

EUNICE HARRISS, by Mr. Orsborn

1 MR. ORSBORN:

2 The next witness, Mr. Chairman, will be Mrs. Eunice Harriss and
3 I would anticipate that she would be the only witness for the
4 balance of the day. We had anticipated perhaps being able to
5 call Sheriff Magee but that appears to be unlikely.

6 THE CHAIRMAN:

7 Well, you're certainly doing your best -- counsel are doing their
8 best to drive us into night sittings. We'll accomodate, if
9 necessary.

10 EUNICE HARRISS, being called and duly sworn, testifies as follows:

11 BY MR. ORSBORN:

12 Q. Mrs. Harriss, could we have your full name please?

13 A. Eunice Harriss.

14 Q. Eunice Harriss. Where do you live Mrs. Harriss?

15 A. Five King's Road.

16 Q. And how long have you lived there?

17 A. Sixty-eight years.

18 Q. Sixty-eight years?

19 A. I was born there.

20 BY THE CHAIRMAN:

21 Q. Mrs. Harriss, how do you spell your last name?

22 A. H-A-R-R-I-S-S.

23 Q. Two s's?

24 A. Yes.

25 Q. Thank you.

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1 BY MR. ORSBORN:

2 Q. The house located at Five King's Road I understand that to be
3 close to Wentworth Park?

4 A. Yes.

5 Q. In fact on the corner of Byng Avenue and King's Road on the
6 Esplanade?

7 A. Yes.

8 Q. Somewhat off to the left of that map we have there?

9 A. I see, yes.

10 Q. Have you ever testified before at any proceeding involving
11 this matter?

12 A. No.

13 Q. Have you ever given a signed statement to anybody involved
14 in this matter?

15 A. No.

16 Q. And do I understand that you are the Mrs. Harriss that
17 Patricia refers to as mother?

18 A. I am her legal mother. She is legally adopted.

19 Q. Okay, fine. In 1971 Patricia was fourteen; could you give us
20 some description of her at that time? I'm thinking in terms
21 of her reliability and stability, emotional maturity.

22 A. She attended school regularly and other than the dances which
23 I was never too happy about but everyone seemed to be going
24 and I went along with it.

25 Q. A reliable daughter?

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- 1 | A. Oh, yes.
- 2 | Q. Go to church?
- 3 | A. Now in '71 they asked her and she was frightened. I suppose
4 | that she thought that they meant -- well, perhaps, you know,
5 | she didn't go to church perhaps last week; of course, she
6 | went to church and Sunday school.
- 7 | Q. Okay. In May of 1971 she's testified that a Mr. Gushue,
8 | Terry Gushue, was her boyfriend. Did you know Mr. Gushue
9 | at that time?
- 10 | A. Oh, I had some run-ins with Terry. I was never too happy
11 | about it.
- 12 | Q. Did he spend any time in your house?
- 13 | A. In and out. Mostly out.
- 14 | Q. Why were you not happy about it?
- 15 | A. Well, I thought we could do a bit better, you know, at that
16 | time.
- 17 | Q. Let's turn to the night of May 28th, 1971; evidence has been
18 | that Patricia and Mr. Gushue were at the dance. Do you
19 | recall Patricia coming home that night?
- 20 | A. It doesn't stand out on my mind really but had she been
21 | very late, I'm sure it would have.
- 22 | Q. When you say very late, what do you mean?
- 23 | A. Well, I mean after twelve.
- 24 | Q. Was it your practice to wait up until she got home?
- 25 | A. Yes, or I'd go to bed and listen.

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- 1 Q. Would it be a practice --
- 2 A. She wasn't too bad at that age.
- 3 Q. Would it be a practice to have conversation with her when
- 4 she came home late at night, say around mid-night?
- 5 A. Some times.
- 6 Q. Do you have any recollection now of her coming home on that
- 7 night in particular?
- 8 A. Not really, but the following week nothing stood out that
- 9 was unusual in my mind about her hours.
- 10 Q. I see. Do I take it from what you're saying that there
- 11 was nothing unusual --
- 12 A. No, she --
- 13 Q. -- that she related to you arising out of that night?
- 14 A. No, I would say she was home on time.
- 15 Q. I see. When did you first learn that there had been a
- 16 stabbing in the Park?
- 17 A. Well, whenever the news came on the radio. I don't know if
- 18 that was the first of the week, something like that. I can't
- 19 pin-point it. It was news anyway. It was the announcement
- 20 of the Seale boy death.
- 21 Q. Yes. Do you know if your first recollection was hearing that
- 22 he had died or --
- 23 A. Yes, that was --
- 24 Q. You hadn't heard before that that there was a stabbing?
- 25 A. Now I can't distinguish between that.

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- 1 Q. But you knew something happened in Wentworth Park?
- 2 A. Yes.
- 3 Q. Did you know that or realize that Patricia had walked through
4 the Park area on her way home that night?
- 5 A. No, not really at the time; but when I told her, she said she
6 had gone through the Park.
- 7 Q. When you told her what?
- 8 A. That I heard the news.
- 9 Q. I see and did she give you any information concerning her
10 journey home that night?
- 11 A. No, no. She just went along her own way.
- 12 Q. I see. Before there was any contact with the police two or
13 three weeks had lapsed and in that interval Junior Marshall
14 was arrested and charged with the -- with the murder. Did
15 you have any occasion during those two weeks to discuss the
16 matter with Patricia?
- 17 A. No, never. It wasn't mentioned.
- 18 Q. Patricia gave a -- one or two statements -- two statements
19 to the police on June 17th and 18th. Do you have any
20 recollection of how she came to be at the police station?
- 21 A. Yes, a phone call came for her and they said it was the
22 police station and they would like to ask Patricia a few
23 questions.
- 24
- 25

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- 1 Q. Did you take this call?
- 2 A. Yes.
- 3 Q. And --
- 4 A. And I --
- 5 Q. They called your home?
- 6 A. Yes.
- 7 Q. And do you know who --Do you know who called?
- 8 A. No, I'd be guessing. I might say Detective Urquhart. I can't
- 9 really. It wouldn't be fair to say it.
- 10 Q. If you don't know then that's fine.
- 11 A. No.
- 12 Q. Okay. Go ahead, please.
- 13 A. So I said, "She had left for a movie, to see a movie and she
- 14 was with her friend Anastasia" and I said, "but I'll try to
- 15 get her before she gets in". So I drove up by the Vogue
- 16 Theatre and she was just outside the door and I told her the
- 17 police had phoned and they would like to question her.
- 18 Q. Did you know what the police wanted to question her about?
- 19 A. They just mentioned something about the park, you know.
- 20 Well, I didn't take it too seriously.
- 21 Q. About the park?
- 22 A. Yes.
- 23 Q. Yes.
- 24 A. Who she had seen.
- 25 Q. And did you take that to mean about the Seale murder? Did you

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- 1 understand that to mean --
- 2 A. Yeh, well, I sort of attached that to it, of course. Yes.
- 3 Q. And you say she had gone to a movie. Do I take it then they
- 4 had called in the early evening?
- 5 A. Yes, about movie time for the first show.
- 6 Q. And you indicated that you would try and find her, did you?
- 7 A. Yes, so I drove up town and as I say, I told her, and I
- 8 drove on home to get ready myself and within five or ten
- 9 minutes she arrived. She really didn't quite understand
- 10 what it was all about. So we drove down to the police
- 11 station and we were taken in a small room.
- 12 Q. Just before you get to the police station, you and her drove
- 13 down together?
- 14 A. Oh, yes. I drove her to the police station. Yes.
- 15 Q. Did you have any discussion with her on the way down as to
- 16 what she knew?
- 17 A. No, I had not -- Pardon.
- 18 Q. Did you ask her what, if anything, she knew about the matter?
- 19 A. No. No.
- 20 Q. Okay. You got to the police station. What happened then?
- 21 A. Well, Patricia sat next to me and Sergeant Urquhart across --
- 22 Q. Did you know Sergeant Urquhart?
- 23 A. Not Sergeant, Detective Urquhart.
- 24 Q. Did you know him?
- 25 A. No, I didn't.

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1 Q. All right. How --

2 A. And -- Pardon.

3 Q. How do you know it was Detective Urquhart?

4 A. Well I've seen his picture in the paper for promotions and
5 had noticed a record of some of their work, you know.

6 Q. Did you recognize him at the time as Detective Urquhart?

7 I mean when you sat down you knew that was Detective Urquhart
8 sitting across from you?

9 A. Yes. Yeh. Yeh.

10 Q. Thank you. Go ahead.

11 A. And Detective MacIntyre was standing, and we sat, and the
12 questioning began, asking who she had seen, naming, I suppose,
13 I don't know, if they were young or old, their -- what they
14 were wearing, where she had seen them and this went on for
15 some time.

16 Q. Do you recall who was doing the questioning?

17 A. And who was at the dance. Yes, mainly Detective Urquhart.

18 Q. Detective Urquhart?

19 A. Yes.

20 Q. All right. Now you say Detective MacIntyre was also present
21 and that he was standing. Did he stay standing?

22 A. No, it was a small area but he managed a few -- three or
23 four steps back and forth impatient, you know, and anxious
24 to get some information.

25 Q. Did he sit down at any time?

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1 A. No.

2 Q. And the questioning --

3 BY MR. CHAIRMAN:

4 Q. How did you know it was Sergeant MacIntyre?

5 A. Well, I knew him from when I was a young girl and he was a
6 young boy and he lived on Frederick Street.

7 MR. CHAIRMAN:

8 Thank you.

9 BY MR. ORSBORN:

10 Q. And you say Detective Urquhart was doing the questioning?

11 A. Yes.

12 Q. Do you recall whether or not that -- at this stage anything
13 was being written down?

14 A. Well, yes, Detective Urquhart had sort of note paper. It
15 wasn't as large as this and they -- "two men" came up -- Patricia
16 mentioned the "two men", you know, with the white hair and the
17 long coat, one of them, and whenever she seemed to get to
18 that, impatiently it would be crumbled and tossed to the
19 floor.

20 Q. Who would do that?

21 A. Detective Urquhart. He was just impatient you know.

22 Q. Would there be anything said between the two Detectives?

23 A. Oh, no, not between them. Just to Patricia.

24 Q. And who would make these comments to Patricia?

25 A. Detective Urquhart.

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- 1 Q. Okay. Would you -- Would you continue please.
- 2 A. So it kept on for some time and it was a lot of tension
3 and pressure and Patricia began to cry and break down.
- 4 Q. Okay. We'll talk about that a little bit. You say it went
5 on for some time. Can you give us any idea at all how long
6 it went on?
- 7 A. I will have to assume that perhaps an hour or so.
- 8 Q. Why would you assume an hour?
- 9 A. Or an hour and a half. Well, it's just a sense of time,
10 you know.
- 11 Q. And you say it would --
- 12 A. And I may be a little off because I was upset and perhaps the
13 time was --
- 14 Q. Now were you -- you were there for this hour or so as you --
- 15 A. I was there --
- 16 Q. All right.
- 17 A. --that length of time or whatever, an hour, or say an hour and
18 a half, whatever, and Detective MacIntyre asked if I would
19 step outside the room and -- which I did, and he said,
20 "Sometimes it works out better this way", he said, "because
21 he felt Patricia was not co-operating". She kept to the
22 "two men." Although she filled in whatever she could about
23 the wearing apparel of people and these names were completely
24 foreign to me. I had never heard of the people they were
25 speaking of, you know.

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- 1 Q. What people were they speaking of?
- 2 A. Oh, I couldn't even tell you because, I mean, I couldn't
3 remember their names.
- 4 Q. Were their names --
- 5 A. At the dance -- You know, who she had seen at the dance--
- 6 Q. Kids at the dance?
- 7 A. --other than Terry. Yes, or who she may have seen at the park.
- 8 Q. You mentioned that there was pressure and tension?
- 9 A. Yes, a lot of pressure, of course.
- 10 Q. How would you describe that to us now? What do you mean by
11 pressure?
- 12 A. "There wasn't two men there, Patricia". "Come on now you didn't
13 see two men". "Tell us now, who else did you see". And
14 they'd get back on the young people and something would be
15 written down. In the end, I suppose, there was twelve
16 scraps of paper on the floor, it was just tossed there and
17 that was that.
- 18 Q. Now these comments that you just made to us, are these your
19 recollection of comments that one or other of the police
20 officers would make?
- 21 A. Yes.
- 22 Q. And which one or other would make them, do you recall?
- 23 A. Detective Urquhart.
- 24 Q. Did you at any time hear Detective MacIntyre make a similar
25 comment?

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- 1 A. No, not that I remember. The thing is that he felt that
2 she was not co-operating, he said, and it was because of
3 the "two men." I knew that myself because as soon as she'd
4 get going on them, "Well, you didn't". "You couldn't have".
5 And actually it would seem a bit far fetched. It sort of
6 did to me, you know, at the time, but I put a lot of
7 thought in it because Patricia would have no reason to
8 continue this about the "two men". It wouldn't be anything
9 like Patricia might do.
- 10 Q. Why did the story of the "two men" seem farfetched to you at
11 the time?
- 12 A. Well, I don't know. It sounded like Halloween to me.
- 13 Q. Was it the description of them?
- 14 A. Yes. Well, yes, and all young people, you know --
15 It wasn't something that you'd expect to hear about this
16 long coat and the old man and the long hair and -- but I--
17 I went with Patricia. I believed her.
- 18 Q. Do you recall the description being given of long hair?
- 19 A. Well, of white hair or long hair. I don't know if I heard
20 part of it from others or not, you know, later, but it
21 was white hair and a long cloak or a coat.
- 22 Q. Do I understand you to say it was the picture being painted
23 of these "two men" that you found unusual?
- 24 A. Yes.
- 25 Q. It wasn't the fact of the "two men" themselves, it was the

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1 description of them?

2 A. Yes.

3 Q. Okay. You've indicated to us that Patricia was getting upset?

4 A. Very upset.

5 Q. And --

6 A. Extremely, and crying. I passed her a kleenex. She just--

7 Oh, she didn't want a kleenex and her eyes were swollen and
8 her nose was red, you know. She was crying.

9 Q. Did you give any thought to taking her home?

10 A. Well, I wasn't there -- I'd love to leave here now with
11 her and I have several occasions where we've been -- But
12 I also felt that at a time like this and something so dreadful
13 having happened, it's best to get it at that moment and that's
14 why I was willing to stay along there with Patricia.

15 Q. And at what point did Sergeant MacIntyre suggest that you leave?

16 A. Well, I suppose after that hour or hour and a half.

17 Q. Was it when Patricia started to get upset?

18 A. No, no, no. She was upset for quite awhile, you know, before
19 I was asked if I would mind leaving the room.

20 Q. And you've indicated to us, I believe, that a dozen or so
21 pages were taken over the course of this time and crumpled
22 up?

23 A. Yes.

24 Q. I see.

25 A. Not large pages, you know, not this size.

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- 1 Q. They were not as large as the statements that you have
2 in front of you?
- 3 A. No.
- 4 Q. When Detective MacIntyre asked you to leave, did he --
- 5 A. Pardon.
- 6 Q. When Detective MacIntyre asked you to leave, did he ask you
7 that inside the small room or did he talk to you outside?
- 8 A. He asked me if I would mind leaving the room and then he came
9 out and he said, "Sometimes things work out best this way",
10 you know, and he felt that she wasn't co-operating.
- 11 Q. You, in fact, stayed outside?
- 12 A. Yes.
- 13 Q. Do you recall --
- 14 A. And never went back in.
- 15 Q. I see. Where did you spend your time?
- 16 A. On the bench.
- 17 Q. Was it close to the room?
- 18 A. Yes, I suppose it was. I think she was in a room when you
19 turned to the right, but I was sitting not against that
20 wall but the outside wall, I would think.
- 21 Q. Do you recall if the --
- 22 A. Yes, I was.
- 23 Q. Did the room have a door?
- 24 A. I don't remember the door.
- 25 Q. Well, do you know if there was -- Could you see into the room?

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- 1 A. No, no, no. You went -- You would go into this waiting room
2 or whatever it was called and from what I remember you turn
3 right and then you would turn right again and enter this
4 room. That's as I remember it.
- 5 Q. From where you waited on this bench could you see the room
6 where she was being questioned?
- 7 A. No, no.
- 8 Q. You couldn't see it. Do you recall whether or not Sergeant
9 MacIntyre went back to the room?
- 10 A. Yes, he did.
- 11 Q. You say you guess -- you think he did?
- 12 A. Yes, he did.
- 13 Q. Did he go back right away when you came out?
- 14 A. Yes, I -- I think he did. Yes, he did.
- 15 Q. I see. Did you at any time during that night see Mr. Gushue
16 at the police station?
- 17 A. I saw him come in the door.
- 18 Q. Did you have any conversation with him?
- 19 A. None.
- 20 Q. And did he come in the door after you had been in there
21 with Patricia?
- 22 A. Yes.
- 23 Q. So it was while you were waiting on this bench that you saw
24 him come in?
- 25 A. Yeh.

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- 1 Q. Did you see him in company with any of the Detectives?
- 2 A. No.
- 3 Q. Did he sit down beside you?
- 4 A. No.
- 5 Q. Did you see Patricia at any other time during the evening
- 6 before she finished her -- her statement?
- 7 A. No, not until she came out.
- 8 Q. I see. According to the times that we had she didn't come
- 9 out until some time after midnight?
- 10 A. Yes. I don't know. I know it was very late.
- 11 Q. Did you have any concern for her during those --
- 12 A. Yes, of course, I did.
- 13 Q. --two to three hours you were outside?
- 14 A. Of course I did.
- 15 Q. Did you feel that you could have gone back in had you wanted
- 16 to?
- 17 A. It never went through my mind because I was asked to leave.
- 18 I was asked to leave the room.
- 19 Q. Right.
- 20 A. So therefore, I wouldn't go back in unless I was asked to go
- 21 in again.
- 22 Q. You didn't ask (yourself) to go back in?
- 23 A. No, I didn't.
- 24 Q. What is your recollection of Patricia's appearance and demeanour
- 25 when she came out?

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1 A. She was worse than she was when I had last seen her and quite
2 desperate I would say. And I said, "How did you make out,
3 Patricia"? And she said, "They got what they wanted".

4 Q. Did you ask her what that was?

5 A. Well, not then but after that was over we went home, and
6 we had had enough, then we went to bed, but later on I
7 said, "Well, what about the "two men", did they accept it"?
8 And she said, "No". Well, I don't know -- I didn't know
9 anything -- anything about the statement. I never saw
10 anything signed, but I took it to be that the police had a
11 theme perhaps you could call it, that they were working on
12 and had hoped Patricia could just say some little thing
13 that would shed more light on it.

14 Q. Why did you take that to be the case?

15 A. Because what else would you think when they wouldn't accept
16 the "two men", but I don't know why they wouldn't have held
17 onto that and --

18 Q. Was there anything suggested to you by either of the police
19 officers about this theme?

20 A. No. No, I -- You listen to this and you make your own
21 decision. You say, "Well, what is wrong"? "Why aren't they
22 accepting the two men"? And all this questioning about
23 the young people, it didn't fizz -- they weren't getting
24 anywhere with it as far as I was concerned, you know. I
25 couldn't tell you of anything concrete that came out of it

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1 while I was in the room, but apparently it shaped up after.

2 Q. Just go back to the police station for one second. While you
3 were waiting outside for Patricia to -- to finish, at any
4 time while you were waiting did you see either Detective
5 Urquhart or Sergeant MacIntyre?

6 A. Yes, at one time they both came out and I think it was when
7 Terry -- I understood that Terry was in there and they were
8 being left alone for a few minutes.

9 Q. You understood that Terry was in with Patricia?

10 A. Yes.

11 Q. And did you have any conversation with the Detectives when they
12 came out?

13 A. Not really, just he brought me a cup of tea. He brought me
14 a cup of tea or coffee or something.

15 Q. They brought you a cup of tea?

16 A. Yes.

17 Q. Did you inquire as to how Patricia was doing?

18 A. No.

19 Q. Did you ask if you could see her?

20 A. No.

21 Q. May I ask why? When -- While-- Since the police officers were--

22 A. Well, I expected that -- that she was in good hands, two
23 family men and one I had known a good part of my life.

24 Q. So was it your belief during this evening that even though
25 she had been very upset, you nonetheless believed that she was

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1 | in good hands?

2 | A. Yes.

3 | Q. I see. Do you recall if Patricia went to school the next day?

4 | I believe it was a Friday.

5 | A. Well, -- Oh, what was a Friday, the night of the questioning?

6 | Q. I believe the night of the questioning would have been

7 | a Thursday night going into an early Friday morning?

8 | A. No, she never missed school. No.

9 | Q. She would have gone to school the next day?

10 | A. To school, yes.

11 | Q. And you indicated that some time after you raised this matter

12 | of the two men with her. When you say, "some time after", can

13 | you give us a little more assistance as to when that might

14 | have been?

15 | A. Well, it would be the next day.

16 | Q. And --

17 | A. He said they didn't want that.

18 | Q. Yes. Did she still indicate to you that she had seen "two men"?

19 | A. Yes.

20 | Q. Did she say what the police wanted?

21 | A. No, no. She couldn't come through on that.

22 | Q. Couldn't come through to you?

23 | A. Well, it didn't -- To me.

24 | Q. Did you ask her?

25 | A. Well, not in so many words. I said, "Well, if they didn't

1 accept the "two men", what was it"? And she would just get
2 quiet, and that was it.

3 Q. Did you ask her if she had told the police the truth?

4 A. She knew that I felt the truth was -- was what I had heard there
5 that she had seen "two men". Now other -- I don't know a thing
6 about the statement. Patricia wasn't able to fill me in on
7 any of that at all and actually I had never seen the
8 statement until three weeks ago or a month, and the moment
9 I looked at it--I hadn't heard anything like that when I
10 had been in there. The other statement unsigned was, you know,
11 about the two men.

12 Q. So the content of the unsigned statement --

13 A. Yes. Yes.

14 Q. --reflects what you heard while you were in the room?

15 A. Yes.

16 Q. And do I understand you to say, and correct me if I'm wrong,
17 that you understood that Patricia believed the truth to be
18 the story about the "two men"?

19 A. The "two men", yes.

20 Q. And that that story would not be accepted by the police?

21 A. No.

22 Q. I see. Now we've -- Well, what did you -- what did you do
23 over the course of the next couple of weeks?

24 A. Well, I don't know the exact length of time. I thought I
25 should do something about it, and I made an appointment with

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1 A. O. Gunn and drove Patricia there.

2 Q. What led you to believe that you should do something about it?

3 A. Because they didn't believe about the "two men".

4 Q. Yes.

5 A. And this was my main concern.

6 Q. Outside of the discussions that you had with Patricia,
7 did you have any other knowledge of what was happening with
8 the case?

9 A. No, I didn't.

10 Q. Knowledge of what anybody else had said?

11 A. No, no.

12 Q. Your concern was Patricia and Patricia's story?

13 A. Yes.

14 Q. I see. Why did you think it necessary to go and see a lawyer?

15 A. Well, from just when I was there I felt that some thought
16 should have been given to the "two men", and Patricia had said
17 something about perjury or something that the police had said,
18 you know, if she didn't go along with it. I didn't know
19 actually myself what the truth was but I certainly thought
20 that she should see a lawyer and so we went to A. O. Gunn
21 and exactly what I said to A. O. Gunn is that the police
22 do not believe Patricia about seeing the "two men".

23 Q. Did you know Mr. Gunn?

24 A. Yes.

25 Q. You had seen him on other occasions?

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- 1 A. Business occasions.
- 2 Q. Business, sure. But he was a familiar figure to you?
- 3 A. Yes.
- 4 Q. Do you know if Patricia had met him before?
- 5 A. Never.
- 6 Q. All right. Did Patricia tell Mr. Gunn what had happened at
7 the police station?
- 8 A. No.
- 9 Q. Did she do any talking at all?
- 10 A. No, she was very subdued.
- 11 Q. She's indicated in her testimony that she was frightened
12 of Mr. Gunn?
- 13 A. Oh, yes, she was.
- 14 Q. Was she frightened?
- 15 A. Oh, well, subdued, upset. She was still upset about what
16 had gone on before, you know.
- 17 Q. Yes, and you've said that you indicated to Mr. Gunn that the
18 police would not believe the story of the "two men"?
- 19 A. Yes.
- 20 Q. Did you tell them anything else?
- 21 A. I had nothing else to tell him, and so he said, "Patricia,
22 you don't need a lawyer". "You tell the truth". "Do you
23 know what perjury is"? And Patricia said, "Yes". Well,
24 as far as I was concerned I didn't think she knew very much
25 about perjury other than, I suppose, not agreeing with the

- 1 | police would be perjury, that's what I got from Patricia.
- 2 | Q. And was it your understanding that not agreeing with the
- 3 | police would be perjury?
- 4 | A. Not if it was -- No, I didn't know because I didn't know
- 5 | what the truth was, but as I still say, I thought some more
- 6 | thought should have been given to the "two men". It should
- 7 | have been picked up and, I shouldn't be saying this,
- 8 | I suppose, but investigated more thoroughly. I don't know.
- 9 | Q. Was Patricia left with the impression that if she changed
- 10 | back to the story about the "two men" that she would be committing
- 11 | perjury?
- 12 | A. Well, she never gave her story up about the "two men".
- 13 | Q. Well, she certainly gave some evidence later on that was
- 14 | perhaps equivocal --
- 15 | A. Yes.
- 16 | Q. --to say the best --
- 17 | A. Yes, because the "two men" weren't continued on in the trial
- 18 | that I could see or the cross-examination of what was --
- 19 | Q. Were or weren't?
- 20 | A. Were not.
- 21 | Q. Were not. Yes, that was my point. Was it -- But was it
- 22 | Patricia's understanding to your knowledge that if she
- 23 | in any way disagreed with what she had said at the police
- 24 | station, the -- sort of the one man statement --
- 25 | . Yes, I would say so.

EUNICE HARRISS, by Mr. Orsborn

1 Q. --that that would be perjury?

2 A. Yes, I would say so.

3 Q. And was it also your understanding of perjury that if she
4 disagreed with the police it would be perjury?

5 A. Well, there didn't seem to be any other route to take.

6 Q. Other than what?

7 A. Than to go along with the police because they didn't accept
8 the "two men." I don't know what else she could have done.

9 Q. I'm trying to get you into later on when you spoke to
10 Mr. Gunn and had the -- had the discussion about the
11 perjury. Were you of the understanding after you had spoken
12 with Mr. Gunn that it would be perjury if you disagreed with
13 the -- what had been said to the police?

14 A. Well, let's say I really thought Patricia would have had
15 legal guidance, you know, when I took her to Gunn and it
16 would have carried on further than that but then he said
17 she didn't require a lawyer, she was a witness and to tell
18 the truth. Now I didn't know what the truth was, but as I
19 still -- I go back to say, I thought the "two men" should have
20 been brought in. I don't know.

21 Q. Okay. But you --

22 A. Well, they were, weren't they, in that statement.

23 Q. You said you didn't know what the truth was. I think a little
24 earlier --

25 A. No, basically, but let's accept that there was "two men" there

EUNICE HARRISS, by Mr. Orsborn

1 and see if they could get down deeper.

2 Q. Yes, well, what should or should have not been done with the
3 investigation is really another matter.

4 A. Yes.

5 Q. I'm trying to -- I'm trying to understand what -- what you
6 felt the truth was at the time when Patricia had said
7 that she had seen "two men." Now did you believe that to be
8 the truth?

9 A. That is what I believed, yes.

10 Q. Did you believe that to be the truth?

11 A. I believed it.

12 Q. So when Mr. Gunn advised her to tell the truth, was it your
13 understanding that he was advising her to tell about the
14 "two men"?

15 A. Well, whatever she felt was the truth.

16 Q. And was it your understanding that that was the truth?
17
18
19
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25

1 A. I didn't know if it was true or not.

2 Q. No, but would -- did you -- you just told me two seconds ago --

3 A. Well, I mean --

4 Q. -- that you felt that to be the truth.

5 A. Well, I didn't know what her story was, no. I didn't feel that
6 was the truth.

7 Q. You didn't feel what was the truth?

8 A. Whatever she'd agreed to.

9 Q. No, no. But the -- while you were there during the taking
10 of the unsigned statement, she repeated the story about the
11 two men and what I'm trying to understand is whether or not
12 you believed that the two-man story was the truth?

13 A. Yes, I believed it.

14 Q. Right. And when Mr. Gunn advised her to tell the truth, did
15 you expect that she would then tell the two-man story?

16 A. I had hoped and had hoped that it would come up in the trial.

17 Q. Okay. Did you attend the Preliminary Inquiry in July?

18 A. Yes.

19 Q. Did you attend the whole Inquiry or just when Patricia
20 testified?

21 A. Just Patricia's part.

22 Q. Just Patricia. And did you hear her testify at the Preliminary
23 Inquiry?

24 A. Yes.

25 Q. And did you hear her tell the story about the two men?

1 A. No.

2 Q. You've heard her sworn to tell the truth?

3 A. Yes.

4 Q. Did you discuss with her after that Inquiry why she had not
5 told the story about the two men?

6 A. Well, she had told it right along, about the two men.

7 Q. Yes, I know but did you --

8 A. Even --

9 Q. Did you ask her --

10 A. At the trial?

11 Q. -- why did she not tell the story about the two men at the
12 Preliminary Inquiry?

13 A. Well, I think it's usual for her to be questioned, I thought.
14 I thought she would be questioned about the two men.

15 Q. Yes.

16 A. Was she? I don't remember.

17 Q. She does testify on page 85 at the Preliminary Inquiry at
18 Volume 13, Mrs. Harriss, and there's two Volumes in front
19 of you. Page 85 of Volume 13 there are some questions by
20 Mr. Rosenblum --

21 A. Rosenblum?

22 Q. Yes, he indicates --

23 A. This is the top -- the top one, is it?

24 Q. It starts at about line eleven, page 85. The question is:

25 You can't be sure there was anyone
with Donald Marshall at the time.

1 And: A. There was somebody there but I
 didn't pay any attention.

2 Q. You don't know if he was with
3 Donald Marshall or not?

4 A. No, I don't know.

5 Q. You mean there was a person there?

6 A. Yes.

7 And the questioning goes on to -- the answers indicate that
8 there was one person. And on page 84, she has testified, to
9 the effect that she and Mr. Gushue saw Junior Marshall and
10 the question was:

11 Q. Was there anybody with them?

12 A. Yes, I think so. I am not sure.

13 Q. Did you see another person there with
14 Donald Marshall?

15 A. Well, there was somebody there. I
 didn't pay any attention.

16 Q. Was there more than one person
17 with him?

18 A. No.

19 That's at -- That's page nine, so --

20 A. Yes. Well, then, I guess, that's the time she decided to
21 go along with the -- I didn't notice at the time.

22 Q. You didn't -- No, this was at the preliminary inquiry. It's
23 not the trial.

24 A. Oh, the preliminary, yeh.

25 Q. You say you didn't notice it?

1 A. No.

2 Q. Do I take it from that, then, that you did not ask her or
3 discuss with her --

4 A. No.

5 Q. -- following the preliminary, the story she had told?

6 A. No.

7 Q. Did you also attend the trial on November?

8 A. Yes, Patricia's part.

9 Q. Patricia's part of the trial. And we have heard evidence
10 here today, and it's also in the transcript, which indicates
11 that when she was asked how many people were there with Mr.
12 Marshall, she said -- first equivocated and then she said
13 there was one person with him. Do you recall hearing that
14 evidence at the trial?

15 A. No. No.

16 Q. Did you -- I think it's fair to say that she did not say
17 at trial, clearly, that there were two men with Mr. Marshall.
18 Do you recall whether or not you were surprised that she
19 did not bring this two man story out?

20 A. Yes, I didn't know it was up to her to bring it -- without
21 guidance, you know, to --

22 Q. What kind of guidance would you expect she was

23 A. Well, someone -- Now, I don't know how you would do it. I'm
24 not a lawyer and --inside Patricia was lost. How could she --
25 How could she do it? Could you suggest the way that she could?

1 Q. Well, let me direct you to page 99, Mrs. Harriss, again
2 volume 13.

3 COMMISSIONER POITRAS:

4 Page 98 before that, Mr. Orsborn. At the bottom on 98.

5 BY MR. ORSBORN:

6 Q. Yes, and perhaps to put it in context, as Mr. Justice
7 Poitras says, I'll read from page 98, starting at about
8 line 28. The question was:

9 Was there more than one person with Mr. Marshall?

10 A. Yes.

11 Q. How many were there?

12 A. I don't know really but there wasn't
13 many there.

14 A. There wasn't many there.

15 A. There wasn't many there.

16 Q. What do you mean by that? There wasn't
17 a crowd of people?

18 This is on page 99. And then he goes on and says:

19 Well I may have confused you. Miss
20 Harriss, you saw Donald Marshall and
21 did you see anyone else there?

22 A. Yes.

23 Q. Who was it? Do you know?

24 A. No response.

25 Q. Answer me, please.

A. No.

Q. And how many people did you see there,
with Donald Marshall? One -- the one person?

1 A. Yes.

2 That's a fairly protracted exchange between Mr. MacNeil,
3 I believe, and Patricia concerning the number of people.

4 A. I'd say.

5 Q. That she saw --

6 A. Yes.

7 Q. Do you have any recollection, now, of hearing that exchange?

8 A. No.

9 Q. Were you listening carefully to her evidence?

10 A. Well, I was just hoping everything would go all right and
11 she'd get out, I guess. I supposed that the police knew
12 what they were doing.

13 Q. Were you satisfied, after the trial, that she had told the
14 truth at trial?

15 A. Well, she wasn't happy and, therefore, I wasn't. Because
16 there it was still -- but then there's the two men, but
17 it wasn't brought out at --

18 Q. You said she wasn't happy?

19 A. No. No, she was -- It troubled her.

20 Q. What troubled her?

21 A. That it hadn't come out that she had seen two men.

22 Q. So this was -- This troubled her after the trial, that it
23 hadn't come out?

24 A. Well, it troubled her right along apparently, you know. It
25 did in the police station.

- 1 Q. But do you recall if she was still troubled after the
2 trial?
- 3 A. Patricia was troubled until Sergeant Wheaton. Not every day
4 but once in a while it would come back to her, you know. She
5 didn't dwell on it. Her life went on.
- 6 Q. Did you know, that during the trial, this -- it was a real
7 issue, whether or not there was one, two or three people
8 present at the time?
- 9 A. Not really. Because it didn't pass at the police station so
10 I gave it up in my mind.
- 11 Q. Did you give any consideration to mentioning to either
12 of Mr. Marshall's lawyers that; "Look, Patricia --
- 13 A. No, I'm sorry. I wasn't intelligent enough to think of that.
- 14 Q. Go back to my earlier question. Were you satisfied, following
15 the trial, that she had told the truth?
- 16 A. To tell you the truth I was just happy that she was out
17 of it.
- 18 Q. Did you believe that she had told the truth?
- 19 A. I couldn't be sure because I didn't know what the truth was.
- 20 Q. Again, you told us earlier that you believed the --
- 21 A. Yeh, I believed Patricia.
- 22 Q. -- truth to be the two-man story.
- 23 A. Yes, but I believed Patricia. But as far as the police were
24 concerned and what their truth was.
- 25 Q. But when Patricia was testifying at trial, it was her

1 truth that she was testifying to?

2 A. Apparently.

3 Q. Did she, at any time, indicate to you that she had not
4 told the truth --

5 A. It didn't go --

6 Q. -- at the trial?

7 A. It didn't go quite that way. We seemed to dwell on the
8 police station and it not being accepted.

9 Q. Any particular reason why you would dwell on the police
10 station rather than the court?

11 A. Well, just because they said there wasn't. They doubted
12 it.

13 Q. You say that she was upset until she was visited by Staff
14 Sergeant Wheaton -- or troubled by it?

15 A. Well, yes. But, as I say, you know, it wasn't something that
16 was hanging over her day after day. She -- Her life carried
17 on and she got in business and carried on. But she was pleased
18 that Sergeant Wheaton had phoned and, now here, after Sergeant
19 Wheaton picked it up, it all seemed to clear up. Yet it
20 didn't clear up here.

21 Q. When you say she was troubled over the years, how would that
22 show itself?

23 A. Well, perhaps hear something about Junior Marshall, you know,
24 and she'd say she felt badly about it.

25 Q. Would she say --

1 A. Well, about the two men. There we are. I can't seem
2 to go any further because -- there it is there and Patricia
3 had been in the police station and they didn't believe
4 there was two men, yet, it does come out here. I see that.

5 Q. Did --

6 A. But when Sergeant Wheaton gets it, it comes clear. I don't
7 understand.

8 Q. Did she ever express the opinion to you that she thought
9 someone other than Mr. Marshall had done the stabbing?

10 A. No. No, she had no notion.

11 Q. Was --

12 A. She never even got on that subject.

13 Q. So the fact that she was troubled was because of this aspect
14 of the story that had not been followed up?

15 A. Yes.

16 Q. I'm not misquoting you, am I?

17 A. No. That is it. That's all that ever bothered me.

18 Q. Did you, yourself, have any discussion with Staff Sergeant
19 Wheaton?

20 A. Yes.

21 Q. Alone with him --

22 A. Yes.

23 Q. -- or with Patricia?

24 A. No, he came to my home to discuss what had happened. And I
25 told him the things that I've told you only I had never seen
this.

EUNICE HARRISS, by Mr. Orsborn, BY Ms. Edwardh

1 Q. I understand. But, I take it, you did not give Staff
2 Sergeant Wheaton a statement?

3 A. No.

4 Q. Did he ask you to -

5 A. Just conversation.

6 Q. I said, did he ask you to give him a statement?

7 A. No.

8 MR. ORSBORN:

9 That's all my questions, Mr. Chairman. Thank you.

10 MR. CHAIRMAN:

11 You would like a couple of minutes?

12 MS. EDWARDH:

13 If that's convenient, My Lord.

14 MR. CHAIRMAN:

15 All right.

16 INQUIRY ADJOURNED: 3:31 p.m.

17 INQUIRY RECONVENED: 3:46 p.m.

18 MS. EDWARDH:

19 In order to avoid night sittings, My Lord, I will take one minute.

20 MR. CHAIRMAN:

21 Good. That's a precedent that I'm sure will be followed by all
22 your colleagues.

23 MS. EDWARDH:

24 Mr. Pugsley gets two minutes.

25 BY MS. EDWARDH:

Q. Mrs. Harriss, as I've heard you describe the incidents of

1 | the contact your daughter has had with the police and what
2 | has happened over the years. Am I correct to say this has
3 | caused her and you a great deal of pain?

4 | A. It has.

5 | Q. And keeping that in mind, do you have any advise to this
6 | Commission as to how to avoid such an occurrence in the
7 | future?

8 | A. Well, I think that's a heavy thing to pose to me at this
9 | moment. I certainly think there should be more compassion
10 | and if we are all a family, whether it's Patricia and myself
11 | or the community as a whole. It doesn't do any good to run
12 | down the police and I think as I say if we would think of
13 | one another more as a family and try to confide and get to
14 | the truth in a kinder way, perhaps.

15 | Q. Do you think it would have been in -- of assistance to your
16 | daughter in this case if you had been present throughout the
17 | conversations that she had?

18 | A. I doubt it.

19 | Q. You think even in those circumstances she would not have been
20 | able to resist the pressure?

21 | A. No, Patricia -- I think she mentioned today that I seem to
22 | be obsessed with trying this is right and this is wrong, you
23 | know, the law. Let's keep it this way, you know, in every-
24 | day living.

25 | MS. EDWARDH:

Okay, those are my questions, thank you.

1 BY MR. PUGSLEY:

2 Q. Mrs. Harriss, my name is Ron Pugsley. I'm acting for John
3 MacIntyre. You mentioned in your evidence that you knew John
4 growing up.

5 A. Yes.

6 Q. You both lived on Crescent Street.

7 A. Yes, he lived on Crescent and I on King's Road.

8 Q. I see, yes. And did you go to school together? Were you --

9 A. No, no. There used to be skating on the creek and that's where
10 I saw John.

11 Q. I see. Would you see him on other occasions as well as a teen-
12 ager growing up in Sydney?

13 A. More or less he was on the Police force and then went on to be
14 a detective. I was interested to see him making progress and
15 he was proud of his job.

16 Q. I take it your experience with him had been that he was a decent
17 fellow.

18 A. Of course.

19 Q. Yes, and so that when you went down to the police station on
20 the night of June 17th, he recognized you and you recognized
21 him?

22 A. Oh, yes.

23 Q. Yes, and would you -- I suppose you would have called him by his
24 first name.

25 A. Yes.

- 1 Q. Yes. What is your own background, Mrs. Harriss? What
2 is your education?
- 3 A. Nine.
- 4 Q. Grade nine? Yes. And did you work after that for a period
5 of time?
- 6 A. Oh, yes. For years I managed five beauty shops and then
7 I went into the wholesale business and -- in beauty supplies.
8 And then, later, I went in as secretary -- self-taught, you
9 know. And I continued studying and just doing my own thing
10 to -- for self improvement and that's what I'm doing at the
11 present time.
- 12 Q. For what period of time did you work as a secretary?
- 13 A. I suppose it's been 17, 18 years now.
- 14 Q. When did you start that? What --
- 15 A. Oh, I think about '68, I believe.
- 16 Q. And for whom did you work?
- 17 A. My brother.
- 18 Q. And what kind of work did he do?
- 19 A. Construction.
- 20 Q. I see. And it's been with him that you've worked as a
21 secretary for that period of time?
- 22 A. Yes.
- 23 Q. Yes. But prior to that time, you say, you were the manager
24 of five beauty salons?
- 25 A. For my mother, yes.

- 1 Q. Yes. I'm -- I missed what happened in between. You were --
- 2 A. I -- I gave up the beauty business and I went in as a wholesaler
- 3 to beauty shops.
- 4 Q. I see. In what area?
- 5 A. Sydney and Glace Bay --
- 6 Q. And that was your own business, was it?
- 7 A. Yes.
- 8 Q. And you are a married woman?
- 9 A. No. No, I am single.
- 10 Q. Oh, I see.
- 11 A. I am Patricia's great-aunt and I legally adopted Patricia.
- 12 I took her when she was a baby and legally adopted her and
- 13 Don MacNeil, who was the Crown Prosecutor, looked after
- 14 the adoption.
- 15 Q. Acted, in fact, for you.
- 16 A. Yeh.
- 17 Q. I see. What confused me was the reference that Patricia
- 18 made to her uncle. She said that --
- 19 A. Oh, yes. Well, no. My uncle is married, of course --
- 20 Q. Well, I'm sorry, but is the uncle that Patricia referred to --
- 21 Who is that gentleman that --
- 22 A. That's my brother.
- 23 Q. That's your brother?
- 24 A. Yes.
- 25 Q. I see. Patricia's evidence, as I recall it, was that her uncle,

1 | your brother, came to the police station near the end of
2 | the time that she was giving --

3 | A. At the very end.

4 | Q. At the very end. Right.

5 | A. Yes.

6 | Q. Were you living in the same residence with --

7 | A. No.

8 | Q. -- your brother at that time?

9 | A. No, I don't believe at that time.

10 | Q. I see.

11 | A. No.

12 | Q. And he is the brother in the construction business?

13 | A. Yes.

14 | Q. Do you have other brothers and sisters?

15 | A. One sister. My two brothers are dead.

16 | Q. I see. Your brother that is in the construction, do you
17 | confide in him? Is he a person on whose judgement you
18 | rely?

19 | A. No, I try to run our business -- private life on our own.

20 | Q. This problem that Patricia had about the two men and the
21 | difficulty she had in the police station on the evening of
22 | June 17th which caused her concern and, I believe, caused
23 | you concern, did you discuss that with your brother?

24 | A. Yes, somewhat, yes.

25 | Q. Yes. And what advise, if any, did he give you about what

1 should be done?

2 A. Well, he just thought just about the same as I did, as
3 I have told the Royal Commission here.

4 Q. Yes. Was he the one that suggested you should see A.O. Gunn?

5 A. No.

6 Q. That was your initiative?

7 A. Yes.

8 Q. Yes. And, I think, you indicated that you had known Mr.
9 Gunn before?

10 A. Yes, through business.

11 Q. Through business. Yes, right.

12 A. Yes.

13 Q. So, again, it wasn't you going in to meeting a lawyer for
14 the first time. It was someone with whom you had some
15 business association?

16 A. Right.

17 Q. Yes. And you stayed in the room with Patricia while she
18 discussed the matter with Mr. Gunn?

19 A. Yes. Actually you couldn't really call it a discussion.
20 I wouldn't say that it lasted any longer than seven minutes --
21 five or seven minutes. You don't cover much in that time.

22 Q. Did you make an appointment--

23 A. Yes.

24 Q. -- with Mr. Gunn?

25 A. Yes.

- 1 Q. You phoned up his office and made an appointment for you
2 and Patricia to go see him?
- 3 A. Yes.
- 4 Q. Yes. With respect to Mr. Gushue, I take it from your evidence
5 that you were not particularly happy about the fact that
6 Patricia was going out with him?
- 7 A. No.
- 8 Q. And why was that? Was there anything about him? About the
9 things he did that caused you concern?
- 10 A. Not in -- He wasn't really any concern of mine or -- of what
11 he did but I would have liked to have seen Patricia, perhaps,
12 with someone of a different calibre, sort of.
- 13 Q. I see. Someone with a better education, you mean?
- 14 A. No, not education. That had a purpose on getting along -- now,
15 I must say Terry has -- like most people that I've known
16 through other relatives of mine, I wasn't happy, perhaps,
17 who they married or who they went with and, in the end, they
18 -- they came out fine. Terry has a job now so --
- 19 Q. But you were concerned about his -- about his determination
20 in life to get ahead? Would that --
- 21 A. Well, I -- actually, I figured he'd be -- drift away and
22 that was it. I didn't -- really what -- didn't have a deep
23 concern because there wasn't anything really romantic or
24 anything like this, you know, of a loving nature. You know?
25 Just someone to go to dances and, as I say, she went up to his

- 1 | home for dinner and --
- 2 | Q. Did he come to your house for dinner?
- 3 | A. No, he may have had dinner there. I believe he did the day
- 4 | of the Preliminary. He did.
- 5 | Q. I see. Did his drinking habits concern you at all?
- 6 | A. Yes, they did.
- 7 | Q. Was he an excessive drinker?
- 8 | A. At times. That is when I got rid of him. Well I told him to
- 9 | go home.
- 10 | Q. Is that from personal -- Oh, you drove him home?
- 11 | A. No.
- 12 | Q. I'm sorry.
- 13 | A. I drove him away. I drove him away.
- 14 | Q. Oh, I see. And when was that that you drove him away?
- 15 | A. Oh, during the period that Patricia knew him but this isn't
- 16 | an unfamiliar trait of mine.
- 17 | Q. I see. All right. Were you concerned about his drinking
- 18 | habits at or about the time of this incident in May of 1971?
- 19 | A. Well, I actually didn't really know if he was drinking, you
- 20 | know.
- 21 | Q. Okay. Were you concerned about the fact that he was six years
- 22 | older than Patricia?
- 23 | A. Not too much. My sister married a man fifteen years her
- 24 | senior and had a good marriage.
- 25 | Q. But not when she was fourteen, I take it.

- 1 A. Well, she wasn't that much older.
- 2 Q. I see, well --
- 3 A. They married early then.
- 4 Q. Yes. Was Terry the kind of fellow who would suggest to
5 Patricia, "Look it, don't tell the police the truth. Tell
6 them we weren't in the park. Let's not get involved with
7 this." Is he the kind of fellow who would give her that
8 kind of instruction?
- 9 A. Well, I -- I really don't know what might go on in his mind.
- 10 Q. I see, all right. In any event, did you ever learn that he
11 did tell Patricia --
- 12 A. No.
- 13 Q. -- that she was not to tell the police the truth?
- 14 A. No, I heard that question before. This is why I'm answering
15 you prematurely.
- 16 Q. Sure. You didn't hear Mr. Gushue's evidence then?
- 17 A. When?
- 18 Q. Well I think it was yesterday or perhaps the day before.
- 19 A. No, no. We were home and they were asking us to leave but
20 we weren't here.
- 21 Q. All right. I beg -- I missed that. I'm sorry.
- 22 A. I'm sorry. They thought we were here and we had left to go
23 home.
- 24 Q. I see. But in any event you've been here ever since Patricia
25 gave her evidence?

- 1 A. Oh, yes.
- 2 Q. Yes, okay. When Patricia went down to the police station on
3 the night of June 17th, was there any pounding of the table
4 by any one, by Urquhart or MacIntyre?
- 5 A. Oh, I can't really say. Maybe Mr. Urquhart may have had his
6 hand come down like that or something but it was this here
7 persistent changing back and forth, you know. You did. You
8 didn't, you know. I did. You didn't, you know, see the "two
9 men" and then asking her: "Well, now, did you see him there
10 or did you see him there?", and this here repetition over a
11 long period of time and she just kept wearing down over.
- 12 Q. Did you see her wearing down?
- 13 A. Oh, yes.
- 14 Q. I think you mentioned crying. Did she cry?
- 15 A. Yes.
- 16 Q. For what period of time did she cry?
- 17 A. Well, I suppose she was there -- I can't really put a time
18 aspect on it. It is the amount of questioning and
19 confusing her and then she began to cry.
- 20 Q. All right, I think you gave --
- 21 A. At her breaking point.
- 22 Q. She was at her breaking point, was she?
- 23 A. Yes.
- 24 Q. Yes, and for what period of time did she cry?
- 25 A. Until I left the room.

- 1 Q. I beg your pardon?
- 2 A. Till I -- she was crying when I left the room, asked to leave
3 the room.
- 4 Q. But for what period of time did she cry before you left the
5 room?
- 6 A. Well, now, you know I didn't --
- 7 Q. Oh, I know you didn't time it.
- 8 A. No.
- 9 Q. But was it one minute?
- 10 A. No, no, no.
- 11 Q. Ten minutes or fifteen minutes?
- 12 A. Oh, yes, it would be a half an hour. You know, she was --
- 13 Q. Half an hour that she was crying.
- 14 A. -- sobbing enough to have --
- 15 Q. Sobbing.
- 16 A. -- swollen eyelids and a red nose.
- 17 Q. Yes. So the police were breaking her down. She was sobbing.
18 She was crying for half an hour, red nose. You passed her
19 a kleenex and yet you left the room.
- 20 A. Yes, I was asked to leave.
- 21 Q. My recollection of the words that were used were: "I was asked
22 if I would mind leaving the room."
- 23 A. Yes, politely, yes.
- 24 Q. It certainly was open to you to say to him: "John, I don't
25 want to leave the room. I want to stay here because, Patricia,

- 1 | my daughter has been crying for half an hour. She's been
2 | sobbing. I don't want to leave the room."
- 3 | A. Yes. I see. This is how you see it and I saw cooperating
4 | with the police and in the end, it would be to Patricia's
5 | benefit --
- 6 | Q. I see.
- 7 | A. -- to put up with it then.
- 8 | Q. But this wasn't -- this wasn't a policeman that you did not
9 | know. This was a policeman that you --
- 10 | A. Well when it's the law, it doesn't make much difference if
11 | you know them or not.
- 12 | Q. Well it's someone you knew. It's someone you called by his
13 | first name. It's someone you knew from the time you were
14 | a child.
- 15 | A. Well, yes, although we never carried on conversations on the
16 | street --
- 17 | Q. How about the skating rink?
- 18 | A. -- at any time. Pardon?
- 19 | Q. How about when you were skating? Did you carry on conversations
20 | then?
- 21 | A. No, he was busy playing hockey or something like that.
- 22 | Q. Okay. So he asked you if you would mind leaving the room
23 | and I take it you did not mind leaving the room?
- 24 | A. No, I said I was cooperating. That's why we were there, to
25 | cooperate with the police.

1 Q. But in any event you were asked if you would mind leaving the
2 room and you left the room, and for what period of time were
3 you outside the room before you saw Patricia again?

4 A. Well, I suppose it was another hour and a half or perhaps two.
5 I don't know.

6 Q. And then Patricia came out and I think you said she was worse
7 than when you had last seen her.

8 A. Yes.

9 Q. And by that you mean that she had been crying some more?

10 A. Yes.

11 Q. Yes. Okay. But you had no discussion with her that night
12 but the following day you did.

13 A. I wouldn't say it was exactly the following day. It was a
14 sore spot. I was upset. She was upset.

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1 Q. Yes.

2 A. But eventually -- yes.

3 Q. Well, so upset that you went to see a lawyer?

4 A. Yes.

5 Q. And the advice that Mr. Gunn gave you, and excuse me for going
6 over this again, but I'm not sure of what Mr. Gunn told you.
7 What advice did he give to Patricia and you?

8 A. My recollection is he said, Patricia's a witness, or something
9 to that effect, and she doesn't require a lawyer and all she
10 has to do -- No, he said, "Patricia, all you have to do is
11 tell the truth," and or something "Do you know anything about
12 perjury?" you know, and then she said, "Yes."

13 Q. And at that point in time, were you convinced that the truth
14 was that Patricia saw "two men" in the park?

15 A. Yes.

16 Q. Yes. Well, I -- And was that the reason why you attended the
17 Preliminary Inquiry and the trial to see and listen as to
18 whether or not Patricia told the truth about the "two men" in
19 the park?

20 A. Well, I actually didn't know what was on the statement that
21 Patricia had given to the police.

22 Q. Oh, I appreciate that.

23 A. But -- Yes. But, see here it is about the "two men," but I didn't
24 know it was about the "two men." I didn't even pick it up here.

25 Q. But did -- Was it your understanding that the truth was that

1 she saw "two men" in the park? Is that your understanding?

2 A. Yes.

3 Q. Yes. And was -- was it -- that the reason that you attended
4 at the Preliminary to see and listen to hear if Patricia
5 was going to tell the truth about the "two men" in the park?

6 A. Well, she had signed the statement. I don't know how she
7 could go ahead with the "two men" and lately I -- Well, you're
8 not interested in that, but had she done that and succeeded,
9 well she certainly would have been in disagreement with the
10 other three -- two, three witnesses, and that would have
11 been considered perjury there.

12 Q. That would have been considered -- And who -- Why did you
13 consider that that would have been considered perjury? Why
14 did you --

15 A. I just thought of it recently. Well because --

16 Q. So you just thought of that recently?

17 A. -- because the thing had been passed that she had met this
18 and saw him and whatever is on that -- Is it the second
19 statement that's signed?

20 Q. But you didn't know anything about the second statement?

21 A. No. I know.

22 Q. No.

23 A. I say I didn't. I never read it.

24 Q. Well, did you think --

25 A. She wasn't able to tell me.

- 1 Q. Did you think that if Patricia told the story about the "two
2 men" in the park that that would have been perjury?
- 3 A. Well, I don't know how she could bring it about by herself.
4 I would expect that would be up to whoever the lawyers were
5 there or I don't know if the judge gets into that or not but --
- 6 Q. That wasn't quite the question I asked. The question I asked
7 was: If Patricia told the story about the "two men" in the park,
8 in your mind, would that have been perjury?
- 9 Q. I say now it would have because the other was accepted --
10 Junior Marshall and all this and Patricia would have been
11 on the -- But that's neither here nor there. That isn't
12 how it went. But --
- 13 Q. Let's put us back in time to the Preliminary Inquiry. At
14 the time Patricia gave evidence at the Preliminary Inquiry
15 in July of 1971, did you think that if she told the story
16 about the "two men" in the park, that would be perjury?
- 17 A. No, I actually never gave any thought. This here seemed to
18 be the thing. The "midas touch was on." They had the answer
19 that it was Junior Marshall.
- 20 Q. Why did you attend the Preliminary Inquiry? Why were you
21 there?
- 22 A. To hear Patricia -- moral support.
- 23 Q. Moral support?
- 24 A. Yes.
- 25 Q. Did you have any discussion with her after the Preliminary

1 was over as to why she did not say anything about the "two
2 men" in the park.

3 A. Oh, I mentioned to her, "Well, they didn't bring up the two
4 men in the park." But here I see apparently they had but
5 they hadn't gone into any depth or did any investigating
6 to my knowledge. I don't know.

7 Q. Do you -- Do you say that you did say to Patricia, after the
8 Preliminary, "They did not bring up the two men in the park."?

9 A. Yes, we mentioned that.

10 Q. You discussed that?

11 A. Didn't discuss it -- just offhand -- say it when we would
12 hear something about Junior Marshall. Patricia might just
13 pick it up you know. Well --

14 Q. Was that a matter of great concern between the two of you
15 that the --

16 A. Oh, not great concern, no. We thought the case had been in
17 capable hands and the right judgment had been made.

18 Q. I see. Was there ever any time that Patricia said to you,
19 before she gave evidence, "Mother, what am I going to do
20 if they ask me about the two men in the park?"?

21 A. No.

22 Q. When you saw Patricia coming out of the interview with
23 MacIntyre and Urquhart at the end of the evening, and you
24 say she looked worse, did it ever occur to you to go to
25 John MacIntyre and say: "Tom, what's going on here?"?

EUNICE HARRISS, by Mr. Pugsley

1 A. No.

2 Q. Was your father a Justice of the Peace or a lawyer?

3 A. Yes, he was a magistrate.

4 Q. He was a magistrate?

5 A. Yes.

6 Q. For what period of time?

7 A. I don't know. It's before I was born.

8 Q. Oh, before you were born?

9 A. Yes.

10 Q. He died before you were born?

11 A. No. No. But when he was a magistrate -- He was in a number
12 of things. He ran a labour paper and -- in a number of
13 things, you know.

14 Q. Was he a lawyer as well?

15 A. No, he was to have gone to the bar, but I never ever went
16 into any detail. He went on to other things.

17 Q. But did he go to law school or did he article or --

18 A. I don't have any notion. I think it was mainly in those days
19 through correspond -- I actually really don't know --
20 Malcolm Patterson, who later became the Crown Prosecutor, they
21 were very good friends and I never followed that.

22 Q. I see. When did your father die?

23 A. Well, if you want to figure it out, I don't know. I think
24 I was about twenty-five, and I'm sixty-eight now.

25 Q. All right. That helps us, yes. He was not alive at the time

EUNICE HARRISS, by Mr. Pugsley, by Mr. Murray

1 of this incident. That's what I --

2 A. No.

3 Q. No. Thank you, Mrs. Harriss

4 MR. CHAIRMAN:

5 Mr. Murray.

6 BY MR. MURRAY:

7 Q. Mrs. Harriss, my name is Donald Murray. I represent William
8 Urquhart. Was this night when you went down to the police
9 station the first time that you had ever met Mr. Urquhart?

10 A. Yes.

11 Q. And I take it between now and then and today you have not met
12 Mr. Urquhart personally again?

13 A. No.

14 Q. Do you know Michael R. MacDonald?

15 A. No.

16 Q. No further questions, My Lord.

17 MR. CHAIRMAN:

18 Mr. --

19 MR. ELMAN:

20 No questions, My Lord.

21 MR. SAUNDERS:

22 We have no questions, My Lord.

23 MR. BISSELL:

24 No questions, My Lord.

25 MR. CHAIRMAN:

Mr. --

1 BY MR. ROSS:

2 Q. Mrs. Harriss, my name is Anthony Ross. Did you know
3 Mr. Khattar, the lawyer who represented Junior Marshall?

4 A. No, and it's strange, I don't even remember him being there.
5 He didn't stand out in my mind. Mr. Rosenblum, yes.

6 Q. Yes. Did you know Mr. Rosenblum?

7 A. Just to see him.

8 Q. Yeh, but you knew Donnie MacNeil quite well, didn't you?

9 A. No, not well. He -- As I say, he prepared the papers for
10 Patricia's adoption.

11 Q. He had worked for you?

12 A. Yes.

13 Q. Just out of curiosity, is there any reason why you didn't just
14 get on the phone and speak to Mr. MacNeil and tell him that
15 as far as you were concerned Patricia had given false
16 testimony?

17 A. No, because I didn't know if it was false or not really.

18 Q. I see, but you accepted the story about the "two men" as the
19 truth?

20 A. Yes, all left in capable hands and it was in the Courts and
21 who was I to doubt it although I still had -- the "two men"
22 still lingered on my mind for reason, whatever.

23 Q. You were here when I examined -- when I spoke with --

24 A. I beg your pardon.

25 Q. Were you here when I questioned Patricia Harriss?

EUNICE HARRISS, by Mr. Ross

1 A. I was in the room in there.

2 Q. Yes, well, I asked her specifically whether or not she had
3 indicated to you after the Preliminary Inquiry that she had
4 not told the truth, and she answered that in the affirmative
5 that she had so indicated it to you. Is there any reason
6 then why you didn't suggest this to the -- to Mr. MacNeil
7 or somebody in authority?

8 A. No, no. I had made no real definite conclusion myself
9 and it wouldn't matter anyway. I still had the "two men."
10 Now whatever Patricia thought -- I don't know what she
11 said to you. That is Patricia's thinking there.

12 Q. I see.

13 MR. ROSS:

14 Okay. Thank you very much, Mrs. Harriss.

15 MR. CHAIRMAN:

16 Thank you, Mrs. Harris. You've been a very refreshing and wise
17 witness.

18 THE WITNESS:

19 Thank you. Thank you very much.

20 MR. ORSBORN:

21 There are no further witnesses for today, My Lord.

22 MR. CHAIRMAN:


23 We will rise until we meet tomorrow at eight o'clock.

24

25 INQUIRY ADJOURNED AT 4:12 o'clock in the afternoon on the 8th
day of October, A.D, 1987.

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 8th day of October, 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