

R. N. EBSARY, by Mr. Ruby

- 1 A. I just hope we have a good argument.
- 2 Q. I'm going to ask questions and if I speak too quickly which
- 3 I sometimes do --
- 4 A. Yes.
- 5 Q. Or if you don't understand my question --
- 6 A. Right.
- 7 Q. -- will you stop and I'll repeat it and we'll go over it
- 8 again?
- 9 A. Yes. And if I fly off the handle will you forgive me?
- 10 Q. I'll do my best.
- 11 A. Good, we understand each other.
- 12 Q. Well, maybe you could help me understand something that
- 13 I saw before the Commissioners came in. When you were
- 14 sitting down at that table --
- 15 A. Now --
- 16 Q. -- before they came in.
- 17 A. If you slow down a bit and speak English I might understand
- 18 you.
- 19 Q. All right. Before the Commissioners came in --
- 20 A. Yes.
- 21 Q. I saw you winking at the audience and making a V for victory
- 22 in the air like this.
- 23 A. That way?
- 24 Q. Could you explain those two things to me? What were you doing?
- 25 A. What was I doing?

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1 Q. Yes.

2 A. Well, I couldn't have been making love to everybody in the  
3 bloody shack. And V for victory is out of the old  
4 Churchill sign. Right or wrong.

5 Q. The old church sign?

6 A. The old Churchill sign.

7 Q. Churchill sign.

8 A. Right and now what?

9 Q. Why were you doing that?

10 A. Why was I doing that? Habit. You know I killed three thousand  
11 men one morning before breakfast.

12 Q. Would you explain that for me?

13 A. Yes, I sank the Bismark.

14 Q. And what ship were you on when you sank the Bismark?

15 A. The H.M.S. Rodney and you can check that if you like.

16 Q. The Rodney?

17 A. Right. H.M.S. Rodney.

18 Q. What was your position on the Rodney.

19 A. Chief Gunnery Officer.

20 Q. As a commissioned officer position?

21 Is that a commissioned officer position?

22 A. You don't take a commission. If you're a Chief Gunnery  
23 Officer you're equivalent to a Chief Warrant. Right?

24 Do you know what a Chief Warrant Officer is?

25 Q. No, but I don't -- what I want --

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1 A. Well, it's a step below --

2 Q. -- find out --

3 A. Well, see you're going to find out.

4 Q. All right.

5 A. It's a step below a Commissioned Officer.

6 Q. And how was it that you killed these men? You personally?

7 A. I didn't kill personally. I and my crew. We had sixteen  
8 inch guns. The Bismark had fifteen inch. She sank the  
9 Hood. Yeh, she sank the Hood with fourteen hundred men.  
10 Right. So we were all together and it took three days  
11 to hunt her in the fog. The germans always had a reputation  
12 of getting in the first shot and sinking everything they met.  
13 And the Bismark was supposed to be unsinkable. Well, we  
14 met her at dawn one bloody morning and we got in the  
15 first bloody shot. We killed the Admiral, the Captain.  
16 There was three thousand men. Out of three thousand men,  
17 there were ninety-nine survivors that we picked out of the  
18 water.

19 Q. And it was your getting in the first shot that did it I  
20 take it?

21 A. Well, she had fifteen inch guns. We had sixteen inch, right?  
22 Our first salvo we had nine sixteen inch guns like this.  
23 Three, three, three sixteen inch. All our salvo in wiped  
24 her deck clean of her fifteen inch. So she was left with  
25 secondary armaments.

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- 1 Q. Left for the secondary?
- 2 A. Armament.
- 3 Q. How long did it take? This engagement in the morning.
- 4 A. Two hours.
- 5 Q. You remember it?
- 6 A. Oh, I remember it vividly.
- 7 Q. All right.
- 8 A. If ever I prayed, I prayed that morning.
- 9 Q. You told us in your Examination in Chief --
- 10 A. Yeh.
- 11 Q. -- that the anniversary of the sinking of the Bismark was
- 12 May 26.
- 13 A. That's right.
- 14 Q. Occurring in what year originally?
- 15 A. 1941.
- 16 Q. Okay. I'm just wondering about your memory because you
- 17 see I consulted the Encyclopedia Brittanica because I
- 18 wasn't around then.
- 19 A. Oh, well.
- 20 Q. And the Bismark was sunk on the morning of May 27th, 1941.
- 21 Do you remember that?
- 22 A. Well, wait a minute. According to all statistics the
- 23 Bismark was sank on the 26th of bloody May, 1941 so whoever
- 24 put that in to Encyclopedia Brittanica made a bloody mistake.
- 25 Q. It's a mistake?

R. N. EBSARY, by Mr. MacDonald

1 A. Right.

2 Q. And if I suggest to you that there is no record of your  
3 having served on the Rodney or indeed in the British  
4 Royal Navy at all --

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- 1 A. What do you mean?
- 2 Q. Would that be a mistake as well?
- 3 A. You mean I never served in the Royal Navy?
- 4 Q. That's right.
- 5 A. You know, you're a god damn liar.
- 6 Q. You remember the service?
- 7 A. I do and I should.
- 8 Q. Because one of the things I'm concerned about is whether your
- 9 memory for events that happened a long time ago is solid and
- 10 reliable. You remember serving in the British Royal Navy.
- 11 A. Oh, I do. In other words, you think I'm bloody senile. Well,
- 12 I'm going to prove that you are.
- 13 Q. All right. What was the position you had finally when you
- 14 -- your last position in the British Royal Navy?
- 15 A. My last position in the British Royal Navy, let me see. I
- 16 think I was the captain's tiger.
- 17 Q. Captain's?
- 18 A. Tiger.
- 19 Q. Tiger. What's a captain's tiger?
- 20 A. Oh, you don't know. You're a pretty ignorant man. The
- 21 captain's tiger is the captain's personal aid.
- 22 Q. Did you tell one of the psychiatrists at the Nova Scotia
- 23 Hospital -- I'm sorry, did you on May 8th, 1982, tell other
- 24 patients at the Nova Scotia Hospital that you were an admiral
- 25 on a ship?

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- 1 A. Why would I tell them a bloody lie like that?
- 2 Q. It's not true, is it?
- 3 A. No. And I didn't tell them because I'll tell you something,  
4 I never spoke to a god damn patient in the Nova Scotia  
5 Hospital. The only ones I spoke to up there was the chief  
6 psychiatrist and the head nurse, Higgins. I had nothing to  
7 do with anything up there.
- 8 Q. See, the nursing notes which you haven't seen but which I have  
9 read say that you socialized quite well with other patients.
- 10 A. Pardon?
- 11 Q. The nursing notes of the Hospital which you haven't seen  
12 which I have say that you socialized very well with other  
13 patients during the time of your incarcerations in '82, for  
14 example.
- 15 A. Yeh. So what does that prove?
- 16 Q. It's not true? You didn't talk to the other patients?
- 17 A. How do I know?
- 18 Q. You just told us under oath you didn't. Is it a lie?
- 19 A. Well, you're supposed to prove I'm senile and I'm proving  
20 you're senile.
- 21 Q. All right.
- 22 A. Okay.
- 23 Q. You do understand that the purpose of this particular Hearing  
24 is to investigate --
- 25 A. Yes. Your particular duty is to try to crucify me but you're

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- 1 |       shit out of luck because you're not going to do it.
- 2 | Q. Let me ask you about the Abolition captain. Were you ever
- 3 | a captain?
- 4 | A. It's quite possible.
- 5 | Q. Well, again, sir, I'm trying to see what your memory tells you
- 6 | because I want to know whether it's reliable. Were you ever
- 7 | a captain?
- 8 | A. You look up the Encyclopedia Britannica and find the proof.
- 9 | Right.
- 10 | Q. Isn't it your position, sir, that you do not remember whether
- 11 | or not you were ever a captain --
- 12 | A. Yes.
- 13 | Q. -- or do you not know?
- 14 | A. Right.
- 15 | Q. You don't know?
- 16 | A. I do -- What do you mean I don't know? Now you're trying to
- 17 | prove I'm senile, eh.
- 18 | Q. No. If you do know, I'd like to know whether you were or were
- 19 | not.
- 20 | A. I was.
- 21 | Q. When were you a captain and where?
- 22 | A. Let me see. Well, I can't remember right off the bat but I
- 23 | know I've been everything from the stoke-hole to the bridge.
- 24 | I spent thirty bloody years at sea. I had thirty-four
- 25 | different bloody ships. I've been over practically all the



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1 world.

2 Q. What was your last ship in the military service, military navy?

3 A. In the military navy, the armed merchant cruiser, Canton.

4 Q. What kind of cruiser?

5 A. The armed merchant cruiser. We used to call --

6 Q. The armed merchant cruiser, Canton.

7 A. Yes. We used to call them admiralty coffins.

8 Q. All right. You also as I understand it have a number of  
9 medals given you for your work in battle.

10 A. That's right.

11 Q. You're not wearing them today.

12 A. No.

13 Q. Why?

14 A. Because when I went out in the slammer out there, I was wearing  
15 earrings, not because I'm a queer or a homo but just to be  
16 different. When I went out there, the boys didn't have their  
17 ears pierced and they had no earrings so they saw the medals  
18 I was wearing. They said, "What about making earrings?" I  
19 said, "Go ahead." They pierced each other ears. I gave them  
20 the bloody medals to make earrings. Does that explain the  
21 situation?

22 Q. All right. It does, sir, thank you.

23 A. Thank you.

24 Q. And I'm told that you told some psychiatrist at the Nova Scotia  
25 Hospital in 1982 first that you were given the Distinguished

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- 1 Service Medal --
- 2 A. That's right.
- 3 Q. -- by Winston Churchill personally.
- 4 A. Right, that was for the Bismark do.
- 5 Q. That was for the Bismark.
- 6 A. Right.
- 7 Q. When were you given that decoration and where?
- 8 A. When we put back to Scotland after the battle, they swore
- 9 the Rodney would never get back. We did get back, right,
- 10 and Winston Churchill came down to visit us because they
- 11 didn't think think the Rodney would make it but she did make
- 12 it, right.
- 13 Q. And decorated you personally with the Distinguished Service
- 14 Medal?
- 15 A. The Distinguished Conduct Medal.
- 16 Q. Ah. And Winston Churchhill himself pinned it on your little
- 17 chest.
- 18 A. That's right. What do you mean my "little chest"? What's
- 19 the matter with my bloody chest.
- 20 Q. A matter of speaking. Next, I'm told you told them that
- 21 Charles DeGaulle --
- 22 A. Right.
- 23 Q. You're familiar with Charles DeGaulle?
- 24 A. Yes.
- 25 Q. Is it a close relationship?

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1 A. I'm quite -- No, it's not a close relationship but I'm quite  
2 familiar with the man.

3 Q. How?

4 A. How? Well, Christ, his picture has been plastered all over  
5 the bloody world.

6 Q. And I'm told you came in contact with him once?

7 A. Yes.

8 Q. More than once?

9 A. Yes -- No, once.

10 Q. And he gave you and pinned on your chest --

11 A. Yes, the Cour de Guerre.

12 Q. The Cour de Guerre?

13 A. Right.

14 Q. What was that for?

15 A. The Bismark, too.

16 Q. The Bismark, too?

17 A. Right.

18 Q. I thought it was for saving Frenchmen.

19 A. Yes. Well, god damn it, we did save Frenchmen at Dieppe.  
20 Who the hell took them -- Who took the stranded soldiers  
21 and army off Dieppe? Who?

22 Q. You?

23 A. We did, yes.

24 Q. You?

25 A. And small boats.

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- 1 Q. You?
- 2 A. You're bloody right.
- 3 Q. What ship were you on then?
- 4 A. Let me see. Let me think. Let me think. God, I don't think  
5 I can remember.
- 6 Q. Well, surely sir, you can remember the last ship on which you  
7 served. You can remember the one on which you made this  
8 heroic rescue at Dieppe.
- 9 A. The last ship I served in. You didn't ask me the last ship  
10 I served in.
- 11 Q. No, I asked you the one you were in when you rescued the French  
12 soldiers at Dieppe.
- 13 A. Yeh. Well, that's right. That's what I'm trying to remember.
- 14 Q. Take a moment to think.
- 15 A. Yeh, right. You don't mind if I take a half today, do you?
- 16 Q. No, but I would have thought that if Charles DeGaulle personally  
17 decorated you for this action, you might have it stick in your  
18 mind.
- 19 A. But suppose I was senile at the time he gave it to me.
- 20 Q. Were you?
- 21 A. I might have been.
- 22 Q. You hallucinate some times?
- 23 A. Well, I must have been senile to serve in World War II.
- 24 Q. Why?
- 25 A. Why? Because there's only somebody senile who would enlist to

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1 go over there.

2 Q. I see.

3 A. Do I make myself clear?

4 Q. I suppose so.

5 A. Right. Because I know half the gang we had with us didn't have  
6 all their marbles.

7 Q. Half of them were crazy?

8 A. Yes.

9 Q. You don't think that if Charles DeGaulle gave you the Cour de  
10 Guerre for this particular action you could remember something  
11 about it, like what ship you were on, who your commanding  
12 officer was.

13 A. My commanding officer was Sir John -- wait now. He was the  
14 captain and he was promoted by the Queen to a Sir. Sir  
15 Frederick Dalrymple Hamilton. Check that.

16 Q. And he was the commander of your ship?

17 A. Right.

18 Q. At Dieppe?

19 A. Right.

20 Q. All right.

21 A. He was also the captain of my ship when we sank the Bismark,  
22 but he was only a captain when we sank the Bismark. After  
23 we sank the Bismark, he was promoted to the rank of full  
24 admiral and made a "Sir". In other words, he was knighted.

25 Q. And what was your position in connection with him?

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- 1 A. Who?
- 2 Q. Dalrymple or whatever his name was.
- 3 A. I was one of his crew.
- 4 Q. Just part of the ordinary crew?
- 5 A. Yes, naturally.
- 6 Q. No special position?
- 7 A. Any man aboard the ship is a member of the crew.
- 8 Q. Right. What was your position on that ship?
- 9 A. Let me see. What ship did I say I was in that time?
- 10 Q. Pardon?
- 11 A. What ship did I say I was in that time?
- 12 Q. You didn't, sir.
- 13 A. Didn't I?
- 14 Q. No.
- 15 A. How fortunate. Let me see. The Balt Rover.
- 16 Q. Say it again.
- 17 A. The Balt Rover.
- 18 Q. Bart?
- 19 A. Balt, B-a-l-t. Balt. Rover, R-o-v-e-r.
- 20 Q. R-o-v-e-r.
- 21 A. Balt Rover.
- 22 Q. Thank you.
- 23 A. She had a permanent starboard list. It was built in and we
- 24 could never straighten her up. It took us thirty-four days
- 25 to get from St. John's to Halifax, an ordinary eight-day run.

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- 1 Q. And that was the ship that went to Dieppe?
- 2 A. Yes. You must remember that everything available and everything
- 3 that could float was sent to Dieppe to rescue the bloody troops
- 4 from the beaches.
- 5 Q. And what was your position on that ship?
- 6 A. Which? The Balt Rover.
- 7 Q. Yes.
- 8 A. Captain's Tiger.
- 9 Q. All right. Do you from time to time hallucinate?
- 10 A. Pardon?
- 11 Q. Do you from time to time hallucinate?
- 12 A. Hallucinate?
- 13 Q. Do you know what I mean by "hallucinate"?
- 14 A. Sure. Hallucinate. Have you ever heard tell of immortality?
- 15 Q. Yes, sir.
- 16 A. Have you? How do you attain immortality?
- 17 Q. Why don't you tell me?
- 18 A. No, you tell me.
- 19 Q. I don't know.
- 20 A. You're the wise guy.
- 21 Q. Do you know how to attain immortality?
- 22 A. Yes, certainly.
- 23 Q. Would you tell me?
- 24 A. I was taught. It'll cost you.
- 25 Q. And how does one do that?

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- 1 | A. Put your shoes under my bed any time.
- 2 | Q. All right. The question I'd asked you before we got into the  
3 | digression about your shoes was whether or not from time to  
4 | time you've hallucinated.
- 5 | A. No, but there are times when I use my imagination because  
6 | it's from imagination that we've got the world we're living  
7 | in today. Man creates because he uses his bloody imagination.  
8 | If he has no imagination, he can't create bugger-all. Something  
9 | like yourself.
- 10 | Q. Do you from time to time have difficulty --
- 11 | A. Pardon?
- 12 | Q. Do you from time to time have difficulty telling hallucinations  
13 | from what is real?
- 14 | A. No, no difficulty at all. The only difficulty I have is when  
15 | when I go to the bathroom and that's Doctor Sniderman's fault,  
16 | not mine.
- 17 | Q. When you went into the hospital in 1982, were you the person  
18 | who -- a person who was abusing a drug called Benzoid-  
19 | diazepam, sometimes called, I believe, Valium?
- 20 | A. I never misused any bloody drug that's made.
- 21 | Q. The Hospital record indicates that was one of the things for  
22 | which they were treating you. That's an error?
- 23 | A. Well, how in the hell would I know?
- 24 | Q. You never told them you were abusing a drug?
- 25 | A. I never used any drugs that wasn't prescribed by a first-class



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1 doctor.

2 Q. All right. Whether or not it was prescribed, were you abusing  
3 it, taking more than you're supposed, finding yourself  
4 dependant upon it?

5 A. Are you crazy? I followed directions.

6 Q. All right, do you from time to time suffer blackouts?

7 A. Yes, I have had one or two.

8 Q. One or two over what period of time?

9 A. No. I've had them recently, right, and the doctors figure  
10 it's from the broken neck.

11 Q. How recently is recently?

12 A. Oh, possibly a couple of months. They hauled me into the  
13 hospital --

14 Q. Any prior to a couple of months ago?

15 A. Pardon?

16 Q: Any blackouts prior to a couple of months ago?

17 A. No.

18 Q. None?

19 A. No.

20 Q. And if the hospital records indicate that was one of the  
21 problems that you presented as requiring treatment, that  
22 would be incorrect?

23 A. What did you say?

24 Q. Let me put it differently so you'll understand. I don't  
25 want to confuse you with the way I put the question.

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1 A. That's right, speak English.

2 Q. I'll try. The hospital records disclose that from time to  
3 time you told them you suffered from blackouts.

4 A. Yes.

5 Q. Is that true?

6 A. Right.

7 Q. How often did you suffer from blackouts?

8 A. Oh, quite often.

9 Q. This is prior to a few months ago.

10 A. Yes.

11 Q. A minute ago you said not until a few months ago. Which is  
12 true?

13 A. Am I supposed to tell the truth all my life?

14 Q. Yes.

15 A. Am I?

16 Q. Which is the truth, that you told us a minute ago that you  
17 had no blackouts until a couple of months ago or that you  
18 just now told us you had a number of them prior to that?

19 A. Every time that the pain hits me in the guts if I don't  
20 get a needle, I black out. And you'd be surprised at the  
21 bloody taxi fares I've had to pay to get and forth to the  
22 hospital to get that bloody needle. Now you check with the  
23 hospital and find out that.

24 Q. Would it be true, sir, to suggest that one of the reasons why  
25 you get blackouts is because you drink too much?

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- 1 A. You're a god damn liar. I don't drink at all.
- 2 Q. All right. Didn't you just tell us when my friend was asking
- 3 you questions that you drank with some regularity?
- 4 A. How many years ago was that?
- 5 Q. Just this morning.
- 6 A. Yes but how many years ago was it that I drank?
- 7 Q. Ah. How long has it been since you have had a drink?
- 8 A. Yeh, how long is it? How long do you reckon it is?
- 9 Q. I'm asking you, sir.
- 10 A. Right. The last time I had a drink, I think, was the last
- 11 time I saw Carroll.
- 12 Q. And that was in 1982?
- 13 A. Yeh. It's that long.
- 14 Q. You haven't drunk since then?
- 15 A. No.
- 16 Q. Oh. Were you drinking when you saw Carroll?
- 17 A. Oh, yes.
- 18 Q. Drunk?
- 19 A. No.
- 20 Q. Just drinking.
- 21 A. I never drank to get drunk.
- 22 Q. Okay, but you haven't drunk since 1982?
- 23 A. Not that I know of.
- 24 Q. You would know.
- 25 A. What? Well, I would know, wouldn't I?

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- 1 Q. You would.
- 2 A. That's right.
- 3 Q. In any event, you never got blackouts from drinking too much.
- 4 A. No.
- 5 Q. And if the hospital records showed that that's the pattern  
6 you presented right through 1972 to 1982, that's not correct?
- 7 A. No.
- 8 Q. It's a mistake?
- 9 A. Right, and that's not the first god damn mistake they made.
- 10 Q. You also call yourself "Reverend".
- 11 A. Right.
- 12 Q. And why is that?
- 13 A. Because I've got -- I've got papers to prove it.
- 14 Q. What is that?
- 15 A. What are you saying now?
- 16 Q. What are the papers to prove it?
- 17 A. I was ordained by the Universal Life Church of California in  
18 1972. Now call me a liar.
- 19 Q. No, I wouldn't dream of it. What course of training did you  
20 go through and what colleges, if any, did you attend to  
21 achieve that distinction?
- 22 A. They accepted me for my knowledge and my way of living.
- 23 Q. Did you attend any training courses?
- 24 A. Any training courses?
- 25 Q. Any training courses at all?

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1 A. Yes, I have plenty. I was all over the world and I learned  
2 as I travelled.

3 Q. Did you attend any training courses offered by the Universal  
4 Life Church?

5 A. No. I didn't have to.

6 Q. I know, because it's a mail-order operation. Is it not?  
7 You send your money in and they send you back a piece of paper  
8 saying you're a "Reverend"?

9 A. No. You're wrong.

10 Q. No. Tell me why I'm wrong.

11 A. Well, I'll tell you. The person who recommended me to the  
12 Universal Life Church was an expert at telemetry at Cape  
13 Canaveral, right, and him and I were as close as that. He  
14 was the chief gunnery officer and the oldest gunnery officer  
15 in the U.S. Navy, right. He lived at Coco Beach, Florida.  
16 He recommended me to the Universal Life Church, right, and  
17 through him I was ordained. What else would you like to  
18 know?

19 Q. What was his name?

20 A. Francis Quotidomine.

21 Q. Spell the last name for me.

22 A. Q-u-o-t-i-d-o-m-i-n-e, Quotidomine.

23 Q. All right. And --

24 A. His people were extracted or immigrants from Italy. He had  
25 an uncle who was a priest at the Vatican. Check that if you

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- 1           like.
- 2   Q. All right. And am I correct in saying that you had to spend
- 3       some money in order to obtain this document? You had to send
- 4       money in the mail.
- 5   A. What for?
- 6   Q. To get your certificate from the Universal Life Church.
- 7   A. Not that I know of.
- 8   Q. You sent no money?
- 9   A. No.
- 10   Q. It was free.
- 11   A. That's right.
- 12   Q. Took no training.
- 13   A. No.
- 14   Q. No courses.
- 15   A. I didn't need it.
- 16   Q. No certification of any kind?
- 17   A. I've been trained ever since I was a kid.
- 18   Q. That's the only training you've had.
- 19   A. Well I didn't grow up to be a bloody ignoramus.
- 20   Q. All right.
- 21   A. But I'm talking to one now.
- 22   Q. How far did you go in school?
- 23   A. Let me see. About two miles.
- 24   Q. How far did you go in school?
- 25   A. I told you two miles.

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- 1 Q. Do you think I'm asking you how far it was to your school?
- 2 A. No, you asked me how far I went to school.
- 3 Q. How far you went in school.
- 4 A. Well, see if you speak English, I'd understand you.
- 5 Q. Thank you, sir.
- 6 A. Right. But when you speak that gibberish, I don't understand
- 7 half what you're bloody saying, man.
- 8 Q. Do you think you could answer the question now?
- 9 A. Right.
- 10 Q. How far did you go in school.?
- 11 A. Repeat it. Nine.
- 12 Q. Grade nine?
- 13 A. Yes.
- 14 Q. You're sure of that?
- 15 A. Oh, I'm quite sure of it.
- 16 Q. This morning you told us it was grade twelve.
- 17 A. Well that's all right. It might have been twelve. I had
- 18 twenty-three hundred books in my library. Twenty-three
- 19 bloody hundred. Right. I had access to twenty-three hundred
- 20 bloody minds, right. So from grade nine or twelve, whatever
- 21 the hell it was, I educated myself. right.
- 22 Q. Let me suggest to you, sir, that this is what's happened here.
- 23 A. Yeh, what?
- 24 Q. This morning you were asked a perfectly ordinary question which
- 25 one would think you'd remember: How far did you go in school?,

R. N. EBSARY, by Mr. Ruby

1 and you said grade twelve. And you said it convincingly and  
2 clearly and without hesitation. You were sure about it.

3 A. Yeh.

4 Q. This afternoon you were asked that same question again and  
5 convincingly and without hesitation and clearly you said  
6 grade nine.

7 A. Right.

8 Q. They both can't be true, correct?

9 A. But what did I tell you the first time?

10 Q. Grade twelve.

11 A. Yeh, well, there you are. What's the difference in nine and  
12 twelve?

13 Q. Well, it's a question of whether you can remember or whether  
14 you in fact were hallucinating having been that far at all?

15 A. But probably I am hallucinating. Who knows?

16 Q. You do.

17 A. No, you don't. Do you?

18 Q. Well, I'm more interested in whether you know you're hallucinating  
19 Do you know when you hallucinate?

20 A. What qualified you to make a lawyer?

21 Q. I'm sorry, I'm not in the order of things here to answer your  
22 questions.

23 A. No? Well, if I'm here to answer your questions, you're here  
24 to answer mine. That's my -- That's the Bill of Rights.

25 MR. RUBY:

May I have your assistance, My Lord?



R. N. EBSARY, by Mr. Ruby

1 BY THE CHAIRMAN:

2 Q. Mr. Ebsary. Well, we'll deal with the Bill of Rights if and  
3 when it becomes appropriate.

4 A. You mean I have no rights here?

5 Q. You have all sorts of rights here.

6 A. Thank you.

7 Q. The exchange that's been going on between you and Mr. Ruby  
8 must -- cannot continue in the --

9 A. Right. Well, he's going around with a chip on his shoulder.

10 Q. Mr. Ruby has an absolute right to cross-examine you and to  
11 question you on matters that are relevant.

12 A. Right.

13 Q. And I have to ask you not to become argumentative. You're  
14 responsibility is to answer the questions if you can. If  
15 you can't answer them or you don't know the answer, then all  
16 you have to do say so.

17 A. Right, I love an argument.

18 Q. That won't -- But we don't -- But this is not the place for  
19 an argument and I don't propose to allow an argument.

20 A. Okay, thank you.

21 BY MR. RUBY:

22 Q. Let me move to something else. One of the things you said  
23 in the statement to Mr. Carroll, Officer Carroll, -- I have  
24 a different copy than you have. Volume 19, page 138.

25 A. Now how about taking that chip off your shoulder while you're

R. N. EBSARY, by Mr. Ruby

1 here.

2 Q. I'm going to mark this copy just -- mark it where I want you  
3 to look at.

4 MR. RUBY:

5 Volume 19, My Lord, page 145, if you will.

6 BY MR. RUBY:

7 Q. You already looked at this but I want to ask you a particular  
8 question about it.

9 A. Yeh, what?

10 Q. I've marked it right there. It's two-thirds of the way down  
11 page 145.

12 A. You want me to read this here?

13 Q. No.

14 A. What? Well, that's what you marked.

15 Q. Yeh. Take a look at it and read it silently starting "Ebsary:  
16 No, I didn't." It's that paragraph.

17 A. Yeh, you want me to read this.

18 Q. Read it to yourself so you're familiar with it.

19 A. Right.

20 Q. Two-thirds of the way down, 145.

21 A. Yeh. Well, that's true. No because you know what I thought?

22 Q. Right.

23 A. "I thought Marshall finished Seale off and I wasn't the only  
24 one."

25 Q. Just read it silently please.

R. N. EBSARY, by Mr. Ruby

- 1 A. Okay. Well, that's what -- That's what's there, eh.
- 2 Q. Yes. Read it silently and I'll ask you a question about it.
- 3 A. "Yes, because I thought Marshall finished off. Yes, because
- 4 it was very easy -- very easy to put a knife into a wound."
- 5 And so it is. "Because the rip that guy got in the guts
- 6 didn't come from a three-inch knife. It was impossible."
- 7 And so it was. It was impossible for a three-inch blade to
- 8 create the damage that was in that boy's gut.
- 9 Q. Carry on and read it.
- 10 A. Right. Now I'll read the doctor's statement. "That boy's
- 11 guts were torn up." Well, you can't tear up a boy's guts
- 12 with a three-inch knife. Now I read that much and I know
- 13 that a three-inch blade couldn't have done it. So I said,
- 14 "Marshall, I convinced myself that Marshall had finished Seale
- 15 off."
- 16 Q. That's it.
- 17 A. Now.
- 18 Q. Let me ask you a question about it.
- 19 A. Right.
- 20 Q. You used the language, "I convinced myself that Marshall had
- 21 finished Seale off." Now is that the process that you went
- 22 through? Is it accurate? You wind up convincing yourself
- 23 of things like that.
- 24 A. Well, all the evidence pointed to the fact that Marshall had
- 25 done it. Right or wrong?

R. N. EBSARY, by Mr. Ruby

- 1 Q. The question is: do you wind up convincing yourself? Is  
2 that the process you go through about factual reconstruction  
3 after the event?
- 4 A. What we do, we assemble the facts, right, and we arrive --  
5 we arrive at our conclusions by summing up our facts and I  
6 wasn't the only one that was convinced that Marshall had  
7 killed Seale because it's never been proved that Marshall  
8 didn't kill Seale.
- 9 Q. All right, now if you drop down a little bit farther, there's  
10 another passage down there where you say on the next page.
- 11 A. What's this?
- 12 Q. The middle of page 146, "Yes, I've served time in the slammer,  
13 too. I only spent a few months, nine months, but I realize  
14 that young Marshall must have gone through eleven years."
- 15 A. Yeh, right. So what's the matter with that?
- 16 Q. And according to the transcript I've got at that point you  
17 were crying.
- 18 A. What?
- 19 Q. You were crying.
- 20 A. Who was crying?
- 21 Q. You broke into tears.
- 22 A. Listen, my boy, if you had two mounties come into your house  
23 every day and telling you that Marshall had turned into a  
24 plaster saint in Dorchester, right, what would you do?  
25 Laugh at it.

R. N. EBSARY, by Mr. Ruby

1 Q. Well, were you crying? Do you remember that?

2 A. Yes, I do.

3 Q. If Marshall in fact, as you said, killed Seale, and you  
4 convinced yourself of that --

5 A. I didn't convince myself of it. I just came to -- I just came  
6 to the bloody conclusion that with the facts as we had them,  
7 there was no other possibility.

8 Q. But if you came to that conclusion, why did you cry at that  
9 stage about what Marshall had gone through?

10 A. Probably I was too sentimental.

11 Q. Just too sentimental.

12 A. Yeh. It's quite possible.

13 Q. And on the next page of my transcript, you make the sentimental  
14 comment, "I told you it was only an incident. It didn't matter  
15 to me, boy, one way or the other."

16 A: Yeh. That's right, it didn't. Well, at that time it didn't,  
17 really.

18 Q. Well, did it or didn't it?

19 A. It didn't at the time, no, because at the time I didn't know  
20 the boy was even bloody hurt.

21 Q. Do you remember telling Officer Carroll that the blade of the  
22 knife had been buried in the back garden of the house at Rear  
23 Argyle?

24 A. It wasn't buried in the garden. It was thrown in the garden.

25 Q. And went right in the corner of the garden, correct?

R. N. EBSARY, by Mr. Ruby

- 1 A. It went right in the bloody flower bed and it was the flower  
2 bed they dug up to see if we could find it.
- 3 Q. Okay. The handle went across the field.
- 4 A. Yeh, that's right.
- 5 Q. Why would the two be separated, the handle and the knife?
- 6 A. Well, the handle was a better -- something better to throw  
7 and the garden is two gardens away, right?
- 8 Q. No, explain that to me.
- 9 A. The handle was the heaviest part of the knife, right. When I  
10 broke the knife off, I threw the handle across the garden. I  
11 threw the blade out the window. The blade went down into the  
12 flower garden and I told Carroll that as far as I was  
13 concerned, the blade was in the flower garden and we went  
14 through the trouble to remove the earth from the top of the  
15 flower garden, right, and we even sifted through it to see  
16 if we could find the blade but we couldn't.
- 17 Q. When you threw the objects, the handle and the blade, were they  
18 attached to one another?
- 19 A. What? No.
- 20 Q. They were separated?
- 21 A. Right.
- 22 Q. Why were they separated?
- 23 A. Because I'd broken the bloody knife off.
- 24 Q. On what?
- 25 A. On a tin of varnish.

R. N. EBSARY, by Mr. Ruby

1 Q. And that was quite some time later?

2 A. Oh, yes, quite some time later.

3 Q. This wasn't a fantasy with the knife being buried in the corner  
4 garden? It wasn't something you'd made up or hallucinated?

5 A. You know, my friend, you're hallucinating, not me.

6 When I use my imagination, I use it for a purpose, to create  
7 something.

8 Q. This morning you remember saying you put it in your pocket.

9 A. Well, Jesus Christ, I did put it in my bloody pocket, sure.

10 Q. Would there not have been some blood on that knife?

11 A. What?

12 Q. No blood on that knife at all?

13 A. How could there be? How could there have been any blood on  
14 the knife?

15 Q. You said you stuck it into the earth?

16 A. yeh.

17 Q. That would cover some of the blood with earth, surely, but  
18 unless you wiped the earth off the blade with something, it's  
19 going to have blood mixed with earth on it.

20 A. Is it?

21 Q. No?

22 A. You remember that there were people who testified that they  
23 saw me wash the god damn knife. Eh?

24 Q. Is that true or not true?

25 A. It's not true.

R. N. EBSARY, by Mr. Ruby

1 Q. Okay. I'm asking you a question about the knife.

2 A. Yeh.

3 Q. You said you stuck it in the earth.

4 A. Right.

5 Q. And I'm suggesting to you that even if you did that at the  
6 end of doing that, the knife would still have blood mixed with  
7 earth on it.

8 A. Would it?

9 Q. Not true?

10 A. Well what about if you pull it through your fingers?

11 Q. Did you pull it through your fingers?

12 A. Why not? It's a natural thing to do, isn't it?

13 Q. Did you?

14 A. I might have.

15 Q. Then you'd have blood mixed with earth on your fingers.

16 A. Yes, right.

17 Q. And you've told us there was no blood on these hands.

18 A. There was no blood on my hands.

19 Q. If you put your hand to wipe off the dirt and blood, surely  
20 there's blood on the hand.

21 A. I said "if". If I put my hand like that. I didn't say I  
22 did it. I said if -- suppose a person did it.

23 Q. I'm sorry. I thought you said you did.

24 A. No, I didn't. I said suppose I did.

25 Q. Did you do it?



R. N. EBSARY, by Mr. Ruby

1 A. What? No, I didn't. Why could I?

2 MR. RUBY:

3 My Lord, it's almost four-thirty and I'm mindful of my friend's  
4 admonition that the witness may be tiring. I'm prepared to  
5 continue but I'm also prepared to stop if you wish.

6 BY MR. CHAIRMAN:

7 Q. All right, we can rise now, Mr. Ebsary, or we can go on to  
8 five o'clock.

9 A. Well, I wouldn't mind going home and going to bed for an hour.

10 Q. Well, in that case, we will adjourn until ten o'clock tomorrow.

11 A. Thank you. You're a very good citizen.

12

13

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15 INQUIRY ADJOURNED AT 4:26 o'clock in the afternoon on the 9th  
16 day of September, A.D., 1987.

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COURT REPORTER'S CERTIFICATE

I, Judith M. Robson, an Official Court Reporter, do certify that the transcript of evidence hereto annexed is a true and accurate transcript of the Royal Commission on the Donald Marshall, Jr., Prosecution as held on the 9th day of September, A.D., 1987, at Sydney, in the County of Cape Breton, Province of Nova Scotia, taken by way of recording and reduced to typewritten copy.

  
Judith M. Robson  
Official Court Reporter  
Registered Professional Reporter