It would appear from this investigation that our two eyewitnesses to the murder lied on the stand, and that the other main witness, HARRIS, lied as well, under pressure from the Sydney City Police. We also have statements from MARSHALL and MacNEIL, stating that EBSARY is the person responsible for SEALE's murder, as well as a verbal admission to our investigators that he was responsible.

After reviewing this case, I feel that MARSHALL is innocent of the offence and that we presently have enough evidence to support a prima facie case against EBSARY for the murder of SEALE.

We have not received word back from the Lab. as to their findings regarding the knives given us by EBSARY's wife; however, when this report is available same will be forwarded.

I have not personally discussed this report with the Crown Prosecutor, Mr. Frank EDWARDS; however, S/Sgt. WHEATON has kept him fully apprised of the investigation.

If charges are contemplated against EBSARY, they should probably be handled by the Sydney City Police, as this offence is still within their jurisdiction.

Your comments and those of the Attorney General's Department will be awaited at this point.

  
D. V. Scott, Insp.  
Commanding Sydney Sub/Division

Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206(2) C.C.C.

cont'd

KEY LIST OF ATTACHMENTS:

1. Letter from Stephen J. ARONSON, Barrister, Dartmouth, N.S.
2. Statement of Brian DOUCET, 120 Crescent St., Sydney, N.S.
- 3a. Statement of P.C. Ambrose MacDONALD, Sydney City P.D.
- 3b. Statement of Csts. L. MROZ, DEAN, WALSH & McDONALD of Sydney City P.D.
- 3c. Statement of Cst. WALSH & MROZ, Sydney City P.D.
- 3d. Statement of P.C. Howard DEAN, Sydney City P.D.
4. Plan drawing of scene.
5. Statement of Alanna DIXON, 1155 Westmount Rd., C.B.
6. Statement of Keith BEAVER.
7. Statement of Patricia Ann HARRIS, 5 Kings Rd., Sydney, N.S.
8. Statement of Robert Scott MacKAY, 225 Fulton Ave., Westmount.
9. Statement of Donald John MARSHALL, 38 MicMac St., Sydney, N.S.
10. Statement of Maynard Vincent CHANT, Main St., Louisbourg, C.B.
11. Statement of John PRACTICO, 201 Bentinck St., Sydney, N.S.
12. Statement of James William McNEIL, 1007 Rear George St., Sydney
13. Statement of George Wallace McNEIL & Roderick Alexander McNEIL of Coxheath, C.B.
- 14a. Reports of S/Insp. MARSHALL & Cpl. SMITH
- 14b. Statement of Mrs. Mary EBSARY & Gregory EBSARY, 46 Mechanic St., Sydney, N.S.
- 14c. Statement of James William MacNEIL, 222 Mt. Pleasant St., Sydney, N.S.
- 14d. Photo of knives seized.
15. Statement of David William McNEIL, 1007 George St., Sydney, N.S.
16. Statement of John Joseph MacNEIL, 187 King St., East Toronto, On

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Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206(2) C.C.C.

cont'd

17. Statement of Mitchell Bayne SARSON, 11 Twining St., Pictou, N.S.
18. Statement of Maynard Vincent CHANT, Louisbourg, C.B.
19. Statement of Dr. M.A. MIAN, M.D. F.R.C.P., Sydney, N.S.
20. Statement of John Louis PRACTICO, 331 MacKay St., New Waterford, C.B.
21. Statement of Donald MARSHALL, Jr., Dorchester, New Brunswick
22. Statement of Patricia Ann HARRISS, 5 Kings Rd., Sydney, N.S.
23. Statement of Terrance Patrick GUSHUE, 630 George St., Apt. # 5, Sydney, N.S.

# 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) 463-913

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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.



## CONTINUATION REPORT

23

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 MacGillivray 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 - who showed me a cut on his left arm - from which there was no blood.

I helped Leo Curry help put a body in the ambulance - which was lying on Crescent St. on the track side near the residence of Dan Campbell, Crescent St. almost in line with the double driveway that services the Campbell residence and Crescent ~~XXXXXXXXXX~~ Apartments  
Detective MR MacDonald  
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

Sergt. Wm. Urquhart

SUBJECT

CASE No.

C O P Y

1971

May 29

8:15 A.M. While patrolling Esplanade, was informed by P.C.'s Walsh and Kros in Car # 3 of incident in Wentworth Park. Proceeded to Government Wharf in Car # 3 but found no ships at berth. We then conducted a search of the restaurants in the area to no avail. I was then dropped off on my beat by Car # 3 and continued on with my regular patrol duties and checked restaurants periodically throughout the shift.

Signed: P.C. Ambrose MacDonald.

## CONTINUATION REPORT

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PAGE

SUBJECT

CASE No.

C O P Y

1971  
May 29th  
12:00 A.M.

Mr. M.D. Mattson, 103 Byng Ave., called the Police Station and reported that he heard some men talking on the street outside his house and from their conversation, it seems someone has been assaulted in Wentworth Park and in need of medical attention.

Cars 1 - 3 and 4 responded.

Further to the above Cpl. Martin MacDonald reported two men had been stabbed - one in serious condition and required an ambulance. T.W. Curry's were notified and responded; also Det. M.R. MacDonald who took over the investigation.

On arrival, noticed Sandy Seale of Westmount on the ground; after apparently being felled by stab wounds - inflicted apparently from a person or persons who had fled the scene. Seale's intestines were visible and a considerable amount of blood had been lost as a result of the stabbing. The family were notified. A companion, Donald Marshall also treated and released.

Signed: Csts. L.Mroz; Dean;  
Walsh and M. McDonald

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## CONTINUATION REPORT

26

SUBJECT

CASE No.

C O P Y

1971

May 30

12:10 A.M.

At this time as a result of a Police Call to the vicinity of 105 Byng Ave. re a stabbing, all cars on the town side were dispatched to the area. Cars 1 - 4 - 3. I was in Car # 3 and picked up Cst. Leo Mroz and went to the Wentworth Park area.

Cst. Howard Dean and Cpl. Martin MacDonald arrived first at the scene and Cst. Dean radioed that the incident happened on Crescent St. We immediately were on the scene.

Cst. Dean had one Donald Junior Marshall, who had been stabbed in the left arm and told me he would take Marshall to the hospital, and I and Mroz would stand by to wait for an ambulance to convey one Sandy Seale to hospital.

Seale at this time was lying on his left side on the pavement on Crescent St. I approached the youth on the ground and moved his jacket to the extent of his injury and on moving his shirt, I

observed his intestines protruding from the opening in his abdomen. Curry's ambulance responded to the scene and Seale was removed to City Hospital where he was taken to surgery immediately by Doctor Maavi. The only remark made by Seale other than moans of pain was in the hospital on the table in the outpatient room when he said "I can't breathe" After we left the hospital, Cst. Mroz and I went to all open restaurants to check for two suspects described by Donald Marshall, I checked the Wandlyn Motel; Cape Bretoner Motel and the Isle Royal Motel re any parties checking in through the night but to no avail.

Also checked some of the taxis as to whether two men had been taken anywhere. At the scene on Crescent St., I was unable to come up with an eye witness as to what had taken place. Sandy Seale had been at the dance at St. Joseph's and observed there by Cst. John Mallowney.

There were several people on Crescent St. who live where this incident took place who might be able to give something further. At this time we could not leave the street to question these people.

Signed: Cst. Walsh and Mroz.

CITY OF SYDNEY POLICE DEPARTMENT "ATTACHMENT # 3d"  
CONTINUATION REPORT

27

SUBJECT

CASE No.

C O P Y

1971 <sup>30</sup>  
May 29th  
12:10 A.M.

Received a call from Sgt. MacGillivray that Mr. Mattson, 106 Byng Ave called and said he thought someone was stabbed in the park. At this time, I was on the parking lot at St. Joseph's Hall where a dance was taking place.

We proceeded to Byng Ave. at a fast speed and not seeing anyone around at 106 kept going towards the Esplanade and at this time, received a call from the Station that they went over behind the Drug Store, Polletts, Corner of George and Argyle St. I turned around at Byng and Charlotte and sped towards the Drug Store and went in behind the building but could not see anyone around this area.

We, Cpl. M. McDonald, then turned of Argyle unto Crescent St. and checking along the grass and at this time up ahead of me, I could see someone standing in the middle of the road waving his hands to come on. On arrival Jr. Marshall was standing on the road waving his hands and a fellow laying on the pavement. I jumped out of the car and Marshall said he and his buddy, Sandy Seale were stabbed.

I checked Seale briefly and then called for an ambulance at which time Const. Walsh and Mroz in Car # 3 came in off Bentinck St. Marshall told me it was a tall fellow with white hair and a short fellow. He showed me the knife wound on his left arm so I said to Const. Walsh, I will take Marshall to the hospital and I left immediately for the City Hospital.

Signed: P.C. Howard Dean.

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WESTWOODEN  
CREEK

BYND

GRANT WALKING DOWN  
P.R. TRACKS WITNESSES  
KNIFEING

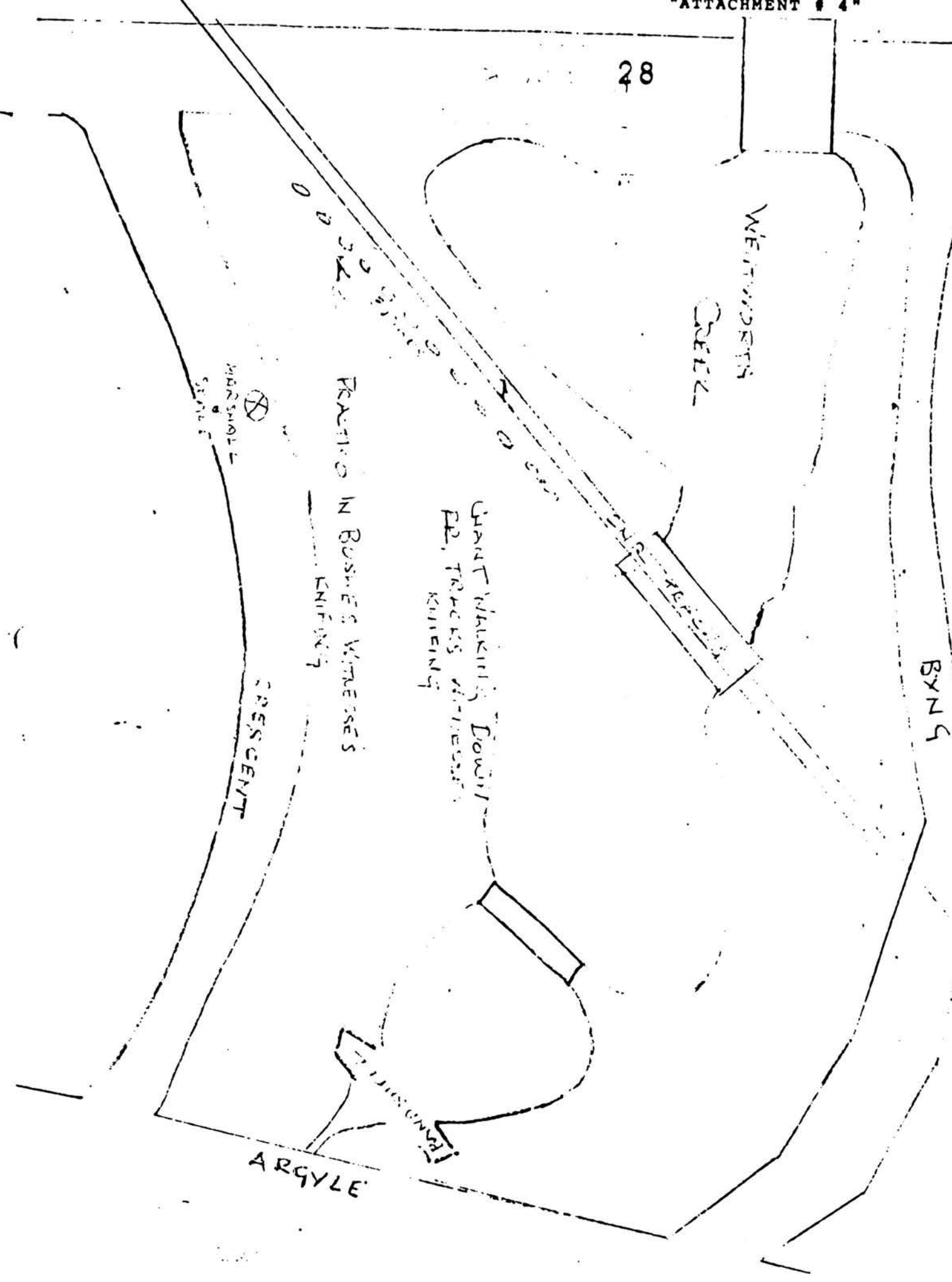
PRATTING IN BUSINESS WITNESSES  
KNIFEING

CRESCENT

MARSHALL  
SEAL

ARGYLE

TRINITY



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CITY OF SYDNEY POLICE DEPARTMENT  
CONTINUATION REPORT

RCMP 2 13

PAGE

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

## CITY OF SYDNEY POLICE DEPARTMENT

## CONTINUATION REPORT

30

SUBJECT Stabbing-Sandy Seale

CASE No.

Interviewed the following boys on May 30th - at the Dixon Home - Westmount: *469-5747, 223 21/indrail Dart on submarine*  
*David*  
Donald Noseworthy, age 15, 110 Fairhaven Drive and Gaye 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 Esplanade. G. Dixon stated he drew a fake stamp on Sandy Seale's hand and on his own; and also on D. Noseworthy - Lester 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 Cotie, address - 220 George St. Sydney, N.S., as a report received from P.C. John Mallowney was that Cotie was in Wentworth Park and was also stabbed. Examined Cotie'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 over the bank to the railway track.

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PAGE	SUBJECT	CASE No.
	31	

C O P Y

June 18th - 1:20 A.M.

Statement of Patricia Ann Harris, age 14 yrs., residing at 5 Kings Road, Sydney

On May 28th, 1971, I went to St. Joseph's Dance Hall. I met Terry Gushue there. We danced for awhile and then a fight started. Terry got mixed up in it and he was asked to leave. So I went with him. I got mad at him for drinking & fighting. We went to the Park and sat on a bench and started arguing. Robert Patterson came to the Park with us. After a while, we crossed the park back of the bandshell. Then we went up to Crescent St. and by the green apt. building, we met Jr. Marshall. Terry got a match of him.

Q. Was there anybody with Jr. Marshall

A. Yes

Q. Who was it

A. He had a dark jacket on

Q. Was it Sandy Seale. Do you know him

A. Yes, I know Sandy and it looked like him

Q. Did he speak to you

A. No

Q. Did Jr. Marshall say anything else

A. He was drinking

Q. How was he dressed

A. He had a light jacket on

Q. Were they standing or walking when you met them

A. Standing facing one another but when we came closer, they sort of parted and Sandy Seale moved back. We talked to Jr. got a match and left for home.

Q. Did you see anybody else in the area

A. No. Not on Crescent St.

Q. Did you notice anybody on the railroad tracks

A. No

Q. Where did you learn about the stabbing

A. My mother told me.

CITY OF SYDNEY POLICE DEPARTMENT  
CONTINUATION REPORT

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PAGE	SUBJECT	CASE No.
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C O P Y

continued - page 2 - Patricia Harris

Q. Did you see any weapons on either Jr. Marshall or Sandy Seale

A. No

Q. How were they facing

A. Sandy was facing the houses and Jr. Marshall was facing the Park

Q. What time would this be

A. I would say about 12 P.M. ~~xx~~ We left the dance about 11:30P

Signed: Patrician Harris

June 18th - 12:25 A.M.

Sergt. Det. J.F. MacIntyre

Sergt. W. Urquhart.

CITY OF SYDNEY POLICE DEPARTMENT  
CONTINUATION REPORT

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AGE	SUBJECT	CASE No.
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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. Det. J.F. MacIntyre

'E

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

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GE

SUBJECT

CASE No.

C O P Y

May 30, 1971 - 5:15 P.M.

Statement of Maynard Vincent Chant - age 15 yrs., residing at Main St. Louisburg, C.B.

Friday night I was in town and I left the Bus Terminal on Bentinck St. about 11:40 P.M. I walked down Bentinck St. I came over Byng Ave. and started to cross the tracks. I got half way across the tracks - first I seen 2 fellows walking and 2 more were walking kind of slow talking. The 2 fellows who stabbed Donald Marshall and Sandy Seale - they talked for a few minutes over on Crescent St. One fellow hauled a knife from his pocket and he stabbed one of the fellow - so I took off back across the tracks to Byng Ave. and started to walk towards the bus terminal. Then I seen Donald Marshall coming down. I turned around and started to walk the other way. Donald caught up to me and said look what they did to me. He showed me a long cut on his left arm. Then he said help me - my Buddy is over on the other side of the park with a knife in his stomach. Then we started to look for more help. We met some boys and girls - one of the girls gave Donald a handkerchief - we got a car to take us over to where Seale was lying on the pavement. I took my shirt and put it around his waist and Donald went to a grey house and asked the man if he would call an ambulance.

About ten minutes later, I went up and asked the man in the house to call again and I knelt down beside Sandy Seale and he said it was hot. I unbuttoned his jacket. I then discovered his stomach was cut. I took my shirt and put it where the cut was and made him comfortable. Then the police arrived. They called for the ambulance. He was taken to the hospital.

Q. Did you know those other 2 men

A. No

Q. Did you know Donald Marshall

A. I knew him to see him

Q. Did you know Sandy Seale

A. no

Q. Could you give me a description of these other men

A. one man about 6'2 - light brown hair; dark pants; suit coat - over 200 lbs. the other fellow 6' tall - dark pants; dark hair - 165 lbs.

Q. Did you see their faces

A. No

Q. Would they be young or old

A. I was not that handy

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SUBJECT

CASE No.

page 2 - continued - statement of Maynard Vincent Chant -----

Q. Was there just 4 men there

A. Yes

Q. Did you see any knife

A. Yes it was a figure of a knife

Q. How far away would you be

A. 45 ft. or more down the tracks

Q. Could you tell if Marshall was drinking

A. I would not say he was

Signed: Maynard Chant

time 5:35 P.M.

Sergt. Det. J.F. MacIntyre

.GE

SUBJECT

CASE No.

37

C O P Y

May 30, 1971

Statement of John Pratico, age 16 yrs., residing at 201 Bentinck St., Sydney

Friday night I was at St. Joseph's Dance. I left there around 12 P.M. I seen Junior Marshall and Sandy Seale between the store and dance hall. I was talking to them. They wanted me to walk through with them. I said no. I went down Argyle St. and went over Crescent St. I was over by the Court house when I heard a scream. I looked. I seen 2 fellows running from the direction of the screaming. They jumped into a white volkswagon; blue lic. and white no. on it. One had a brown cordroy jacket - 5'5 dark complexion; heavy set. The other grey suit about 6 ft. tall; husky; red sweater -like a pullover. I started to run home.

Q. Did you see the Volkswagon since

A. No. I saw the 2 fellows twice last night walking near the park.

Q. Did you see them at the dance

A. Yes. I seen them walking around. Bobbie Robert Patterson said they are from Toronto Saints Choice ~~BM~~ Bike Gang.

Signed: John Pratico

May 30th - 6 P.M.  
Sergt.Det. J.F.MacIntyre

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 of 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

continued - page 2---



CITY OF SYDNEY POLICE DEPARTMENT  
CONTINUATION REPORT

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AGE

SUBJECT

CASE No.

continued - page 2-----

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

AGE	SUBJECT	CASE No.
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C O P Y

1971

May 31st, 6:30 P.M.

Statement of George Wallace McNeil, 18 yrs., 91 Bungalow Road and Roderick Alexander McNeil, 17 yrs., 84 Bungalow Road, Coxbeath.

We left the dance at St. Joseph's Hall, Friday night, 11:40 P.M. We walked through the park and seen 2 men hanging around. Description as follows:

1 man - grey haired; grey or white top coat -  
5-9 - W. 180 lbs. hair flat on his head  
no wave - straight back - round fat face  
trampish looking - late 50's

2nd man - tall 6 ft. or better within average size -  
dark hair - late 30 in early 40 yrs -  
thin face. brown jacket - short.

*Lost*  
They spoke to a fellow and girl sitting on a bench closest to the railroad tracks as you came over the hill. They asked them for a cigarette. The grey haired fellow said he had ~~just~~ a dollar. We kept on home. We called at Fatima at a school dance on the way home.

Q. Did you know Sandy Seale

A. Yes, to see him

Q. You seen him at the dance hall that night

A. yes

Q. He was there when you left

A. Yes. He was outside of the hall - all the tickets were sold early.

Q. Would you know them again

A. We don't know.

Signed: George McNeil  
Sandy McNeil

Statement of: Mary P. EBSARY - 60 years  
Gregory A. EBSARY - 28 years  
46 Mechanic St., Sydney, N.S.

41

Taken: 82-03-04

Statement # 14B

Today we have talked with Harry Wheaton of the R.C.M.P. and discussed Roy Ebsary. I was married (common law) to Roy for 29 years and Gregory would have known him all his life. At the time of the Seale murder we were living as a family, 126 Rear Argyle St. That night Roy was out with Jimmie MacNeil.

I can tell nothing of the murder nor can Greg. At the time Roy was working at the Isle Royal Hotel or Esplanade Grill. Roy had a habit of carrying knives at that time always. He carried them in his belt. He would take a knife and grind it down like a stiletto. He also made knives out of canes that would fit in the handle. He had knives of all shapes and descriptions and would have carried one the night of the murder, I feel however I did not actually see it.

After the murder and him taking the polygraph Roy became a recluse. He went to his bedroom and literally stayed there. He would not leave the house and did not associate with anyone other than the immediate family. He quit going to the tavern and stopped drinking and became a hermit. When Mitchell Sarson came to live at our house Roy completely changed. He started drinking again and running around with Sarson. Roy was not as violent during this period as he was eleven years ago. In 1971, he was extremely violent in his tantrums he would break up the house. Today we have turned over a number of knives Roy would have had at the time of the murder.

In regards to this murder we can not say if he did it or didn't do it but we certainly feel he is capable of it.

H.F. WHEATON, S/Sgt.

Grag Ebsary

Mary Ebsary

RE OBJET

Statement of: James William MacNEIL  
222 Mt. Pleasant St., Sydney  
B: 25 Jun. 46

42

"ATTACHMENT # 14c"

Taken: 82-02-08

I remember the SEALE murder. That night Roy EBSARY and I were at the State Tavern on George St., Sydney. We left and cut through the Park to go to Argyle St., to Roy's house.

On Crescent St., two fellows came up on us from behind. They asked us for money. I heard one fellow the colored fellow or the Indian guy say dig man dig.

All I remember is that the colored fellow sort of ran and then flopped on the road. I think the colored fellow was in front of Roy. We walked kind of fast away to Roy's. We went in the house I'm pretty sure I saw him wash the knife off in the sink. I can't remember if he had any blood. I told this to the Sydney City Police and R.C.M.P. I was nervous and shook up about this. Roy stabbed the negro and sort of come at the Indian.

James MacNEIL

R.D. MacQUEEN, Cst.

H.F. WHEATON, S/Sgt.

## CITY OF SYDNEY POLICE DEPARTMENT

## CONTINUATION REPORT

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AGE

SUBJECT

CASE No.

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. ~~xxxxxxx~~ 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 house 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

## CONTINUATION REPORT

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AGE

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.

Statement of: Mitchell Bayne SARSON (B: 24 JUN 62)  
11 Twining St., Pictou, N.S. 485-6977

Taken: 82-02-09 @ 2:30 P.M.

45 "ATTACHMENT # 17"

In the winter of 1979 I think I was taking a drywall course at the Adult Vocational School. Cpt. SWEENEY here in Pictou arranged for me to stay at Roy EBSARY's place in Sydney. He knew him from the war.

My brother John is in Springhill for armed robbery, I think maybe attempted murder. I used to visit him and got to know Junior MARSHALL. My sister Shelly was also visiting and got to know Junior. Junior escaped jail and came to Pictou and lived with Shelly for a couple of days.

I think this was in the summer it could have been that winter that I went to Sydney. We lived on Mechanic Street, Roy, Mary and Mary worked at night and Roy and I used to talk a lot. One night right out of the blue he told me he stabbed a colored fellow in the Park. I asked him what happened and he said, "He was walking through the Park and got held up by a nigger and an Indian. The Nigger said he wanted all his money. EBSARY said, "all my mcney" the nigger said yes, so he hauled his knife out and stabbed the nigger once. He showed me how he pulled it out with his left hand and jabbed him once. He mentioned he geuged the right arm between the wrist and elbow on the inner arm of the Indian. I am kind of fogged up on which arm he said.

The words used were gimme all you got, so Roy said you want all I got. The nigger said Yes, so then he stabbed him. He said there were several knife wounds on the nigger, the Indian must have went back and did him in. I felt the Indian had killed the coon and EBSARY is the biggest bullshitter I ever saw so I didn't think to much more of it. He told me he carried a knife back and forth from the Isle Royal Hotel and that was the knife he used. I got the impression that it was a knife used for cutting meat.

I thought this was just another one of Roy's stories but I mentioned it to Junior MARSHALL just before Christmas of 1981, and he was quite interested and we discussed it and he asked me to talk

.../2

RE-OBJET

Statement of: Mitchell Bayne SARSON (B: 24 JUN 62)

cont'd

to one of his lawyers which I did. I was surprised to hear EBSARY had stabbed a guy in Sydney recently. EBSARY is a queer and weird that's why I got out of Sydney and came back to Pictou. EBSARY told me he was alone when it happened. Junior never admitted to me that he was trying to roll EBSARY. He did tell me that he was with the nigger that night.

Mitchell SARSON 3:25 P.M.

H.F. WHEATON, S/Sgt.

J.E. CARROLL, Cpl.



Statement of: Maynard Vincent CHANT (B: 14 OCT. 56)  
Louisbourg

Taken: 82-02-16

47

"ATTACHMENT # 18"

In 1971 I would have been 14 years old. I went to Sydney with my parents to church. I skipped out of church and went to the Pier. From the Pier I went to the bus station and the bus had left to Louisbourg; I walked down Bentick to the Park.

I was going to take a short cut across the Park to George Street and hitch hike home. I had not quite made it to the Park and a guy in a yellow jacket came running up to me. He showed me his arm where it was cut and told me his friend was stabbed over in the Park. We met some other people and he told them the same thing. We flagged down a car a brown Nova and went over to Crescent Street where the other guy was.

This was Sandy SEALE and he had been stabbed in the stomach. The fellow that I later learned was Donald MARSHALL did not go near the body. There was no blood from the cut on his arm and he showed several people. I thought his actions were quite suspicious at the time. SEALE was still alive and I put my shirt on the wound. The police interviewed me that night and I repeated what MARSHALL had told me. I don't know why; I had to say something, I told the Police I saw everything referring to the cut. I definitely did not see the murder. Everything was over by the time I got over where SEALE was.

Sometime later I was taken to the Park and they asked me where I was standing. I more or less showed them what they wanted to get it over with. I wasn't in the park around the murder. I was interviewed by 2 Detectives, my mother was also there. In the second statement I told the Detectives I saw the murder. They told me that another guy had seen me in the Park and I had to see it. So that's what I told them.

I really felt MARSHALL did it. During the time MARSHALL was in jail a friend told me that MARSHALL was gloating about killing SEALE. I also felt that the Indians were all out to get me. During the time I was giving evidence in Court, they kept going over and over it, the evidence. I remember once the Crown Prosecutor really

.../2

Statement of: Maynard Vincent CHANT (B: 14 OCT. 56)

cont'd

was mad at me.

I can not explain what made me lie about this other than I was young and scared at the time.

Maynard CHANT

Louisbourg, Main St. at 6:16 P.M.

Witnesses: Cpl. J.E. CARROLL

Statement of: Dr. M.A. MIAN, M.D., F.R.C.P.  
Sydney, N.S.

Taken: 82-02-19

"ATTACHMENT # 19"

I am a Medical Director to the Cape Breton Hospital. I have treated John PRACTICO since August of 1970. I found him to be very unreliable informant. He tends to manipulate and fantasize, distort according to his needs and wishes.

During the time of the murder trial in 1971, I would have been treating John. He was admitted to the N.S. Hospital on 31st of August, 1971. At that time he expressed concern about the trial and the outcome. He was glad to be in the Hospital and the results from the N.S. Hospital were the same as my own findings.

John L. PRACTICO tends to fantasize and I would consider him to be a very unreliable witness.

M.A. MIAN, M.C.

Feb. 19, 82.

H.F. WHEATON, S/Sgt.

Ann McLEOD

Statement of John Louis PRACTICO (BD: 54-12-31) 50  
331 MacKay St., New Waterford, N.S. 862-2181  
Taken: New Waterford, N.S. 11:15 A.M. 82-02-25

"ATTACHMENT # 20"

In 1971, May, I was questioned by John MacINTYRE and I believe Michael R. MacDONALD about the SEALE stabbing in Wentworth. There was a dance on a Friday night at St. Joseph's Hall and I had been there. I was drinking some beer outside the hall and down in the park. I remember SEALE and MARSHALL being there for about a half hour. They were not fighting or arguing, I don't know if they were drinking or not, I didn't treat them. Around 11:30 P.M. or 11:45 P.M. I was down in the park having a few beer, I saw SEALE and MARSHALL come down into the park by the foot-bridge, I was hiding behind the bushes with my beer in case the cops saw me. They were talking fairly loud but it was muffled, I couldn't hear what it was about. I left before they did and took my beer with me. When I left MARSHALL and SEALE were still there, I saw others in the park walking around and some on park benches but no one near SEALE and MARSHALL. A couple of days later the police came, I wasn't home, my mother took me to the Sydney Police Station, around one or two o'clock I think. I talked to MacINTYRE alone at first, MacDONALD came in a few minutes later. I sent my mother home to look after my sister. MacINTYRE asked me what happened in the park that night, I said I didn't know, I had heard of the stabbing at this time but not who did it or who had died. MacINTYRE said I did know and if I didn't tell I would be put in goal. MacDONALD wasn't saying anything. I was scared, he said he knew what happened, for me to tell them. They told me about MARSHALL and SEALE, that MARSHALL stabbed SEALE, they put words in my mouth so I just agreed with what they were saying. I told them I saw MARSHALL stab SEALE from the bushes where I was drinking, they took a statement from me and I signed it. I guess I knew MARSHALL would be in trouble for what I said but I was being badgered by the police and scared what they would do to me, my nerves were really bad then. They got me to show them where I had been in the park that night and where MARSHALL and SEALE were. They said that was O.K. and drove me home. Sometime in the next month they came for me and I went to the Court house for the hearing MARSHALL. I gave my evidence and

.../2

Statement of: John Louis PRACTICO (BD: 54-12-31)

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cont'd

the lawyers gave me a hard time. I saw CHANT there but I wasn't allowed to talk to him, I haven't seen him since. I went home and didn't talk to the police until the Supreme Court trial, they came to my home, there was two regular policemen, we didn't talk about the case. There were a few Indians from Membertou I saw on the street near my home at times I felt afraid of them but they never said anything, they gave me a few pushes but I wasn't hurt. I told the police to keep an eye open in my part of the street. In the Supreme Court trial I gave my evidence the lawyers gave me a hard time, CHANT was there but I couldn't talk to him. I told the same thing, but it wasn't true because I was badgered, I hope there was no grudges held. I heard on the radio MARSHALL was found guilty, no one has bothered me since. I feel bad about this now, terrible. That's about all.

John PRACTICO

Witness: Cpl. J.E. CARROLL 12:35 P.M.

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

52

## 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.

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cont'd

Statement # 21

of the Park but I do remember seeing Patricia Harris and Terry Gush 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 me 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 too 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.F. CARROLL 12:39 P.M.  
S/Sgt. H.F. WHEATON

Statement of: Patricia Ann HARRISS (B: 15 NOV. 56)  
5 Kings Rd., Sydney, N.S. 562-4009

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TAKEN: 1 MAR 82 @ Sydney, N.S.

## Statement # 22

In 1971 I would have been 14 years of age and I recall the Seale murder case. That evening I was at a dance at St. Joseph's Hall and left with Terry Gushue. We went down George St. to Wentworth Park. We sat on a park bench in the area of the band shell. My home was at five Kings Road so I feel that Terry and I would have walked up to Crescent St., more toward the South Bentinck end than the Argyle St. end. We walked a ways down Crescent St. before noticing anybody. I remember meeting Junior Marshall and there were other people on the street in this area. Who they were I don't know. I recall in my first statement to the Police there were two people. The police took at least three statements from me.

I don't recall exactly how many times I was taken to the police station. I found they were needlessly harping at me going over and over telling me what they thought I should see. They took statements from me and changed them. This took hours and hours and my parents were not allowed in. They came to the police station and they let me out once to see them but that was it.

I don't feel their actions were proper. I recall them banging their fist on the desk. I definitely did not see Sandy Seale in the Park that night. I don't recall if I said that in Court or not. The police had me so scared through out this affair that I felt pressured and agreed with things I shouldn't have agreed. Now that I am a mature adult I feel this was most improper and I have thought of this through the years often questioned this whole thing in general.

I am sure that I saw Junior Marshall in the area of the Green Apartment building on Crescent Street. There were other men on Crescent Street in this area two or three. I did not say this in Court but I did say this at the Police Station. I felt that I was obligated to stick with the statement the Police were happy with. Terry Gushue was also brow beaten at this time when they took the statement from him.

Patricia Harriss

H.F. WHEATON, S/Sgt.



Statement of: Terrance Patrick GUSHUE (B: 51-05-08)  
630 George St., Apt. 5, Sydney.

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Taken: 82-03-02 at Sydney, N.S.

Statement # 23

At the time of the Seale murder I went to a dance at St. Josephs with Patricia Harris. On our way home we went through Wentworth Park. I recall sitting on a Park bench and going up toward Crescent St. In this general area I bummed a match from Junior.

I really don't remember who was there I just know I definitely saw Junior. There were all kinds of people around.

Terrance P. Gushue

S/Sgt. H.F. WHEATON

• RITE - ÉCRIRE À LA MAIN

TO - A  
*Sgt Burgess.*

FROM - DE  
*CLRO.*

Date  
*82.02.26*

Comments  
Commentaires

Action  
Donner suite

Prepare Brief  
Préparer un exposé

Return with Current File  
Retourner avec le dossier actuel

Perusal and P.A.  
Lire et classer

Prepare Reply  
Rédiger une réponse

Make File(s)  
Ouvrir un dossier

Check Records  
Vérifier les dossiers

SUBJECT - SUJET

REMARKS (Use same A-5 for Reply when space permits) - REMARQUES (Si l'espace le permet, répondre sur cette formule)

*Sent this up for attention of D.C.I.  
Start memo out by summarizing briefly the  
facts & then refer them & attached copy  
of telex.*

*Advise him copy of complete report  
will be forwarded upon receipt. ~~Advise~~ Advise  
-him that if it is determined there has been a  
mis-carrying of justice, & Marshall is innocent  
of the offense for which he was convicted in 1971.  
There will no doubt be considerable publicity.  
Use an funding copies to him as it is possible this  
publicity will touch on the force or use of  
our involvement at this time. He*

Diary Date - Date d'agenda

Meeting Date - Date de réunion

Date

Init./N°

P.A. - A.C.  
*may wish to inform Lloyd Marshall of the  
recent developments which have been made in the*



RE - OBJET:

Donald MARSHALL, Jr.

Non-Capital Murder, Sec. 206(2) C.C.C.

Sydney, N.S.

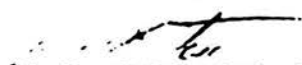
28/29 MAY 71

This will acknowledge receipt of memorandum of C.I.B. Officer dated 82-03-16.

2. Please find attached the two statements of John Louis PRATICO and Maynard Vincent CHANT as taken by Sydney City Police on the 29th of May, 1971, and the 4th of June, 1971. On page 148 of the transcript of evidence as given in Supreme Court it can be seen that PRATICO approached the Sheriff and Defense advising that MARSHALL did not stab SEALE. It was also brought to the attention of the Jury on page 230.

3. Mrs. EBSARY and her son, Gregory, were questioned specifically in regards to McNEIL's comments that he should say nothing or he would be involved in Court. They readily concurred that they had spoken to McNEIL and that the main thrust of their conversation was that they wished him to stay away from the EBSARY home. Their reasoning being that EBSARY, at this juncture, had given up drinking and taken to his room.

4. On the 9th of March, 1982, EBSARY appeared in Court and after trial was convicted in relation to the recent stabbing incident. The case was adjourned to the 30th of March, 1982, for a pre-sentence report as well as psychiatric evaluation. I have been advised by Crown Prosecutor P.C. EDWARDS that Dr. C. DONOVAN, local psychiatrist has been in touch with his office. Indications are that he will be asking the Court to refer EBSARY to the Nova Scotia Hospital for a cat-scan and further evaluation. He has found EBSARY to be out of touch with reality and living in a fantasy world.

  
(H.P. WHEATON) S/Egt.  
P.C. Co-ordinator  
Sydney Sub/Div. G.I.S.

OFFICER IN CHARGE C.I.B.

5. FORWARDED 82-03-22. Civilian Member Duff EVERS of our Sackville Lab advised S/Sgt. WHEATON this date that he examined the exhibit knives forwarded to him in this case. As EVERS was the original analyst in this murder case, he still had slides of the material from SEALE's jacket as well as a piece of the material from MARSHALL's jacket.

.../2

Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206(2) C.C.C.  
Sydney, N.S. 28/29 MAY 71

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6. On examination of all exhibits he found four fibers attached to the handle of exhibit # 8 and two fibers attached to the tape around the handle of this exhibit. He also found three fibers loose in the envelope that the exhibits were packed in. The results of his initial analysis are that three of the fibers are similar in every respect to the interior stuffing of SEALE's coat. That three of the fibers are similar in every respect to the exterior wool of SEALE's coat, and that the three fibers found in the envelope are similar in every respect to those of MARSHALL's yellow jacket.

7. Attempts are now being made to find (the deceased's) SEALE's jacket although it may have been destroyed after the appeal period. The final report from the Lab will be forwarded when received. The knives in question will also be subjected to blood analysis once EVERS has completed his tests.

8. With this new evidence there appears little doubt that EBSARY is responsible and that MARSHALL's version of the incident is accurate.



(D.B. SCOTT) Insp.

Commanding Sydney Sub/Division



The following items were seized from the residence of Roy EBSARY at 68 Falmouth Street, Sydney, N.S., on 82-03-23.

1. Cardboard box of personal letters and diary.
2. Two boxes containing cassette tapes.

  
Cpl. J.E. CARROLL  
R.C.M. POLICE

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, Col.  
82-03-24 1515 hrs.

Signed: David B. NOSEWORTHY





OTHER FILE REFERENCES: REF. AUTRES DOSSIERS:	DIVISION "H"	DATE 82-04-06	RCMP FILE REFERENCES: REF. DOSSIERS GRC: 82-77 64  RCMP 403
	SUB-DIVISION / SOUS-DIVISION Sydney, N.S.		
	DETACHMENT - DÉTACHEMENT Sub/Div. G.I.S.		

RE: - OBJET: Donald MARSHALL, Jr. - 410491A..  
 Non-Capital Murder, Sec. 206(2) C.C.C.  
 Sydney, N.S. 71-05-28/29

82-168

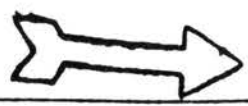
Further to previous report dated 22nd March 1982 please be advised that investigation has continued into this offence. Contact has been maintained with Roy EBSARY and to date he has made no further admissions. The more one deals with Mr. EBSARY the more one realizes his complex mental quirks and I would be somewhat surprised if any further admissions will be forthcoming. On the 30th of March, 1982, EBSARY was remanded on his present charge to 30 days in the Nova Scotia Hospital for further mental examination.

2. Several areas of new evidence have been forthcoming in regards to Mr. EBSARY and his family. Mary EBSARY and her son, Gregory, aged 27 years, live in the family home at 46 Mechanic St., Sydney, N.S. Several interviews have been conducted with them and a certain amount of rapport has developed. Mrs. EBSARY turned a picture of Roy EBSARY over to the writer, copy attached. This is how the subject would have dressed in 1971 and to the present day. The blue burberry worn in this picture as a cape has been seized from EBSARY's apartment and has been forwarded to C.D.L., Sackville for possible fiber identification. Numerous cuts were noted in the lining of this coat. Mary EBSARY advises that on the night of the 28/29 of May 1971 she was in their home located on Rear Argyle Street, Sydney. She recalls Roy and James McNEIL coming home at around twelve midnight. She places this as the time as the news had just come on. Present in the house at the time was Donna EBSARY, aged 12 or 13 years, and herself. The son, Gregory, was out playing hockey and returned some time later.

3. On entering the house the first room on the right was the livingroom bordered by a hallway with the kitchen being a separate room on the right hand side. Mrs. EBSARY now advises that James Mc NEIL stopped for a moment and talked to her. He said something about having a hard time in the park and continued down the hall talking to Roy in the kitchen. She heard him say, "You sure gave it to that nigger." Roy replied, "You shut up." At this time the daughter, Donna, went out to the kitchen.

4. In relation to Donna EBSARY her name was brought to my attention on the 29th of March, 1982. A Mr. David F. RATCHFORD of 296 Charlotte St., Sydney, contacted this office and advised that he had heard of the murder on the radio and wished to see a member. RATCHFORD was interviewed and the attached statement taken. In this statement he advises that Donna EBSARY had confided in him stating

.../2



MARITIME CRIME  
INDEX SECTION

Donald MARSHALL, Jr.  
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RCMP 403

that her father was responsible for the murder. Miss EBSARY feared her father and wished the matter reported to the Police. RATCHFORD attempted to interest Detective William URQUHART, Sydney City Police, however, nothing was done. He then reported same to Cst. Gary GREEN presently of our Sackville Detachment of the R.C.M.P. Cst. GREEN confirms this and states that he discussed the matter with Detective W.A. URQUHART and received a rather cool reception. As the case was originally investigated by the Sydney City Police, Cst. GREEN felt he had advised the force responsible and he personally took no further action.

5. Also on the 29th of March, 1982, one Deborah Marlene MacDONALD COUTURE contacted this office and stated she had information in relation to this case. She was interviewed by Cst. D. HYDE and the attached statement taken. Mrs. COUTURE tells somewhat the same story as RATCHFORD with the venue being Boston where Donna EBSARY was moving to and still resides. Donna EBSARY was contacted by telephone on the 2nd day of April, 1982. She confirmed that she had gone to the kitchen on the 28/29th of May, 1971. She stated that she saw her father washing something off in the sink and he had blood on his hands. She did not mention seeing blood on his shirt or coat but did state he was wearing his blue burbery over his shoulders like a cape. She confirmed the conversation between EBSARY and McNEIL but used the word "fellow" instead of "nigger". She also recalled her father telling McNEIL not to go through the Park on the way home but to cut through the fields on his way home. As Miss EBSARY resides in Boston the foregoing has not been tied down by a formal written statement or face to face interview.

6. Also as a result of press coverage, Ms. Barbara Mary FLOYD of 121 Inglis St., Sydney, N.S., contacted this office and requested an interview. As so many other witnesses, she advised this case has been bothering her for eleven years. She stated that she had attended the dance at St. Joseph's Hall on the evening in question with her two friends, Sandra COTIE, Ne: McNEIL, and Joan CLEMENTS. Upon leaving the dance they were advised not to go down to the Park as there had been a stabbing. As they walked down the sidewalk she observed John PRATICO arguing with Ricky RISK. Sandra COTIE was interviewed and she stated that she saw PRATICO near St. Joseph's Hall and that he followed them down George Street to the area of the Park. At this time the murder had already been committed. Both girls know PRATICO and felt that it would be most unusual for him to witness a murder and then come up to the dance hall and walk around and never say anything. It might also be noted that in his original statements, PRATICO stated he ran home after viewing the murder. Ricky RISK was interviewed and he could neither confirm or deny that PRATICO was at the dance as he just does not remember. Barbara FLOYD also advised that she brought this matter to the attention of one of the lawyers mentioned in the papers. She could not recall whether it was a Prosecution or Defense lawyer.


.../3

7. A short resume of evidence available in relation to a charge against EBSARY is as follows:

- (a) Direct evidence of James McNEIL stating he was present when EBSARY stabbed SEALE.
- (b) Direct evidence of Donald MARSHALL, Jr., in relation to the robbery attempt and the subsequent stabbing.
- (c) Evidence of Mary EBSARY, a competent but not compellable witness re conversation and general dress and background.
- (d) Evidence of Donna EBSARY in regards to conversation in presence of accused.
- (e) Lab evidence of a total of twenty fibers belonging to the jackets of SEALE and MARSHALL.
- (f) Verbal admission to S/Sgt. WHEATON over phone.
- (g) Verbal and written admission to Cpl. J.E. CARROLL stating he knew MARSHALL did not stab SEALE.
- (h) Numerous witnesses, plans, pictures, continuity of original exhibits, etc.
- (i) Admission to Mitchell Bain SARSON.
- (j) Admission to Mr. & Mrs. MARSHALL that their son is innocent.

8. All facts concerning this case have been made known to Crown Prosecutor, P.E. EDWARDS and thoroughly discussed. The Crown Prosecutor feels confident in laying a charge of non-capital murder against Mr. EBSARY and I concur with him fully. Investigation to continue and any instructions awaited.

S.U.I.

  
(H.F. WHEATON) S/Sgt.  
P.C. Co-ordinator  
Sydney Sub/Div. G.I.S.

OFFICER I/C C.I.B.

9. FORWARDED 82-04-06. On 82-04-05 Chief John MacINTYRE was requested to come to this Sub/Division building to be brought up to date concerning this investigation. All new statements and information obtained since his last briefing were made known to him. Chief MacINTYRE was asked if there was any other avenues we should explore either of a rebuttal nature or in obtaining new evidence. He could not offer any suggestions in this regard.

10. In view of the foregoing, a further report will be submitted immediately upon receipt of the Lab report which outlines conclusions the fibers found on the suspected murder weapon. This report and lab members evidence conclusively tie-in EBSARY with SEALE and MAR



(D.B. SCOTT) Insp.  
Commanding Sydney Sub/Division

Statement of: David F. RATCHFORD (B: 49-08-18)  
296 Charlotte St., Sydney, N.S. 539-9502

Taken: Sydney, N.S. 82-03-29

During the period of approximately 1974 Donna Ebsary began attending my Marshall Arts Studio here in Sydney. We became rather good friends over a period of time. She had a rather turbulent relationship with her father. She appeared to get along with her mother.

I recall that one evening she told me an amazing story about her father. She said that at the time of the Seale murder she was home when her father and another guy came home. She stated that her father had blood on his shirt and a knife in his belt. She saw him wash blood off his hands and he mentioned stabbing a nigger in the park.

Donna hated her father but still had a strange respect for

I felt that this should be reported to the police immediately. I phoned the City Police and talked to Bill Urquhart I believe. He said that the case was over and they were not prepared to re-open the case. I believed this girl and felt this was most improper. Gary Green was a good friend so I reported it to him.

I understood that he also ran into a blank wall with the City Police. In the years following Donna occasionally brought it up and I found it strange that the Police were not doing anything. Donna and I discussed the possibility of her father admitting to me that he committed the murder. I got to know him but he never admitted it to

David F. Ratchford

S/Sgt. H.F. WHEATON

82 MAR 29

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Approximately 3 years ago I went to Boston with Donna Ebsa. I met her approximately six months before that through the Kung Fu School. We went to Boston during the last week in August. She went to Boston to register in an acupuncture school. We were in Boston for a couple of hours and went to a restaurant for something to eat. Donna knew that I was with the National Parole Service and she confided in me. Donna told me that her father killed the guy that Donald Marshall was serving time for. She couldn't remember his name. I said Sandy Seale and she said yeah. Anyway she said her father came home and he had blood on his shirt and he had a knife with him and was apparently cleaning the knife in the kitchen. The other guy made the comment to the effect "that was some job that you did on the nigger". Her father said "shut up" and I don't recall what she said after that. I believe she said that her father did something with the shirt whether he took it off or not I'm not sure. Donna did mention about the jacket her father was wearing. It was a jacket with a stand up collar with an opening in the front. The jacket is called a Narhaw.

Then she said that she and her brother Greg went to the police the next day and saw Bill Urquhart and told him that they knew who the murder. I'm not sure what she told Bill Urquhart but he told her that he had the man responsible and for them to go home. It sounded like he didn't believe them.

He definitely did something with the shirt. I can't remember if Donna told me that he burnt the shirt or if he washed it out.

Refused to sign

D. HYDE  
2:22 P.M.

Taken: 82-03-29 at 121 Inglis St., Sydney, N.S.

In the Spring of 1971 I attended a dance at St. Joseph's Hall in Sydney. When the dance ended I left with Sandra McNeil and Joan Clements. We walked down the sidewalk on George Street. A short distance from the Hall near the parking lot I saw John Pratico arguing with Rickey Risk. A few minutes before I saw Pratico someone had come along and told us not to go down to the Park because a guy had been stabbed down there.

We continued down George and went a short distance up Argyle taking Joan home. Sandra and I then walked to our homes on Townsend and Inglis Streets. The next day John McIntyre and a uniform police man came to my home. They questioned me about where I was and who I had seen at the dance. I told them what I had done and I don't believe I told them I saw John Pratico up by the dance as it didn't mean anything.

The next thing I can recall is that the trial was on and Pratico was a key witness. I found this unbelievable as Pratico was up around the dance and never mentioned a stabbing. I saw Pratico around and always felt that he was rather strange. I discussed this with my girlfriends and we thought it should be reported. I called one of the lawyers and told him that I couldn't see why Pratico was a main witness as we had seen him in the parking lot at the dance. He just said your too late and that was the end of the conversation.

Barbara Floyd

S/Sgt. H.F. WHEATON

Cst. R.D. MacQUEEN



In the Spring of 1971 I attended a dance at St. Joseph's Hall with Barb Floyd and Joan Clements. When the dance got over we three girls left.

I recall someone I don't know who telling us there had been a stabbing in the Park. We started walking down George Street. I remember John Practico coming along and having something smart to say and following us down toward Park.

I don't know which way John Practico went but we went up Argyle. This was at the time the dance got over and there were a lot of kids on the road.

Sandra V. Cotie

S/Sgt. H.F. WHEATON



OTHER FILE REFERENCES REF. AUTRES DOSSIERS	DIVISION "H"	DATE 82-04-19	RCMP FILE REFERENCES REF. DOSSIERS GRC:  82-77.      73
	SUB-DIVISION / SOUS-DIVISION Sydney		
	DETACHMENT - DETACHEMENT Sub/Div. G.I.S.		

RE: - OBJET:

Donald MARSHALL, Jr.  
Non-Capital Murder  
SYDNEY, N.S.                      71-05-28/29

Further to conversation with Officer Commanding Sydney Sub/Division, with reference to Chief McINTYRE's recent visit to the Department of the Attorney General, please be advised that Donald MARSHALL was on a 1-week day parole granted by The National Parole Board, in September of 1979. The purpose of this Parole was to partake in canoeing activities on the Eastern Shore of Nova Scotia.

MARSHALL did not return to Dorchester with the other inmates. He was subsequently found at the home of Shelly SARSON, sister of witness mentioned in paragraph 16 of previous report dated the 22nd of March, 1982. The following is the content of paragraph 16.

"Mitchell Bayne SARSON of 11 Twining St. Pictou, N.S. was interviewed, see Statement No. 17. It will be noted that SARSON met Donald MARSHALL, Jr. in Dorchester, and had several discussions with him. The possibility of collusion between MARSHALL and SARSON cannot be precluded. However, SARSON says that EBSARY told him he stabbed SEALE and is willing to take a Polygraph to this effect. It should also be mentioned that SARSON has been convicted of Possession for the Purpose of Trafficking and is known to Pictou Detachment as a trafficker in marihuana".

Since the interview of Mitchell Bayne SARSON and submission of previous report, a considerable amount of investigation has been completed. I feel that the following are the reasons for SARSON coming forward in this matter:

- (a) EBSARY successfully completed his Polygraph in November of 1971. He then remained in his home as a total recluse until 1979, at which time Mitchell SARSON entered the home.
- (b) EBSARY resumed his homosexual activities with SARSON, began drinking, and roaming the streets again. There can be no doubt that these two individuals had a very close relationship, and this undoubtedly led EBSARY to confide in SARSON.
- (c) Mrs. EBSARY and son, Gregory, ejected EBSARY and SARSON, from the home in 1980, and they continued a very close homosexual relationship until late 1980 when a rift took place between the two, leaving SARSON bitter towards EBSARY, and returning to Pictou.

.... /2

Donald MARSHALL, Jr.  
Non-Capital Murder,  
SYDNEY, N.S.

71-05-28/29

CONT'D FROM PAGE ONE

- (d) Due to the previously described association between the SARSON family and MARSHALL, the admission was made known to MARSHALL and thus to his Solicitor.

SARSON was questioned closely as to the veracity of his allegations and is adamant that EBSARY confessed to him that he had stabbed SEALE in 1971. When asked if he would take a Polygraph test in this regard he responded in the affirmative with no hesitation.

  
H.F. WHEATON, S/Sgt.  
P.C. Co-or. Sydney Sub/Division GIS.

STATEMENT OF DR. MOHAN S. VIRICK,  
B.D.: 36-02-17,  
TAKEN AT SYDNEY, N.S. 1:09 P.M. 82-04-22

I recall being called to City Hospital on the night Junior MARSHALL was stabbed, after midnight I believe. I examined one of his forearms and sutured it, ten stitches I believe. It was not a deep wound but it required sutures, it was more than an abrasion. I could not say if it was self-inflicted, I did not see his jacket. The wound had been cleaned by the nurses, there was no blood. MARSHALL removed the stitches himself, that is not uncommon. I did not talk to the City Police before or after my testimony. I don't believe I discussed the evidence with the Prosecutor, Donald MacNEIL. MARSHALL kept asking me how his buddy was in the next room, he said they had been stabbed in the Park.

(Sgd)

Mohan S. VIRICK

WITNESS:

J.E. CARROLL, Cpl.  
D. HYDE, Cst.

OTHER FILE REFERENCES. REF. AUTRES DOSSIERS.	DIVISION	DATE	RCMP FILE REFERENCES. REF. DOSSIERS GRC.
	"H"	82-05-04	
	SUB-DIVISION / SOUS-DIVISION		
	Sydney, N.S. DETACHMENT - DETACHEMENT		
Sub/Div. G.I.S.			82-77 76

RE - OBJET:

Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206(2) C.C.C.  
Sydney, N.S. 71-05-28/29

- Investigation has continued in regards to the noted case and the following is submitted to update same. In p.c.r. dated 82-04-06 in paragraph two it was noted that a blue burbery coat believed worn by Mr. EBSARY at the time of the murder had been seized and forwarded for blood and fiber analysis. The noted tests were completed with negative results other than there were several cuts present on the lining of the burbery.
- On 82-04-17 Donna EBSARY, daughter of Roy EBSARY, arrived in Sydney from her home in Boston. An interview was conducted and the attached statement obtained. Miss EBSARY is a young lady 25 years of age, a grade 12 graduate with three years of college who left this area to take up residence in the U.S.A. because of her father's bizarre behavior. She was also interviewed by Crown Prosecutor F.C. EDWARDS and it was the opinion of both the Crown and myself that she would make a good witness.
- Maynard CHANT, one of the alleged eye witnesses in this case, as well as his mother were interviewed in regards to this offense as well as to the nature of the taking of the various statements from him. Please find attached statements from the aforementioned as well as Probation Officer Larry BURKE and Sheriff Wayne McGEE who according to Chief MacINTYRE were present when this statement was obtained. On 82-04-26 Chief MacINTYRE handed over to the writer the file in regards to this case as held by the Sydney City Police as per instructions of the Department of the Attorney General. The original handwritten statement taken by Chief MacINTYRE from CHANT on 71-06-04 was located with copies attached. As can be seen, each page is signed by Maynard CHANT, Sgt. Detective John MacINTYRE and Sgt. William URQUHART as well as the page which ends the statement. The other persons' signatures, who Chief MacINTYRE states were present, are not to be found on each page however, a separate page is appended to the statement with the names "Beulah CHANT, Lawrence BURKE, Chief Wayne R. MacGEE, Det. URQUHART and myself" which appear to be in the hand of Chief MacINTYRE rather than individual signatures.
- In analysing the various correspondence turned over by Chief MacINTYRE a statement was noted taken from Mary Patricia O'REILLY age 14, of 23 Cross St., Sydney, N.S. On page two of this statement Miss O'REILLY states that she told Patricia HARRISS "that there was supposed to be a grey haired man there. I told her if she was questioned by the police she should tell about the grey haired man that Junior told me about". This statement was taken by Chief MacINTYRE and Det. URQUHART on 71-06-18 at 9:50 A.M. The HARRISS statement in which she says she saw only MARSHALL and SEALE was taken at 1:20 A.M. on 71-06-18 with the interrogation leading up to this beginning some five to

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Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206(2) C.C.C.

Cont'd

six hours earlier on 71-06-17. Mary O'REILLEY is now married and resides in Calgary. She has been contacted through her father, Joseph O'REILLEY, and denies trying to influence Patricia HARRISS in any way. Both Miss HARRISS and Miss O'REILLEY have advised they knew one another only casually at this time and could offer no explanation as to why this would have been in this statement. Mary O'REILLEY recalled being interviewed by the police and advises she was extremely frightened and upset and may very well have signed anything. Copy of this statement attached. It might be noted that there were no parents present when this statement was taken.

5. On 82-04-30 Mr. EBSARY appeared before Judge C. O'CONNELL on his present charge. The case was adjourned to 82-05-07 at which time Doctor Syed Naveed AKHTAR, M.D., Director, Forensic Service at the Nova Scotia Hospital, will give evidence in regards to Mr. EBSARY's mental health. Copy of Dr. AKHTAR's report attached. Crown Prosecutor F.C. EDWARDS indicates that EBSARY will be placed on a Lieutenant Governor's warrant when he appears on 82-05-07. As this investigation has become somewhat involved, a booklet has been compiled to further clarify same. This booklet contains all pertinent data known to date.

  
(W.F. WHEATON) S/Sgt.  
P.C. Co-ordinator  
Sydney Sub/Division G.I.S.

Sydney, N.S. 17 April 82

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STATEMENT OF: DONNA ELAINE EBSARY,  
B: 16 June 57, 287 Washington,  
NEWTON, U.S.A.

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I am the daughter of Roy EBSARY, and presently reside in Boston. I was born in Sydney and we lived at 126 Rear Argyle Street until I was 15 or 16 years old at which time we moved to 46 Mechanic St. Sydney. In 1971, I would have been 13 years of age and I remember the night of the SEALE Murder, vividly, as it made such an impression on me.

I was home when father and Jimmie McNEIL arrived home, and I can recall them facing me in the living room. My mother was there and we were watching T.V. Jimmie said to Roy, "you did good, or you did a good job", words to that effect: he was excited. He turned like he was going to tell us and father, said, "Shut up, don't say anything" They went down the hall to the kitchen and I followed along. Father was at the sink washing off something.

I know it was a knife and as I remember, it had a brown handle. He took it upstairs and it always bothered me and I used to hunt for it. At school everyone talked about the Murder, and I know they were looking for an old man with a goatee, white hair and a cape. Outwardly, to other kids, I pretended it was not my father, but inwardly I knew it was.

I feared my father and he disrupted the household. I always felt that if I could get the knife he would be put away. I remember going to the Police station with father, Greg, and myself. I stayed out in the car with the dog and was never spoken to by the Police. I can remember Detectives coming to my home during this time.

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*Handwritten signature and date: 5/1/82*



STATEMENT OF DONNA ELAINE EBSARY - CONT'd

The next thing I can recall, around 1974 I told Dave RATCHFORD that I knew my father did the stabbing in the park. We got a hold of the Sydney City Police and apparently they would do nothing. We also got a hold of Cst. Gary GREEN of the R.C.M.P. and they apparently got nowhere with the City Police either. I also talked to Diane LEWIS, who was with a group of people that was trying to get MARSHALL parolled. I didn't tell her I saw the knife, just that I knew MARSHALL was innocent. I also mentioned it to Debbie COUTOURE that father did it. She was with National Parks.

I felt totally frustrated to think MARSHALL was in jail and my father had committed this crime, and there was nothing I could do about it. While going to the College of Cape Breton, I mentioned it to one of my professors, Liz BOARDMORE.

Around 1975, Uncle Bob EBSARY was over from Newfoundland. Father and Uncle Bob were drinking and I heard father tell Bob about the attempted Robbery. He said, "they asked me for my money, and I said, I'll give you what I have". Father then made an underhanded stabbing motion as if he had a knife in his hand. As he was telling Uncle Bob this, he was acting it out as if he put his hand in his coat pocket, pulled out a knife and stabbed forward with it. He also said you should have seen the look on the other fellow's face, meaning the person accompanying the person he stabbed. He explained that people had tried to roll him before in the park, and he always carried a knife.

During the period between 1971, at the time of the Murder, until I left home in late 1978 or early 1979, Father stayed completely in the house and mainly in his room. He wrote, read

STATEMENT OF DONNA ELAINE EBSARY - CONT'd

...and generally acted eccentric. He still had knives around all the time and still had an extremely violent side. He rambled on about killing during the war and the present like killing a neighbour. I don't think killing anything bothers father, human or animal. I know he killed a budgie of mine when I was a kid. He literally ripped its head off.

Father dressed like a Five-Star General with his coat over his shoulders. He read a lot and would act out the lives of the people.

(Sgd) Donna E. EBSARY

WITNESS:

H.F. WHEATON, S/Sgt.

STATEMENT OF MAYNARD VINCENT CHANT, DB: 56-10-04,  
TAKEN AT LOUISBOURG, N.S. 5:05 P.M. 82-04-20

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On the night of the SEALE stabbing, I was in Sydney at church. I missed the bus around 11:00 P.M. I went down into Wentworth Park. I was on Bentinck St. when I heard someone running up behind me. The fellow, later known to me as Junior MARSHALL, shouted to me, "Look what they did to me". He showed me a cut on his forearm, the underarm, there was no blood. He also said his buddy was over in the Park and had been stabbed. Patricia HARRIS was there and gave him a Kleenex. We flagged a car and went to SEALE. SEALE went to the hospital by ambulance. I started for home. By this time I was out past my curfew and probation. A police car drove up, we had a conversation, and I told him I had seen everything, meaning the wounds on SEALE and MARSHALL. They obviously thought I had seen the stabbing. I went to the Station with the policemen. I was in the waiting room for a while. MARSHALL came out of the office with two others, policemen, I believe. MARSHALL came over to me and said, "There was two of them, eh?". I said, "Yes". I didn't know what else to say. I don't remember if I gave a statement then. My father arrived and I went home with him.

Two policemen came to my home on Sunday. I gave a statement to them in their car, basically what MARSHALL had told me that night in the Park and in the car going to see SEALE. There was no pressure from the police at that time. I did not tell them my information came from MARSHALL. About a week later, I went to the Louisbourg Town Hall with my mother, there was at least one policeman there. I remember others present but can't recall who they were. The policeman was very aggressive, making statements that I had lied because a witness had told them he had seen me there in the Park that night. He told me he knew I was on probation and that I could get from two to five years for perjury. I didn't even know what perjury was and

STATEMENT OF MAYNARD VINCENT CHANT - CONT'D

..just about crying, my mother was outside the room. There was something the witness had told the police that they mentioned to me at that time that caused me to give the second statement. I don't remember what it was now.

The Crown Prosecutor, I believe his first name was Danny, came to my home and drove me to his office which, at that time, was in the new court house on the ground floor. John PRATICO and two plainclothes policemen were with us in the same room. The Prosecutor kept repeating our stories until they were fresh in our minds. We went in to Court, I believe it was the same day after the meeting in the office. John and I repeated the same story in court. A couple of times before the jury trial, two detectives came to my home and drove me to Wentworth Park. They wanted me to show them where PRATICO had been hiding on that night, and where I had been standing on the tracks. They marked the spots in chalk, they were suggesting different spots and I agreed with them. Basically, I felt they were trying to help me rather than pressure me. I stayed one night at John PRATICO's house but didn't talk to him. John was in bad shape then. I believe that was when the trial was on. It was in cross-examination by ROSENBLUM that questions were asked about if I was sure the man Junior MARSHALL was the one I saw stab SEALE. At that point I realized I couldn't lie any further and said, "No". They had a recess and then they came back in the room. I had to stay in the witness chair. I was declared a hostile witness then and stepped down. I sat down outside. SEALE's brother came outside and told me MARSHALL was on the stand and was really getting his story mixed up. I felt relieved

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STATEMENT OF MAYNARD VINCENT CHANT - CONT'd

....because MARSHALL was hanging himself. I felt he was guilty at that time but didn't want to put him away on my false statement. That was it for my evidence. I had no further contact with the police.

In conclusion, I did not see the murder at all. I was not in the Park at the time. MARSHALL had told me the little bit I did know. He suggested there were two suspects at the police station in the presence of policemen. I was afraid to change my story. I was totally afraid of MARSHALL and the police at that time, and scared because I broke my probation.

(SGD) Maynard CHANT

WITNESS:

J.E. CARROLL, Cpl.

D. HYDE, Cst.

STATEMENT OF BEUDAH ELIZABETH (Mrs. Walter) CHANT  
B.D. 33-10-22, Taken at Louisbourg, N.S. 82-04-20  
4:04 P.M.

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On the night of the stabbing in Sydney in 1971, we received a 'phone call from the Sydney City Police asking me to come in and pick up our son Maynard, who was 14 then. My husband went in. My husband told me there had been a stabbing and Maynard was supposed to be around when it happened. In the morning I asked him what was going on. Maynard said he didn't know anything. On Sunday, when we came home from church there were two Sydney policemen sitting in the yard, one was MacINTYRE, the other one I didn't know. They said they believed Maynard had lied to them. They wanted to question him again. We agreed. They talked to Maynard in the house for a short time but mostly out in the car. I told him to tell the truth and let them take him to the car alone. Maynard told us later they wouldn't believe him. Sometime later in the same week, the same two policemen came back out to see Maynard. They took him to the Town Hall for questioning. I went with him. They told me they had evidence Maynard was lying and they wanted to talk to him alone in the room. Maynard was on probation at the time. I believe Wayne McGEE was present at that time and a BOURQUE fellow. I think I went outside and waited. The police told me they had evidence that Maynard was lying.

It was in the afternoon, I think, when they questioned my son. I knew he was upset but I don't remember if he said he gave a statement or changed his story. I believe someone came from Sydney and took Maynard and I to the court house. I went to court for the first two days but my nerves couldn't stand it so I didn't go back. I didn't hear his evidence.

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STATEMENT OF BEUDAH ELIZABETH (Mrs. Walter) CHANT - CONT'D

There was at least one day when they took Maynard to court alone, for the trial. I felt the police had finally learned the truth from my son. It was actually the trial with the jury I attended. None of our family were with him at the first hearing. I remember one of the two policemen telling Maynard at some stage, that he couldn't say he saw a knife, only what looked like a knife. About two years ago, Maynard told me he had given false evidence at the trial, that he had not seen anything of the murder. He said he tried to tell the truth but they had him so scared he couldn't say anything different. They wouldn't listen to him. He told his father and Rev. William LEGGE, also the RCMP, when they came to our home about two months ago about the incident.

(Sgd) Beudah CHANT

## WITNESS:

J.E. CARROLL, Cpl.  
D. HYDE, Cst.

STATEMENT OF LAWRENCE THOMAS BURKE,  
B.D: 49-09-20. FLORAL HEIGHTS, HOWIE CENTRE,  
N.S. TAKEN AT 2:13 P.M. 82-04-21

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Maynard CHANT was under my supervision in Louisbourg in 1971, I was aware of him being interviewed at the Town Hall, we were in court there at the time. Judge Louis EDWARDS of the Family Court was also there. I knew the Sydney City Police were interested in questioning CHANT about the SEALE stabbing. I believe Judge EDWARDS suggested to me that CHANT's parents could attend the interview and I wouldn't be needed. I don't recall being present when CHANT was interviewed by the police, I don't recall signing his statement as a witness. I don't remember seeing Mrs. CHANT on that day.

(SGT) Larence BURKE

WITNESS:

J.E. CARROLL, Cpl.

D. HYDE, Cst.



RE-OBJET:

PAGE

Statement of: Wayne Robert MAGEE  
Sheriff, Cape Breton County, N.S.

Taken: Sydney, N.S., @ 2 March 82

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In May of 1971 I would have been Chief of Police for the Town of Louisbourg. During this time John MacIntyre would have been a Sgt. of Detectives for the City of Sydney. As I recall Billy Urquhart came to my office. They asked me to locate Chant for them. I brought Maynard Chant and his mother to the Town Hall. We had a meeting in the Counsel Chambers with Maynard, his mother, Larry Purke, John MacIntyre, Bill Urquhart and myself present.

John outlined to all persons that he was investigating the stabbing in the Park and he wanted the truth from Maynard what he had seen in the Park. John put the questions to Maynard and he wrote down his answers. I don't recall any hesitation on Chant's part he admitted seeing the stabbing. John did all the talking and after the statement was taken we all signed it. I don't recall the specific questioning which took place.

Wayne R. Magee

H.F. WHEATON, S/Sgt.

ROYAL CANADIAN MOUNTED POLICE - GENDARMERIE ROYALE DU CANADA

OTHER FILE REFERENCES: REF. AUTRES DOSSIERS:	DIVISION	DATE	RCMP FILE REFERENCES: REF. DOSSIERS GRC:
	"H"	82-05-20	
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RE: - OBJET:

Donald MARSHALL, Jr.  
Non-Capital Murder  
Sydney, N.S.

Sec. 206(2) C.C.C.  
71-05-28/29

Further to previous reports, please be advised that investigation has continued in regards to the above offence. It was noted in the interview of Donna EBSARY, daughter of Roy EBSARY, that in 1975 she overheard a conversation between her father and an uncle, Bob EBSARY, indicating that her father was responsible for this murder. Mrs. Mary EBSARY confirmed the visit of Robert and advised he lived in St. John's, Newfoundland.

2. A patrol was made to St. John's, and Robert EBSARY was interviewed. Some difficulty was encountered in locating EBSARY as he had changed his name from EBSARY to McLEAN. When the circumstances of this case were made known to him, he readily recalled the incident. He advised that he and Roy were upstairs in Roy's bedroom which was decorated like a ship. Roy was relating war stories, and he was taping same. He related a story of two people trying to rob him in a Park in Halifax. He further advised that he thwarted the robbery by stabbing one of the assailants. While telling this story, EBSARY became quite descriptive and made an underhanded stabbing motion. The next day Robert looked for the tape and EBSARY advised him that it was too dangerous to have around and he had destroyed it. Statement of Mr. McLEAN attached.

3. Members of the Sydney City Police, who were originally involved in this investigation, have been interviewed in regards to continuity of possession, identification of deceased and the various other aspects of this investigation which will be required to pursue the matter in any further court action. Self-explanatory statements from the various members are attached. It would appear at this juncture that all interviewing, compiling of the case and interviews with Crown Prosecutor, Donald C. MacNEIL, were handled by Chief MacINTYRE and Det. Inspector William URQUHART. The only evidence given by these two officers was by Chief MacINTYRE at Preliminary Hearing and not at Supreme Court. Copy attached.

4. In regards to the EBSARY and MARSHALL portions of this file, all avenues of investigation known to date have been completed. Discussions were held with Crown Prosecutor, Frank C. EDWARDS, in regards to interviewing Chief MacINTYRE and Insp. URQUHART in regards to the allegations of CHANT, PRATICO and HARRISS that they were induced to fabricate evidence in the original trial in this matter. Mr. EDWARDS has advised me that he further discussed the matter with


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Donald MARSHALL Jr.  
Non-Capital Murder, Sec. 206(2) C.C.C.  
Sydney, N.S. 71-05-28/29

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CONTINUED FROM PAGE ONE

Mr. Gordon GALE of the Attorney General's Department, and it was felt that these interviews should be held in abeyance for the present. This file will be held open pending further instructions as well as new areas of investigation which may come to light.

  
(H.F. WHEATON), S/Sgt.  
Plain Clothes Co-ordinator  
Sydney Sub/Division

HFW:lh

Attachments

TO: OFFICER I/C C.I.B.

FORWARDED 82-05-26 for your information.

  
(B.B. SCOTT) Insp.  
Commanding Sydney Sub/Division

Statement of: Robert Samuel Bertrum McLEAN (B: 27 SEPT. 42)  
43 Alexander St., St. John's, Nfld.

Taken: 13 May 82, St. John's, Nfld.

I think around 1975 I visited Roy EBSARY a relative of mine in Sydney, Nova Scotia. During the visit we were having a few nips. I asked him if he would relate a few of his stories on tape. I recall him telling me about an attempted robbery in a Park and he stabbed a fellow. He said it was two people who tried to rob him he didn't say if it was a black. He didn't say it was in Sydney but in Halifax.

After I read the recent pieces in the paper I wondered if that was the story Roy told me. It seemed very real to Roy as he related it to me and demonstrated it to me. We were up in his room when he told me about it. The next day I looked for the tape we made of our conversation and Roy had destroyed it. He said he couldn't have that around.

Roy was a strange fellow and I really didn't think he could kill someone. I know he has a violent side to him.

Mr. Robert McLean

H.F. WHEATON

J.E. CARROLL, Cpl.

Statement of: Robert Samuel Bertrum McLEAN (B; 27 SEPT. 42)  
43 Alexander St., St. John's, Nfld.

Taken: 13 May 82, St. John's, Nfld.

91

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Roy was a strange fellow and I really didn't think he could kill someone. I know he has a violent side to him.

Mr. Robert McLean

H.F. WHEATON

J.E. CARROLL, Cpl.

Statement of: Sgt. Gerald Arthur TAYLOR (BD: 26-03-05)

Taken: at Sydney City Police Station 12:47 P.M. 82-05-11

92

I am a sergeant with the Sydney City Police and was so employed in 1971, I recall being on desk duty one evening when John MacINTYRE asked me to sit in with him as a witness to a statement he was taking from James MacNEIL concerning the SEALE stabbing he was investigating. MARSHALL had been convicted then, MacNEIL was saying he knew someone else had stabbed SEALE, I can only remember this from reading the statements from the case. I felt MacNEIL had read the story in the papers or heard it on the radio and wanted to be the centre of attention. I would have been present for the whole interview with MacNEIL or I wouldn't have signed it as a witness. I have read the statement of Gregory EBSARY taken 71-11-15 and notice my name appears as a witness to the statement, I don't remember being present at either interview.

Sgt. G.A. TAYLOR

Witnesses: Cpl. J.E. CARROLL  
S/Sgt. H.F. WHEATON

Statement of: Insp. Richard Joseph WALSH (BD: 32-03-04)

Taken: 2:19 PM on 82-05-11 at Sydney City Police Station

93

In 1971 I was employed on general duties with the Sydney City Police as constable. There was a dance at St. Josephs Hall and I came on duty at midnight. Cst. Leo MROZ was my partner, I believe the call about the stabbing came in while I was still at the office. We proceeded to Crescent Street where we found a youth lying on the pavement on Crescent Street who appeared to have been stabbed. The body was lying with the head toward the centre of the street and facing the harbour. I went to him and bent over him, I spoke to him but he just kept moaning, "Oh Jesus, Oh Jesus" I reached down and lifted his shirt, his intestines were coming out, I pulled his shirt down and I think a jacket to protect that area. Shortly after he was removed by CURRY'S Ambulance to City Hospital. At the scene I spoke with Cst. Howard DEAN and Donald MARSHALL, Jr., his arm was cut I noticed, Cpl. Martin MacDONALD who is now deceased was also present. I might have gotten CHANT's name there that night. At the hospital I helped undress SEALE he went for immediate surgery, Dr. NAQUI was there.

Inspector Richard J. Walsh

Witnesses: Cpl. J.E. CARROLL  
2:40 P.M.

Statement of Frederick Johnson LEMOINE (BD: 39-08-22)

Taken at Sydney City Police Station 1:41 P.M. 82-05-11

94

On the night SEALE was stabbed I was on duty at the dance at St. Joseph's Hall, John MULONEY was with me, we were policing the dance there that night. John told me the next morning he had put SEALE out of the hall that night. I knew MARSHALL, PRATICO and the HARRIS girl, I don't remember seeing any of them that night. I had about four years service then, I was a beat man and worked a day shift before the dance. The senior men did all the interrogation.

Frederick J. LeMoine

Witnesses: Cpl. J.E. CARROLL  
H.F. WHEATON



Statement of: Michael Bernard MacDONALD (BD: 8 Dec 19)  
Sydney City Police

95 11 MAY 82

I am a Staff Sergeant with the Sydney City Police and in 1971 I was so employed as a Detective. On the night of the 28th of May 1971 I worked the four to twelve shift and had gone home. I received a call that there had been a stabbing in Wentworth Park and the victim was in the Sydney City Hospital.

I went to the Hospital and learned that a Sandy SEALE was stabbed and was being operated on by Dr. Naquie. I was not allowed in to see Seale at this time. Donald Marshall was sitting in the hall and his left arm was wrapped up. As best I can remember Marshall told me they were stabbed by two fellows with dark clothing that looked like Priests.

As a result of what I saw at the Hospital I felt we had a murder on our hands. I recall a young fellow by the name of Chant being brought to the Hospital. I don't recall talking to Chant at the Hospital. He was then taken to the office I really can not recall. I know he called his father to come and get him. This has been a long while ago but I definitely know that if Chant said he saw the murder I would have taken a statement. I was the Detective there and if there had been any indication that Chant saw Marshall stab Seale I would have been the one to take a statement.

I phoned John MacIntyre who was the Sgt. of Detectives and told him what was happening that I thought we had a murder on our hands. I asked him if he would come out and he refused. I reported this to the Chief of Police, Gordon MacLEOD. I had to go to his house and see him.

My next shift as I can recall was Sunday the 30th of May 1971. I worked that shift with John MacIntyre nine to five. We checked around the park and after dinner we went to Louisbourg. We went to Chants home in Louisbourg and they told us their son Maynard was in Catalone and described the house.

We went to Catalone and picked up Chant and John talked to him outside the car. Inside the car there was no pressure put on Chant in my presence. There was very little talk we returned to the station and John took over and that was the only dealings I had with Chant.

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Statement of: Michael Bernard MacDONALD (BD: 8 Dec. 19)

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cont'd

The only other thing I did was drive a box of exhibits up to Sackville with John.

S.Sgt. M.B. MacDONALD

Statement of Frank Frederick MacKENZIE (BD: 36-11-23)  
Taken at Sydney Forks, N.S. 1:35 P.M. 82-05-19

97

On the night SEALIE was stabbed I was on car patrol with Cst. Jack JOHNSTON, shortly after midnight we received the radio call We had three intoxicated people in the rear of the car so we had to take them to the cells first. One of the other cars had gone to Wentworth Park so we continued on patrol. On George Street near Shandwick Street we saw a young lad on the side of the road, I don't remember if he was hitch-hiking or we stopped to check him. He told us his name was CHANT and that he was from Louisbourg, we asked him if he knew what had happened in the park and he said he did. He got in the back seat and we returned to the police station where we turned over to Detective M.B. MacDONALD, we did not question him on the way to the office. That was the only part JOHNSON and I had in the investigation.

Witness: Cpl. J.F. FARROLL

Sgd. Frank F. MacKENZIE

STATEMENT OF LEO DANIEL MROZ (B: 39-03-27)  
Taken at 60 Topshee Drive, Sydney, N.S.  
3:29 P.M. 82-05-19

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On the night of the SEALE stabbing I was to be on the Charlotte Street beat, just prior to going out, Cst. Richard WALSH wanted me to go with him on an urgent call to Wentworth Park. We went in the same car to Crescent Street by way of Bentinck Street. Another car occupied by officers DEAN and MacDONALD arrived a short time later. I observed a man lying near the right curb. I believe his head was toward the centre of the road, feet toward the right hand curb. We both went to the body. Boots asked him what had happened. There was little or no response from Sandy SEALE, the fellow on the street. There was a painful utterance, he said, "Oh, God, no." or "Oh Jesus No," something like that repeated three or four times. The ambulance was requested. I believe he had on a T-shirt. There appeared to a bulge extending from the high chest to the low abdomen region. WALSH raised the shirt to see what it was. His intestines were oozing out of the abdomen and causing the bulge. They were coming out in snake-like fashion. We tried to talk to SEALE but he appeared to be unconscious, there was a painful expression on his face. I recall seeing Junior MARSHALL at the scene. He was favouring his left forearm gripping it with his right hand. We did not talk to MARSHALL. DEAN took him in his car. The ambulance arrived and SEALE was taken to Sydney City Hospital. I helped them load SEALE into the ambulance. We proceeded to the hospital and went into the out-patients section. SEALE was arriving then. He still appeared to be unconscious. He was removed to an outpatient room. Dr. NAQUI appeared almost as soon as we did. I remained there with a nurse. NAQUI examined the wound for about five minutes. I went out to the reception area where I met Oscar SEALE and his older son. I knew Oscar, he called me by name and asked how his son was.

STATEMENT of Leo Daniel MROZ continued  
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I told him Sandy had suffered stab wounds and that he was under doctor's care. I told him everything would work out O.K. That was the last dealing I had with SEALE. WALSH and I remained on patrol together until daylight. I remember a description of two priestly looking men in a white VW with foreign plates being passed to us. We checked many vehicles that night. I do not know CHANT but I grew up in the same area as John PRATICO and know him well. He always appeared to be mentally unstable. He had been in the N.S. Hospital. No one ever asked me for my opinion and I did not volunteer it to anyone. I was quite surprised to hear PRATICO gave evidence at MARSHALL's trial.

Wit: Cpl. J.E. CARROLL

Signed: Leo MROZ

4:30 P.M.

Statement of Howard Leslie DEAN (BD: 32 JUN 13)  
Taken at 144 Buckingham Drive, Sydney, Nova Scotia  
11:03 A.M., 82 MAY 20

100

On the night of the SEALE stabbing, I was on car patrol with Cpl. Martin MacDONALD, now deceased. We were in the vicinity of St. Joseph's Hall when the call came to us. We proceeded to Bying Street and then to Crescent Street, I was driving, there was a man in the middle of the street. We later found to be Junior MARSHALL, he was waving his arms to stop us. I saw a male lying on the street, his head was towards the centre of the street, and his legs near the right side or curb. Cst. Richard WALSH and Leo MOROZ arrived just about the same time. I did not have any conversation with SEALE, I could see his intestines were rolling out of his chest cavity. The ambulance was on its way. MacDONALD and I took MARSHALL to Sydney City Hospital for treatment of a wound on his arm. He said he had been stabbed at the same time SEALE was. We left MARSHALL and went back on patrol. I don't remember MARSHALL giving any description of who had stabbed him. I had no further dealings with the investigation.

Witness; Cpl. J.E. CARROLL

Cpl. Howard DEAN

Statement of John MULLOWNEY  
Sydney City Police  
20 MAY 1982

101

In May of 1971, I was employed as a member of the Sydney City Police and am so employed to date. On the night of the 28th/29th of May 1971, I was employed on Special Duty policing a dance at St. Joseph's Church Hall located on George Street, Sydney. I was in the admittance area of the dance, and Cst. Fred LeMOINE was in the dance proper.

I saw Sandy SEALE on three occasions. The reason I remember is that I had to eject him from the dance on three occasions for not paying admittance. On the third occasion, I detected a smell of alcohol on his breath. The last time I told him if I saw him on the property again, he would be charged with consuming. As the dance was breaking up, I heard there had been a stabbing in the Park.

(H.F. WHEATON)

Sgt. John MULLOWNEY

Statement of: John JOHNSTON (B: 13 MAY 32)  
Sydney City Police

102

I am a Sydney City Police Cpl. and was employed with the Department in 1971. I have read my Police reports where Frank MacKenzie and I had contact with Maynard Chant. I do not honestly recall seeing this person I must have but I just simply can not recall.

I was on patrol but I'n afraid I recall very little if anything of Marshall, Seale, Chant or Ebsary. If Chant had told me he saw the murder in the Park I would have turned him over to Det. M.R. MacDONALD, that night and I feel I would recall that.

Cpl. John Johnston

H.F. WHEATON

J.E. CARROLL, Cpl.





TO  
A

O.C. Sydney Sub-Division

FROM  
DE

Officer i/c C.I.B.

SECURITY CLASSIFICATION / DE SÉCURITÉ
OUR FILE / NOTRE RÉFÉRENCE 71H-010-6
YOUR FILE / VOTRE RÉFÉRENCE 82-77
DATE 82-05-10

SUBJECT  
OBJET

Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206(2) C.C.  
Sydney, N.S. 71-05-28/29

I have just reviewed the most recent correspondence submitted in connection with this investigation. The flow chart and chronicaling of events provides the uninformed with an easy and ready reference to the facts as known in this case. I wish to express my appreciation to S/Sgt. H. F. Wheaton for a job well done and to the other members who have been involved in this investigation and who were instrumental in compiling this book.

Would you please pass on my comments to all the members who have been involved in this investigation.

D. F. Christen, Supt.  
Officer i/c C.I.B.

82S-0042

Sydney Sub/Division P.C. Co-Ordinator ✓  
NCO i/c Inverness Det.

FORWARDED 82-05-13 for your information. I would also like to add my congratulations for a job well done. Please pass on this information to the members of your command who were involved in this investigation, as well as Mrs. Donna BOTTE for her part in compiling this report.

*D.B. Scott*  
D.B. Scott, Insp.  
Commanding Sydney Sub/Division

TO  
FROM  
DE

S/SGT. HARRY WHEATON  
SYDNEY SUB-DIVISION G.I.S.

N.C.O. I/C  
ST. JOHN'S SUB-DIVISION G.I.S.

SUBJECT  
OBJET

ROY EBSARY - MURDER  
SYDNEY, N.S.  
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SECURITY CLASSIFICATION - DE SECURITE
OUR FILE / NOTRE REFERENCE 82/252
YOUR FILE / VOTRE REFERENCE
DATE 82-05-28

Please find attached statement obtained from Edward Patrick O'TOOLE.

As can be observed from his statement, he communicated with EBSARY on a regular basis until approximately two years ago; however, mention was not made of any murder or any other violent acts by EBSARY.

O'TOOLE is presently reading all letters and listening to all tapes received from EBSARY and should further information come to light, he will pass it on to this office and we will, in turn, contact you.

If we can be of further assistance, please advise.

  
(H. AVERY) Sgt.  
i/c St. John's Sub-Division G.I.S.

26 May 82  
12.05 PM

This is the statement of Edward Patrick O'TOOLE  
(B: L 1/2/39) of 223 Pennywell Road, St. John's,  
fld, tel. # 576-4717.

I am married Roy Ebsay's niece, Patricia,  
have never met Roy Ebsay but when we  
first moved into our home on Pennywell Road we  
had a card from him, congratulating us on our  
new home. This was sometime around 1975.

We thought it was a nice gesture on his  
part so my wife asked me to write him back.  
We continued to communicate by letter, tape and  
Telephone until about two years ago. At that  
time I received a letter from him with a picture  
of a penis attached. I was shocked at this and  
realized he was probably a homosexual.

Roy Ebsay did not mention anything about  
murder, robbery or any kind of violence in  
his letters or tapes. Prior to ~~the~~ receiving the  
letter with the pornographic picture, the  
communication was normal in that we discussed  
family and other mutual interest. At no time did  
he give me any reason to believe that he caused  
harm to anyone, and definitely did not mention  
anything about a murder in Sydney or any other  
location.

Edward O'Toole  
92.05.26 - 12.25 PM

\*Edward O'Toole.

TO AU	Qui P.D. - Autres S.P.	Comm. Com.	C.O. C.D.	O.C. Sub - C.S. - D.	I/C Det. - Resp. Dé.	Copies to - Copies au
			X		O i/c C.I.B.	106
FROM DU	Att: rpl Stubb			P.C. Co-or. Syd. S/D GIS	Date	82-05-31
	H.O. File - Dossier de la D.G.	DIV. File - Dossier de la div.		S/DIV. File - Dossier de la s.-div.	DET. File - Dossier du dét.	

ATTACHMENTS - PIÈCES JOINTES

- Correspondance  
 Warrant Mandat  
 Summons (es) Assignation(s)

Dated - Daté du

FOR YOUR - POUR

- Information Votre gouverne  
 Action Donner suite  
 Execution Exécution

REMARKS (if reply - arrow to return address) - REMARQUES (dans le cas d'une réponse, indiquer par une flèche l'adresse de retour)

Re: Donald MARSHALL, Jr.

Non-Capital Murder, Sydney, N.S.

Attached please find two copies of statement taken from Robert S.B. McLEAN (B: 42-09-27) and notes taken from Dr. F.M. NAQUI, re the a/n case, as per our conversation this date.

(H.F. WHEATON) S/Sgt.

P.C. Co-or. Sydney S/D GIS

- SERVED - Original & Affidavit returned - Signifié - original et affidavit retournés  
 NOT SERVED for reasons indicated - Non signifié pour les raisons indiquées

Date fine & Costs paid  
Amende et frais payés le

DIARY DATE EXTENTION  
PROLONGATION DE LA DATE D'AGENDA

- Disposition of exhibits  
Disposition des pièces à conviction  
 Further enquiries negative  
Autres recherches nulles  
 Awaiting instructions  
Dans l'attente de directives

- Awaiting payment of fine & costs  
Dans l'attente du paiement de l'amende et de frais  
 Report overdue  
Rapport en retard  
 Unable to execute Warrant (Summons)  
Impossibilité d'exécuter le mandat (assignations)  
 Trial date not set  
Date du procès non fixée

Adjournd to  
Renvoyée au

EXTEND TO - PROLONGÉE JUSQU'À

Statement of: Robert Samuel Bertrum McLEAN (B: 27 SEPT. 42)  
43 Alexander St., St. John's, Nfld.

Taken: 13 May 82, St. John's, Nfld.

107

I think around 1975 I visited Roy EBSARY a relative of mine in Sydney, Nova Scotia. During the visit we were having a few nips. I asked him if he would relate a few of his stories on tape. I recall him telling me about an attempted robbery in a Park and he stabbed a fellow. He said it was two people who tried to rob him he didn't say if it was a black. He didn't say it was in Sydney but in Halifax.

After I read the recent pieces in the paper I wondered if that was the story Roy told me. It seemed very real to Roy as he related it to me and demonstrated it to me. We were up in his room when he told me about it. The next day I looked for the tape we made of our conversation and Roy had destroyed it. He said he couldn't have that around.

Roy was a strange fellow and I really didn't think he could kill someone. I know he has a violent side to him.

Mr. Robert McLean

H.F. WHEATON

J.E. CARROLL, Cpl.

Statement of notes taken from Dr. F.M. NAQUI

108

Interviewed 82-05-05

Dr. NAQUI advised that he could not recall the length of the wound in SEALE's stomach. The point of entry was to the left of center of the stomach. The knife entered the body and ran through to the back bone in a more or less horizontal fashion. The knife therefore did not stab downward in an overhand fashion.

The wound itself was opened from the breast bone to the Pubic and operation number 1 conducted. When SEALE failed to respond operation number 2 was conducted and the bleeding noted coming from the Aorta. The ribs were spread and the Aorta clamped off below the heart and repaired. Subject was basically too far gone and failed to respond and died.

No autopsy was conducted and I endeavoured to get some explanation of same and received no response. The height, weight and basics of the body are not known. From my investigation I feel that SEALE was a sturdy, young man, sixteen years of age, approximately 5 ft. 8 in. tall with a weight of approximately 150--160 pounds, this is based on photographs and descriptions gleaned during investigation.

In going over the various organs severed I endeavoured to ascertain the length of the knife that would have been used keeping in mind the above. Dr. NAQUI giving consideration stated that the knife would be 4 1/2 " long. This might be used as a bench mark. It does after all agree with the murder weapon, however, I feel it would be dangerous to use for Court purposes.

(H.F. WHEATON) S/Sgt.  
P.C. Co-ordinator  
Sydney Sub/Division G.I.S.

82-06-03

The Deputy Attorney General  
 P.O. Box 7  
 Halifax, Nova Scotia  
 B3J 2L6

71H-010-6

Attention: Mr. Gordon S. Gale

Re: Donald MARSHALL, Jr.  
 Non-Capital Murder, Sec. 206(2) C.C.  
 Sydney, N.S. 71-05-28/29

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My previous correspondence dated 82-05-10 with attachments refers.

Statements have now been obtained from the Sydney City Police, who were directly or indirectly involved in this investigation.

Dr. F.M. NAQUI has been interviewed by S/Sgt. H.P. WHEATON. Although no statement was taken, S/Sgt. WHEATON has outlined Dr. NAQUI's recall of the incident. There was no autopsy conducted, and his comments are attached.

A statement is also attached from Robert S.B. McLEAN. He had conversation with EBSARY at which time EBSARY talked of stabbing a man. Although names were not used, EBSARY appears to have been speaking of this offence.

As this completes our investigation into this matter, your further direction will be awaited.

D.F. Christen, Supt.,  
 Officer i/c C.I.B.

DCS/lmm  
 Encl.

OP REV  
 40 ✓

3139 Oxford Street  
 P.O. Box 2286  
 Halifax, N.S.  
 B3J 3E1

82-06-03  
 15  
 J

RE - OBJET

110

BIN - BD

DATE	TIME HEURE	ACTION TAKEN - MESURES PRISES
82-06-14	3.00 Pm	Request from o.c. Sydney H. Die. this date to check with Chief CROWE New Waterford P.S. regarding a visit to the home of Mrs. Arsene GIDDENS at 17 MacKay St., New Waterford. Apparently two men came to her home last week, entered un-invited and took photographs of her dead grandson's photo (Landy SEALE). GIDDENS is elderly and partially crippled, the two individuals appeared to members of the press looking for a story on the MARSHALL murder case.
	3.10 Pm	Contacted Chief CROWE, he stated he knew GIDDENS personally and would interview her this P.m. no record of complaint at his office.
	3.30 Pm.	CROWE advised a clean shaven man and a woman had visited GIDDENS on three occasions looking for John PRATICO, a witness in the MARSHALL case. On the last visit last week the woman took a photo

<input type="checkbox"/> Concluded Enquête terminée	Date Complainant Notified Date d'avis au plaignant	SUI S.E.	D.D. - D.A.	<input type="checkbox"/> Consulted Consulté	<input type="checkbox"/> Attended sur les lieux	<input type="checkbox"/> Advised avisé
Investigator - Enquêteur		Date		SUPERVISOR SUPERVISEUR		Date
1824 (80-10) 7530-21-036-5853		COPIES TO: - COPIES A			Other - Autre	
<input type="checkbox"/> H.Q. D.G.	<input type="checkbox"/> DIV.	<input type="checkbox"/> C.I.S. S.F.J.	<input type="checkbox"/> G.I.S. S.E.G.			PAGE 8



RE - OBJET:

111

BIN - BD

DATE	TIME HEURE	ACTION TAKEN - MESURES PRISES
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of Sandy SEALE, GIDDENS was met where they planned to photograph her grandson's picture. Chief CROWE said she would re-interview GIDDENS for a better description of the two people and mention the James Allan STOREY - Linda MacQUAID of McLEAN'S magazine to her, will advise.

J.E.C. Pl.

4.30

P.M.

Chief CROWE advised MacQUAID and one Patrick DONOVAN, local free-lance were the people involved. Apparently SEALE photo was given to GIDDENS and then a photograph taken of her holding the photo, she threatened to sue them if the photo was ever published.

4.30

P.M.

O.C. also advised Chief John MacINTYRE of Sydney P.D. had just called stating. Supt. Richard WASH and Ambrose MacDONALD now remember responding to a call at Memberton reserve when roadblocks were being set up to prevent trouble

<input type="checkbox"/> Concluded Enquête terminée	Date Complainant Notified Date d'avis au plaignant	SUI S.E.	D.D. - D.A.	<input type="checkbox"/> Consulted Consulté	<input type="checkbox"/> Attended sur les lieux	<input type="checkbox"/> Advised avisé
Investigator - Enquêteur		Date		SUPERVISOR SUPERVISEUR Signature		Date
COPIES TO: - COPIES A				Other - Autre		PAGE
<input type="checkbox"/> H.O. D.G.	<input type="checkbox"/> DIV.	<input type="checkbox"/> C.I.S. S.F.J.	<input type="checkbox"/> G.I.S. S.E.G.			9

RE - OBJET:

112

BIN - BD

DATE	TIME HEURE	ACTION TAKEN - MESURES PRISES
		<p>on the reserve (prior to MARSHALL'S arrest) at which time MARSHALL was present and was asked by MacDONALD what he was doing while SEALE was being stabbed. He replied that he had kicked "the queer" behind the ear or in the heads words to that effect. Chief MacINTYRE wanted that noted for the record.</p> <p style="text-align: right;">J. E. Carver 02-06-16</p>

<input type="checkbox"/> Concluded Enquête terminée	Date Complainant Notified Date d'avis au plaignant	SUI S.E.	D.D. - D.A.	<input type="checkbox"/> Consulted Consulté	<input type="checkbox"/> Attended sur les lieux	<input type="checkbox"/> Advised avisé
Investigator - Enquêteur		Date		SUPERVISOR SUPERVISEUR		Date
COPIES TO: - COPIES A				Other - Autre		PAGE
<input type="checkbox"/> H.Q. D.G.	<input type="checkbox"/> Div.	<input type="checkbox"/> C.I.S. S.F.J.	<input type="checkbox"/> G.I.S. S.E.G.			10

NOTE - ÉCRIRE À LA MAIN

R1002 304

TO  
A C I B O

FROM - DE  
Cpl. Stett

Date

Comments  
Commentaires

Action  
Donner suite

Prepare Brief  
Préparer un exposé

Return with Current File  
Retourner avec le dossier

Perusal and P.A.  
Lire et classer

Prepare Reply  
Rédiger une réponse

Make File(s)  
Ouvrir un dossier

Check Records  
Vérifier les dossiers

SUBJECT - SUJET

REMARKS (Use same A-5 for Reply when space permits) - REMARQUES (Si l'espace le permet, répondre sur cette formule)

Possibly on your Thurs. A.M. meeting with A.C. you could determine the present standing. Last par. our cor. 82/06/03 refer

C I B Readers -

will discuss with Mr. Gale and advise you on 82-09-24.

R.S.

82/08/28 file with A C I B O - Our file to be concluded unless further investigation requested by Crown. J.

DP REI 40

AT 9/21

Diary Date - Date d'agenda	Meeting Date - Date de réunion	PA - AC	
		Date	Init./N°

OTHER FILE REFERENCES:  
REF. AUTRES DOSSIERS:

DIVISION  
"X"

DATE  
83-01-21

RCMP FILE REFERENCES:  
REF. DOSSIERS GRC:

82-77  
825-0042

114

SUB-DIVISION / SOUS-DIVISION  
Sydney, N.S.

DETACHMENT—DÉTACHEMENT  
Sydney S/D G.I.S.

RE: — OBJET:

Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206 C.C.C.  
Sydney, N.S. 71-05-28/29

1. Further to report dated 82-05-20 in the above regard, be advised affidavits taken from main witnesses in this case by MARSHALL's counsel (ARONSON) in particular those of CHANT, PRATICO and MacNEIL were subsequently presented to the Nova Scotia Supreme Court at Halifax, N.S. in August, 1982.

2. On 82-12-01 MARSHALL appeared before the Court of Appeal at Halifax, N.S., at which time new evidence was presented by ARONSON through witnesses James MacNEIL, Donna & Greg EBSARY, A. EVERS, Patricia HARRISS and Maynard CHANT, this being the first time MacNEIL submitted evidence. MARSHALL also gave evidence but refused to admit he and SEALE were in the process of robbing EBSARY and MacNEIL on the night in question. During cross-examination by Crown Prosecutor F. EDWARDS, MARSHALL finally admitted to the contents of the statement he gave S/Sgt. WHEATON and myself at Dorchester, N.B. After two days of evidence the five Appeal Court Judges adjourned the matter to 83-02-16 for decision.

3. It should be noted EBSARY has since been acquitted by a local jury on the MUGRIDGE stabbing. This incident occurred in his Sydney home early in 1982 and a new trial was ordered after medical authorities found him "unfit" for trial. Since his release he returned to his former residence and drinking habits.

4. On 82-10-25 EBSARY made continued attempts to contact Frank EDWARDS in Sydney. EDWARDS refused to communicate with him in the event it concerned the MARSHALL case and requested someone from this office visit EBSARY. I interviewed him at his home on 82-10-26 and was asked to ascertain the circumstances surrounding the arrest and court appearance of one Gerard Francis DOYLE arrested at St. Peters, N.S. on 82-10-25. DOYLE and EBSARY met while inmates at the local Correctional Centre and he expressed a great desire to help the youth in any way possible, in exchange for this information, he stated he would supply the missing details to the MARSHALL case.

5. Inquiries made revealed DOYLE had already appeared in Arichat court and was remanded for thirty days observation in Dartmouth, N.S., on several charges. EBSARY was advised of the situation but decided to discuss the MARSHALL case anyway. He agreed to type his account of the events on the night he and MacNEIL were robbed but later stated his glasses had been smashed by a drunk and he could not see clearly to type, he suggested a tape recorder be supplied.

.../2

6. On 82-10-29 I delivered to EBSARY a tape recorder and new cassette tape with the intention of leaving it with him, however, he agreed to dictate the details in my presence. The subsequent twenty minute recording describes how he and MacNEIL were walking through the park when approached by MARSHALL and SEALE. He describes defending himself by stabbing SEALE "in the guts" and MARSHALL in the arm when he came to SEALE's rescue. He said he used a small pocket knife which he buried in his backyard garden plot at Rear Argyle St., Sydney and agreed to show me the location.

7. On 82-11-02 Cpl. D. HYDE and I with EBSARY dug up an area some 3' x 4' at the above address but could not find the knife. While attending local court on another matter on 82-11-08 I met EBSARY who had just appeared before Sydney Provincial Court Judge C.A. O'CONNELL and entered a "Guilty" plea to possession of an offensive weapon. EBSARY was sentenced to six months at the local Correctional Centre same date and will be released on 83-03-08. This charge was laid by Sydney City Police following numerous threats of bodily harm by telephone from EBSARY to his son, Gregory. EBSARY tried to gain entry to his son's residence during the P.M. of 82-11-0 and had hidden a knife in a small mail box near the front door. Minutes after being sentenced EBSARY bragged to Ian MacNEIL, editor of the Cape Breton Post and brother of Crown Prosecutor Donald MacNEIL (deceased - prosecuted MARSHALL in 1971) he had stabbed MUGRIDGE and got away with it as well as stabbing SEALE and MARSHALL. EBSARY invited MacNEIL to further interview him at the Correctional Centre regarding these offences.

8. EBSARY is now scheduled for release on 83-03-08 and MARSHALL's next appearance is 83-02-16. It is the writer's opinion that Department of Justice officials may not be fully aware of the fact EBSARY, in spite of his age and physical-mental condition, is a very unpredictable, dangerous individual. When not in custody he entertains a local crowd of drunks, drug users, fellow inmates released as well as the homosexual youths. It is not uncommon for him to go without food for two weeks, drinking heavily every day, he is normally drunk by noon. When EBSARY is released in March he will resume his previous life style and there can be no doubt he will make further threats toward his son and family. These people live in constant fear EBSARY will molest their children while enroute to school.

S.U.I.

*J. E. Carroll*  
(J. E. CARROLL) Cpl.  
Sydney Sub/Div. G.I.S.

D.D. 83-03-31

*E.P.A. Sgt. A.C.D.*  
(E.E.B.) S/Sgt.

P.C. Co-or. Sydney Sub/Div. G.I.S.

Donald MARSHALL Jr.  
Non-Capital Murder, Sec. 206, CCC  
Sydney, N.S. 71-05-28/29

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PAGE  
3

CONT'd

The Officer i/c C.I.B.

FORWARDED 83-01-24 for your information. Para. 3 of Cpl. CARROLL's report should read, "this incident occurred in his Sydney home early in 1982, and a new trial was ordered after medical authorities had earlier found him unfit for trial". EBSARY, in the first instance, was found unfit for trial and then later he was found fit for trial and then was acquitted during a jury trial.

With reference to para. 6 of Cpl. CARROLL's report, it should be noted that EBSARY had just come off of a 10-day drinking bout and while listening to this tape recording you can see that he is telling you what he wants to tell you and is not being completely honest in all details. It is like he wants to admit to stabbing SEALE to get it off his conscience, but, he does not want to lose his freedom by making this admission, and therefore he distorts certain facts to leave you guessing.

My main concern at this point is for the safety of others should EBSARY be released prior to a decision being rendered by the Appeals Division of the Supreme Court of Nova Scotia. Should the Appeals Division see fit to dismiss the conviction against MARSHALL, then a charge of Manslaughter or Murder should be laid against EBSARY, as the investigator and the local Crown Prosecutor both feel that there are sufficient grounds to do so. I also concur with this decision. It is therefore requested that this Sub/Division be advised ASAP when a decision is handed down, so that the appropriate action can be taken at this point against EBSARY.

D.B. Scott, Insp.  
Commanding Sydney Sub/Division

ROYAL CANADIAN MOUNTED POLICE — GENDARMERIE ROYALE DU CANADA

OTHER FILE REFERENCES:  
REF. AUTRES DOSSIERS:

DIVISION

"H"

DATE

83-02-10

RCMP FILE REFERENCES:  
REF. DOSSIERS GRC:

82-77 - Our File  
82S-0042 - Syd. S/D  
71H-010-6 - H.Q. File

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SUB-DIVISION / SOUS-DIVISION

Sydney, N.S.

DETACHMENT—DÉTACHEMENT

Sydney S/D G.I.S.

RE: — OBJET:

Donald MARSHALL, Jr.  
Non-Capital Murder, Sec. 206 C.C.C.  
Sydney, N.S. 71-05-28/29

1. Further to my report of 83-01-21 and memo dated 83-01-28 from Assistant Officer i/c C.I.B. in the above regard, be advised MacNEIL was interviewed and a statement obtained, attached. It appears MacNEIL and City Editor, Angus MacDONALD, persuaded Deputy Sheriff Win HATCHER to remove EBSARY from the Court house holding cell on 82-11-08 and allow him to be interviewed prior to his departure to the local Correctional Centre. Sheriff Wayne MAGEE returned to the office and terminated the discussion.

2. MacDONALD, MAGEE and HATCHER have been interviewed, all confirm that MacNEIL was the only person to speak with EBSARY, the MUGRIDGE case was not discussed.

3. Due to pressure of other duties, it has not been possible to transcribe EBSARY's remarks of 82-10-29, a copy of this tape is enclosed in the event it can be done at your point.

S.U.I.

D.D.: 83-03-31

(J.E. CARROLL) Cpl

NCO i/c Sydney Sub/Div. G.I.S.

(T.E.B.) S/Sgt.

P.C. Co-or. Syd. Sub/Div. G.I.S.

c.c. O.C. Sydney Sub/Division

Statement of Ian Roderick MacNEIL (BD: 21-12-23)

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Taken at Sydney, N.S.

83-02-07

10:54 AM

In November, 8th 1982 I was attending the Provincial Court in Sydney, it would be around 11:00 AM, I heard that Roy EBSARY had just appeared on a charge and was told he was presently in the holding cell downstairs. I inquired as to whether I could see him, I went to the cell but there was another younger prisoner with EBSARY, Win HATCHER took EBSARY out of the cell and we went into an office. Angus MacDONALD, our city editor, Win and myself remained in the room with EBSARY, Wayne MacGEE, the sheriff came in about twenty minutes before we finished talking. I asked EBSARY to tell me of the incident on the night Sandy SEALE was stabbed. He was placid, not cocky, he took no offence to questions I asked. He told of walking in Wentworth Park with a friend and being approached by two men who proceeded to rob them. In an effort to defend himself EBSARY said he used a small pocket knife stabbing his attacker. EBSARY said his attacker ran away after being stabbed. Win did not say anything to EBSARY nor did MacGEE or Angus, the questions were strictly between EBSARY and myself. As he left EBSARY invited me to come to the Correctional Centre for another interview, I did not go.

Ian MacNEIL

Witness: Cpl. J.E. CARROLL

11:25 AM

83-02-07



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RCMP 119  
C-2648  
REV 1 4 68  
7530 21 029 4324

# ROYAL CANADIAN MOUNTED POLICE

DIVISION <b>"H"</b>	SUB-DIVISION <b>Sydney</b>	DETACHMENT <b>Sydney GIS</b>	"HQ" FILE NO.	DATE <b>83-11-09</b>												
DIVISION FILE NO. <b>71H-010-6</b>	SUB-DIVISION FILE NO. <b>82-77</b>	DETACHMENT FILE NO.	P.C.R. <b>83-09-19</b>	F.P.S. <i>RcMP2 149</i>												
DEFENDANT <b>Roy Newman EBSARY</b>		ADDRESS <b>68 Falmouth Street Sydney, N.S.</b>														
BIRTHDATE <b>12-06-02</b>	BIRTHPLACE <b>Newfoundland</b>	OFFENCE <b>Manslaughter, Sec. 217 C.C.</b>														
PLEA <input type="checkbox"/> GUILTY <input checked="" type="checkbox"/> NOT GUILTY		TRIAL PLACE <b>Sydney, N.S.</b>	TRIAL METHOD <input checked="" type="checkbox"/> PART XVI <input type="checkbox"/> PART XVII	MAGISTRATE OR JUDGE <b>Justice R. MacLeod ROGERS</b>												
DISPOSITION OF CHARGE AND DATE <b><u>CONVICTED:</u> See Remarks 83-11-08</b>				C-2168 FORWARDED <input type="checkbox"/> YES <input type="checkbox"/> NO												
INFORMATION LAID BY <b>Cpl. J. E. CARROLL</b>		<input type="checkbox"/> FINE & COSTS PAID INTO COURT <input type="checkbox"/> GAOL TERM TAKEN	IF TIME TO PAY, BY WHAT DATE MUST PAYMENT BE MADE	<input type="checkbox"/> PHOTOGRAPHED <input type="checkbox"/> FINGERPRINTED												
COLLECTED FROM COURT <input type="checkbox"/> FINE <input type="checkbox"/> POLICE COSTS	CASH SHEET NO.	POLICE COSTS														
FORWARDING STAMPS		<input type="checkbox"/> VOLUNTARY APPEARANCE ATTENDING COURT \$ _____ <input type="checkbox"/> ARREST \$ _____ MILEAGE \$ _____ <input type="checkbox"/> SERVING SUMMONS \$ _____														
		OTHER COSTS MAGISTRATES FEES \$ _____ WITNESS FEES \$ _____ _____ \$ _____ _____ \$ _____ _____ \$ _____														
REMARKS																
CANADIAN CITIZEN <input checked="" type="checkbox"/> ALIEN <input type="checkbox"/> DATE OF ENTRY _____																
<p>1. Further to PCR 83-09-19, a second trial for EBSARY commenced at Sydney, N.S., on 83-11-04. WINTERMANS represented the accused and EDWARDS acted for the Crown. Witnesses called were as follows:</p> <table style="width:100%; border: none;"> <tr> <td style="width:40%;">MARSHALL</td> <td>-</td> <td>Same evidence as previous trial.</td> </tr> <tr> <td>MACNEIL</td> <td>-</td> <td>" " " " " "</td> </tr> <tr> <td>EBSARY (Mary)</td> <td>-</td> <td>" " " " " "</td> </tr> <tr> <td>EBSARY (Donna)</td> <td>-</td> <td>" " " " " "</td> </tr> </table> <p align="right">. . . /2</p>					MARSHALL	-	Same evidence as previous trial.	MACNEIL	-	" " " " " "	EBSARY (Mary)	-	" " " " " "	EBSARY (Donna)	-	" " " " " "
MARSHALL	-	Same evidence as previous trial.														
MACNEIL	-	" " " " " "														
EBSARY (Mary)	-	" " " " " "														
EBSARY (Donna)	-	" " " " " "														
<input type="checkbox"/> CONCLUDED S.U.I. DIARY DATE _____ SIGNATURE _____																

NOTE: COMPLETE ALL BOXES WHERE APPLICABLE. REPORT TO BE SIGNED BY MEMBER SUBMITTING

2. On 83-11-07, the trial resumed with Sydney Police Chief John MacINTYRE and Deputy Chief Michael MACDONALD giving evidence in a voir dire regarding a statement taken by them from EBSARY in 1971 in which he denied carrying a knife or stabbing anyone. Justice ROGERS ruled the statement to be admissable. The remaining witnesses were:

MROZ	- Same evidence.
CARROLL	- Taped interview with EBSARY, played in Court, typed transcripts given to jury.
NAQVI	- Same evidence, believed a knife blade with a minimum length of 3½" could have caused wound.

3. The Crown closed its case at this point; Defence Counsel then made a motion for a directed verdict of acquittal on the grounds the Crown had failed to show the cause of death, NAQVI's evidence was not admissable because he referred to hospital records, not his own personal notes, some notes made by other staff, had little recall of the incident. He also stated it was dangerous to leave the case with the jury bearing in mind a robbery was in progress and EBSARY was the victim, not the aggressor.

4. The Crown argued the motion was too late, objections should have been made when NAQVI gave his evidence, also the "self defence" issue must be placed before the jury. The motion was denied, no defence evidence called.

5. Summations were given during the A.M. of 83-11-08. EDWARDS made numerous references to the tape which indicated the accused was carrying a knife and prepared to "drop" anyone who bothered him. It was also conflicting with EBSARY's statement to Chief MacINTYRE in 1971. In his charge to the jury, Justice ROGERS when reviewing the evidence, referred to the recorded interview as a "damaging document".

6. After three hours of deliberation, the jury returned to the Courtroom with three questions:

. . . /3

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Roy Newman EBSARY - Manslaughter

3

RCMP 149

- (1) Should they be concerned with EBSARY's assault on MARSHALL?
- (2) Were they to decide if EBSARY used excessive force?
- (3) Requested Court's instruction to jury re duty of members be repeated.

Justice ROGERS explained they had to examine the evidence and come to their own conclusions. A verdict of "GUILTY" was returned a half hour later, EBSARY was released on various conditions to appear for sentence on 83-11-24.

7. It should be noted Prosecutor EDWARDS presented this case in a most professional manner, his summation to the jury (ninety minutes) eliminated a large part of the defence arguments in advance since WINTERMANS had the final remarks to the jury. In view of the foregoing, a further report will be submitted when disposition is known.

S.U.I.

D.D. 83-11-30

(T. E. BARLOW) S/Sgt.  
P.C. Coordinator

(J. E. CARROLL) Cpl.  
i/c Sydney Sub/Div. GIS

Copy to O.C. Sydney Sub/Division

71H-010-6

The Officer i/c C.I.B.

FORWARDED 83-11-15. In view of the recent developments in this case, I intend on sending an investigator to obtain statements from Supt. E.A. MARSHALL, Rtd., and ex-Cpl. E.C. SMITH, who were responsible for the RCMP investigation and Polygraph Test in 1971. The reason for this decision is:

- 1) EBSARY has now been convicted for the death of Sandy SEALE.
- 2) Chief MacINTYRE, while giving evidence at this trial, has stated that this Murder investigation was turned over to the RCMP in 1971 after MacNEIL came forward with new evidence concerning EBSARY.
- 3) It has still not been decided, but the Government could still call for a Public Enquiry into the original investigation.

From reviewing the files, it appears that our investigators only spoke to MacNEIL and EBSARY as well as Chief MacINTYRE and Crown Prosecutor Donnie MacNEIL. They also reviewed the City Police evidence from court transcripts and statements, however, did not conduct a new investigation or re-interview witnesses from the original trial.

In view of this, and unless advised to the contrary, I will have our investigators contact both Supt. MARSHALL, Rtd., who presently resides at Belle Isle, Annapolis County, N.S., and ex-Cpl SMITH who resides at Rothesay, N.B., to determine what in fact they did do, so we may better answer any subsequent questions that could be asked at a Public Enquiry, the Attorney General, or others concerning our role in this area.

D.B. Scott, Insp.  
Commanding Sydney Sub/Division

"H"

83-12-29

SUB DIVISION / SOUS DIVISION

Sydney, N.S.

DETACHMENT - DETACHEMENT

Sydney S/D GIS

71H-010-6

82-77

82S-0042

123

Newman 168

RE - OBJET:

Re: Roy Newman EBSARY  
Manslaughter  
Sydney, N.S. 71-05-28/29

1. Further to my report dated 83-11-25 and footnote by O.C. Sydney Sub/Division in the above regard, be advised a patrol was made to Saint John, N.B., and Eugene Clair SMITH interviewed on 83-12-19, statement obtained, attached. He was permitted to review his polygraph report of 1971 and other correspondence pertaining to his involvement since he did not have personal notes, the file held in Regina where he was stationed in 1971 has been destroyed. SMITH stated the principle involved in polygraph is guilt feelings and if EBSARY showed no remorse from the incident, he would not be a good candidate for polygraph testing.

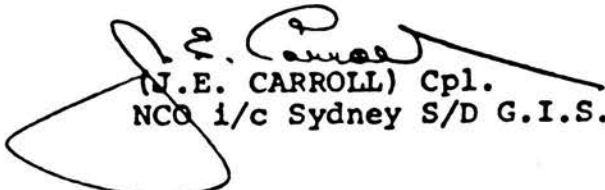
2. On 83-12-20 Supt. E.A. MARSHALL (Retired) was interviewed at his home near Bridgetown, N.S., he declined to give a statement but did discuss the investigation openly. The following is a resume of notes made during this discussion:

He recalled the trip to Sydney, met with Sgt. John MacINTYRE, was given a file or part of a file, some typed statements, was briefed on evidence by MacINTYRE, couldn't recall any contact with URQUHART, went back to Wandlyn Motel in Sydney after the tests on MacNEIL and EBSARY, went over details of case, (would have tested other people including MARSHALL, if he had a "gut" feeling something was wrong with MARSHALL's trial and the investigation,) had worked on many cases with MacINTYRE prior to this case, was not sure if MacINTYRE produced all the file, polygraph done by E.C. SMITH on 71-11-23, to best of recollection MacNEIL was uncertain, not sure if he was telling truth, called prosecutor, Donnie MacNEIL, that evening, he came to Wandlyn Motel, discussed results of the test, MacNEIL called someone in A.G.'s office, possibly Leonard PACE. Departed for Halifax, did not recall if MacNEIL contacted defence counsel, may have driven MacNEIL home, didn't read all of transcript.

3. It would appear EBSARY had no more concern for MARSHALL being incarcerated in 1971 than he has now and was - is still capable of acting out his fantasies which would greatly effect the pre-test interview and subsequent test. James MacNEIL was not


.../2

mentally strong at that time and remains in the same state. As a result of interviewing both SMITH and MARSHALL there can be no doubt they came to Sydney for the sole purpose of interviewing and polygraphing EBSARY and MacNEIL, no request for interrogation of other witnesses was made or anticipated and the Force's involvement terminated at the conclusion of the test. No further details regarding an appeal decision are known.

  
(N.E. CARROLL) Cpl.  
NCO i/c Sydney S/D G.I.S.

S.U.I.

D.D. 84-03-20

  
(T.E. BARLOW) S/Sgt.  
Sydney S/D P.C. Co-or.

c.c. O.C. Sydney Sub/Division

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O.C. Sydney Sub-Division

Officer In Charge C.I.B.

SECURITY - CLASSIFICATION - DE SÉCURITÉ
OUR FILE/VOTRE RÉFÉRENCE 71H-010-6
YOUR FILE/VOTRE RÉFÉRENCE 82-77 82S-0042
DATE 84-01-06

SUBJECT  
OBJET

Roy Newman EBSARY  
 Manslaughter  
 Sydney, N.S. - 71-05-28/29  
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I acknowledge receipt of your investigator's report, in this matter.

In the light of the investigator's gratuitous remarks in paragraph 3 of the report, as I understand the matter, nothing has altered the situation vis-a-vis MARSHALL-SMITH since 1971.

No further action should be taken and you should consider the matter closed at this time.

R.A. MacGibbon, Supt.,  
 Officer In Charge C.I.B.

RAMacG:acy

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