

I N D E X C O N T ' D

- EXHIBIT 82 Curriculum Vitae of Bruce Archibald
- EXHIBIT 83
VOLUME 26 Opinion prepared by Bruce Archibald re: The Use of Evidence and the Making of Evidentiary Rulings at the Trial of Donald Marshall, Jr.
- EXHIBIT 84 Affidavit of Keith Beaver, dated August 11, 1982
- EXHIBIT 85 Letter from A. D. Muggah to Daniel Morrison, dated November 26, 1971
- EXHIBIT 86 Original notes of John MacIntyre (reproduced at 16:129)
- EXHIBIT 87 Portions of notebook of Constable Clarke, Baddeck
- EXHIBIT 88 List of documents given by Sergeant MacIntyre to Harry Wheaton, dated April 26, 1982
- EXHIBIT 88A Handwritten copy of last page of Exhibit 88, S/Sgt. Harry Wheaton
- EXHIBIT 89 Affidavit of John MacIntyre, dated August 17th, 1984, MacIntyre vs. CBC
- EXHIBIT 90 Extract of notes from Staff Sgt. Wheaton's notebook 1982
- EXHIBIT 90A Notes - handwritten version of typed Exhibit 90, Harry Wheaton
- EXHIBIT 90B Original notebook, Harry Wheaton
- EXHIBIT 91 Letters of commendation etc. re: John MacIntyre 3 volumes A, B & C

I N D E X C O N T ' D

- EXHIBIT 92 Notes of Eugene Smith, November 17-24, 1971
- EXHIBIT 93 Polygraph Cases - 1971 (Eugene Smith)
- EXHIBIT 94 Job description of Reader (Donald Burgess), dated
1983
- EXHIBIT 95 Notes prepared by Donald Burgess, RCMP (A-5, Dec.
6, 1983)
- EXHIBIT 96 Notes of Eugene Cole
- EXHIBIT 97
VOLUME 36 File of Melinda MacLean/Deborah Gass
- EXHIBIT 98
VOLUME 29 Aronson's and Edward's notes
- EXHIBIT 99
VOLUME 34 Wheaton's Investigation/Lab Reports
- EXHIBIT 100 Original statement of Greg Ebsary, April 19, 1982,
witnessed by Harry Wheaton
- EXHIBIT 100A Statement of Mary Ebsary, dated April 19, 1982
- EXHIBIT 101 Original statement of Donald Marshall, Jr., 1982
- EXHIBIT 102 Affidavit prepared by H. Wheaton, re Reference,
September 7th (?), 1982
- EXHIBIT 103 Statement of Roy Ebsary, witnessed by Corporal
Carroll, dated February 23, 1982
- EXHIBIT 104 Handwritten notes of Corporal Carroll

I N D E X C O N T ' D

- EXHIBIT 105 Excerpts from Cape Breton Post, May 31-June 5, 1971
- EXHIBIT 105A Clipping - Cape Breton Post, re remand of Donald Marshall, Jr.
- EXHIBIT 106
VOLUME 37 Transcript of June, 1984 Examination of Discovery of Heather Matheson, MacIntyre v. CBC
- EXHIBIT 107 Calendar, 1800 to 2050
- EXHIBIT 108 Notes tken by Harry Wheaton during 1982 Reference
- EXHIBIT 109 Diagram of office where Wheaton/Davies met MacIntyre, April 26, 1982
- EXHIBIT 110 3 pages from Discovery evidence of Heather Matheson, missing from original document (See Exhibit 106)
- EXHIBIT 111 RCMP media guidelines
- EXHIBIT 112
VOLUME 35 Correctional services material
- EXHIBIT 113
VOLUME 27 Aronson materials
- EXHIBIT 114 Original statement from Donald Marshall, Jr. taken by Staff/Sgt. Wheaton, March 9th, 1982
- EXHIBIT 115 Superintendent Scott's Notes, 1982
- EXHIBIT 116 Cape Breton Post article, June 19, 1986

I N D E X C O N T ' D

- EXHIBIT 117 RCMP Operational Manual (one page)
- EXHIBIT 118 Letter, from D. B. Scott, 1980, re Dan Paul
- EXHIBIT 119 William Urquhart - personal history
- EXHIBIT 120 Documentations re Robert Patterson
- EXHIBIT 121 Fingerprints, Roy Ebsary, April 9, 1970
- EXHIBIT 122 Criminal Code provisions
- EXHIBIT 123 Correspondence between Cacchione and National
VOLUME 30 Parole Board, House of Commons Justice Committee,
MacGuigan, and Correctional Services of Canada
- EXHIBIT 124 Correspondence - September 11, 1981 to February
VOLUME 31 22, 1983
- EXHIBIT 125 Correspondence - May 9, 1983 to February 23, 1984
VOLUME 32
- EXHIBIT 126 Letter dated May 10, 1983 from Chief Justice of
Nova Scotia to Federal Minister of Justice
- EXHIBIT 127 Notes of Ron Fainstein
- EXHIBIT 128 Federal-Provincial Task Force Report on
Compensation of Wrongfully Convicted and
Imprisoned Persons
- EXHIBIT 129 Notes of Brian Williston (D. Pink)
- EXHIBIT 130 Newspaper articles containing allegations against
William Urquhart (D. Murray)

EX # 82

CURRICULUM VITAE

BRUCE P. ARCHIBALD

Office Address:

Dalhousie Law School
Halifax, Nova Scotia
Canada B3H 4H9
Telephone: (902)424-3554

Home Address:

2140 Brunswick Street
Halifax, Nova Scotia
Canada B3K 2Y8
Telephone: (902)425-8107

1. PERSONAL DATA:

Date of Birth:	January 15 1948
Place of Birth:	Halifax, Nova Scotia Canada
Citizenship:	Canadian
Marital Status:	Married
Spouse:	Martha M. Pratt
Children:	Michael J. P. Archibald (October 16, 1979) Elizabeth J. P. Archibald (August 5, 1981)
Language Proficiency:	Mother Tongue-English; Second Language-French

2. EDUCATION:

Senior Matriculation, 1966, Sidney Stephen High School.

B.A., 1970 University of Kings College, Halifax, N. S.
(Honours - Political Science/Sociology),

M.A., 1971, Dalhousie University, Halifax, N. S.
(Sociology - Thesis: Economic Underdevelopment in the Atlantic
Provinces)

LL.B., 1974, Dalhousie University, Halifax, N. S.

LL.M., 1975, Columbia University, New York, N. Y.

Postgraduate Study 1975-76, Universite de Paris I (Pantheon-Sorbonne),
Paris, France

Sabbatical Leave, 1985-86, Max Planck Institute for Foreign and
International Criminal Law, Freiburg, Federal Republic Germany and
independent research in Strasbourg, France

MEDIA POOL COPY

3. SCHOLASTIC AWARDS:

New Living Endowment Scholarship, King's College, 1966;
President's Scholarship, King's College, 1967, 1968, 1969;
Governor General's Medal, King's College, 1970;
Graduate Assistantship, Dalhousie University 1970;
Sir James Dunn Scholarship in Law, Dalhousie Law School, 1971;
Jervey Fellowship in Comparative Law, Columbia Law School, 1975-76.

4. PROFESSIONAL EXPERIENCE:

Government

Dominion Bureau of Statistics, Government of Canada, Ottawa, Ontario,
1969-1970 Summer Researcher

Legal Profession

Dalhousie Legal Aid Service, Halifax, Nova Scotia 1972 - Summer
Researcher

Burchill, Jost, MacAdam, Hayman and Merrick, 1973-75
Articled Clerk

Office of Crown Prosecutor, Halifax, Nova Scotia 1978
Articled Clerk

Bar Admission, Nova Scotia Barrister's Society, 1977

Law Teaching

Dalhousie Law School, 1976-
Assistant Professor, 1976-79
Associate Professor, 1979-
Tenure, 1981

Courses Taught:

Criminal Law and Procedure	Legal Process
Criminal Procedure	Legal Development
Selected Criminal Law Problems	Family Law
Comparative Criminal Law	Quebec Law/
Evidence	Comparative Civil Law
Graduate Seminar on Legal Scholarship	

Bar Admission Course, Nova Scotia 1977-78, Legal Ethics

Civil Law/Common Law Exchange Programme, 1978-81
Matrimonial Property Law,
Comparative Matrimonial Property Law,
Comparative Law Methodology

Consulting Work

Consultant, Law Reform Commission of Canada, 1982 - Criminal Code Review

Consultant, Department of Justice, Government of Canada, Civil Law/Common Law Exchange Programme - 1987

Consultant, Royal Commission re: The Donald Marshall Jr. Prosecutor, Province of Nova Scotia - 1987

Labour Arbitration

Sole Arbitrator and Arbitration Board Chair in Private and Public Sector Grievance Disputes, 1984-

Administrative Experience

Dalhousie Law School Committees (Member or Chair):

Library Committee,	Academic Committee
Student Liaison Committee,	Ad Hoc Committee on
External Committee,	Merits Awards,
Graduate Studies Committee,	Admissions Committee,
Law School-Bar Society	Dean's Selection
Committee	Committees

Dalhousie University Senate

Ad Hoc Committee on the Ombudsman,
Senate Library Committee

Dalhousie Faculty of Graduate Studies, Council Member

Civil Law/Common Law Exchange Programme
Director, 1978-80

University of King's College, Board of Governors,
Member of Board, 1984-87,
Presidential Selection Committee Member, 1986-87

Canadian Association of Law Teachers
Executive Member, 1978-79
Secretary-Treasurer, 1980-81
First Vice-President, 1981-82
President, 1982-83
Past President, 1983-84

Dalhousie Legal Aid Service, Board of Trustees
Member, 1976-81
Chairperson, 1979-80
Finance Committee Chairperson, 1980

Dalhousie Law School Alumni Association
Secretary-Treasurer, 1980-81

University of King's College Alumni Association
President, 1982-85

Social Sciences and Humanities Research Council of Canada
International Travel Grant Awards Committee,
Member, 1979-1983
Special Advisory Committee on Scholarly Relations the Peoples
Republic of China, Member 1980
Committee on Research Grants to Scholarly Publication, 1987

Symposium on Leadership and Legal Development in China
by Dalhousie Law School, St. Mary's University and the University
of King's College, October 14, 1978-Organizer

5. PUBLICATIONS:

Non-legal

"Atlantic Regional Underdevelopment and Socialism", in Lapierre, And
Taylor (eds), Essays on the Left, McLelland and Stewart, Toronto,
1971

Community Development Corporation: American Experience and Nova Scotia
Prospects, Dalhousie Legal and Air Services, Halifax, 1973 (with Bruce
Holton).

Teaching Materials

"An Introduction to Matrimonial Property Law in Common Law Jurisdictions", (Dalhousie Law School, Halifax, 1978 Civil Law/Common Law Exchange Programme)

Criminal Law and Procedure: Cases and Materials, (Dalhousie Law School, 1976)

Selected Criminal Law Problems, Dalhousie Law School, 1980-1981,

Articles

"The Law of Arrest", in Vincent Del Buono, (ed), Criminal Procedure in Canada, Butterworths, Toronto, 1982

"Homicide Law in Canada: An Outline", Legal-ease, P.L.E Society, Halifax, 1984

"The Bill Joe MacLean Case: A Question of Rights", The Chronicle Herald/Mail-Star, Halifax, November 29, 1986, (with John Godfrey)

"Compelling Appearance of an Accused: Appearance Notice, Summons, Arrest, Bail and Pretrial Detention", in J. E. Pink and D. Perrier (eds)., Criminal Law for Layman, Carswells, Toronto, forthcoming

Book Reviews

On Criminal Procedure, Principes de droit penal general, Traite de droit penal general, (1984) 8 Dal. L.J. 248

Perspectives in Criminal Law: Essays in Honour of John LL.J. Edwards, (1986) Can. Bar Rev.

Essays on the Civil Codes of Quebec and St. Lucie (1986), Can. Bar Rev.

Principle of Criminal Law, Can. Bar Rev. (forthcoming)

Case Comments

Hayes v. Thompson : Annotation, (1985) 44 C.R. (3d) 317

Law Reform Working Papers and Reports

Law Reform Commission of Canada, Working Paper #41, Arrest, Ministry of Supply and Services, Ottawa, 1985 ("principal consultant," ie. "author")

Law Reform Commission of Canada, Report #29, Arrest, Ministry of Supply and Services, Ottawa, 1986, ("principal consultant")

Law Reform Commission of Canada, Working Paper, Compelling Appearance, Interim Release and Pretrial Detention, forthcoming, fall, 1987 ("principal consultant")

Publications in Progress

The Structure of the General Part in Canadian Criminal Law and its Importance for the Criminal Code Review - monograph.

Teaching Materials for Criminal Justice: The Individual and the State.

"The Constitutionalization of the General Part in Criminal Law", paper for a Conference entitled "Reform of the Criminal Law", London, England, July, 1987

6. PAPERS PRESENTED

"The Law of Contract in the People's Republic of China", comments to Symposium on Law and Leadership in the PRC, 1978

"Mistake as a Defence to Federal and Provincial Offenses", Educational Seminar of the Provincial Court Judges' Association, Halifax, Nova Scotia, February 20, 1981.

"Are there any defences left?", Conference on Criminal Justice of the Canadian Institute for the Administration of Justice, Halifax, Nova Scotia, October 30, 1981.

"Criminal Responsibility for Exceeding Justifiable Force: A Partial Excuse for the Misguided" Conference 2000 Educational Series, Nova Scotia Barristers' Society, April 26, 1982.

"The Abnormal Offender: A Challenge to Crime Reduction", Symposium of the Atlantic Institute of Criminology; November 6, 1986

7. GRADUATE THESES SUPERVISED

R. Paul Nadin-Davis, Erasing the Mark of Cain: The Stigma of the Criminal Sanction, Dalhousie University, 1979

Madeline Maillard, L'Element moral de l'infraction en droit francais et droit canadien, Dalhousie University, 1986

8. OTHER ACTIVITIES

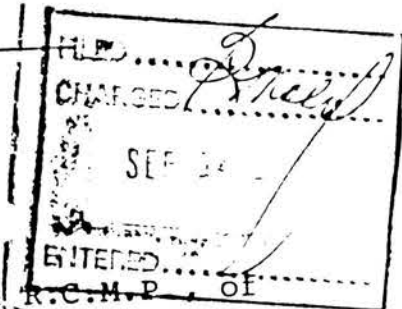
Childcare, Housework, Sailing, Banjo Playing, Scouting, Choral Music, Amateur Theology

#84

S.C.C. No. 00580

IN THE SUPREME COURT OF NOVA SCOTIA,
APPEAL DIVISION

IN THE MATTER OF A REFERENCE PURSUANT TO SECTION 617 OF THE CRIMINAL CODE BY THE HONOURABLE JEAN CHRETIEN, MINISTER OF JUSTICE, TO THE APPEAL DIVISION OF THE SUPREME COURT OF NOVA SCOTIA UPON AN APPLICATION FOR THE MERCY OF THE CROWN ON BEHALF OF DONALD MARSHALL, JR.



AFFIDAVIT

I, Keith Beaver, a Constable in the R.C.M.P. of Baddeck, in the County of Victoria and Province of Nova Scotia, make oath and say as follows:

1. That on Friday night, May 28, 1971, I attended a dance at St. Joseph's Hall in Sydney and left the said dance at approximately 12:00 midnight in the company of Alanna Dixon and Karen MacDonald.
2. That upon leaving the said dance we were in the company of Alexander (Sandy) Seale, who was alone, and we talked to the said Sandy Seale, and the four of us proceeded to walk to Wentworth Park, in Sydney.
3. That when we arrived at the said Wentworth Park, Sandy Seale left our company and I do not recall whether or not he actually entered the said Wentworth Park.
4. That from the time we left the dance at St. Joseph's Hall until we parted company from Sandy Seale, no other person joined our company nor did Sandy Seale engage in a conversation with any person, other than myself, Alanna Dixon and Karen MacDonald.

MEDIA POOL COPY

5. That on March 2, 1982, I gave a free and voluntary written statement to the R.C.M.P., a copy of which is produced herewith and marked Exhibit "A", concerning my knowledge of the events leading to the death of Alexander (Sandy) Seale, and that to the best of my knowledge and belief the facts contained therein are true.

SWORN TO at WILTY CO COMACD)
in the County of INVERNESS)
Province of Nova Scotia, this)
11th day of August A.D. 1982,)
before me,)
R. C. Johnson)
A Barrister of the Supreme Court)
R. C. JOHNSON
A Commissioner of the
Supreme Court of Nova Scotia

M. K. I.
KEITH BEAVER

4.85

November 26, 1971

Daniel B. Morrison, Esq.,
Prothonotary,
The Law Courts,
Halifax, N.S.

Re: Queen vs Marshall

Dear Mr. Morrison:

At the request of Mr. Gordon Gale we are forwarding
herewith the record in the above case for use on appeal, con-
sisting of (1). Information, (2). Evidence, (3). Indictment,
(4). List of Exhibits and (5). Plan.

COPY

Yours very truly,

A. D. Muggah,
Prothonotary

ADM/db

MEDIA POOL COPY

x. 87

NOTES TAKEN FROM THE NOTEBOOK OF
CPL. S.G. CLARKE WHILE STATIONED IN BADDECK, N.S.

4-6-71 - 7:50 P.M.

x 87

Det. MacIntyre & Urquhart arrived Baddeck and requested a member to go with them to Whycocomagh, Inv. Co., N.S. to locate Donald Jr. Marshall. The Marshall family is staying at John Googoo's house, a grandfather who died a few weeks ago. Gave a few details how Marshall had given them a statement of how they were walking through the park and two men came up to them and stabbed the other fellow in the stomach. Both men were big and one with white hair. We then proceed via TC #105 to Whycocomagh. Asked a couple of fellows on a house step where Googoo had lived and they pointed to the house across the road. Went to house. Women and children in yard and MacIntyre asked if Donald was home, said yes and he came out the door. I got out and MacIntyre got out. He asked if Donald had a jacket and ? to get it. Donald went back into the house and I opened the back door of the P.C. for him. Urquhart sitting in rear seat behind drivers side. MacIntyre then talked to father and got back in car. We drove to the edge of the Hwy. 105 and Det. MacIntyre gave the police caution and read the warrant to Marshall. There was no reply but Urquhart then handcuffed Marshall and we drove to Baddeck about half way there Marshall had been sobbing and had put his handcuffed hands over his head. Det. MacIntyre told him to sit up and at this time he said, "I did not do it". Those were the only words he spoke during the time I was with them. We arrived back at the office & before Marshall got into the Sydney City Police veh. I gave him a search. Nothing was found. Before we left Whycocomagh and just after he got in the car Det. Urquhart helped him bandage his arm where it was cut. Det. MacIntyre took my name and reg. number, got into their car and drove off. Left Baddeck 8:50 p.m. Cst. Lund called

MEDIA POOL COPY

27

went back into
 the house &
 opened the back
 door of the PC
 for him. Warrant
 sat on rear seat
 behind driver side
 of car. Then told
 me to get out
 back in car. We
 drove to the edge
 of the field. I
 saw the police
 captain & search
 the warrant of
 Marshall. There
 was no reply. But
 Warrant then said
 "Cuffed Marshall &
 we drove to saddle
 about half past three
 Marshall had their
 cobbles & had put
 his knifecutting hands
 over his head. I
 saw Warrant told him
 to get up & get
 this time he said
 "I did not do it"
 Those were the only
 words he spoke
 during the time I
 was with them.
 We arrived back
 at the office &
 before Marshall got
 into the Syd. City
 police van. I got
 nothing was found
 on him. We left
 where we got & just
 after he got in
 the van. I saw Warrant
 helped him. I saw
 the man get out
 in the car. I saw
 the man get out

308
my name + my
husband, got into
their car & drove
off. Left ladder down

Left hand called
in alarm with

#88

SYDNEY POLICE DEPARTMENT

April 26, 1982.

82-04-27
11:31 AM
Rel. 11.31
82-04-27
HFW S/Sgt

Notes and handwriting taken by Sergeant Urquhart and Sergeant MacIntyre in 1971 - Nineteen loose leaf pages of names during the investigation of the Marshall case and possible evidence.

Statement of Facts - Marshall case - reference bearing Sergeant MacKinley's name on it.

City of Sydney Hospital - Dept. of Pathology to Sergeant MacIntyre re Haematology Report.

Previous record of Donald John Marshall, Jr.

Working papers of the late D.C. MacNeil, O.C., Prosecuting Counsel, given to Sergt. MacIntyre November, 1971 to be put in my file. Also copy of Warrant for the arrest of Donald Marshall, Jr. Copy from Sydney Ident. Section, J.Ryan, re photographs.

Typewritten copies of Statements:

- Statement of Maynard Vincent Chant - May 29th; May 30th; June 4, 1971.
- Statement of John Lewis Pratico - May 30th; June 4th, 1971.
- Statement of Mrs. Merle Davis - July 8/71
- Statements of Terrance Patrick Gushue - June 17, 1971.
- Statement of Lawrence Gerard Paul - June 2/71.
- Statements of Patricia Ann Harris - June 18, 1971.
- Statement of Arthur James Paul - June 2, 1971.
- Statement of Brian Doucet - June 14, 1971
- Statement of Allana Dickson - May 30, 1971
- Statement of Gary Vincent Tobin - June 3, 1971
- Statement of Francis Joseph French - June 2, 1971
- Statement of Donald Marshall - May 30, 1971
- Statement of Barbara Ellen Vigneau - June 23, 1971
- Statements of Marvel Dwight Mattson - June 8, 1971
- Statement of Robert Scott MacKay - June 2, 1971
- Statement of Roy A. Gould - June 7, 1971.

Statements of Constables Walsh; Mroz; Howard Dean; Ambrose MacDonald, Sydney Police Department - May 29th and the early morning of May 30th, 1971. The officers were on Duty at the time.

continued.....page 2

MEDIA POOL COPY

SYDNEY POLICE DEPARTMENT

Page 2 continued

Information after interview with Donald Roseworthy and Gaye Dickson

May 30, 1971

Keith Beaver - May 31, 1971

James Cote - June 1, 1971

Roseworthy

HFW S/sgt
HFW S/sgt
HFW S/sgt

Copies of Seventeen Summons served in Donald Marshall, Jr. case. *HFW S/sgt*
Four maps - scene of the murder by Engineering Department.

Copies of Statements of James William MacNeil - Nov. 15, 1971

Gregory Allan Ebsary - Nov. 15, 1971

David Wm. MacNeil - Nov. 15, 1971

John Joseph MacNeil - Nov. 15, 1971

Roy Ebsary - Nov. 15, 1971

Mrs. Mary Patricia Ebsary - Nov. 15, 1971

HFW S/sgt
HFW S/sgt
HFW S/sgt
HFW S/sgt
HFW S/sgt
HFW S/sgt

Original Statements taken November 15, 1971, as follows:

Gregory Allan Ebsary

Mrs. Mary Patricia Ebsary

Roy Ebsary

David William MacNeil

John Joseph MacNeil

John William MacNeil

HFW S/sgt
HFW S/sgt
HFW S/sgt
HFW S/sgt
HFW S/sgt
HFW S/sgt

Statements of George Wallace MacNeil

Roderick Alexander MacNeil

} 2 in 1
HFW S/sgt

Six Police reports of May 29, 1971, pertaining to the Seale incident. *HFW S/sgt*
Letter dated June 1, 1971 from the Black United Front, Mr. P. A. Winn, *HFW S/sgt*
Supervisor.

Original Statements of Mary Patricia O'Reilly - June 18, 1971

Catherine Ann O'Reilly - June 18, 1971

Raymond Rudolph Poirier - July 2, 1971

HFW S/sgt
HFW S/sgt
HFW S/sgt

Report from the late Chief of Police G.K. MacLeod to National Parole Service September 12, 1972. *HFW S/sgt*

continued....page 3

SYDNEY POLICE DEPARTMENT

Page 3 continued

A letter addressed to Detective Sergeant John Mallowney, which he received on Jan. 4, 1981 to Mr. Roy Ebsary from Donald Marshall, Jr., which is self-explanatory. *McW*

Also a letter received by me, Chief John F. MacIntyre, on Feb. 1, 1982 from Mr. Stephen J. Aronson re Donald Marshall Jr. and my reply, which is self-explanatory. *McW*

As a result of this letter on Feb. 2, 1982, because of the contents of Mr. Aronson's letter, Mr. Eugene C. Smith of Commercial Investigations and Consultants Ltd., Rothesay, N.B., was contacted by myself by phone as to what he knew of the Ebsary investigation in 1971, as this particular investigation was handed over to the R.C.M.P. and an investigation took place on the 23rd day of November, 1971 when a Polygraph examination was conducted by him and his letter is self-explanatory. *McW*

April 26, 1982.

Inspector William Urquhart produced a document, dated August 26, 1981, which was given to him on that date by Mr. Dan Paul in regard to one Roy Ebsary. *McW*
Inspector Urquhart informed Mr. Paul at that time that his information was not sufficient and to try and get the name of the party who made the statement and get back to him. Inspector Urquhart also informed the Assistant Crown Prosecutor, Mr. Brian Williston of this document and to date, no further information came forth. This document is enclosed for your perusal.

April 1982.
Sydney Police Department

ORIGINAL STATEMENTS

May 29th - Statement of Chant missing????

Original of Chant 4 June 71

Pratico	O.K.	<i>HHH</i>
Davis	O.K.	<i>HHH</i>
Gushue	O.K.	<i>HHH</i>
L. Paul	O.K.	<i>HHH</i>
P.A. Harris	One Statement given to S/S Wheaton already <i>HHH</i>	
A. J. Paul	O.K.	<i>HHH</i>
B. Doucet	O.K.	<i>HHH</i>
A. Dickson	O.K.	<i>HHH</i>
G.V. Tobin	O.K.	<i>HHH</i>
F. J. French	O.K.	<i>HHH</i>
Marshall	?????	<i>not present</i>
B. E. Vigneau	O.K.	<i>HHH</i>
Mattson	?????	<i>not present</i>
Mackay	O.K.	<i>HHH</i>
Gould	O.K.	<i>HHH</i>
Police	?????	<i>HHH</i>

*2 in 1 { George M. Nut 31 May
Dandy*

C. King

2 Pages Handwritten Notes

*Typed Abstract of Donald Marshall
Existence*

EE

Ex. 88A

SYDNEY POLICE DEPARTMENT

April 26, 1982.

82-04-27

11:31 AM

11.31

82-04-27

Notes and handwriting taken by Sergeant Urquhart and Sergeant MacIntyre in 1971 - Nineteen loose leaf pages of names during the investigation of the Marshall case and possible evidence. *HFW S/Sgt*

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Previous record of Donald John Marshall, Jr. *HFW S/Sgt*

Working papers of the late D.C. MacNeil, O.C., Prosecuting Counsel, given to Sergt. MacIntyre November, 1971 to be put in my file. Also copy of Warrant for the arrest of Donald Marshall, Jr. Copy from Sydney Ident. Section, J. Ryan, re photographs. *HFW S/Sgt*

Typewritten copies of Statements:

- Statement of Maynard Vincent Chant - May 29th; May 30th; June 4, 1971. *HFW S/Sgt*
- Statement of John Lewis Pratico - May 30th; June 4th, 1971. *HFW S/Sgt*
- Statement of Mrs. Merle Davis - July 8/71 *HFW S/Sgt*
- Statements of Terrance Patrick Gushue - June 17, 1971. *HFW S/Sgt*
- Statement of Lawrence Gerard Paul - June 2/71. *HFW S/Sgt*
- Statements of Patricia Ann Harris - June 18, 1971. *HFW S/Sgt*
- Statement of Arthur James Paul - June 2, 1971. *HFW S/Sgt*
- Statement of Brian Doucet - June 14, 1971 *HFW S/Sgt*
- Statement of Allana Dickson - May 30, 1971 *HFW S/Sgt*
- Statement of Gary Vincent Tobin - June 3, 1971 *HFW S/Sgt*
- Statement of Francis Joseph French - June 2, 1971 *HFW S/Sgt*
- Statement of Donald Marshall - May 30, 1971 *HFW S/Sgt*
- Statement of Barbara Ellen Vigneau - June 23, 1971 *HFW S/Sgt*
- Statements of Marvel Dwight Mattson - June 8, 1971 *HFW S/Sgt*
- Statement of Robert Scott MacKay - June 2, 1971 *HFW S/Sgt*
- Statement of Roy A. Gould - June 7, 1971. *HFW S/Sgt*

Statements of Constables Walsh; Mroz; Howard Dean; Ambrose MacDonald, Sydney Police Department - May 29th and the early morning of May 30th, 1971. The officers were on Duty at the time. *HFW S/Sgt*

continued.....page 2

MEDIA POOL COPY

SYDNEY POLICE DEPARTMENT

Page 2 continued

Information after interview with Donald Noseworthy and Gaye Dickson
May 30, 1971

Keith Beaver - May 31, 1971 *HFW S/Sgt*
James Cote - June 1, 1971 *HFW S/Sgt*
Noseworthy

Copies of Seventeen Summons served in Donald Marshall, Jr. case. *HFW S/Sgt*
Four maps - scene of the murder by Engineering Department.

Copies of Statements of James William MacNeil - Nov. 15, 1971 *HFW S/Sgt*
Gregory Allan Ebsary - Nov. 15, 1971 *HFW S/Sgt*
David Wm. MacNeil - Nov. 15, 1971 *HFW S/Sgt*
John Joseph MacNeil - Nov. 15, 1971 *HFW S/Sgt*
Roy Ebsary - Nov. 15, 1971 *HFW S/Sgt*
Mrs. Mary Patricia Ebsary - Nov. 15, 1971 *HFW S/Sgt*

Original Statements taken November 15, 1971, as follows:

Gregory Allan Ebsary *HFW S/Sgt*
Mrs. Mary Patricia Ebsary *HFW S/Sgt*
Roy Ebsary *HFW S/Sgt*
David William MacNeil *HFW S/Sgt*
John Joseph MacNeil *HFW S/Sgt*
John William MacNeil *HFW S/Sgt*

Statements of George Wallace MacNeil } *2 in 1*
Roderick Alexander MacNeil } *HFW S/Sgt*

Six Police reports of May 29, 1971, pertaining to the Seale incident. *HFW S/Sgt*
Letter dated June 1, 1971 from the Black United Front, Mr. P. A. Winn, *HFW S/Sgt*
Supervisor.

Original Statements of Mary Patricia O'Reilly - June 18, 1971 *HFW S/Sgt*
Catherine Ann O'Reilly - June 18, 1971 *HFW S/Sgt*
Raymond Rudolph Poirier - July 2, 1971 *HFW S/Sgt*

Report from the late Chief of Police G.K. MacLeod to National Parole *HFW S/Sgt*
Service September 12, 1972.

SYDNEY POLICE DEPARTMENT

Page 3 continued

A letter addressed to Detective Sergeant John Mallowney, which he received on Jan. 4, 1981 to Mr. Roy Ebsary from Donald Marshall, Jr., which is self-explanatory. *MEW*

Also a letter received by me, Chief John F. MacIntyre, on Feb. 1, 1982 from Mr. Stephen J. Aronson re Donald Marshall Jr. and my reply, which is self-explanatory. *MEW*

As a result of this letter on Feb. 2, 1982, because of the contents of Mr. Aronson's letter, Mr. Eugene C. Smith of Commercial Investigations and Consultants Ltd., Rothesay, N.B., was contacted by myself by phone as to what he knew of the Ebsary investigation in 1971, as this particular investigation was handed over to the R.C.M.P. and an investigation took place on the 23rd day of November, 1971 when a Polygraph examination was conducted by him and his letter is self-explanatory. *MEW*

April 26, 1982.

Inspector William Urquhart produced a document, dated August 26, 1981, which was given to him on that date by Mr. Dan Paul in regard to one Roy Ebsary. Inspector Urquhart informed Mr. Paul at that time that his information was not sufficient and to try and get the name of the party who made the statement and get back to him. Inspector Urquhart also informed the Assistant Crown Prosecutor, Mr. Brian Williston of this document and to date, no further information came forth. This document is enclosed for your perusal. *MEW*

April 1982.
Sydney Police Department

Original Hand written Statements of Following:

- | | | | |
|-----|------------------|------------|---|
| 1. | Roy Gould | 7 June 71 | W |
| 2. | Roy Mackey | " " " | W |
| 3. | Barbara Viganau | 23 Jun 71 | W |
| 4. | Francis French | 2 Jun 71 | W |
| 5. | Bary Tobin | 3 Jun 71 | W |
| 6. | Allana Dixon | 30 May 71 | W |
| 7. | Brian Duguetto | 14 June 71 | W |
| 8. | Arthur Paul | 2 Jun 71 | W |
| 9. | Patricia Harris | 18 Jun 71 | W |
| 10. | Lawrence Paul | 2 Jun 71 | W |
| 11. | Terrance Gubue | 17 Jun 71 | W |
| 12. | Mrs. Merde Davis | 8 Jul 71 | W |
| 13. | John Pratico | 4 Jun 71 | W |
| 14. | John Pratico | 30 May 71 | W |
| 15. | Maynard Chant | 4 Jun 71 | W |
| 16. | Maynard Chant | 30 May 71 | W |

Listed on
Separated Page.

ORIGINAL STATEMENTS

May 29th - Statement of Chant missing????

Original of Chant 4 Jan 71 *W*

Pratico	O.K.	<i>W</i>
Davis	O.K.	<i>W</i>
Gushue	O.K.	<i>W</i>
L. Paul	O.K.	<i>W</i>
P.A. Harris	One Statement given to S/S Wheaton already <i>W</i>	
A. J. Paul	O.K.	<i>W</i>
B. Doucet	O.K.	<i>W</i>
A. Dickson	O.K.	<i>W</i>
G.V. Tobin	O.K.	<i>W</i>
F. J. French	O.K.	<i>W</i>
Marshall	????? not present	
B. E. Vigneau	O.K.	<i>W</i>
Mattson	????? not present	
Mackay	O.K.	<i>W</i>
Gould	O.K.	<i>W</i>
Police	?????	<i>W</i>

2 inl { George McNeil 31 May
E. Darby

C. King

2 Pages Handwritten Notes *W*

Typed Abstract of Donald Marshall *W* 7/7/71
Evidence

W

#89

1984

S.S.N. No. 03224

IN THE SUPREME COURT OF NOVA SCOTIA

TRIAL DIVISION

BETWEEN:

JOHN F. MacINTYRE

PLAINTIFF

- and -

CANADIAN BROADCASTING CORPORATION, a
body corporate

DEFENDANT

AFFIDAVIT

I, JOHN F. MacINTYRE, of Sydney, in the County of Cape Breton, Province of Nova Scotia make oath and say as follows:

1. THAT I am the Plaintiff herein and I have a personal knowledge of the matters and facts hereinafter related.
2. THAT annexed to this my Affidavit and marked Exhibit "A" is a written transcript of the radio program which I allege to be libelous referred to in the Statement of Claim herein.
3. THAT I verily believe that Parker Donham spoke those remarks contained in the last five lines of page 1, the first five lines of page 2, the eight lines contained in approximately the middle of page 4, the last five lines of page 5, the first twenty lines of page 6.

MEDIA POOL COPY

4. THAT I have listened to the tape of the said broadcast and I verily believe that the remarks of Mr. Donham were delivered with a great deal of emotion.

5. THAT I am very upset about the allegations he has made which are directly attributable or inferentially attributable to me such as:

"When he showed up as a suspect, I think the polices' problems were over (page 1)...two of those actually testified that they watched him do the crime, and those three witnesses now all say they were bullied or coerced by the police into changing their story. (page 1, page 2)...it wasn't the police who bullied three witnesses into lying on the stand - it wasn't the police and the Attorney General and the R.C.M.P. and the Crown Prosecutor who covered up contrary evidence of eyewitness evidence that someone else committed the murder. (page 6)..he wasn't the author of his misfortune - rascism was the author of this misfortune - police coverups were the author of his misfortune - police coercing witnesses into lying on the stand was the author of his misfortune -...".

6. THAT I was present at the examination on discovery of Parker Donham held on July 19th and 20th, 1984. That annexed to this my affidavit and marked Exhibit "B" are copies of the two volumes of evidence taken by the reporter.

7. THAT I refer to the following questions and answers:

"125 Q. You are not prepared to make an apology to Chief MacIntyre for what you have said on that morning?

A. No ...

A. In..to the best of my recollection, in January or February, of 1982, I received a tip that the Marshall has been reopened, that the R.C.M.P. were investigating it and it looked very much though Marshall were innocent.

129 Q. Did you know anything about the Marshall case prior to that time?

- A. Yes. I recalled hearing about it and reading about it when the crime took place. I don't believe I was here when the trial took place, I believe that was during the period, during part of the time when I was back in the United States, I am not exactly sure of the date. I generally recall that a youngster had been knifed to death in Wentworth Park and that an Indian had been charged with the crime and that the case --I recalled the case creating a considerable sensation at the time in Sydney.
- 130 Q. Was that about the limit of your knowledge prior to January of 1982?
- A. Yes.
- 131 Q. You did not attend the trial?
- A. No.
- 132 Q. You had not read the evidence of the trial?
- A. Prior to January...
- 133 Q. Prior to January, '82?
- A. That is correct.
- 134 Q. You had not interviewed any of the participants?
- A. That is correct.
- ...
- 156 Q. You read the articles for the summary for the transcript of the court's decision?
- A. It is not an article or a summary, it is a transcript of that portion of the court's decision.
- 157 Q. From page 34 onwards. In the Cape Breton Post on or about the 14th of May, 1983 how many times did you read it prior to the interview with Heather Matheson?
- A. I would be guessing at this point. My guess would be three times....
- ...

167 Q. Alright, so you read page 34 to the end of the decision of the Appeal Division, what else did you do?

A. Well the other two things that I did in addition to what I have already described is that I frequently discussed the Marshall case with reporters who were covering it. ...I also had detailed discussions with two reporters who had more than any other covered the case in detail. Those would be Michael Harris, reporter for the Globe and Mail, who is also quoted in the broadcast that is at issue here and Michael Harris is, I think you could describe him as a Marshallologist. He has devotes (sic) an extraordinary amount of time and energy into researching the Marshall case and the other journalist is Allan Story. Mr. Story was residing in Sydney at the time the case broke and began writing stories, I believe for the Globe and Mail. He researched a piece for MacLean's magazine which was written by someone else, and I think it was the cover story, I could be wrong about that and subsequent to that time, he began, he moved to Halifax and began stringing for the Toronto Star. He has since become the Chief of the Toronto Star's--Bureau Chief in Atlantic Canada and throughout that period has continued to devote a great deal of time and energy to researching the Marshall case and on more than one occasion I discussed the case in great detail with both of them.

169 Q. Yes, and what else did you do?

A. That was it.

170 Q. That was it?

A. Yes.

171 Q. That is all you did before the broadcast with Heather Matheson in November of 1983?

A. Well I'm going to again quivel (sic) with your wording, that's all I did imply is that I didn't do much, and I think I did a great deal. I don't specifically, I don't specifically recall having done anything else, but I may be overlooking something.

171 Q. Well let's just think about all the things you didn't do. You didn't talk to anyone who gave evidence, is that correct?

A. Prior to the broadcast, no.

173 Q. What I say is correct, you talked to no-one who gave evidence at the trial.

A. Yes, that is correct, nor would it be typical for an editorial writer. In fact it would be extremely unusual for an editorial writer opposed to render an editorial judgment to do so.

174 Q. May I suggest to you that it may be untypical but grossly unfair?

A. Well, you can suggest it but I as an experienced journalist who devotes a considerable amount of time and attention to these issues completely disagree with you. I don't think it is unfair at all, I think knowledgeable, qualified journalists acquainted themselves very thoroughly and did a diligent careful job of reporting the case. I have since had occasion to read the Affidavits that were submitted in the re-hearing and many of the Affidavits that were submitted in the original and subsequent police investigations and I find that...

175 Q. Excuse me, I take it that you have read none of those prior to the interview with Heather Matheson?

A. I had not read those prior to the interview with Heather Matheson, I had personal knowledge of the reporters on whose judgment, on whose confidence to report the facts I was relying. I consider them both to be extremely professional, talented, diligent journalists and in every respect that position has been confirmed by the court documents that I have since had the opportunity to review. They did a superb job of reporting the case and the facts on which my opinions were based had been confirmed in every respect.

176 Q. You did not attend the hearing in Halifax of the Appeal Division?

177 A. That is correct.

...

- 195 Q. At this point in time, when you interviewed... Heather Matheson interviewed you, had you read the transcript of the trial of evidence?
- A. No.
- 196 Q. Had you Judge's decision, I am sorry, have you read the Appeal Court's decision?
- A. Absolutely, yes.
- 197 Q. No, I mean the Appeal Court decision in 1971?
- A. Oh, I am sorry, no.
- ...
- 220 Q. Would you return to those and just comment again on the differences between fact and opinion as you see it?
- A. Well, I think that two places where I - I think essentially this is a paragraph to fact, relating fact in substantiation of - the only two places where I really see comment are the lines "I think the polices problems are over" and as I say the factual substantiation of that is in my what were originally previous remarks in the conversation with Heather Matheson. And then I think that in using colorful language, "bullied" and "coerced" to summarize the testimony of the three witnesses described to our Harris, Chant and Pratico, I - in that choice of words although essentially the statement is factual, that is what they said, the words are colorful words and that amounts to - and that is one of the ways we make comments, isn't it, in our choice of words you know you could choose very bland words or you could choose strong words. I chose strong words because it was a strong situation.
- 221 Q. Would it not be a question sir not the words that you chose but the words that they chose?
- A. Not at all.
- 222 Q. Well, you are purporting the quote?
- A. No I am absolutely not purporting to quote them. The word "said" does not imply direct quote. Are you familiar with the difference between a quote and a direct quote.

223 Q. Well, tell me the difference?

A. Well in a direct quote you use directly the words that a person, you know the precise words that a person used. In print journalist or indeed in any printed medium you do that with the use of quotation marks or by separating off the quoted material in a single space, separate paragraph generally indented from the main body of the text. In radio you do that generally either by saying the words "quote" or by using a - what is known in the trade as an actuality, a tape of the person's actual words or indeed, by having a reader read the person's actual words in a different voice from the person who is delivering the commentary around those words and those devices make the distinction quite clear.

224 Q. Do you mean to say that you think it is perfectly legitimate for you to say on the radio "those three witnesses now all say that they were bullied or coerced by the police" if in fact those witnesses had not used those words, considered it to be a perfectly legitimate tool of editorial journalism for you to say what you did when in fact these three people did not say that the police bullied or coerced them?

A. Well I don't accept that the police did not say that, when you originally - I was about to ask her affirmatively in your question when you said, when you did - when they did not use those precise words yes I believe indirect quotes are as long as they are faithful to the original remarks, are a perfectly acceptable tool and indeed, journalism would be a hopeless task without that tool, I mean it would be impossible to imagine having to cover everything by means of verbatim transcripts. It is a perfectly acceptable tool and in this case, it is a tool that is used accurately and fairly. That description, "bullied" or "coerced" fairly reflects what took place. Let's look at what took place. I have a 14 year old boy, do you have any children Mr. Pugsley?

225 Q. You are here to answer my questions.

A. Okay. I have a 14 year old boy. If he were taken to police headquarters after having given a truthful statement about his witnessing a crime. If he were taken to a police headquarters at 8:15 in the evening and I were not allowed in to see him, and he were kept in that room with two burly police officers who pounded their fists on the table and kept him there

insisting him that he changed his story until 1:15 in the morning, it is hard for me to imagine how I would respond to that. It is an incredible situation...

- 232 Q. Have you personally talked to any of the people - you've never talked to John MacIntyre before you went on the air had you?
- A. Well I recall meeting Mr. MacIntyre in 1974 or '75 and I have been anticipating that you might ask that question, have combed my memory trying to recall the circumstances and I just can't. ... I had not spoken to him about the Marshall case.
- 234 Q. So you did not know what comment or what comment he would have to make with respect to the investigation with respect to his meeting with Patricia Harris.
- A. Well, I have seen his affidavit.
- 235 Q. Have you seen that prior to this radio broadcast?
- A. No.
- 236 Q. Was anyone else present at the police station when Patricia Harris' statement was taken?
- A. Well I think that Sargent Erkhart was present at the time.
- 237 Q. Did you talke with Sargent Erkhart about taking the statement from Patricia Harris prior to the announcement?
- A. No, I did not.
- 238 Q. So you did not talk to Patricia Harris, you had not talked to John MacIntyre, you had not talked with Sargent Erkhart?
- A. That is right.
- ...
- 298 Q. Well that's fine. There were witnesses in the Cape Breton area that were close at home that you could have seen but you did not see. I take it that you have never seen Donald Marshall prior to this interview?
- A. That is correct.
- ...

368 Q. Yes you mentioned that you spoke to Mr. Edwards, the Crown Prosecutor, and Mr. Aronson, Mr. Marshall's defence counsel, you mentioned that on one occasion both of them were reluctant to discuss things with you because of the fact that the matter was ongoing. Did you ever go back and talk to them prior to the Sunday morning show of 1983?

A. Well I never talked to Aronson again prior to that, I did have a couple of chats with Edwards, but they were similarly unhallucinating.

...

398 Q. And you are satisfied with the remarks, your remarks that were put on the air were a faithful representation of all the remarks that you made?

A. They were.

...

419 Q. Well I want to be the second, you tell Mr. Murrant first. Picking it up on page 7 about ten lines from the bottom, "the Judges have the incredible, yeh, the incredible hardestness (sic) to say the system with which we are pillars should not be called to account for this. It is really this young punk that caused it all. It wasn't the police who bullied three witnesses into lying on the stand, "it wasn't the police and the Attorney General and the R.C.M.P. and the Crown Prosecutor who covered up contrary evidence of eyewitness evidence that someone else had committed the murder". Now I take it that it was used in an ironical sense, what you were saying was, and you correct me if I am wrong, "it was the police who bullied three witnesses into lying on the stand, it was the police and the Attorney General and the R.C.M.P. and the Crown Prosecutor who covered up contrary evidence, of eyewitness evidence of someone else who committed the murder". That is really what you meant, is that a fair statement to make?

A. Well I may be splitting hairs, essentially that is a fair - my problem is with the word "ironic". I wasn't trying to be ironic, I was trying to describe and perhaps it is ironic, yeh, I was trying to describe what the drift of the Supreme Court decision, that it wasn't the system, it was this kid, and in fact you are correct when you say I believe it was the police who bullied three witnesses into lying on the stand and that

I believe it was the police and the Attorney General and the R.C.M.P. and the Crown Prosecutor who covered up contrary evidence of eyewitness evidence.

420 Q. And that's what you meant by the statement I take it?

A. Yes.

...

453 Q. You have come to the conclusion so withstanding the fact that you've never seen the man, you've never seen him give evidence at trial, you've never seen him give evidence before the Appeal Division, you've never read his affidavits, but you presume to have a better knowledge to make a judgment about this man's veracity than five Supreme Court Judges that are trained in this, does that strike you as being a bit presumptuous Mr. Dunham?

A. No it doesn't strike me as being a bit presumptuous. I don't know what you mean by Supreme Court Judges being, I mean I've never heard of Judging School; I don't mean to be vacuous but I think Judges, I mean we may be fortunate enough in Nova Scotia to see the day that you become a Judge at which point, you know, you will presumably still you know, I don't think a bolt from the blue will hit you, you'll still be a powerful person, you'll still put your pants on one leg at a time.

...

555 Q. Would you agree that there would be virtually nothing you could have said about John MacIntyre that would have been more damaging to his position as Police Chief of this city than what you did say in this program?

A. I would say that there would nothing that can be more damaging to John MacIntyre's position as Police Chief of Sydney than the manner in which he conducted this investigation ... There is no doubt that what I said was strong in view of the outrageousness of what took place and the tremendous suffering that Donald Marshall and his family endured as a result of it, the comments are fully justified."

8. THAT in my opinion Mr. Donham reached conclusions about me that were completely wrong and have seriously defamed me.

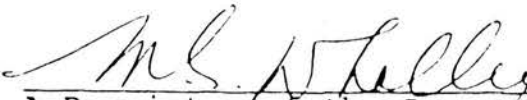
9. THAT his investigation of the Marshall affair was superficial as appears from the transcript of evidence referred to above.

10. THAT it was apparent during the course of his examination on discovery that he has a significant animosity towards me.


11. THAT I do not wish him to be present while I am examined on discovery. I would find his presence upsetting and to some extent, intimidating.

12. THAT it would be difficult for me to concentrate on the questions that will be asked of me if he is present in the room in which I am being examined.

SWORN TO at Sydney, Nova Scotia,)
this, 17th day of August, A.D.,)
1984.)


A Barrister of the Supreme
Court of Nova Scotia

M. G. WMALLY


JOHN F. MacINTYRE

#90

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

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?

MEDIA POOL COPY
...2

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. 25March82 - 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.

~~Dwight~~ Brian
Pres of State

Mary Charles
46 Michigan St.
Boston 1741 Street
539-4399

Francis M. Hill
222 Mt Pleasant

Father Spring Garden Ulla

Dorchester 18 Feb 82
Interview 11:34 am.

MEDIA POOL COPY

Cliff McKeysie
 Niagara Falls
 Address (17 level)

John L. Practice
 Andy Arsenault - 562-3202

I interviewed Mrs. M. Practice
 mother of John L. 10: AM
 15th Feb. 82.

82-02-22

Esbary came into office
 at 10:17 AM. Jim Carr, 906,
 myself. Religious talk
 wrap experiences
 11:25 AM left room
 returned 11:30 AM
 Read McNeil's statement
 12:27
 1:41 finished interview
 3/22/82

Re: Richardson.

82-02-22

4:30 Pm Call to Ebsary.

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 - To the other fellow

W - Okay, I'll send him down.

Jan McPherson
Social Services.

3rd March
Ten knives seized
from Dry Ebury

Forwarded to Lab
4 Mar 82
Reg Mail 2185
Att: Richard McAlpine

Knives return via
Reg Mail No 242. on
~~7 Mar 82~~ 7 Apr 82. 10 Apr 82
9 Mar 82 rest

Interview - Marshal Wainwright
Statements 1203 to 1234

23 Mar 82

Trout basket found in
basement of Elsbary home.
26th to Billy Arsenault

A. L. Deann - Confirms entrance
Mon 28 June 71
4:30 pm

25 Mar 82

Gary Deann contacted
recalls Dave Ratchford telling
him re: Donna Elsbary father
knife reports to Billy Klapot
rec'd reception.

Debbie Mae Conalo
Basico Couture
564-8223
Home 539-1790

18 Milton

Interview with
Dr Donovan
1 Apr 82.

31st Mar
Mary cooperates
w. coat seized
Sam McNeil.

30 Mar 82.
Exray recorded to 7.5
Kcap -

985. ~~revised~~

2 April 82

Interview with Anna
Elery by phone

Land Registration
Co-operators Building

Cpl Creases SS
Kathy Chapp and
Adriane Claire C

Joan Clemens - B.C. -
Zetter John & Emily - 539-6151

9
PO Box 121.

Nonantum, Mass
Code 02195-0121

The Heller Company Inc
93 Chapel Street
PO Box 186
Newton Mass.

Bruce Hayes - 469-7500
Loc 715

539-7121

Carthage 23 Cross St 8yd
Mary O'Riley - Saddle
gulfwind Pallets tell
going.

Margaret O'Riley's sister

Rudie Poirier
seen Junior at steps

Interviewed once
~~15th~~ Esbary's

Lynch's

Patricia Harris -

1-455-8070

3536 Concorde Apt #3

16 Apr

Interview 3:45 Chief

Mr. Intyre Cpl Davis brought
Chief produced Brown Accordion
file folder containing approx 4
M-shells file folders as well
as a number of envelopes.

Chief was asked 4 or 5
times for any other statements
from Patricia Harris last statement
given.

Hand written statements of
Bill Urquhart on Harris showed
numerous only one read Cpl Davis
see them placed on floor. Asked
numerous times why Patricia no explanation

No comment on line up
No comment on Patricia as
witness.

Definitely did not interview
Ebsary wife or son after murder
on 15th.

Total Errors 31 times

Mr. Stephen Sattler
743 1/2 St. S.E.
Calgary Alberta
403-279-7381.

Mrs. Mary E. Csernyik
Sunwood Drive
South East Calgary
1-403-236-1925

Margaret E. Gerard Hoop.
7408 21st S.E.
Calgary, N.S.
279-5380

Job
Photo knives
check John Ry
court
v. Wagon

772-5410

234-2050
7th

8 1/2 Day
Paddy

553-544

500
sawdust

562-7247

Easty Paige
90
factory

Camera
/ apr

2852-12



21-6-37
Robert W. Brown
10 Howard St 722-8663

Statement of: Raymond Poirier
9 St. Victoria Rd.,
Sydney

15

Back in 1971 I
painted a house for Chief
Brian 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
Pirates.

I told McIntyre
what Marshall was saying
and what Practice was saying
that day. Junior was a calm as
you and me.

Wheaton

Raymond Poirier

Deleg mem re: # 92

~~KOENIG~~ File
SANGHI

Dr. KOENIG

525-6541-457-H

17 Nov 71

Text at Hanby Det

7:30am to 4:30pm

ptn to Regina

call from Ings
midnight to

20 = 21 Nov 71

Weekend off.

May 1972

May 15/19, 1972

906 - 1:30pm

To office during
the Ptn of 21st Cyber
Search ptn re. crew
and called Sgt HOSKINS
re: the U.S. tests.
Some reports.

22 Nov 71

Left Regina at 9:00
for Halifax = Sydney

Pat Evans "H" Rev
Departed this PM
for Edmonton
for testing
10PM to Montreal

Virginia LeCHANCE
B 24-6-48 - Sudan
Death of - near Jaber
also 8 July 67

18 Nov 71

Provision at Edmore
on LeChance matter
then to Beaudreault
at Amnville in

arrived Sydney late
P.M. 6750

23 Nov 71

9AM to 9PM

Ran two subjects
on murder investigation

24 Nov 71

Sydney area: Talked
to members of Sydney
S/Div re. subject

Returns to Regina
A/C arrived midnigh

MEDIA POOL COPY

POLYGRAPH

CASES - 1971

AM No	FILE No	TOTAL CASES	DATE EXAM	SUBJECT	PLACE	CASE CAPTION	RE-EXAM	T	D	IN	VT	VD	VE
6	1 Poly 20	20	26-10-71	ELDER, D. E.	Neakalation, York								
7	71 Poly 21	21	29-10-71	POIRREER, G. V.	Wilmington, NH	Joseph HERLE, SR at BOSTON from							
8	71 Poly 22	22	30-10-71	STARPLEFORD, J. W.	Fredonick, N.B.	Franklin Douglas DUNN - Bruden of:							
9	71 Poly 22	22	30-10-71	LEES, Thomas Davis	Fredonick, N.B.	John FERLINGS, et al - X W W W							
10	71 Poly 22	22	30-10-71	COLLETT, J. H.	Fredonick, N.B.	"							
11	71 Poly 22	22	30-10-71	REEVES, P. J.	Fredonick, N.B.	"							
12	71 Poly 22	22	31-10-71	HENGHORN, W. W.	Fredonick, N.B.	"							
13	71 Poly 22	22	31-10-71	WELLSON, M. M.	Fredonick, N.B.	"							
14	71 Poly 22	22	31-10-71	ROBICHAUD, J. W.	Fredonick, N.B.	"							
15	71 Poly 22	22	1-11-71	LONG, D. R.	Xackville, N.B.	"							
16	71 Poly 22	22	1-11-71	RILEY, G. A.	Borden, P.E.I.	"							
17	71 Poly 22	22	2-11-71	MacKEWZIE, C. R.	Xumunquade P.E.I.	"							
18	71 Poly 23	23	17-11-71	WILLIAMS, D. M.	Spunloy, Nova	Gyrie NEHER - Theft from							
19	71 Poly 24	24	18-11-71	BALDHEAD, Elizabeth	Edmonton, Alta.	Virginia LECHARLÉ - X W W W							
20	71 Poly 24	24	18-11-71	HOGLE, A. W.	Amerville, Alta.	"							
21	71 Poly 25	25	23-11-71	McNEIL, J. W.	Highway, N.S.	Donald MARSHALL - Murder							
22	71 Poly 25	25	23-11-71	ESBARY, R. N.	Highway, N.S.	"							

#94

CIB READERS

- a. **Location** - All operational divisions
- b. **Service** - Minimum of 10 years general investigation experience in Criminal Code, federal and provincial statutes.
- c. **Education** - Force minimum
- d. **Special Requirements**
 1. A working knowledge of Criminal Code, federal and applicable provincial statutes.
 2. Bilingualism for "A", "C" and "J" Divisions.
 3. Senior Investigators' Course and Effective Writing Course.
- e. **Functions**
 1. Reviewing and analyzing reports to ensure procedures are consistent with Force policy.
 2. Ensuring the requirements of the various statutes are met with respect to investigations.
 3. Checking that investigational reports are thorough and that they contain information needed to base a charge on or support a decision relevant to the charge.
 4. Preparing written replies, making specific recommendations where required and giving direction.
 5. Making recommendations on and preparing operational policy.
 6. Undertaking research projects relative to legal and investigative problems.

L

38. RÉDACTEURS S.D.E.C.

- a. **Endroit** - Toutes les divisions opérationnelles
- b. **Service** - Au moins dix ans d'expérience de l'enquête générale relative au Code criminel et aux lois fédérales et provinciales.
- c. **Instruction** - Le minimum exigé par la G.R.C.
- d. **Exigences spéciales**
 1. Avoir une connaissance pratique du Code criminel, des lois fédérales et des lois provinciales pertinentes.
 2. Être bilingue si on est affecté aux divisions "A", "C" ou "J".
 3. Avoir suivi le Cours supérieur destiné aux enquêteurs et le Cours sur l'art de la rédaction.
- e. **Fonctions**
 1. Réviser et analyser les rapports afin de s'assurer que les méthodes utilisées sont conformes à la politique de la Gendarmerie.
 2. S'assurer que l'on satisfait aux exigences des diverses lois en ce qui a trait aux enquêtes.
 3. S'assurer que les rapports d'enquête sont complets et qu'ils contiennent les renseignements nécessaires permettant de porter une accusation ou d'appuyer une décision ayant rapport à l'accusation.
 4. Répondre par écrit, faire des recommandations précises, s'il y a lieu, et diriger les travaux.
 5. Faire des recommandations sur les politiques opérationnelles et élaborer ces politiques.
 6. Entreprendre des projets de recherche sur les problèmes juridiques et d'enquête.

MEDIA POOL COPY
2258
83-07-15

95

R CMP 2

334

NOTE - ÉCRIRE À LA MAIN

BIN BD	Classification
	File No. - N° du dossier

TO - À

FROM - DE

Date

File

Deputy

8/3/06

#95

<input type="checkbox"/> Comments Commentaires	<input type="checkbox"/> Action Donner suite	<input type="checkbox"/> Prepare Brief Préparer un exposé	<input type="checkbox"/> Return with Current File Retourner avec le dossier actuel
<input type="checkbox"/> Perusal and P.A. Lire et classer	<input type="checkbox"/> Prepare Reply Rédiger une réponse	<input type="checkbox"/> Make File(s) Ouvrir un dossier	<input type="checkbox"/> 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)

Ref. attached A-5- On the 8/3/06 Solicitor General RAPLAN was in Halifax in connection with Crime Prevention Week and was interviewed on TV. During interview he was asked about involvement of Insp. Marshall of RCMP in initial investigation and Solicitor General asked C.O. (Sept. Regt.) what case involvement was. As a result a review of file was made as noted in attached A-5 and B.C-1. D(ops) was advised by C.O. as Solicitor General requested that he be advised.

No further action required

MEDIA POOL COPY

Diary Date - Date d'agenda	Meeting Date - Date de réunion	P.A. - A.C.	
		Date <i>8/3/06</i>	Init./Ns <i>ES</i>

● HANDWRITE - ÉCRIRE À LA MAIN

TO - A C.O. CIBC (Readers)	FROM - DE D. J. J. J. C.O.	Date 8/3/12/05
--------------------------------------	--------------------------------------	-----------------------

<input type="checkbox"/> Comments Commentaires	<input type="checkbox"/> Action Donner suite	<input type="checkbox"/> Prepare Brief Préparer un exposé	<input type="checkbox"/> Return with Current File Retourner avec le dossier actuel
<input type="checkbox"/> Perusal and P.A. Lire et classer	<input type="checkbox"/> Prepare Reply Rédiger une réponse	<input type="checkbox"/> Make File(s) Ouvrir un dossier	<input type="checkbox"/> Check Records Vérifier les dossiers

SUBJECT - SUJET
Ronald Marshall

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

On reviewing file I find:

① file re-investigated at request of Sydney City Police - see note of CIBC dated 8/3/02/24

② D.C.I. was first notified & correspondence sent to him on 8/2/02/26 when Insp. Marshall's report was filed.

③ DAG ordered Sydney City Police to turn over all material re their investigation to us on 8/2/04/20.

④ D.C.I. was ^{not} re-investigated on file up to 8/2/06/03.

Suggest we could send memo to DCI updating file to present and at same time advise that Solicitor General was enquiring as to our involvement in initial investigation & we could request H.Q. to inform SAJ Gen that all that was done was for Insp. Marshall to review evidence & polygraph reports to give polygraph examination comments re

Diary Date - Date d'agenda	Meeting Date - Date de réunion	P.A. - A.C. Init./N°
----------------------------	--------------------------------	-------------------------

Highly Urgent -

RM 112 331

I spoke to the D/C (ops) this
Sat (83-12-05) and expressed his that:

- (a) Insp Marshall was directed to proceed to Sydney by P.O. following a request for A.M. Dept. into more reacting to a request for the Crown, Forensic, & other bodies.
- (b) Insp Marshall did not do an investigation by examine the evidence as well as a psych. examination done.
- (c) Insp Marshall submitted his report - (but on further role to play).

I received the above info from Insp Marshall direct via telephone.

No more action necessary, & this end unless the media publishes anything of a sensational nature.

If you receive a call over response must
2: (1) No investigation done by force but we did
examine the evidence around the place the photograph
taken.
Advise me if there are other additional developments released
RM 112 331/12/06

96

27 Sept 75. RTO in Myra rain

28 Sept 75 R.T.O. in Myra. rain.

29 Sept 75.

9 AM. 12 NN. doing work Sicut and
F.93 and certain Farms.

Advised that Laughlin is out on
Bail since Fri: 26 Sept 75.

Deputy Chief Sydney C. P.
interviewed and advised
that Roy Sherry was
given a Lie: Victor test
and found to be cleared and
not involved.

Enquiry conducted into
Earl Murda. can 5 yrs old.
Marshall presently serving life for
the murder.

MEDIA POOL COPY

290-1

12679

1 Oct 75.

9 AM - 12 NN Interview and
enquiries. Seele Murder. 1971.
Mentage re: enquiry. re: Ehrsony.
also enquiries re: Calculator,
Assist. Inquisit. re: Petrol
dozen from Sydney, re: Contacts +
informants. until 5 PM. 5 PM to
6 PM. try to contact the Bear. re: Info. S.

2 Oct 75.

9 AM - 10 AM. attend annual
meeting. 10 AM - 12 NN
go to Tony Chew's, re: appointment
for 308. then return to Sydney.

1 PM - 5 PM. coffee re: Giles and
putting 15/ in locker and tagging
same.

3 Oct 75.

9AM-10AM. Send Message to
Mtl. re. Method. U.S.P. Seco. 10AM.
recd. Ehsany file. re Seal Mark.
also recd report from Hawkulung
re. N.S.P. Steam Failure. recd
info re. Calculators ship from Inguish
from C. L. S. Seco.

Serial # 51065 07403 and
13493 41796. 3" wide 6" long.
Add. Used Furniture Store
564-6123 and Halls and Ship
checked. negative results. R.M.
enquiry re. calculation

4 Oct 75 H.O.

5 Oct 75 H.O.

E-1 100

Statement of: Greg Allen Ebsary, B: 16 Dec 53
46 Mechanic St., Sydney, N.S.

Tonight Harry Wheaton of the R.C.M.P. has shown me a statement which I gave to the Sydney City Police back in November 1971. I remember being down at the Police Station and it looks reasonably accurate as far as it goes.

I was at the Sydney City Police that night for approximately three hours. I talked with John McIntyre a great deal more than what is in the statement. One thing being did I overhear Roy and my mother talking over what happened that night in the Park. He accused me of this and I denied it as I had not. I was truthful and honest and told him of my fathers violence, carrying knives and manner of dress. I do remember that I was very frightened and it seemed to me that he was trying to intimidate me.

I do remember Jimmie McNeil being at the house the day after the murder. During the period of the murder Roy always carried knives. We moved from Rear Argyle Street about two years after the murder. I collected up Roy's knives and moved them 46 Mechanic Street.

The knife sat for approx nately nine years
in a drawer and then was placed by me in a basket
which I put in the cellar. I turned these
knives over to Harry Wheaton. To further clarify moving
the knives Roy packed them and I moved them to our present home.
H. F. Wheaton

Greg Ebsary.

Statement of Mrs. Mary Patricia Ebsary, B: 17 March 24
Jan 26 1946 Mechanic St., Sydney, N.S.

Wednesday night of the Seale murder.

I was at our home at that time 126 Rear Argyle St. Sydney. I was watching T.V. in the livingroom and I recall Roy and Jimmie McNeil coming home. Jimmie stopped in the doorway of the livingroom and said "something like you saved my life" to Roy. Roy said "shut up" I recall Roy telling Jimmie to cut across the field going home, not through the Park he said something about they won't catch you.

I didn't pay much attention to Roy as he was always bringing someone home with him. Roy drank heavily and was violent so I never said anything to him. He always carried a knife and when he got angry that was his favourite weapon. I recall one night he took an axe and completely chopped up the furniture downstairs this would have been during this period in 1971.

MEDIA POOL COPY

I recall I called the Sydney City Police on numerous occasions when Ray was in one of his destructive violent rages and nothing was done. The Sydney City Police were well aware of Ray as I turned him in in 1970 for carrying a knife as he was going to stab the chef at the Isle Royale Hotel. His exact words referring to "Tony the chef" when he opens the door "I'll gut him".

I have read the statement shown to me tonight by Harry Wheaton. I was only at the Station once and this must have been it. I notice the time on this statement are from 8:45^{pm} to 9:02^{pm} or twenty two minutes. This is not so I was interviewed for at least two hours. I also notice Sgt. V. J. V. was supposed to be present. There was a man there for about five minutes and he left. I don't recall exactly what the specific questions were but I do know I answered truthfully and honestly. I can not say I saw Ray stab the chef because I was not in

The Park that night. I certainly would not
hide anything from John MacIntyre any
more than I would hide anything from
you.

H. F. Wheaton
Mary Elvany

EX. # 101

Statement of Donald Junior MARSHALL - B.D. 53-09-13
shown at Dorchester, W.B. 11.34 AM 82-02-18

On Friday night May 28th 1971 around
11.30 PM I arrived at Memberton from Halifax
with Roy GORDON, we had been drinking
during the day. There was a dance at St.
Joseph's hall near St. Andrew's Park, I went
to the park and met Sandy SEAL in the
park, this would be later in the evening
while the dance was still on, Sandy said
I wanted some money, I don't know if we
wanted it for liquor or just the money.
I remember seeing a girl in the park talking
with a boy who was a sergeant in
the army cadets, I had seen him before.
There were two others in the park, one
I now know as Roy ERSARY, the other
fellow was taller, I don't know his name.
It would be around 11.45 PM, Sandy and
I decided to take some money from these
fellows, one of them asked me for a
cigarette or a light, we thought it would
be a good chance to get closer to them.
We walked over to them and had a short
conversation about liquor, women and everything.
They started to walk away from us, I
called them back

MEDIA POOL COPY

IN THE SUPREME COURT OF NOVA SCOTIA,
APPEAL DIVISION

IN THE MATTER OF A REFERENCE PURSUANT TO SECTION 617
OF THE CRIMINAL CODE BY THE HONOURABLE JEAN CRETEN,
MINISTER OF JUSTICE, TO THE APPEAL DIVISION OF THE
SUPREME COURT OF NOVA SCOTIA UPON AN APPLICATION FOR
THE MERCY OF THE CROWN ON BEHALF OF DONALD MARSHALL, JR.

Ex. # 102

AFFIDAVIT

I, Harry F. Wheaton, R.C.M. Police Sergeant
of Halifax, in the County of Halifax and Province of Nova
Scotia, make oath and say as follows:

1. That at all material times hereto, I was posted in Sydney with the R.C.M. Police as co-ordinator of the General Investigation Section of the Sydney Detachment and have been a member of the R.C.M. Police for over 20 years.
2. That as a result of information submitted on behalf of Donald Marshall, Jr. in January, 1982, I was given the responsibility of conducting an impartial investigation into the circumstances connected with the conviction of Donald Marshall, Jr. for the murder of Sandford William (Sandy) Seale.
3. That during the course of the investigation many witnesses were interviewed, written statements taken, and a great deal of documents concerning the 1971 conviction were reviewed.
4. That I have read the Affidavits of Maynard V. Chant, John L. Pratico, James William MacNeil, Patricia Harris, Terrance P. Gushue, Donna E. Ebsary, Mary P. Ebsary, Gregory A. Ebsary, Keith Beaver, Barbara M. Floyd, Sandra V. Cotie, Dr. M. A. Mian, A. J. Evers and George W. MacNeil concerning this matter and, in substance, the said Affidavits contain a fair and accurate summary of the results of our investigation.

MEDIA POOL COPY

5. That during the investigation and on or about March 4, 1982, I received from Mary P. Ebsary and Gregory A. Ebsary, 10 knives and 1 cardboard basket, and to the best of my knowledge and belief the said knives are those depicted in a photograph marked Exhibit 'A' and referred to in the Affidavit of Adolphus James Evers dated July 30, 1982.

6. That on or about February 22, 1982, having interviewed Roy Newman Ebsary in person on that day, I returned a phone call from the said Roy Newman Ebsary at about 4:30 P.M., the relevant portion of our conversation being as follows:

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.

7. That as a result of the conversation referred to in Paragraph 7, Cpl. James E. Carroll of the Sydney R.C.M.P. Detachment attended at the home of the said Roy Newman Ebsary, ~~but no~~ written statement was taken from Ebsary.

and
1/1/82
3/1/82

Statement of: Roy Newman Ebsary.
26th June 12, 18 Falmouth St.
Sydney, N.S.

Q. What can you tell me about the
Beak Murder.

A. As far as I was concerned it
was an ordinary night. The
cure, Robert said had to
defend ourselves.

Q. How did you defend yourself?

A. We were held up by two
11.30 AM muggers, who demanded all our
money or whatever the steel we
had in our pockets, I shelled out
everything I had in my pockets but
the other fellow was fighting with
MARSHALL, do you see the point?
MARSHALL was giving him a hard
time, he had a reputation for that
all Sydney knows that. MacWELL
told me before this happened MARSHALL
had robbed him before, beaten him up
on standwood still. You arrange for
an interview with Mrs. MARSHALL and
I'll tell her the truth, I was
a witness to the robbery.

Q. Are you going to implicate yourself?
at interview etc.

MEDIA POOL COPY

Q. Do you know what that means?
A. Yes, it means that I'm willing to
go all out to prove MARSHALL did
not stab SEALE.

Q. Are you prepared to say or admit
you know who did stab SEALE?

A. Yes, I'll tell his mother.

Q. Are you saying you are responsible?

A. Yes, I'm not saying I'm responsible, I
convinced her, her son didn't. Before I
could make a statement like that I should
see a lawyer.

Witness Ppl. J. E. ^{12:16 PM}
Counsel

x
R. M. Conway

to m.v. Branch re page
certificates. Copy of file to
Proc. EDWARDS 2:30 PM
office.

82-02-04 9-5 PM
Office, SEALE Murder file
review with 3/Sgt. WHEATON
Contacted Donald MacFARLANE
re Drug Ints. acc'd by
Capt. B. STORER. Office
inquiries re BEA Company.
Review MARSHALL file

82-02-05 4-5 PM 308
Office, Photos from Sydney
PO re OLSON, met with
Crown Proc. EDWARDS re
B.E.A. office, GIS meeting
Uista Motel.

82-02-06 RTO

82-02-07 RTO

82-02-08 9-5 PM 308
Office. BEA file discussed
with C. Proc. EDWARDS.
Local inquiries re Christine
WAGNER - photos re OLSON
office.

82-02-09 4-6 PM 308
Office, Referral to Victoria
re MARSHALL - Murdoch
acc'd 3/Sgt. W. WHEATON
2:22 PM Interview
McLachlan Bazaar SARSON
RD 62-06-24

11 Training at Victoria
485-677

MEDIA POOL COPY

Statement by WHEATON
Completed & signed 3.23 PM
agreed to Polygraph testing
Made motion to left
thigh re knife, right wrist
re knife wound to MARSHALL
uncertain which from -
Statement ~~had~~ read to
SARSON 3.23 PM Lodging
Playmore Motel, Antigonish

82-02-10 8.30 AM - 4.30 PM 30E
Return to Sydney, office
Inquiries re ALLEN - BEA

82-02-11 9-5 PM 30E
Office, inquiries to locate
ALLEN re BEA, came to
Det. 11.26 AM re fail to

make daily report. Inter-
view with ARENSON re
MARSHALL Murder. Patrol to
Louisburg to interview SHAWT
acc'd of Sgt. WHEATON.

82-02-12 9-5 PM 30E
Office, guided Medical office
re records transfer. Call from
Insp. D. WEBSTER re Toronto
Seminar. To Mr. Brandy
re BEA documents. Called
head of Joint Stock Co.
U.S. re BEA.

82-02-13 RTO

82-02-14 RTO

82-04-16

82-02-15 9-5 308
office, BCA documents
photo copied for ALLEN
office, called Charlie-Joe's

82-02-16 12.30pm - 8.50pm 308
Office BCA documents,
letter to Mr. Branch re
BEA - DAVES. Crown Pres.
re MARSHALL Murder 3.10pm
patrol to Newcastle interview
CHART, accid S/Sgt. WHEATON

82-02-17 9-5pm 308
office, patrol to Maitland, NB
re MARSHALL - Murder. Depart
Sydney 10.30am, arrive Maitland
5.00pm, lodging Beaujour
Hotel.

82-02-18 8.30am - 7.00pm 308

~~Toi Deschamps Pen 10.28~~
~~Amr Interviews (2) Sold~~
~~MARSHALL in car 11.30am~~
~~with GAMBEL - Drive~~
~~from near shipyard, talk~~
~~MARSHALL in car after assault~~
~~at [unclear]~~
~~at [unclear]~~
Return to Sydney 7.00pm.

82-02-19 9-5pm 308
office. BCA documents
to Art Moulton, inquiries
re MARSHALL file.
Memberton re Gordon
JOE

82-04-16

82-02-20 RTO

82-02-21 RTO

~~82-02-22~~ 9-5pm 308

Office interview Roy
Newman EBSARY - BP 12-06-20
68 Falmouth St., Sydney
10.17pm - 1.41pm driven
home, acc'd by S/Sgt. WHEATON
Patrol to Memberton to
locate Donald Gordon Joe
office & Cell from EBSARY.
4.45pm. to S/Sgt. WHEATON.
Patrol to 68 Falmouth St.,
interview Roy EBSARY,
laughing, smiling, showed to
drunk in kitchen, said it
was self defence, small pen
knife used, does it have it

new, victim car, took his
money, MARSHALL was fighting
with MAERWEL, what is your
sign? Birthday? 6 NOV 40,
Scorpio. The only break I
ever got was from a Scorpio
Did not want to give statement
then, "get a new trial for
MARSHALL & I'll give
evidence." wants to meet
Mrs. MARSHALL, see her
eyes, give her his pig,
tired of living, skid
new life, wants to, get
it over with, set up
meeting with Mrs. MARSHALL
he and dog. 5.15pm left
house.

82-04-16

82-02-23 8:30 AM - 1:30 PM 307

office, 10:59 AM to EBSARY
home, warning by WHEATON
11:00 AM, undetected. Captain's
papers. John O'SAY.
Statement commenced 11:03 AM
office, patrol to Memberton
Donald MARSHALL Sr. & wife
return to office, pick up
EBSARY, to office, return
MARSHALLS home. To Crown
Pros. office 3:25 PM

~~BEA documents by Cousins~~

82-02-24 9-5 PM 308

office, BEA documents from
Mu. Branch Miss MacDONALD
Sage Breton Hospital - interview
Andrew ARSENAULT re
John PRATICO.

82-02-25 9-5 PM 308

office, BEA documents to
Pat Malheur - at Court
House 9:45 AM (MN certificates)
Crown Pros. EDWARDS re
BEA - no Cert. evidence
Patrol to New Waterford
Hospital - interview - statement
from John Louis PRATICO.
11:15 AM office. Summary to
Heather MacLEAN Call from
Cyril TUCKER re BEA.

82-02-26 9-5 PM 307

office, BEA files, documents
from David MacLEAN, Mu.
Branch. Crown Pros. office
re BEA Trial.

82-02-16

82-02-27 R70

82-02-28 R70

82-03-01 9-5 pm 308
Office, BEA file, Crown
Prosec. office re MARSHALL
Called Hugh Cook re BEA
cheque, MV Branch.

82-03-02 8-30 am - 4:30 pm 308
Court re BEA, Grant Jury,
Justice W. BURKILL
Douglas Wilson - Inspector
Office - Newcastle from
Van BRADICK MacINNIS

82-03-03 1-5 pm 308
Office, BEA documents
related to North Sydney
BEA - documents, program
Matthew WILSON - re HAROLD
Inquiries Chamberlain Rd
re MARSHALL Murder.
Call from Pat WILSON
re G.E.T. Post the Bouque
Call from en Terminal
6:00 pm ETA 9:00 pm
Patrol to North Sydney
en Terminal, check passengers
William King CLARKE 18 yrs.
6:30 pm - 8:30 pm
Calgary G.I. re PETERS

82-03-04 9:00 am - 5:00 pm 308
Office, called WILSON
T. Bank re SLANEY
cheques, called Hugh Cook
Toronto, re Original cheque
office, copies of BEA.

82-04-16

Documents to Art MOHAN
Call from Guy LAFOSSE
re DEMEYER trial cancelled

82-03-05 9-5 pm 388
Office, G.O.'s visit
Crown Pros. 10.00am re
BEA,

82-03-06 RTO
1.00 pm - 2.00 pm
Monitor Room re Drug
Seizure. Michael-Alexander
SPARROW - BR 54-01-30

82-03-07 RTO

82-03-08 9-5 pm 388
Office, patrol to Moncton
Lodging Beausejour Hotel

82-03-09 8.50 am - 8.10 pm 380
WEDGE photos to Moncton
P.D. Sgt. Elmer CURRIE
Dorchester Den. interview
Donald Jr. MARSHALL

B.D. 53-09-13 11.20 am
to 12.55 pm
Statement signed, 12.59 pm
Returned to Sydney 8.00 pm
Call Roy EBSARY - no answer.

82-03-10 9-5 pm 388
Office, BLADE cheque
from T.D. Bank, call
from F. EDWARDS re
BEA. Trial, BEA exhibits
Prepared for Court

82-83-18 9-5 PM 308
Office, called BCA
witnesses.
Denard Godge Joe-Boss
Interviewed at Memberton
Was drunk on Javilla
Saw MARSHALL that Pm.
SEALE always associated
with Indians, MARSHALL
is cousin, talked to him
at Correctional Centre,
figured he was guilty.
Probably fought or argued
with SEALE.

82-83-19 9-12 Noon 308
Office, called F. EDWARDS
re HOLLAND trailer.
AOL. Met with Ian

McNEIL re BCA

82-83-20 RTO
82-83-21 RTO

82-83-22 9-4 PM 308
Office, called MacDONALD
re theft charges. Interview
& statement 2:00 PM prepare
Resume for prosecutor
called F. EDWARDS

~~82-83-23 8:30am - 4 PM 308~~
~~Office, prepare BSAK~~
~~Search warrant, to house~~
11:10 AM, net home, to
Probation Service return
to 68 Palmouth St, search
residence, seize tapes
in office.

82-84-16

82-03-27 RTO 7.00 AM - 2.00 PM
Patrol to New Waterford
P.D., interview & statement
from Brenda PERFECT
interview William MeeDULEY
by Sgt. T. DWYER & JEC
notes. Acc'd by S/Sgt. H.F.
WHEATON, Ident, Sgt. G.
KOEHLER attended scene.

82-03-28 RTO

82-03-29 8.30 AM - 4.30 PM 307
Office, Prov. Court re
MeeDWARD - Theft & Fraud
charges. Judge C.A.
O'CONNELL, F. EDWARDS
C. Prov. office - PERFECT
telegram, C-257 request
for Polygraph.

82-03-30 9-5 PM 308
Court re E. BARRY
Sentence. Judge C.A.
O'CONNELL, Keith SHEARS
F. EDWARDS. Remanded to
N.S. Hospital for 30 days
office. PERFECT C-257

82-03-31 9-12.00 Noon 308
Patrol to 985 Westmount
Rd., interview Oscar SEALE
& wife re MARSHALL
Case 9.45 AM - 10.30 AM, office.
AOL 1/2 day.

82-04-01 9-5 PM 308
Office, court re MeeDWARD
Fraud & Guilty Plea.
Probation - Sentence Susp.
82-04-16

82-04-09 RTO 1

82-04-16 9-5 PM 308
Office, County Court re
WALKER, Witnesses - CARROLL
Mrs. MacMASTER, Miss
Donald WALKER. Ad.
to, Mon. 10:00 AM Office,
Mess Meeting 3:00 PM
OSK Meeting 1:30 PM

82-04-17 RTO

82-04-18 RTO

82-04-19 9-5 PM 308
Office. Court re WALKER
Decision Not Guilty.
Office, called BRUCKSCHWABER
C-237, local re Michael M...
Tim WYNET

82-04-20 9-8 PM 308

Office, WALKER C-237.
Local inquiry re Michael
MacINNES 72 Falmouth St.
Burling. Referral to Lewisburg
statements from Beaudah
CHANT, Maynard CHANT

82-04-21 9-5 308
Office, called Hlx. Allstate
re Vandover's trailer, to
Dr. Mahmood Ali NAQUI's
office 320 Esplanade re
SEABE Case. Dr. W.
CROOKS. Statement from
Lawrence BARK re
CHANT. Office with Sgt.
A. COPP.

82-04-22 9-5 PM 305
Office, MARSHALL file.
Statement from Dr. M.S.
Vireck re MARSHALL
Office - MARSHALL Isla

82-04-23 2:00 AM - 2:00 PM 305
Patrol to Sydney Minos
re Robbery with Violence
Statement from FORREST
accid by Sgt. WIDE
DONOVAN

Suspect 5-10 170
Round face mustache,
Dk Brn Hair - long
Knitted hat, stocking cap.
30-35 yrs. Plain shirt
Blue bag, white stripes.

II! Photo - Prints 12.00 Noon
Sydney P.D. re Prints - Photo
Lunch to Correctional Centre,
Pet Anthony DALTON To
Correctional Centre 1.20 PM
Films to Quality Camera
Office. To City Hospital
MADONALD Photo Identified
by STAGE.

82-04-27 9-5 PM 306
Office, called Polygraph. See
re PERFECT to Sydney P.D.
records from Chief I. MacINTYRE
Interview Mrs. Margaret PRATCO

acid by S/Sgt. H. WHEATON
Statement of Margaret
Pratco.

When the murder
happened in the Park in 1921
I remember first hearing
about it on the Radio
John woke up that
morning after the
murder and asked
me, who was hurt
in the Park.

There were no
names released. On
Monday the Police picked
up John. I only know
of once John was picked up.

Office, to Mamberton re Dan
PAUL. Review MARSH's statements

82-04-26 9-5 PM 305

Office, to North Sydney S.D.
re Joseph Shenggen MacDONALD
Pleas. - Attempted Murder -
Robbery w. Violence

BEAT. (5) - Bras. S. of Judges
Jury on all charges - read by
Judge S. CAMPBELL;

82-05-26 9.30 AM N. Sydney
NS. Consent to Remand.
Remanded to Correctional
Centre. Interviewed Clancy
BURTON & Darlene MARSH
11.30 AM 27 King St. S.
Mines. Admitted that he and
MacDONALD had flight bag.

Office, called Dan PAUL.

82-04-29 1802

82-04-30 9-8 PM 308

Office MacDONALD file
E-237. To Mamberton
interview Dan PAUL,
To Prov. Court 2.00 PM.
Keith SHEARS, S. EDWARDS,
Judge P.A. O'CONNELL
A.J. to Fri. EBARY 2.00 PM
For Evidence from W.S. ACTON
Remanded to Correctional Centre
Office

82-05-01 RTO 9.30 PM
Call from Cpl. Hank HAMMOND
JUDNEY Mines S.D. re

ire. Call from Sgt. M
Innis re PERFECT - R. 12

Polygraph.

82-05-11 9-5 PM 308

Office. Sydney P.D.

Interview John MacINTYRE
Statement from Sgt. Michael

Bernard MacDONALD - 11.10 AM

Finished 12.40 PM Sgt.

Gerard Arthur TAYLOR

Statement 12.46 PM Finished

1.09 PM. Statement from Cpl.

Jack JOHNSON. 1.15 PM -

1.35 PM Call semaphor.

Cpl. Fred LEMOINE statement

1.41 PM - 1.50 PM 1.55 PM

Insp. Richard WAINST - Statement

2.19 PM Finished 2.40 PM

Called Mae PATERSON, Simon

MacDONALD. re STAGE

File, STABG. called chief
H. VICKERS re SULLIVAN case.

82-05-12 9-5 PM 308
Office, to Sydney Airport
to St. John's ^{offd.} re EBSARY
interview Taxi from airport
to Howard St., St. John's.
Robert EBSARY - Hollywood
Power Plant. 3.45 PM

Interviewed by H.F. WHEATON
& CARROLL - Pennington Rd.

Ray EBSARY - Brother
Royal Stores? Rev. George E.
Frank EBSARY 193 Old Pennington
579-3483 22 Wellington
Gres. 364-5945 - Ray E.
Ray E. v. 8 Connollys Rd
40-04-26 Killarney ~~offd.~~

lodging ~~offd.~~ Hotel

82-05-13 8.30 AM - 7.00 PM

Interviewed Robert Samuel Barton
MachEAD St. John's City
Park, 8.40 AM. Sgt. H. AUERY
St. John's GIS return to
Sydney 7.00 PM.

82-05-14, 9-5 PM 308
Office, debriefing from audit
team. PETTAS C-238
Call from Crown Pres. EDWARDS
re ELLERBROK Fraud comp
Called Simon MacDONALD
re MacDONALD - Att. Murder
& SULLIVAN - Att. Rape.

82-05-15 RTO

82-05-16 RTO

Investigation Officer K. Wood
E. BASOL re ALLEN
Called Chatham P.D. re
ALLEN

82-05-19 8:30 AM - 4:30 PM 308
Office, to Sydney Mines
re SULLIVAN - P.D. Sydney

City Called, interview
Cpl. Fred LEMOINE, statement
from Cpl. Frank MacKENZIE,
Cpl. Leo MROZ.

82-05-20 9 - 5 PM 308
Office, statement from Cpl.
Howard DEAN, called Sydney
Mines P.D. re SULLIVAN
Office

82-05-21 9 - 5 PM
Sydney Airport not escort.
Det P.D. ARKINSON
Det J. J. BALLEJA
Warrant booked by J.P.
S. MURPHY to Co. Centre
escort 3 - not escorted

82-06-11 9-5PM 308
Office, HOLLAND, to
Ingarish re Roger HARVEY.
second statement, return to
Sydney 3:30PM, need by
Capt. D. HODGE, office.

82-06-12 RTO

82-06-13 RTO

82-06-14 9-5PM 308
Office, call from SHAWCROSS
re Lloyd FARMER, Chief
CROWE re SEALE case.
Discuss SEALE case with
O.C., called PERFECT re
interview 9:30AM

82-06-15 9-5PM 308

Office, Patrol to Nancy
Waterford, return records
PERFECT to Sydney GIS
for interrogation, return
Nancy, office, PERFECT
C-237. Called Chief CROWE
re Mrs. EDWARDS

82-06-16 9-12 Noon 308
Office, MARSHALL C-238
Call from SHAWCROSS.
AOL

82-06-17 AOL

82-06-18 AOL

82-06-19 RTO

82-06-20 RTO

82-06-21 9-5 308
Office, call from Mrs. EDWARDS
MARSHALL report to office

82-06-29 9-5 PM 305
Office, STAGE - report to
Criminal Injury Compensation
Board, called STAGE memo
re overtime. Called Pres. S
WILLIAMS, Sydney Mines
P.O. re summons to witness
Office. SULLIVAN Case

82-06-30 9-5 308
Office, Patrol to North Sydney
check Blue Star Troopers,
Shabibs for stolen furniture
also, Don's Surveillance, S.I.'s
Used Goods - Sydney, advised
Cherbourg Det. Office, called
Simon MacDONALD re
SULLIVAN

82-07-01 RTO
82-07-02 9-5 PM 308
Office, GAUTHIER C-238
CRIC, MARSHALL transcript
from Pres. EDWARDS
Office

reports. Callant Geo GREENE
at tit de Graf re Army

82-07-13 9-5 PM 308
Patrol by Petit de Graf
statement from George
William GREENE-BO 34-07-02

Interviewed William D.
MURHEAD - Manager
Richmond Fisheries Inc.
Mrs Alfred LANDRY
Cathy Johnson, Edwina
Richard, Victor DAVID
Return to Sydney, N.S.
3:30 PM. office

82-07-14 9-7:30 PM 308
Office, PRIEMSKI file. Met
ARONSON re EHANT &
PRATYGO, Patrol to New
Waterford re PRATYGO,
Louisbourg re EHANT

82-07-15 9-5 PM 308
Office, PRIEMSKI report
call from HAMM re PERSON
ARSENVAULT

Janna PERSON, escort
Mrs INCALS
Frances BUTLER - Welfare
Mary PAUL - Mamberston
Mother - Mary ^{Ally} PERSON PAUL
Janaria Pains, Boston

Mrs. Linda WAGNER - Matron
Capt. D. HUSE, Lt. SHUMMERHORN

82-07-21 9-5 PM 308
Office, Court re MLODZIMAN
82-08-04 9.30 AM A.J.
Detention Counsel K. SHEARS
request for St. John's
med. medical records.
Office PERSON c-238, PIC
to H' CIB, Advised Mary
EBZARY of husband's release
from Hx. PRIEMSKI c-237
Car 308 repairs - Brakes

82-07-22 9-5 PM 308
Office PRIEMSKI c-237
Call from Capt. BLAQUIER
re Harbor RYAN, call

82-01-01 5:00
 in called National S
 for Cpt. Harvey MAULMAN
 re PRIEMSKI, call from
 Cst. Andrew MacDONALD
 re ISADORE Att. Myscor
 PROPPER Arson. Police
 Sydney Airport - statements
 82-01-31 RTO
 82-08-01 RTO
 82-08-02 RTO

82-08-03 9-5pm 508
 Office, could see EPISTRY
 Bill Hanning, remained
 patrol to witness enough
 beside Howard PROPPER
 Bld 50001-20 Dike of fire 82-416
 Examine fire scene 4:55A
 Dug - stepping, three programs
 wooden dwelling. Tiled
 Floor living room, kitchen
 east hallway, bathroom
 master bedroom
 to room 16' x 11'6

8) to [unclear], discussed
Louisbourg [unclear] with [unclear]
[unclear] J. McIVER, office
KOSPER resume.

82-08-06 9-5 PM 308
Office, call from Sgt Agent
Benny NILL re Wang Jiao
Florida Dept of Law Enforce-
ment, called Hix re Watha
has evidence, called Charlotte
Det. Frank Klabony Department
called Department P.D. Sgt
Don BRADKING re suspects
Wastyle, [unclear]
Homer [unclear]. KOSPER
8-238

82-08-07 R T O
82-08-08 R T O
Call from John [unclear],
met, [unclear] 2 29
May [unclear] 308

~~82-11-27~~ 9-5 pm 305
Office, called EBSARY re
DOYLE, 8888 B.C. Sme
Bea memo, called Gung
KHATAR, call from EBSARY
7.30 pm, meeting sat for
9.30 am, call at home
10.30 pm via radio-cam

~~82-10-28~~ 9-5 pm 305
Office, met with EBSARY
7.30 am, agreed to type
details of SEAKE incident.
Called regarding tape recorder
sent to ^{Police} ~~Police~~
index no. 6814 and Josephine
Gouhis 350 51-12-20
3.46 pm 3/5th with new
Police 6814 and 6815
re-printed Gouhis - utility

~~82-10-29~~ 8.30 am - 4.30 pm 305
Tape recorder & new tape
to EBSARY at Fulmouth St
Sydney, N.S. 8.50 am, sunny
present, 3/5th BARLOW
office to EBSARY'S
residence 68 Fulmouth
11.15 am Donny GARDINER
present, departed 11.30 am
BRIANDE's taxi, tape
commenced 11.50 am after
letter & envelope completed
12.08 pm. tape finished
Departed 12.23 pm
Office

(found), "That's unkind
hat"

~~7-11-02~~ 9-7.30 PM 398

Office, 9.30 AM packed
up ERSARY with Cpt. HUFFE
Dug 3' x 4' area at rear of
residence 126 near Argyle
St., spikes, glass, nails, sed.
To Inganish re SMITH.

Interview David SMITH
Wayne ROBERTS - Manager
of Keltic Lodge. 3.54 PM.

Alex MacCUFFE - Comptroller
Prop. Keltic Lodge 424-5000
Ext. 164, return to Sydney
7.30 PM

8-11-03 9-5 PM 308

Office, Tape from EDWARDS
Meeting 1.30 PM, Cpt. R.
KESSLER, CHARA, etc. To.

as severely as centre.

RTO

82-11-07 7.30AM - 5.00AM
Panel to Ingonish with
Col D. HYDE, examine debris
met with MacLEOD, ROBERTS,
Harold CHEESEMAN, play at
building prepared, call from
Col. ETTINGER re SEALE.
Return to Sydney, called
SEALE, DONOVAN.
Prog. EBSARY.
46 Macleane St, Sydney
539-4399

82-11-08 9-5 PM 308
Officer, Court re CORMIER
EBSARY, 6 mo. Carry
Cancelled Weapon. Judge
P. A. O'CONNOR, Elmer
SHEARS, Credit Card
charge first witnesses
Barbara BEDARD, HYDE,
CARROLL, Juir Dice
A.J. 82-11-16 9.30AM For
Decision, ~~Justice~~

Joseph SAMPSON-564-6341
Ais, Radio
Hurlbutt St, 226 562-3661
Nige INTARE, John 564-6225
Sydney Airport
Galled Keltie Lodge re
Observations. Two slides
at Arsean GITTENS to
Oscar SEALE with S/Sgt,
BARLOW

main office, 10 x 14'
inner office 8 x 8'
Cst. FLYNN, Serge POIRIER,
Cpl. R. LESSER

82-11-30 9-5 PM ³⁰⁸
office called Greg B., ^{Cod. Books}
from Frank EDWARDS, To
Sydney Airport, 1 hr.
with Sgt H. WATSON
lodging Chateau Halifax
Depart Sydney 1.15 PM

82-12-01 9-11.00 PM
Attend MARSHALL Appeal
Hearing - H.T.X. Court
Appeal, Frank EDWARDS,
Stephen ARONSON, MARSHALL
1st witness, James MacNEIL,
Donna EBBSARY. Return to
Sydney 11.00 PM

82-12-02 9-6.30 PM ³⁰⁸
office, Court re CORMIER
Fraud - cheque, Judge
C. O'CONNELL, Vernon McDonald
Gowan, F. ELMAN - Defence
re. hearing - re-election to
Magistrate "Guilty" Resume
spad by MARDONALD
Att: 82-12-30 11.00 AM.
Office, Patrol to New W.
interrogate Charles William
BEIRD Jr. re Armed
Rabbery, Michele CHASSON
statements. Acc'd by Cst.
FLYNN.

PROTEST INCREASES

- DISPUTE CONTINUES -

Union Must Produce 57 Membership Cards

The long-simmering dispute over union representation for trawler fishermen in the Canso Strait area moved into another stage Friday with the announcement that the Canadian Food And Allied Workers will be required to prove it represents a majority of the men.

The announcement came from Homer Stevens, president of the rival United Fishermen and Allied Workers, after he met with five members of the Provincial Labor Relations Board here. Mr. Stevens said after the two-hour meeting that the board had told him the FAW will be required to produce the 57 membership cards it claimed it had when it received certification to represent the trawlermen earlier this year.

Acadia Fisheries Ltd. of Canso signed a voluntary agreement with the CFAW March 9 that was later ratified by the Labor Relations' Board. The UFAW challenged the contract, claiming that the CFAW did not (repeat not) represent a majority of the men. However, the contract was upheld by the board. Earlier this month, the UFAW received permission to re apply for certification to challenge the CFAW's pact with Acadia. Friday's announcement that the CFAW would be required to show membership cards is the first step in that process.

Mr. Stevens also told a news conference Acadia will be asked to provide a list of the men employed when the contract with the CFAW was signed.

Labor Relation Board members and CFAW officials were not immediately available for comment on the decision to require the CFAW to produce the membership cards.

In Canso, an official of Acadia said he did not think the company would object to providing the employment lists.

Both unions have claimed to represent a majority of the trawlermen. The UFAW claims 81 men were fired by Acadia when they refused to join the CFAW after the contract was signed.

Mr. Stevens said there "can't be any industrial peace" in the Canso area until fishermen are represented by the union of their choice. He said the Labor Relations Board did not place a time limit on when the CFAW will have to provide the membership cards.

He also said that trawlermen who refused to join the CFAW are having a difficult time receiving unemployment and welfare benefits.

PARK INCIDENT

Two Men Injured

City Police, led by Detective Sergeant Michael R. MacDonald, are seeking a knife-wielding assailant who attacked two men in Wentworth Park early today.

One of the men, Sandy Seale, of Westmount, underwent emergency surgery in City Hospital for a wound in the abdomen.

The second man, Donald Marshall, Jr., was released from hospital after treatment for a gash in the left arm.

The men were taken to hospital shortly after 12:15 a.m.

United Appeal Rally Monday

The Cape Breton County United Appeal holds a campaign organization rally Monday evening in the Wandlyn Motel, it will be the final gathering until September when the annual campaign is launched. The meeting begins at 7:30 p.m.



LAW GRADUATE - Angus MacIntyre received his Bachelor of Laws degree in recent convocation exercises at Dalhousie University. A son of Sgt. Detective and Mrs. John MacIntyre of Sydney, he is a graduate of Sydney Academy, of Xavier College, and of St. Francis Xavier University. Mr. MacIntyre is now articling with the law firm of Horne and Jones in Dartmouth.

New River Of Lava

PORNAZZO, Sicily (AP) - A new volcanic mouth of Mount Etna spewed lava in bursts Friday, vulcanologists reported, spreading destruction down the mountainside.

Prof. Alfredo Rittmann said eruptions from the two day-old crater seemed to spell more danger for towns such as this roadside village on Etna. Residents stood by for possible evacuation in the face of advancing lava.

One stream that menaced the town already had gone past, but another scalding river of black lava threatened from the north. Farther down the slopes, fear and tension spread to two more towns, Clarra and Maccina de Arre. They could be hit by lava in two or three days.

The nearby town of Sant'Alfio has been spared by the present streams of lava.

WAVES FADE

The eruptions, already in their 53rd day, have become more worrisome, just as vulcanologists had hoped the threat was diminishing.

A recorded history, Mount Etna has erupted about 90 times, including 10 times between 1900 and the present. The present eruption already has become the second biggest of the century in amount of lava, might surpass the record of 1917.



RCM

With the advent of the summer tourist season, British Columbia anticipates increased vehicle traffic and the increased potential for accidents. The R.C.M. Nova Scotia are pre-intensify their efforts for enforcement of the provincial laws with a view to preventing accidents. Effective June 1, R.C.M. Police Highway will officially adopt the "VASCAR" as a partial traffic enforcement program.

VASCAR (Visual Speed Camera And Radar) is a new device...

LAIMS LIFE OF STUDENT

- DETECTIVES SEEK ASSAILANT -

Sandy Seale Dies After Two Emergency Operations

City detectives remained on 24-hour duty today in an effort to apprehend a knife-wielding assailant who snuffed out the life of a 17-year-old high school student in a brief but bloody fracas near Wentworth Park early Saturday morning.

The city's first teen-age slaying triggered an intensive manhunt that extended into many parts of the Island Sunday. Seven persons were questioned during the day but all were released.

Sandy Seale, a son of Mr. and Mrs. Oscar Seale, Westmount, died in City Hospital Saturday after he underwent two emergency surgery operations.

The tragedy occurred near the park, now a gathering spot for hundreds of teen-agers. The victim had left a dance at a nearby hall and went to the park where he was joined by 17-year-old Donald Marshall, Jr., of Membertou.

Marshall is believed to have told police that a "white-haired" man approached them and asked for a cigaret or match. When Seale said he had neither the assailant plunged a knife into his abdomen.

Marshall was then attacked and received an arm wound that required 10 stitches. The assailant then disappeared into the darkness.

Seale's stomach wound severed three main arteries.

Seven men were placed in a police line-up at headquarters



SANDY SEALE

of restaurant-owner Jim Selo almost five years ago.

City Detectives John MacIntyre, M. J. MacDonald, M. R. MacDonald and William Urquhart are working around the clock in an effort to apprehend the assailant.

Sanford William (Sandy) Seale was a son of Mr. and Mrs. Oscar Seale, 985 Westmount Road and was a grade nine student at MacLennan Junior High.

He was a star hockey player and played on defence with St. Theresa's Midget team. He recently made a trip to Hamilton, Ont., as a member of Murray MacIntosh's Kinsmen Midgets.

Besides his parents, he is survived by three brothers, John, Howard and Raymond, and one sister, Elizabeth, all at home.

The body is resting at the T. W. Curry Downtown Chapel, 390 George Street. The funeral will be held Wednesday with services in Trinity United Church at 2:30 p.m.

Interment will be in Forest Haven Memorial Garden.



the No. 6 Medical Company (foreground), of the Sydney District Service Battalion. Inspecting officer, is accompanied by Lt. They are followed by Col. John Terry, C.O. nander. (Abbass Photo)

MONY. Diplomas and College

of decades ago. c. it seems vir- that commercial increase signifi- ears ahead, Mr. and if Canada rve its tradition- over the vast lands and island the Arctic, "we a maritime ese areas." DS HIGH -

phy for Cadet Marcel Darveau, which was accepted by Cadet Worden in the absence of the winner. The trophy is for the best all-round first year cadet. Cadet Darveau also won the Purney Trophy for tops in seamanship in first year. The trophy is offered in memory of Cadet Purney, former student drowned at sea. Cadet Pierre Michaud, who gave the graduating valedictory



ess Probe Into Killing

"Several" Released After Questioning

No new developments were reported Monday as city detectives continued their investigation into the slaying of a 17-year-old junior high school student.

Detective Sergeant John MacIntyre, who is leading the investigation, said last night that "several persons" were questioned Monday but were later released.

Sandy Seale, son of Mr. and Mrs. Oscar Seale, 985 Westmount Road, died in City Hospital Saturday less than 24 hours after he suffered a knife wound in the abdomen in a brief but bloody fracas near Wentworth Park.

Donald Marshall, Jr., 17, of Membertou was also attacked and received an arm wound that required 10 stitches.

Detective Sergeant MacIntyre said the search for the knife-wielding assailant is being concentrated in Cape Breton.

Seven persons were questioned Sunday but all were released.



TO INSPECT CADETS - Commodore Ernest Sheppard Baker, CD, Base Commander, Canadian Forces Base, Halifax, and commander Technical Services Atlantic, will inspect the Sydney Sea Cadet Corps on Sunday, June 6, at 2 p.m. at Victoria Park parade square. The public is invited to attend the inspection. During the inspection 23 awards will be presented. Commanding Officer of the corps, sponsored by the Sydney Kinship Club, is Major N. J. Mazalin of Sydney.

Upgraded Management Is Needed

"The Canadian economy, as a whole, needs upgraded management," Vic Prendergast, national president of the Canadian Institute of Management, told local members of the institute at a social meeting last night in Sydney.

Mr. Prendergast had previously attended the graduation in Halifax, of the first Maritime students to complete the four-year course in industrial management. Since the start of the Halifax course, the institute began classes here in Sydney with the assistance of Xavier College and under the direction of Rev. Charles MacDonald.

Mr. Prendergast, of Brantford, Ont., explained to the 200 guests and students present, that since its conception, the Canadian Institute of Management has assumed a broader role and increased responsibility to the country.

Affiliated with 17 different Canadian universities in 23 centers across Canada, what began as a process of upgrading industrial management personnel, has transformed into a broader organization.

Today, a quarter of the total membership is involved in government on a number of levels.

Demand For Services Is Increasing

Increasing demand for services of St. John's Ambulance in the Cape Breton area, where three new divisions have been formed during the past year, was noted by Dr. Robert Mathieson, chairman at the recent annual meeting of the local branch held in the Officers Mess at Victoria Park.

Dr. Mathieson cited the high standards of St. J. A. in Home Nursing, Child Care, and First Aid, plus the dedication of its volunteer workers, as the factors mainly responsible for the expansion of the Cape Breton Branch.

With the exception of Dr. Mathieson who became branch medical officer, and was succeeded after seven years in the office of branch chairman by John Terry, most of the officers were returned for the coming

Marshall is believed to have told police that a "white haired" man approached them and asked for a cigarette or match. When Seale said he had neither, the assailant plunged a knife into his abdomen.

Marshall was then attacked. The assailant disappeared into the darkness.

Seale died in City Hospital Saturday evening after he underwent two emergency operations. Seale's stomach wound severed three main arteries.

Meanwhile, funeral services for the popular Westmount youth will be held Wednesday with services in Trinity United Church at 2:30 p.m.

The body is resting at the T. W. Curry Downtown Chapel in lieu of flowers, donations can be made to either hospital.

RECEIVES AWARD

James Gordon Ross, son of Mr. and Mrs. James Ross, Townsend Street, Sydney, received his Bachelor of Arts degree in recent convocation ceremonies at University of Prince Edward Island in Charlottetown. He also



County United Appeal Organization rally, the last Albert Dillon, deputy chairman, federal deputy chairman, Louis (Abbas Photo)

Rally

Comments from each of the representatives were heard in the hall and summed up by Mr. McKay in his reply. It was pointed out that it was not only the objective must be within the limits, but everyone has to go over the top. Rev. Davis of North Sydney, "I hope I never live in a country where the full responsibility of assistance to the needy is the prerogative of the government."

Plaques for past services were presented. They went to S. Hincber of New Waterford, C. R. Hatfield of Louisbourg, David Newton, Sydney former deputy public relations chairman; Inspector T. M. Duff, RCMP, former chairman federal services; Al Collins, past chairman of financial services and Don Isaac, former public relations chairman. The plaques: "Citation for distinguished service, awarded in recognition of outstanding achievement in serving the human needs of our community - 1971." Mr. Wilton distributed revised appeal kits to all chairman and deputy chairman present.

format to ultimately serve as a focal point for management opinion in Canada. "A management viewpoint needs expression," Mr. Prendergast said.

Many attempts have been made to form such a source of contact between government and private enterprise, between the doers and the planners, but all had failed, he said. Many other countries have central management institutes.

Three years ago, this organization took a look at the requirements and held discussions with senior management people in an attempt to resolve the best approach to fill the need, he explained.

The student in the four-year course should be recognized by senior management. The course has a degree of portability and sets a recognizable standard for its graduates across Canada.

Mr. Prendergast was pleased that so many representatives of local municipal government and industry had attended the event.

**BEAUTY AIDS
DISCOUNT PRICES**

US DISCOUNT

DRESSING 83c

US DISCOUNT

WASH 1.17

US DISCOUNT

8 OUNCE SUPER TUBE 99c

US DISCOUNT

ATNESS 99c

AGE OF 10 69c

ON 7 OUNCE BOTTLE 88c

TH DISCOUNT VALUES

VEGETABLES

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3 OUNCE TIN 39c

MASHED 49c

12 OUNCE TINS 2-49c

4 OUNCE TINS 4-1

55 ARE TOTAL ON G SUPPLIES

INCE CELLO PACKAGE 39c

WEIGHTS LB. 31c

ECES 8 OUNCE PACKAGE 69c

US DISCOUNT

ERRY OR PEACH 19 OUNCE TIN 59c

YOUR CHOICE

POSE ENRICHED 1.69

VD BAG

QUALITY AT UNT PRICES

OR JUNIOR 3-37c

44 OUNCE TINS

Cape Breton Post

June 2, 1971

P.B.

Louisbourg was presented and approved Monday night at a special meeting of the town council, presided over by Mayor George Lewis.
The 1971 tax rate was set at last year's rate.

Citizens may take advantage of the 4 per cent discount on taxes paid before June 30 or a 3 per cent discount if paid before July 15.

A motion was passed authorizing action against citizens now in arrears unless payment is received before July 15.

Large Parade Will Open "Market Place"

Art MacVicar, general chairman of Sydney Rotary Club's first "Market Place", said Tuesday all committees report plans going ahead on schedule and all indications point to a most successful event.
"Market Place" will be held in the Centennial Arena June 10, 11 and 12. The event will be officially opened with one of the largest parades ever held in the

city. The parade will line up at Xavier College under the direction of co-ordinator G. A. Redicopp.

Included in the parade will be floats, bands and the star attraction will be the 10 local ladies who have entered the queen contest.

Each admission to the Centennial Arena will entitle a person to one vote in the queen contest. One of the prizes in the contest will be a trip for two to Montreal courtesy of Eastern Provincial Airways.

Another highlight of the three-day event will be a gigantic auction with a professional auctioneer in attendance and this committee is being handled by Cy Healey and Mack Haley.

There will be live nightly entertainment and the evening festivities will be broadcast live over C.J.C.B. Radio.

Other attractions will be a chicken barbeque and Dan MacLeod reports that everything is

in readiness for the mammoth outdoor event. Rotarians expect to sell 2,000 tickets for this event prior to the opening day.

Bev Trask heads the committee making final arrangements for a sale of home baked goods, jams, jellies, fried rice, potato salad, etc., will be offered for sale each night.

Anyone wishing further information regarding the parade may contact Mr. Redicopp at 539-5366 or for the queen contest by contacting Gordon Mercer at 564-6313 or Fred Miles at 561-9632.

Detectives Continue Investigation

Sydney police detectives continue their intensive investigation into the slaying of 17-year-old junior high school student Sandy Seale and a police spokesman said last night there were no new developments to report.

Funeral services for the youth, son of Mr. and Mrs. Oscar Seale of Westmount, were held in the city this afternoon.

The number of persons questioned by police increased yesterday as detectives press efforts to obtain information on the person who stabbed the teen-ager near Westworth Park early Saturday morning.

Scroll Of Achievement Presented

His Honor, Lieutenant Governor Victor de B. Uland visited Baddeck Rural High School Monday to officially present the Lieutenant Governor's scroll of achievement to the school.

The scroll was accepted by Donald Hugh Campbell of Bras d'Or, winner of the lieutenant governor's medal last year.

R. G. Bain, inspector of schools for Victoria County, was chairman of the ceremonies held at the school.

The Lieutenant Governor was introduced by R. Fisher Hudson, M.L.A.

Amalgamation Of Boards Discussed

Amalgamation of school boards on the southside of Sydney Harbor was discussed here Tuesday at a meeting between Education Minister Peter Nicholson and municipal officials.

"It was a very good meeting and a report on amalgamation is expected in July," said Mayor Carl Neville, of Sydney.

The minister assured officials that amalgamation of school boards in Sydney surrounding towns and parts of the county would be given top priority.

FUNERAL TODAY

The body of the late Corporal Keith Easton of Canada's Armed Forces, Shannon Park, Dartmouth, rests at the R. H. Fillmore Funeral Home in Sydney.

Services will be held today at 2 p.m. in the chapel, and interment will take place in Hardwood Hill Cemetery.

MLA Will Be Speaker

Dr. Michael Laffin, of New Waterford, M.L.A. for Cape Breton Center, will be the principal speaker at the annual graduation exercises of St. Rita Hospital School of Nursing.

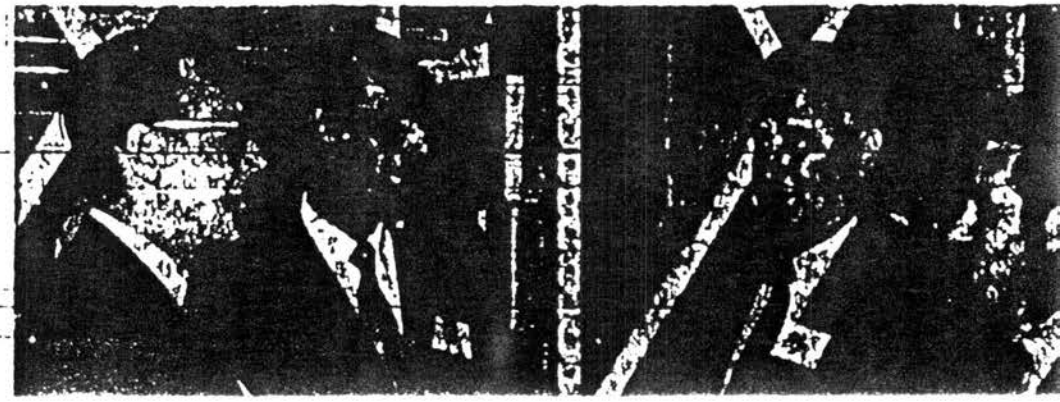
The exercises will be held June 20 in the Eastern Institute of Technology.

NICHOLSON luncheon Monday, son, Club P...

Cr
Ca

The Crown's death by crime against Rodney Gillivray, 32, of Glace Bay, will Court jury this dict.

The Crown a pleted evidence Police F. M. B afternoon after scheduled as t this morning. Charge again



The president and chief executive officer of the Sydney Steel Corporation says the corporation is determined to maintain its reputation as one of the best producers of rails in the world.

D. W. R. Haysom said in Sydney Wednesday night that rails represent one-third of the plant's total production.

"We sell our rails to almost every part of the world and we consider our product to be the best made in the world," he told some 35 representatives of the Montreal Board-of-Trade.

The representatives were in Sydney for a brief visit and were guests at a reception and dinner at the Isle Royale Hotel last night sponsored by the Cape Breton Development Corporation.

Mr. Haysom told the visiting businessmen that the Sydney plant is undergoing a modernization program and "it is our task to replace as much old machinery as we can."

Modernization, he said, is necessary if the plant is to compete with other steel mills not only in quality but in price.

SEMI-FINISHED

The future of the plant, he said, lies in the production of semi-finished goods which can be shipped to areas where they are required.

The Sydney plant now is producing semi-finished goods with the exception of rails.

Mr. Haysom said the Sydney plant has been producing rails since 1908 when the first order came from India.

There were doubts at that time whether a plant in Sydney could produce quality rails, he said.

"The plant did produce the rails and it wouldn't surprise me if the rails are still in use," he said.

Mr. Haysom recalled the history of the plant and told the visitors that the provincial government assumed control on Jan. 1, 1968, after Dosec announced it would be closed for economic reasons.

"It was nothing short of hard work, determination and skill that we were able to get the plant back on its feet," he said.

"That was three and a half years ago but it seems like a half century ago for those of us involved in the plant."

Mr. Haysom also had words of praise for R.B. Cameron, the New Glasgow born industrialist who resigned recently as chief executive officer of the corporation.

Earlier Wednesday the Montreal visitors toured the plant and the Kaiser plant at Point Edward.

Kinsmen Club Names Officers

Jim Nixon was elected president of the Sydney Kinsmen Club replacing Joe Braunmiller.

Wentworth Park Hours Are Posted

The Sydney Recreation and Parks Commission announced Wednesday that Wentworth Park in the city's south end would be closed nightly from 11 p.m. to 7 a.m.

"The park was never intended to be an all night park," Recreation Director Jim Fox said. "The park is for the enjoyment of our citizens and is to be used not abused."

Mr. Fox said proper signs now are being made and will be installed soon.

He said the decision to close the park from 11 p.m. to 7 a.m. was made before the knife slaying of Sandy Seale, 17, of Westmount.

The youth died in hospital last Saturday from a knife wound suffered in a fracas near the park.

"What we are aiming for is regular park hours," Mr. Fox said. "There is plenty of time to enjoy the park."

Three-Month Jail Term Given Youth

Bruce Wayne Evans, 17, of 11 Ritchie Street, was sentenced to three months in County Jail Wednesday for breaking and entering the Ideal Sausage Co., on Johnstone Street.

He was sentenced by Provincial Judge Charles O'Connell, QC, who told him he was not only ruining his reputation with a criminal record, but damaging his health by dabbling in drugs.

Judge O'Connell was told Evans had a previous record and was on probation at the

Cape Breton Post

June 3, 1971 p. 5



The Montreal Board of Trade visited Sydney yesterday at the Isle Royale Hotel. Shown here are, left to right—Dr. Haysom, tour chairman, Peter MacCarthy, president of the Montreal and Larry MacIsaac, CNR. (Abbass Photo)



Reception and dinner for 35 representatives of the Montreal Board of Trade. Shown here are, left to right—Bill Massie, Montreal, Tom Kent, Deputy Chairman, North Sydney, and D.W.R. Haysom, president of the Montreal Board of Trade. (Abbass Photo)

Expansion Of Park

A newspaper published in April outlined an area of expansion northward, which had been considered by the department.

But, following meetings with provincial officials in Halifax, they were not considered to be of high priority in the immediate future.

Questioned by representatives of the Land-Owners Protective Association, Mr. Gordon stated that during the present federal administration there would be no expansion whatever without the concurrence of the people of the area.

Northern expansion however remains a possibility that could be revived at sometime in the future at either level of government, Mr. Gordon said.

46 Will Be Honored At Ceremony

The Sydney Council of the Knights of Columbus will honor 46 members of the Council at ceremonies Friday evening in the K.O.C. Rooms on George Street. They are being honored for long and meritorious service.

Three members, David MacDonald, John A. Chisholm and William MacInnis, will receive

BATTLE
 — Palestinian Arab
 and Israeli troops
 a stiff battle Friday
 the southern Jordan
 near the town of Jer-
 uerilla broadcast said.

Between The Lines
 Page 5

Ontario Wants More
 Page 14

Rot

Cape Breton Post

FIRST YEAR, NO. 132. 30 PAGES 15 CENTS
 DNEY, NOVA SCOTIA, SATURDAY, JUNE 5, 1971.

Murder Charge Laid

Donald Marshall, Jr., 17, of Membertou Reservation, Friday night was charged with non-capital murder in connection with the knife-slaying of 17-year-old Sandy Seale on the fringes of Wentworth Park early last Saturday morning.

City detectives arrested Marshall at a secret hiding place where the Marshall family had been taken Thursday because of a series of threats against the family.

The youth appeared before Judge John F. MacDonald at 10 p. m. last night and was remanded to the County Jail.

The arrest climaxed a six-day investigation that kept police working around the clock.

Marshall had been questioned earlier in the case. He claimed that he was with Seale in the park and both were accosted by two assailants one of which he described as a "white-haired man."

Marshall suffered a gash in the arm which

he said was inflicted by one of the assailants. Seale, a son of Mr. and Mrs. Oscar Seale Westmount, died in City Hospital less than 24 hours after receiving a stab wound in the stomach.

Both Seale and Marshall attended a dance near the park just prior to the tragedy.

Detectives spent most of the week chasing down several leads, one of which involved two men running from the scene and departing in a small car with an out-of-province license plate.

Police would not elaborate on the breakthrough in the case that came suddenly early Friday evening.

The Marshall family had received threatening phone calls and other annoyances during the week. Police took them to a hideout for their own safety on Thursday.

Marshall is scheduled to appear before Judge MacDonald again on Monday.

New Trial Is Ordered

slipshod handling

CARL MOLLINS
 — Auditor-General Maxwell Henderson, recently unchastened by a rebuke from the House of Commons for the disrepute of the administration last week presented Parliament Friday a bulky new catalogue of slipshod government spending of public money.

Henderson, whose office oversees the way the government conducts its business, said government departments are squandering millions of dollars in the fiscal year ended March 31, 1970.

Henderson's report, free handed financial aid to private industry comes under attack in the 23-page annual report.

Henderson said the government's attempt to recover over \$1 billion in aid failed because the government involved had loaned money to its foreign parent, and the 308 separate com-

CALGARY (CP) — A five-man Alberta Appeal Court ordered a new trial Friday on reduced charges of manslaughter for 11 of 13 men convicted of non-capital murder last year.

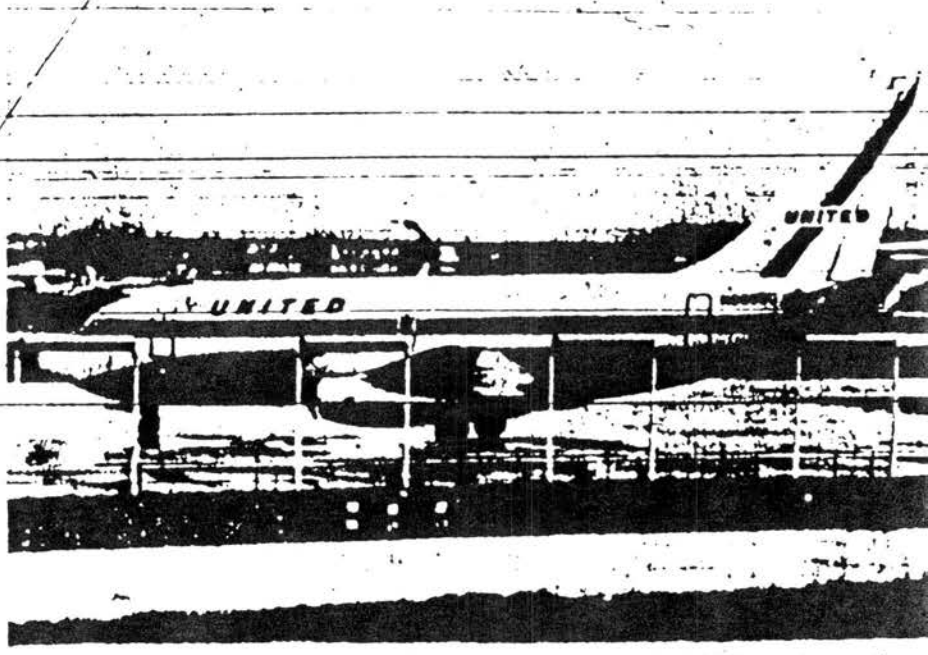
In a 27-page judgment, the court acquitted Barry Pyne, 24, of Red Deer and upheld a life imprisonment sentence against Ronald Lambert Emkeit, 24, of Calgary.

The men, all but one members of the Grim Reapers' motorcycle club, were sentenced to life imprisonment in the death of Ronald George Hartley, 23, of Calgary.

Hartley, president of the rival Outcasts motorcycle club, was beaten to death March 7, 1970, on a country road outside the city. The men were sentenced in September.

The judgment was written by S. Bruce Smith, Chief Justice of the Alberta Appeal Court, and concurred by Justices James M. Cairns, G. H. Allen, H. G. Johnson and Carlton W. Clement.

The court heard the appeals two months ago over a five-day period.



SITTING ON THE RUNWAY—A United Air Lines hijacked jetliner sits on the runway at Dulles International Airport Friday night after a gunman forced the plane to land while demanding a long-range jet to take him to Israel. Members of the crew overpowered the man, identified as Glen Briggs of Charleston, W. Va., and thwarted an attempted hijacking to Israel. (AP Wirephoto)

Talked Out Of Trip

WASHINGTON (AP) — A United Air Lines flight crew talked a pistol-packing hijacker out of a trip to Israel Friday night at Dulles airport, where the middle-aged gunman had forced their short-haul jet to

land at Dulles International Airport Friday night after a gunman forced the plane to land while demanding a long-range jet to take him to Israel. Members of the crew overpowered the man, identified as Glen Briggs of Charleston, W. Va., and thwarted an attempted hijacking to Israel. (AP Wirephoto)

ardesses unharmed. But he held the flight crew hostage and demanded a long-range jet to take him to Tell Aviv.

Three hours after the plane landed FBI agents took custody of the hijacker after he voluntar-

ly surrendered. He was taken to a hospital in New York City, Va. and Charleston, W. Va. before starting the final leg of his planned flight to Newark.

But the gunman diverted the short-range plane and it landed at Dulles at 6:01 p.m. T-

105A

their best springinery for the year, Mrs. G. Sheppard, D. J. Johnston and M. Milburn

Guest speaker, the Hon. Allan Sullivan, was unable to attend because he had left for British Columbia to assist Premier Regan at the provincial conference on the constitution. Mr. Sullivan had sent his deputy minister, Dr. Fred MacKinnon in his stead.

Dr. MacKinnon first read a message from the Minister of Mines and Welfare who expressed his regret at being unable to attend in person. He then went on to inspire the students not to give up their studies. He said the world into which they are graduating is changing much more rapidly than it ever has in the past.

a \$200 Westside Legion scholarship; Jean Johnston got highest marks in science and home economics in the general program, a \$50 bursary from the Ukrainian Catholic Women and \$50 from Sydney Landscaping; Linda Patterson was highest in French and English in college prep.; she won a \$200 Woolco scholarship.

(Abbass Photo)



presented last night at the graduation... Fred Gallop, winner of year period and the Student Award... Betsy Chisholm, the valedictorian... Digest Award and scholarships... the MacLean Award for Academic

(Abbass Photo)

MINORITY

"Those who cop out and stand aside are in the minority. Most young people I know are excited about the future and they want to play an important part in planning for it," he said.

He stressed two main points concerning the drastic changes that the world is experiencing and the most important change relates to values.

Dr. MacKinnon said that the youth of today do not seek the material wealth and possession which was the prime mover of generations ago. "Making a lot of money has been the chief end of Twentieth Century man," he said, explaining that not only parents, but institutions have emphasized the money making occupations as opposed to those that relate to human service.

He said that in the past the materialistic approach of the world has brought affluence, prosperity, and technical advances equal to or greater than any other country in the world... "we have gadgets unlimited for everything under the sun."

END OF ERA

"But I tell you we have now reached the saturation point: we are watching the end of an era, and many of you young people have recognized this and have told it to us in a dozen different ways." This, he said, is what the youth revolution is all about.

"The new era places much less emphasis on material things and possessions. It has much more concern about people, their happiness, where they are going, and whether or not there is any hope for their survival on this planet."

He said we are entering a new age of human relationships as opposed to the old age of materialism.

He made a strong plea that each individual holds on to the faith in their own ability to shape the world and to make a useful contribution... "light a candle in the darkness" became his closing theme.

The speaker was introduced by Joseph Steele, Superintendent of Schools and thanked by

Marshall Remanded Until July 5

Donald Marshall, Jr., 17, of Membertou Reservation, Monday was remanded until July 5 when he appeared in court on a charge of non-capital murder. He was remanded to the County Jail without plea after Crown Prosecutor Donald C. MacNeil, Q.C., said the crown was not prepared to go ahead with its case.

Provincial Judge John F. MacDonald rejected a request for bail for the youth who is charged in connection with the knife-slaying of Sandy Seale, 17, of Westmount May 28.

The request came from C.M. Rosenblum, Q.C., who along with Simon Khattar, Q.C. appeared in court yesterday on behalf of the accused.

"It's not the fault of the accused that the hearing is not taking place," Mr. Rosenblum said. "Legally he's entitled to bail."

Judge MacDonald rejected the request and suggested that defence counsel could appeal to a higher court for bail.

He said he couldn't grant bail "especially while the investigation is not yet completed."

Mr. MacNeil told court that exhibits will be sent to the police lab this week and that it would be two weeks before the crown was in a position to go ahead.

Mr. Khattar said the defence was prepared to agree to a longer adjournment than eight days.

Accidents Are Probed By Police

City Police are investigating two hit-and-run accidents which occurred in the space of one hour Monday night.

Gordon Alexander Sullivan, of North Sydney, told police his automobile was struck by a car that failed to stop.

He told police he was travelling along King's Road near the Cove at the time of the accident. Mrs. Raylene C. Broussard,

Cape Breton Post June 15, 1974 P. 3.

Awards

Donna Stanley and David Phillip MacCormack.

SCHOLARSHIP AWARDS

prizes: Judy MacNeil, \$100 Sydney Credit Union and Beth Fraser English, \$50 Ann Marlin Auxiliary, Sydney City Hospital.

Young: in Student Council awards of \$150 went to Allyson Stanley, Dave MacPherson, Glen McDougall, Nelson Poushay, Debbie Skinner and Joan Thorne.

Senior: Helen Peck, winner of Xavier Scholarship of \$750 also won a \$200 scholarship donated by the Chicken Chalet.

Westside Legion scholarships went to: Danny MacCormack (\$300), Robert Murray (\$200) and Elizabeth MacDougall (\$100). Linda Stevens won a \$50 award from the Kinettes. Margaret Bragg received a bursary of \$150 given by Abbass Studios on the occasion of their 25th year in memory of their mother Lily Abbass.

Lee Murchison, \$100 IODE

School, highest in general and in academic: \$10 each to Ken...

CALENDARS FOR YEARS 1800 TO 2050

Look for the year you want in the index at left. The number opposite each year is the number of the calendar to use for that year.

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JANUARY	JANUARY	MAY	SEPTEMBER
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Supreme Court Ref.
Full Bench

Patricia Harris - Good witness
shaken abit

Greg Ekary - Ekary apparently
hates father

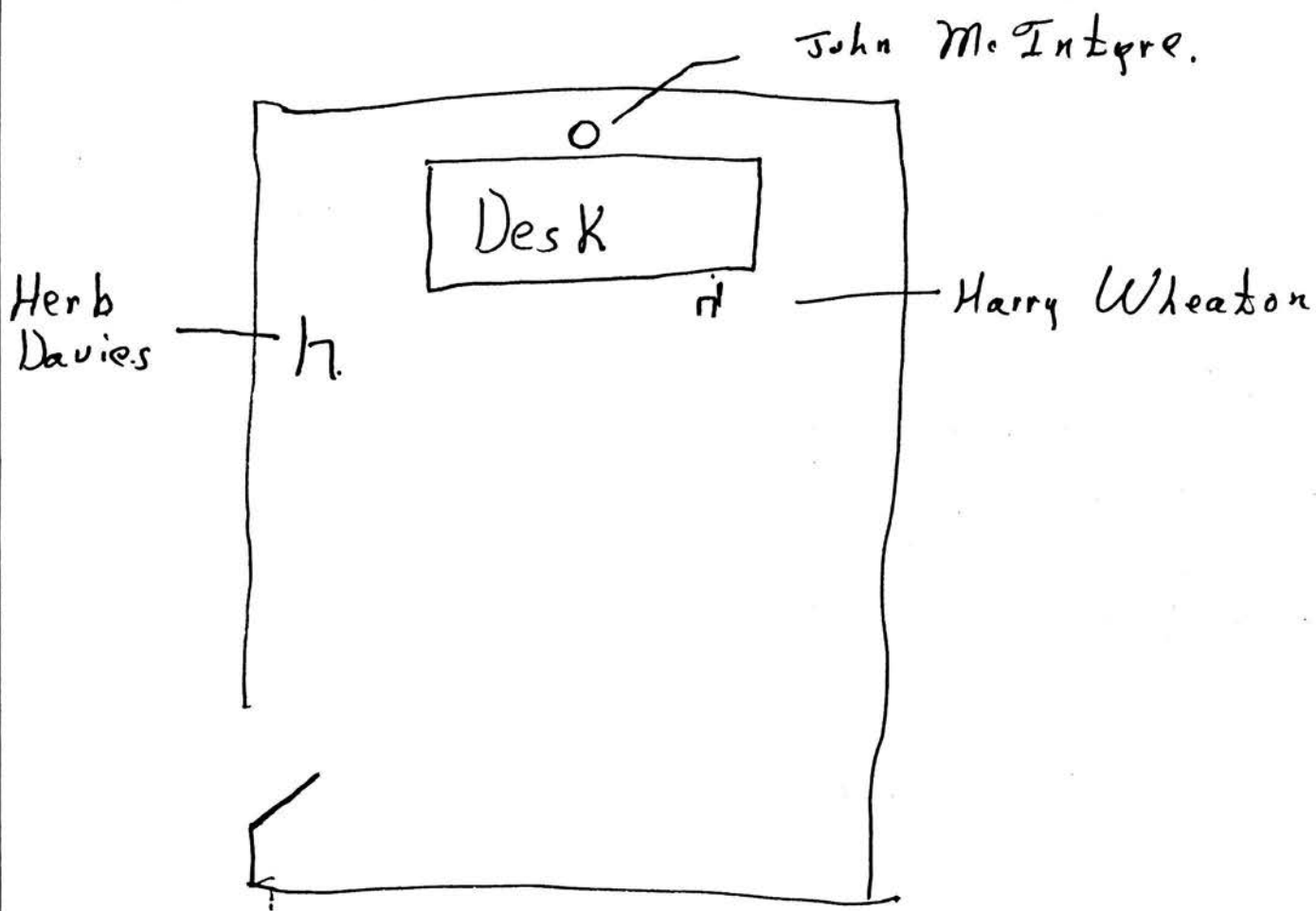
Donna Ekary - Ekary describes
father telling her lie

Donald Marshall - Poor witness
wouldnt stick up
robbery or robbery

Procuratorial System Frank &
Stephen agreeing too much
according to the judge

Why Police smarter in 82 than 71

Ed. 109



109

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162. A. Who was not at that time the Chief but was the investigating officer.
163. Q. And the person responsible for the investigation.
A. That's correct.
164. Q. Are these conclusions you have come to, and I don't want to banter with you as far as words are concerned, you said it raises questions about improprieties and techniques used. Did you come to the conclusion that John MacIntyre used improper techniques in the investigation?
A. I simply read the RCMP document that I had and I trusted the RCMP.
165. Q. Why?
A. Why did I trust the RCMP?
166. Q. Yes.
A. It's my job to decide who to trust, I guess, and who not to trust, and I think that if you can't trust the RCMP, if they're doing an investigation that an investigation of one police force on another police force would be fairly worth listening to.
167. Q. Certainly no question about worth listening to but did you interview personally any of the RCMP officers prior to November 27th, 1983?
A. I spoke to one person, yes.
168. Q. And who was that?
A. I spoke to one person who I told I would not reveal his

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168. A. (cont'd) identity, I did not use any of his information in my broadcast.

169. Q. I guess I'm asking you to tell me who that is, and as I understand the law, you'll have to rely on your own solicitor, but as I understand the law you are obliged to answer my questions and there's no privilege that you can claim, as I understand it, to enable you to refuse to reveal sources to me.

MR. MURRANT: We would, of course, object.

MR. PUGSLEY: Really.

MR. MURRANT: Yes.

MR. PUGSLEY: Okay, then that's something we'll have to take to court because, as I understand the law, there's no privilege whatsoever.

Q. (cont'd) What is the name of the RCMP police source that you discussed this topic with prior to November 27th, '83?

MR. MURRANT: I'm instructing her not to answer.

MR. PUGSLEY: Really, all right, are you available this week in chambers?

MR. MURRANT: Possibly.

Q. (cont'd) Okay, you spoke to an RCMP police person.

A. Yes, I did.

170. Q. And when did you do that?

A. I did that Wednesday before leaving for Sydney.

171. Q. Wednesday in Halifax.

171. A. Yes.
172. Q. And where did you speak to that person?
A. I spoke to him at the RCMP office.
173. Q. Where?
A. I don't recall the name of the street.
174. Q. In Halifax?
A. Yes.
175. Q. Is it near this building?
A. No, it's in a house somewhere.
176. Q. And for what period of time did you speak to that person?
A. Approximately 40 minutes.
177. Q. How did you happen - did you know this person prior to that morning?
A. No, I did not.
178. Q. What did you do, phone the RCM Police and ask to speak to a person who was involved in the Marshall investigation?
A. No, in my reading and discussions I'd been given his name and decided that I should speak with him.
179. Q. In your reading and discussions in the Province of Ontario before you came down you mean.
A. No, after I arrived in Halifax.
180. Q. Perhaps I should go back a little. Did you do anything else in Toronto before you left and came to Halifax apart from reading the material in your library?
A. I made a few phone calls to Halifax.

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OPERATIONAL	PREVENTION	I.1

Ex. III

F. PUBLIC EDUCATION

F. 1. RELEASE OF INFORMATION TO MEDIA

F. 1. a. GENERAL

1. See Operational Manual I.1.J.3. and 4;
Administration Manual III.2.E.1. and 2.
2. Where there is a need for a public statement via the media, confine comments to who, what, where, when and why.
3. Events, which fall within the framework of Administration Manual III.2.E.2.a.5.1. and 2., will only be released by the CIBO or his delegate.
4. Information, which is minor in nature, may be released by:
 1. the Unit Commander;
 2. a shift supervisor; or
 3. any member, so designated by the Unit Commander; i.e., Unit CP/PCR Co-ordinator.

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OPERATIONAL

PREVENTION

I.1

F. PUBLIC EDUCATION (CONT'D)

- F. 1. a. 5. Unit CP/PCR Co-ordinators may release information related to that particular field of endeavour; e.g., Block Parent Program, Neighbourhood Watch, False Alarm Program.
6. The CIB Supervising NCO will, upon request, inform the news media of human deaths.
1. Before releasing information concerning a death, it is absolutely essential that:
1. next-of-kin have been informed; and
 2. the originator does not object.
7. The identity of a driver is not to be divulged when releasing information about fatal motor vehicle accidents, but it will be in order to identify the occupants of the vehicle.
8. The Division Traffic Supervisor will only release information related to traffic programs.
9. Release only the information allowed by Section 88(7) Motor Vehicle Act, when being queried about M.V. Accidents. See div. supp. I.1.K.1.a.13.

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F. PUBLIC EDUCATION (CONT'D)

- F. 1. a. 10. News releases are not to include photographing of exhibits.
11. It is your job to provide clear and factual information when dealing with the media, and the use of the cliché "no comment" is to be avoided.
12. Remarks, such as "off the record", do not provide immunity when dealing with the media; therefore, do not discuss topics with media personnel that you don't want aired to the general public.
13. When a charge is being considered, or has been laid, against a person under the age of 18 years, do not release the name of that young person to the media. Otherwise release information on young persons to the media, as per adults; e.g., victims of accidental deaths, when next-of-kin have been notified.
14. Do NOT release any information to the media relating to the contents of a search warrant unless a charge has been laid. See Sec. 443.2 CC.

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III.2	CORRESPONDENCE AND MESSAGES CORRESPONDANCE ET MESSAGES	ADMINISTRATION D'ADMINISTRATION

RELEASE PROCEDURES (cont'd)

1. b. 1. 2. the place, date, and time of the incident;
3. If it is the result of a motor vehicle accident, the make, model, and license number of vehicle, and the member's operators license number.
2. If additional information is requested, ask your Regional Office, Department of Justice, for guidance.

2. Information to the News Media

2. a. General

1. The efficiency of a police force depends largely on the confidence and support of the public. Accordingly, it is important to maintain good relations with the news media.
2. Ensure, in so far as is possible, that any information released to the news media will not:
 1. interfere with an investigation or arrest;
 2. result in embarrassment, injury or injustice to an innocent person or an accused person;
 3. result in publicity which could affect the course of a trial;
 4. deal with the internal administration of the Force.
3. Do not release information in regard to civil penalties imposed in relation to seizures under the Customs Act. In areas where there is a high incident rate involving a certain commodity, Units may release general information, i.e. type of commodity, number of seizures, country of origin.

E. DIFFUSION (suite)

- E. 1. b. 1. 2. le lieu, la date et l'heure de l'incident;
3. dans le cas d'un accident de véhicule à moteur, la marque, le modèle et le numéro d'immatriculation du véhicule et le numéro du permis de conduire du membre.
2. Pour tout renseignement supplémentaire, demander l'avis du bureau régional du ministère de la Justice.

E. 2. Renseignements à fournir à la presse

E. 2. a. Généralités

1. L'efficacité d'un corps de police dépend en grande partie du soutien et de la confiance que lui manifeste le public. Il importe donc d'entretenir de bonnes relations avec la presse.
2. Veiller, dans la mesure du possible, à ce que les renseignements transmis à la presse:
 1. ne compromettent pas une enquête ou une arrestation en cours;
 2. ne causent pas d'embarras, de préjudice ou d'injustice à un innocent ou à un prévenu;
 3. ne provoquent pas une publicité de nature à influencer sur le déroulement d'un procès;
 4. ne concernent pas l'administration interne de la Gendarmerie.
3. Ne pas diffuser de renseignements concernant les peines civiles infligées en rapport avec des saisies en vertu de la Loi sur les douanes. Dans les endroits où le taux d'incidents touchant un certain produit est élevé, les services peuvent diffuser des renseignements généraux, par ex., le type de produit, le nombre de saisies et le pays d'origine.

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E. RELEASE PROCEDURES (cont'd)

- E. 2. a. 5. 1. details of any major investigation involving the Force and likely to arouse the interest of the national news media;
2. details of any incident likely to bring favourable or unfavourable publicity to a member of the Force, or likely to give rise to questions in the House of Commons. (State if there has already been publicity, and if local release is planned.)
3. When appropriate, include a photograph of the member(s) with a press release.
6. **Headquarters.** Inform the Public Relations Officer of any major policy changes, and of any briefing or meeting on any matter that is likely to be of interest to the news media, so that he may be able to deal promptly and intelligently with queries.
7. **Division.** Establish a press clipping policy to monitor press coverage within your division. Forward press clippings to Public Relations Officer, Headquarters, ONLY in those matters referred to in E.2.a.4., 1. and 2., or as specifically requested.
- E. 2. b. **Release by Division Headquarters.** In contract provinces, the commanding officer will establish with the attorney general the policy to be followed for the release of information on provincial statute or Criminal Code matters. When consistent with this policy, the commanding officer may authorize release of information as follows:

E. DIFFUSION (suite)

- E. 2. a. 5. 1. le détail de toute enquête importante à laquelle la Gendarmerie est mêlée et susceptible d'intéresser la presse nationale;
2. le détail de tout incident susceptible de susciter une publicité favorable ou défavorable à un membre, ou qui pourrait faire l'objet de questions à la Chambre des communes. (Préciser s'il y a déjà eu de la publicité à ce sujet et si l'on prévoit la diffusion d'un communiqué à l'intention de la presse locale.)
3. s'il y a lieu, remettre la photographie du membre (ou des membres) avec le communiqué.
6. **Direction générale.** Mettre l'officier relationniste au courant de tout changement important de ligne de conduite et de toute réunion d'information ou autre sur un sujet susceptible d'intéresser la presse, afin qu'il soit en mesure de répondre aux questions sans délai et en connaissance de cause.
7. **Division.** Découper régulièrement et conserver les articles de journaux afin de pouvoir contrôler les reportages dans le territoire de la division. Transmettre à l'officier relationniste à la "DG" SEULEMENT les coupures concernant les sujets mentionnés en E.2.a.4.1. et 2. ou celles qui seront expressément demandées.
- E. 2. b. **Diffusion par les quartiers généraux divisionnaires.** Dans les provinces contractantes, le commandant divisionnaire établira en accord avec le procureur général la règle à appliquer à la diffusion de renseignements sur les affaires relevant de la loi provinciale ou du Code criminel. Dans la mesure compatible avec cette règle, le commandant divisionnaire peut autoriser la diffusion des renseignements suivants:

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RELEASE PROCEDURES (cont'd)

2. b. 1. **Fatal Accidents, Sudden Deaths, or Missing Persons**
1. After the next-of-kin have been notified: the name, age, and address of the person(s) involved, and the general circumstances. (Do not express an opinion about responsibility.)
2. **Prosecutions**
1. After arrest: the particulars of the charge(s) laid.
3. **Offences**
1. Details of the offence or series of offences, when release will not interfere with the investigation and may serve to arouse the vigilance of the public or encourage the giving of information.
4. **Joint Investigations.** When an investigation involves another police department or enforcement agency:
1. If it is not in conflict with their policy: the names of the other enforcement officers involved, and the nature of their assistance.
5. **Assistance Cases.** When an inquiry is made on behalf of another government or police department:
1. If that government or police department has the responsibility for releasing information, refer the news media to it.
6. **Other.** In any other situation, the commanding officer will decide. If there is doubt about what or how much information should be released to the news media, or if an official press release from Headquarters is desired, submit full details to the Commissioner, Attention: Public Relations Officer.

E. DIFFUSION (suite)

- E. 2. b. 1. **Accidents mortels, morts subites, personnes disparues**
1. Une fois la famille prévenue: le nom, l'âge, l'adresse des personnes impliquées et les circonstances générales. (Ne pas émettre d'opinion au sujet des responsabilités.)
2. **Poursuites**
1. Après l'arrestation: divulguer les accusations portées.
3. **Délits**
1. Les circonstances du délit ou des délits, si l'enquête ne risque pas d'être compromise et s'il peut en résulter une plus grande vigilance de la part du public ou une incitation à fournir des renseignements.
4. **Les enquêtes conjointes.** Lorsqu'un autre service de police ou de répression est engagé dans une enquête:
1. Le nom des agents et le genre d'aide qu'ils fournissent, pourvu que ce soit en accord avec leurs principes en la matière.
5. **Aide à d'autres organismes.** Lorsqu'une enquête est faite pour le compte d'un autre service de police:
1. Si cette organisme ou service de police est responsable de la diffusion des renseignements, demander à la presse de s'adresser à lui.
6. **Autres.** Dans tout autre cas, c'est le commandant divisionnaire qui décide de la marche à suivre. S'il y a doute sur la nature ou le nombre des renseignements à diffuser, ou si encore on préfère que la Direction générale fasse un communiqué officiel, faire part de toutes les circonstances au Commissaire, au soin de l'agent relationniste.

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E. RELEASE PROCEDURES (cont'd)

E. DIFFUSION (suite)

- E. 2. a. 4. Keep a record of information given to the news media, to protect against misquotation, exaggeration, or sensationalism.
5. Submit the following information, by the quickest means consistent with the possible impact of the investigation or incident, to the Commissioner, ATTN: Public Relations Officer, phone 613-993-1085, CPIC ON10093:

- E. 2. a. 4. Garder un contrôle des renseignements fournis à la presse comme mesure de protection contre les citations inexactes, l'exagération ou la recherche du sensationnel.
5. Transmettre, aussitôt que possible, selon la nature de l'impact que l'enquête ou l'incident pourraient avoir, les renseignements suivants au Commissaire, à l'att. de l'officier relationniste à (613) 993-1085, C.I.P.C. ON10093:

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E. RELEASE PROCEDURES (cont'd)

- E. 2. b. 6. 1. Use the official news release form, form 1344 (for Commissioner's use) or form 971. See App. III-2-7, and III-2-8, and Mat. Mgt. Man. 1-1.

E. 3. Reports

- E. 3. a. If a report contains administrative or investigational information which should not go beyond the recipient, stamp the report as follows before release:

1. This document is the property of the Government of Canada. It is loaned to your Agency only and it is not to be reclassified or further disseminated without the consent of the originator.

EXCEPTIONS: Do not stamp a report that is sent to:

1. the Solicitor General,
2. a department involved in enforcement e.g., National Revenue,
3. a department responsible for the administration of Justice, e.g., Justice Department, attorney general's department.
4. any other department specifically exempted by the Commissioner or the commanding officer.

E. 3. b. Privilege of Information Contained in Police Files

1. As a rule, police reports are confidential and are protected from production by law and by the rules of evidence. See R.V. Cherpak (1978), 42 CCC (2b) 166, 5 WWR 315 (Alta) SC App. Div.

E. DIFFUSION (suite)

- E. 2. b. 6. 1. Utiliser la formule officielle pour les communiqués de presse (formule 1344 à l'usage du Commissaire) ou la formule 971. Consulter les Ann. III-2-7 et III-2-8 et l'Ann. 1-1 du Man. de la gest. du mat.

E. 3. Rapports

- E. 3. a. Si la communication d'un rapport contenant des renseignements d'ordre administratif ou relatifs à une enquête ne doit pas dépasser le niveau du destinataire, il faut apposer sur le rapport, avant de le communiquer, la mention suivante:

1. Le présent document est la propriété du gouvernement du Canada. Il est prêté à votre organisme seulement; il ne doit être ni reclassifié ni transmis à d'autres organismes sans l'autorisation de l'expéditeur.

EXCEPTION: Ne pas apposer cette mention sur un rapport expédié:

1. au solliciteur général,
2. à un ministère s'occupant de répression, p. ex., celui du Revenu national,
3. à un ministère chargé de la justice, p. ex., le ministère de la Justice ou celui du procureur général,
4. à tout autre ministère expressément exempté par le Commissaire ou le commandant divisionnaire.

E. 3. b. Caractère privilégié des renseignements contenus dans les rapports de police

1. Règle générale, les rapports de police sont confidentiels et, de par la loi et les règles de la preuve, ne sont visés par aucune exigence de présentation. Voir R.V. Cherpak (1978), 42 C.C.C. (2b) 166, 5 WWR 315 (Alb.) C.S., Div. des appels.