

ROYAL COMMISSION ON THE  
DONALD MARSHALL, JR., PROSECUTION

VOLUME XVII

Held: October 9, 1987

At: St. Andrew's Church Hall  
Bentinck Street  
Sydney, Nova Scotia

Before: Chief Justice R. A. Hickman, Chairman  
Assoc. Chief Justice L. A. Poitras, Commissioner  
Hon. G. T. Evans, Commissioner

Counsel: George MacDonald, Q.C., Wylie Spicer, & David Orsborn:  
Commission Counsel  
Clayton Ruby, Ms. Maryls Edwardh, & Ms. Anne S. Derrick:  
Counsel for Donald Marshall, Jr.  
Michael G. Whalley, Q.C.: Counsel for City of Sydney  
Ronald N. Pugsley, Q.C.: Counsel for John F. MacIntyre  
Donald C. Murray: Counsel for William Urquhart  
Frank L. Elman, Q.C., & David G. Barrett:  
Counsel for the Donald MacNeil estate  
Jamie W. S. Saunders, & Darrel I. Pink:  
Counsel for Attorney General  
James D. Bissell: Counsel for the R.C.M.P.  
Al Pringle: Counsel for Correctional Services Canada  
William L. Ryan: Counsel for Evers, Green and MacAlpine  
Charles Broderick: Counsel for Carroll  
S. Bruce Outhouse: Counsel for Wheaton & Scott  
Guy LaFosse: Counsel for Davies  
Bruce H. Wildsmith: Counsel for Union of N. S. Indians  
Assisted by Daniel Christmas  
E. Anthony Ross, & Kevin Drolet: Counsel for Oscar N. Seale  
E. Anthony Ross, & Jeremy Gay: Counsel for Black United Front

Court Reporters: J. Graham Robson, & Judith M. Robson, OCR, RPR

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INQUIRY RECONVENED AT 8:05 o'clock in the forenoon on Friday, the 9th day of October, A.D., 1987, at Sydney, County of Cape Breton, Province of Nova Scotia.

1 NORMAN DANIEL MacASKILL, being called and duly sworn, testified  
2 as follows:

3 BY MR. ORSBORN:

4 Q. What is your full name, sir? Your full name?

5 A. Norman Daniel MacAskill.

6 Q. Norman Daniel MacAskill?

7 A. Yes.

8 Q. M-a-c?

9 A. Yes, sir.

10 Q. You may have to speak up, sir, so that the audience can hear  
11 you. Where do you live, sir, presently?

12 A. 140 Windsor Street, Sydney.

13 Q. And do I understand that you're presently retired, and you  
14 retired from the Sydney Police Force in 1973?

15 A. That's right. That's correct.

16 Q. Would you give the Commission a concise history of your work  
17 with the police force, please? When you joined? What  
18 ranks you progressed through?

19 A. I joined the police force on October 13th, 1931. I worked on  
20 the beats and cars, patrolling, up until 1937. In the fall  
21 of '37, I was sent to Ottawa for a fingerprint course. On  
22 returning, I continued general police work on the beat and  
23 on traffic. In May, 1941, I was appointed Detective and  
24 remained in that position, with the exception of a little over  
25 three years in the Air Force and Service police work.

- 1 Q. You were made a detective in 1941?
- 2 A. That's correct.
- 3 Q. Yes. And how long did you remain a detective apart from the  
4 war years?
- 5 A. Until January 1st, 1966.
- 6 Q. And was it at that point you were promoted to Deputy Chief?
- 7 A. That's correct.
- 8 Q. And did you remain as Deputy Chief until 1973 when you  
9 retired?
- 10 A. Yes.
- 11 Q. When you were promoted to Deputy Chief, do you recall how you  
12 came to get into that position? Were there any exams or  
13 qualifications that were required?
- 14 A. There was no exams or anything of that nature. It was on  
15 the retirement of the Deputy Chief at that time.
- 16 Q. Did you apply for the position?
- 17 A. Pardon?
- 18 Q. Did you apply for the position, sir?
- 19 A. No.
- 20 Q. Who appointed you?
- 21 A. I'm not quite sure of that now. It may have -- may have  
22 appointed -- I may have applied for it.
- 23 Q. Yes.
- 24 A. I'm not sure of that.
- 25 Q. Who appointed you to the position?

1 A. Chief Gordon MacLeod.

2 Q. The Chief of Police appointed you as Deputy Chief?

3 A. He was Chief at that time.

4 Q. Do you have any idea, sir, on what basis he appointed you?

5 A. At that time, there were -- That position was pretty well  
6 filled by seniority.

7 Q. I see. And were you the senior man in line for the position?

8 A. I believe I was at that time.

9 Q. During your years as a detective, which would be from 1941  
10 until 1966, less the war years, were you at any time in  
11 charge of the Detective Division in the department?

12 A. From -- Prior to '42 the other man appointed Detective at  
13 the time was senior to me. He left in, I believe, early '42.

14 Q. Yes.

15 A. And on return in late '45 or early '46, I was the senior man  
16 then.

17 Q. So from 1946 until 1966, you were in -- the senior man in  
18 the Detective Division?

19 A. That's correct.

20 Q. And was the senior man in charge of the Detective Division?

21 A. Yes.

22 Q. How many detectives were there in the Division in 1966 when  
23 you became Deputy Chief?

24 A. There were only two of us at that time. Two.

25 Q. So you were in charge of the other guy?

1 A. Yes.

2 Q. When you were appointed to the position of Deputy Chief in  
3 1966, do you know who succeeded you as the senior man in  
4 the Detective Division?

5 A. John MacIntyre.

6 Q. When you were -- When you retired from the force in 1973,  
7 do you know who succeeded you as Deputy Chief? If you don't  
8 recall, that's fine.

9 A. John MacIntyre was appointed Deputy Chief in '73.

10 Q. Okay. I'd like to discuss with you for a moment, sir, the  
11 position of Deputy Chief within the organization of the  
12 Police Department, and we'll speak in as recent terms as  
13 we can, like 1966, when you took the position and for the  
14 years that you had it. What were your responsibilities as  
15 Deputy Chief?

16 A. To assist the Chief of Police, and in his absence to have  
17 control of the department.

18 Q. I see. Do you know if there was any kind of a written job  
19 description for the position?

20 A. No, there wasn't.

21 Q. Did you have any men in the Police Department reporting to  
22 you?

23 A. Pardon?

24 Q. Did any of the police officers or detectives or constables  
25 report to you as Deputy Chief?

NORMAN D. MacASKILL, by Mr. Orsborn

1 A. In the absence of the Chief of Police.

2 Q. If the Chief were there, did any men report to you and then  
3 you to the Chief?

4 A. There was no written rule, whichever one of us happened to  
5 be there at the time.

6 Q. When the Chief was there, did you have -- As Deputy Chief,  
7 did you have any specific responsibilities for the operation  
8 of the Police Force?

9 A. I was Deputy Traffic Authority and I also had to look after  
10 issuing out the taxi licenses, the equipment of the depart-  
11 ment, such as cars, gasoline, supplies of different types.

12 Q. Did you have any direct responsibility for any of the work  
13 of the constables; the foot soldiers, as we have come to  
14 speak of them. Did you have any direct responsibility for  
15 their work?

16 A. Not direct.

17 Q. Did you have any direct responsibility for the work of the  
18 Detective Division?

19 A. No.

20 Q. Did you have any responsibility -- direct responsibility  
21 for any training programs within the force?

22 A. In general -- in general -- In general, I had responsibility  
23 for the conduct of the -- of the force and the Chief, of  
24 course.

25 Q. I'm sorry?

NORMAN D. MacASKILL, by Mr. Orsborn

1 | A. In general, responsible for the conduct of the force.

2 | Q. I see. Did you have your own office?

3 | A. Yes.

4 | Q. And who did you report to?

5 | A. Chief of Police.

6 | Q. During your years, sir, in the Detective Division, up until  
7 | 1966, did you have occasion to work with Michael R. MacDonald  
8 | as a detective?

9 | A. No.

10 | Q. Did you have any occasion to work with William Urquhart as  
11 | a detective?

12 | A. I may have on different occasions.

13 | Q. Okay. Did you have any occasion to work with John MacIntyre  
14 | as a detective?

15 | A. Yes. We worked together pretty well from early 1950.

16 | Q. From 1950?

17 | A. That's correct.

18 | Q. You worked together with him as a detective? The two of you  
19 | were detectives?

20 | A. That's correct.

21 | Q. And during that time you were his senior man?

22 | A. Yes.

23 | Q. During that time, did you provide or arrange for any training  
24 | in investigative work for Mr. MacIntyre?

25 | A. Yes.



1 Q. What training or --

2 A. In particular to MacIntyre?

3 Q. Yes, as your fellow detective and as your junior detective.

4 A. Not in particular with MacIntyre, but we arranged a series  
5 of lectures around -- possibly a little later in 19 --  
6 early '60's, I believe, that we had William Gunn, a local  
7 lawyer who was then -- I believe he was a provincial judge  
8 at the time, and two days a week we had a series of lectures  
9 for quite some time. We also had the late Vince Morrison,  
10 who was later judge of Supreme Court, in a number of occasions.

11 Q. Would I gather that those would be lectures directed to the  
12 legal aspects of police work?

13 A. Yes, that's right.

14 Q. Do you recall whether or not you arranged or provided any of  
15 the training to your junior detectives on the investigative  
16 side of police work?

17 A. I don't recall from day to day about different things that  
18 would arise.

19 Q. Other than the fingerprint course that you mentioned, sir,  
20 did you, yourself, have any -- attend any courses or lectures  
21 on investigative police work?

22 A. In the Air Force, I did.

23 Q. In the Air Force?

24 A. Yes.

25 Q. While you were connected with the Police Force, did you --

NORMAN D. MacASKILL, by Mr. Orsborn

1 A. Yes.

2 Q. Did you attend any while you were connected with the Sydney  
3 Police Force as a detective? What were the nature of the  
4 courses that you took --

5 A. Oh, I beg your pardon. Later on in Halifax, they were running  
6 a series of lectures there and the police were invited from  
7 the different departments. I attended there for -- That was  
8 a short course.

9 Q. I'm sorry.

10 A. Possibly -- two weeks, I believe.

11 Q. Was that while you were a detective?

12 A. Yes.

13 Q. Okay. And what was the nature of those courses?

14 A. Police work in general; different lectures from different  
15 men on giving evidence, etc., police work.

16 Q. You mentioned that you took some training in the Air Force.  
17 Do you recall what that training consisted of?

18 A. That is mostly Air Force law.

19 Q. Air Force law?

20 A. If I recall.

21 Q. I see.

22 A. Four to forty-four, the general Air Force law.

23 Q. I see.

24 A. King's, King's Rules and Regulations.

25 Q. I'm sorry.

NORMAN D. MacASKILL, by Mr. Orsborn

1 A. I think it's referred to as King's Rules and Regulations.

2 Q. Oh, something we should all ascribe to, I would think.

3 The -- The time that you spent with Detective MacIntyre up  
4 until 1966, you worked closely with him as a senior man, did  
5 you have the responsibility for assessing or evaluating his  
6 work as a detective?

7 A. I don't believe so.

8 Q. You don't believe so. Did anybody have the work of assessing  
9 or evaluating the work of the detectives?

10 A. Not in the strict sense of the word, no.

11 Q. During that course of time up until 1966, did you form any  
12 opinion as to Mr. MacIntyre's competence as to Mr. MacIntyre's  
13 competence as a detective, as an investigator?

14 A. Well, he was certainly a hard-working, dependable man.

15 Q. Yes. Did you form any opinion as to his competence as an  
16 investigator?

17 A. I would think that he was quite competent.

18 Q. Did you think that?

19 A. Pardon?

20 Q. Did you think that?

21 A. Yes.

22 Q. Did you ever have occasion, either during the time that you  
23 were the Senior Detective or during the time that you were  
24 Deputy Chief, to formally commend Detective MacIntyre?

25 A. I can't recall offhand.

NORMAN D. MacASKILL, by Mr. Orsborn

- 1 Q. Did you ever have occasion to commend Detective Urquhart?
- 2 A. I can't recall that.
- 3 Q. Did you ever have occasion to formally criticize or reprimand
- 4 Detective MacIntyre?
- 5 A. No.
- 6 Q. Detective Urquhart?
- 7 A. No.
- 8 Q. All right. 1966 when you went to be Deputy Chief, were there
- 9 still just the two detectives in the Detective Division?
- 10 A. They added -- I believe that was the time that they added
- 11 two more to the department, Detective Branch.
- 12 Q. When you became Deputy Chief, two more were added --
- 13 A. Yes.
- 14 Q. -- to bring it up to four?
- 15 A. That's correct.
- 16 Q. Now, up until 1966, was R.C.M.P. assistance available through
- 17 the detectives and through the department if you requested it?
- 18 A. Yes.
- 19 Q. And did you have occasion to use that assistance?
- 20 A. Yes, on many occasions.
- 21 Q. What type of assistance would you request?
- 22 A. Quite regularly the assistance of the identification man, as
- 23 we didn't have any equipment of our own up until 1973 when we
- 24 started to get some - build-up an Ident Section.
- 25 Q. Can you give the Commission an example of the situation where

NORMAN D. MacASKILL, by Mr. Orsborn

1 | you would have requested that type of assistance?

2 | A. Breaking and entering, assaults; that is, in a house or  
3 | anywhere inside.

4 | Q. Yes.

5 | A. Or photography work.

6 | Q. You say break and entry and assault? Did you say assault?

7 | A. Break and entry and any kind of assault if there was -- at  
8 | least there was one -- one murder that I recall them assisting  
9 | us.

10 | Q. Which murder was that?

11 | A. That was the Chinese chap. Seto, I believe his name was.

12 | Q. Seto. Do I understand that was around 1966 or somewhere  
13 | in that vicinity?

14 | A. I think that would be early '66. I'm not sure of the date.

15 | Q. And could you indicate to the Commission the type of  
16 | assistance that you requested in that case? What did you  
17 | want the R.C.M.P. to do for you?

18 | A. We had the assistance of the Ident men and, if I recall, I  
19 | believe he was Corporal at the time, Doug Wright. He worked  
20 | on it with us for some time.

21 | Q. Right.

22 | A. I can't remember who the other men were.

23 | Q. But, you had the R.C.M.P. guys going around the scene of the  
24 | murder taking pictures?

25 | A. Yes.

NORMAN D. MacASKILL, by Mr. Orsborn

- 1 A. Yes.
- 2 Q. Looking for fingerprints?
- 3 A. Correct.
- 4 Q. Was that service available to you twenty-four hours a day?
- 5 A. I would think so. I don't recall -- calling them through  
6 the night for that.
- 7 Q. In the case of the Seto murder, do you recall how long after  
8 you knew you had a murder on your hands that you got the  
9 R.C.M.P. in?
- 10 A. I believe it was the following morning and we locked the  
11 place up and I think it was the next morning that the Ident  
12 men appeared.
- 13 Q. When you say, "locked it up," does that mean security?
- 14 A. Secure the premises. I locked --
- 15 Q. I see.
- 16 A. -- the back and kept a watch over -- overnight.
- 17 Q. I see. And then you had the R.C.M.P. Ident people the next  
18 day?
- 19 A. Yes.
- 20 Q. I see. Other than the Seto murder, were there any other  
21 murders that you worked on in the course of your time on the  
22 force?
- 23 A. Yes. There were two --
- 24 Q. I don't need to -- to know all the details of them but  
25 whether there were -- I need roughly when they were.

NORMAN D. MacASKILL, by Mr. Orsborn

- 1 A. There were two others.
- 2 Q. Were they solved?
- 3 A. The last two, yes.
- 4 Q. The last two. Was the Seto murder solved?
- 5 A. No.
- 6 Q. Okay. Did you use R.C.M.P. assistance in the other murders?
- 7 A. Yes.
- 8 Q. Would it be fair to say that in dealing with a serious assault  
9 or a murder, that the sooner you get the Ident services the  
10 better?
- 11 A. Oh, sure.
- 12 Q. To your knowledge, were the constables, the foot soldiers, in  
13 the force given any instructions or provided any training as  
14 to what they should do if they were the first ones to arrive  
15 on the scene of a murder or a serious development?
- 16 A. I'm not sure whether that was covered in the series of  
17 lectures we had or -- I'm not sure of that.
- 18 Q. Do you have any recollection of who the first police officer  
19 was on the scene of the Seto murder? If it would have been  
20 a constable or a detective?
- 21 A. I can't recall who was first.
- 22 Q. Do you recall whether or not Detective MacIntyre worked with  
23 you on the Seto murder?
- 24 A. Yes.
- 25 Q. Did you head up that investigation, the Seto investigation?

- 1           Were you the Senior Detective on that investigation?
- 2    A.   Yes.
- 3    Q.   You headed it up?
- 4    A.   Yes.
- 5    Q.   Did you work on any other murder investigations with
- 6           Detective MacIntyre?
- 7    A.   Yes.
- 8    Q.   And did you work on any with him that were solved?
- 9    A.   Yes.
- 10   Q.   Other than the Seto murder, did you work on any with him
- 11           that were not solved?
- 12   A.   No, I --
- 13   Q.   Can you give us a rough idea of how far back beyond '66
- 14           the next previous murder would have been? I would assume
- 15           they're not terribly common occurrences in Sydney. We're
- 16           looking at a year, five years?
- 17   A.   Hard to --
- 18   Q.   If you don't recall, sir, that's fine.
- 19   A.   I -- I just can't recall the date. I'm trying to figure
- 20           out -- trying to figure that out here. It was --
- 21   Q.   Was it a number of years before?
- 22   A.   Previous to that, it was prior to MacIntyre being appointed
- 23           Detective. The one before that was before he was -- before
- 24           he was appointed Detective.
- 25   Q.   What was previous to -- the -- the next murder back?



1 | A. Yes.

2 | Q. I think you've indicated that he did work on a murder case  
3 | that was solved?

4 | A. That's corect.

5 | Q. So that would have been while he was a detective?

6 | A. That would be after he was appointed -- likely be after '50.

7 | Q. Not terribly important. Let's move up to 1971. In 1971,  
8 | I understand you were Deputy Chief and do I understand that  
9 | the Chief of Police in 1971 was Gordon MacLeod?

10 | A. Yes. He was Chief from '65 to '73.

11 | Q. He's dead now, I take it?

12 | A. Yes.

13 | Q. When did you first become aware that there had been a  
14 | serious assault in Wentworth Park in May of '71?

15 | A. I would think the next morning. The next -- the next day.

16 | Q. The next day, which would have been a Saturday, I believe.

17 | A. Saturday.

18 | Q. Would you work weekends as Deputy Chief, or would you work  
19 | Monday to Friday?

20 | A. Usually, I worked weekends.

21 | Q. Usually, you worked weekends?

22 | A. Right.

23 | Q. Do you recall if you were in fact working on that Saturday?

24 | A. I can't recall.

25 | Q. Do you know if you were called - if anybody called you at home

NORMAN D. MacASKILL, by Mr. Orsborn

1 during the night to say that we've got the -- a serious  
2 assault?

3 A. No.

4 Q. You don't recall or nobody called you?

5 A. No. Nobody called.

6 Q. Nobody called you? You say you don't recall if you were  
7 working that Saturday or not?

8 A. I can't recall. Normally, I would be.

9 Q. Normally, you would be?

10 A. I would be in touch with the department, whether --

11 Q. I see. Now, if you were in touch with the department and  
12 were informed of a serious assault, would -- more likely  
13 than not, would you go to the Police Station?

14 A. Oh, yes.

15 Q. Do you recall receiving any briefing on the assault?

16 A. I don't recall.

17 Q. You don't recall? What do you recall about the -- either  
18 the actions that you took or the information that was  
19 given you after you found out about the assault?

20 A. I can't recall very much of what happened that -- what  
21 occurred that day, only that Seale had died the following  
22 morning or through the night.

23 Q. Yes, on the -- on the Saturday night Mr. Seale died. I'm  
24 thinking particularly of the first day you-- Would it be  
25 the sort of thing the Deputy Chief would get involved in,

NORMAN D. MacASKILL, by Mr. Orsborn

1           that -- that investigation?

2           A. It wasn't the practice at the time if the detectives were  
3           working on it. I just know that they were.

4           Q. Would it have been your practice to inquire as to what was  
5           going on with the investigation?

6           A. Oh, yes.

7           Q. Would it have been your practice to inquire as to what  
8           evidence, if anything, they had?

9           A. That would certainly be discussed with the detectives.

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*JMK*

NORMAN D. MacASKILL, by Mr. Orsborn

- 1 Q. Now would that be discussed on a full basis such as they would  
2 be reporting or simply be chatter around the station?
- 3 A. It would be in a more or less informal manner, in an informal  
4 manner.
- 5 Q. In an informal manner?
- 6 A. Yes.
- 7 Q. I see, and do you recall being given any information about  
8 evidence or lack of evidence?
- 9 A. I don't recall what the information was that morning now.
- 10 Q. I see. Those notes that you're referring to, sir, were they  
11 notes that you made up at the time?
- 12 A. No. No, those are just dates that I --
- 13 Q. You've written down in an anticipation of testifying.
- 14 A. -- have written down in the last day or two.
- 15 Q. Do you have any notes left from your time on the force in '71
- 16 A. Yes, I believe there's some around somewhere.
- 17 Q. Have you -- have you looked at your notes, sir, to see if  
18 there's anything pertaining to this event in your notes?
- 19 A. No, I didn't.
- 20 Q. Would it be likely as Deputy Chief that you would keep notes  
21 on a matter such as this?
- 22 A. I'm not sure of that. There could have been. If there was,  
23 they would be left at the station.
- 24 Q. I'm sorry?
- 25 A. If there was, they would be left at the station.

NORMAN D. MacASKILL, by Mr. Orsborn

1 Q. At the station. It's not in a personal notebook itself?

2 A. No.

3 Q. I see. Do you recall whether or not the Chief of Police  
4 would have come to the station on that Saturday to inquire  
5 as to what was happening with the investigation?

6 A. I can't recall whether he was there or not.

7 Q. Did you know who was in charge of the investigation?

8 A. Sergeant MacIntyre.

9 Q. Was that because he was senior man?

10 A. He was -- I believe he was -- I think he might have been Sergeant  
11 of Detectives at that time.

12 Q. Yes. So was he in charge of the investigation because he was  
13 Sergeant of Detectives?

14 A. Yes.

15 Q. I see. Do you know if you as Deputy Chief or the Chief of  
16 Police issued any instructions to the Detectives as to what  
17 they should do or not do in the course of their investigation?

18 A. I can't recall if that was done at that time or not.

19 Q. Would it have been unusual for you to do that?

20 A. It wouldn't be unusual.

21 Q. You say it wouldn't be?

22 A. It wouldn't be unusual.

23 Q. What type of instructions would it be usual for you to give?

24 A. It would depend on the circumstances. It would depend on  
25 the circumstances.

NORMAN D. MacASKILL, by Mr. Orsborn

- 1 Q. Such as what?
- 2 A. Well, it depends on the circumstances at the time, depending  
3 upon what information I receive from them.
- 4 Q. Would you -- would you instruct them to follow up certain  
5 leads?
- 6 A. If I thought there was anything they weren't following up,  
7 yes, that would be suggested to them.
- 8 Q. I see. So would that mean then that you would have a fairly  
9 good knowledge of the evidence that was being accumulated  
10 and of the statements that were being taken?
- 11 A. Not always. If they were taking statements, they might be  
12 out taking statements the most of the day from different  
13 people and I might not have an opportunity of speaking  
14 to them to know just exactly what information they had.
- 15 Q. When statements were taken, would you read those statements?
- 16 A. No, I didn't read any of those statements.
- 17 Q. I'm sorry.
- 18 A. I didn't read any of those statements.
- 19 Q. Did you read the occurrence reports and the crime reports in  
20 the police station?
- 21 A. Oh, yes.
- 22 Q. In the absence of reading the statements, how could you be  
23 aware of the evidence that was being accumulated?
- 24 A. From conversation with the men.
- 25 Q. With the Detectives.

NORMAN D. MacASKILL, by Mr. Orsborn

1 | A. With the Detectives.

2 | Q. They would -- you'd ask them what they've gotten and they'd  
3 | tell you?

4 | A. Yes.

5 | Q. I see. When did you first become aware that they had a  
6 | suspect in the case?

7 | A. Pardon?

8 | Q. When did you first become aware that they had a suspect?

9 | A. I'm not sure just what day that occurred.

10 | Q. Do you know if it was suggested to you as soon as you got to  
11 | the police station on the Saturday morning?

12 | A. I can't recall that at all.

13 | Q. Do you recall when you first heard Donald Marshall's name in  
14 | connection with the assault?

15 | A. I can't recall when his name was mentioned.

16 | Q. Did you know Mr. Marshall?

17 | A. No.

18 | Q. Did you know of him?

19 | A. Up to that time, no.

20 | Q. Did you know or know of Sandy Seale?

21 | A. Pardon?

22 | Q. Did you know or know of Sandy Seale?

23 | A. I didn't know Sandy Seale. I knew his father quite well.

24 | Q. You knew his father quite well.

25 | A. I didn't know Sandy Seale, no.

NORMAN D. MacASKILL, by Mr. Orsborn

1 Q. Do you have any recollection of possible racial tensions  
2 arising out of the assault? I'm thinking particularly of  
3 potential problems between Blacks and Indians.

4 A. There was some talk about them around some of the dances  
5 and around the park. There was some talk about them and  
6 trouble among them.

7 Q. Was this following the incident?

8 A. Pardon?

9 Q. Was this following the stabbing?

10 A. Previous to that there was --

11 Q. Previous to the stabbing.

12 A. There was some talk about it among the men when they'd change  
13 of -- the changing of the shifts at the police station. I  
14 can't recall clearly just what they --

15 Q. How long before the stabbing would that have been?

16 A. Oh, you -- I can't --

17 Q. And do you recall what kind of trouble he was talking about?

18 A. Nothing particular. There was --

19 Q. Would it be unusual if there were fights or troubles at the  
20 dances?

21 A. It wouldn't be unusual, no.

22 Q. It wouldn't be unusual?

23 A. No.

24 Q. And do you know whether or not these fights were usually along  
25 racial lines?



NORMAN D. MacASKILL, BY Mr. Orsborn

1 A. Oh, I haven't heard anything about that.

2 Q. You haven't heard anything about that?

3 A. No. Not at that time.

4 Q. I see. Do you have any knowledge of possible tension between  
5 Blacks and Indians following the stabbing and as a result of  
6 the stabbing?

7 A. There was some concern immediately afterwards. There were  
8 rumors that the Black people might cause some trouble at the  
9 Indian reservation.

10 Q. Was this concern expressed to you?

11 A. It was talked about. I don't know if it was expressed to me  
12 in particular but it was talked about in the station, yes.

13 Q. Do you know what generated the concerns? Did some Black person  
14 say to somebody in the police department, "Look, there's going  
15 to be trouble here."?

16 A. I don't know just where it came from. I've discussed this  
17 case and I don't know if I'm -- where it originated, whether  
18 it was -- whether it was the feeling of the men or whether  
19 it was actually talked about outside.

20 Q. You don't know. You're saying that it could have either come  
21 from outside or it could have been an opinion held by some of  
22 the policemen.

23 A. Could have been.

24 Q. What if anything was done about that concern?

25 A. I believe there was -- the area was placed under surveillance

NORMAN D. MacASKILL, by Mr. Orsborn

- 1           there for some nights anyhow, some nights afterwards.
- 2   Q.   What area?
- 3   A.   Extra patrols.
- 4   Q.   What area?
- 5   A.   Around the Indian Reservation.
- 6   Q.   Around the Reservation. I see. And did anything happen?
- 7   A.   No, not that I know of.
- 8   Q.   Other than concern, had you had any occasion during your
- 9           time on the force to be -- to have a concern about possible
- 10           clashes between Blacks and Indians?
- 11  A.   No.
- 12  Q.   That was the first time?
- 13  A.   Yes.
- 14  Q.   Did you have any contact with any municipal politicians
- 15           concerning the investigation and exhorting you to get it
- 16           solved?
- 17  A.   Not that I can recollect.
- 18  Q.   To your knowledge, was there any pressure put on the Sydney
- 19           Department by municipal politicians to get the matter solved?
- 20  A.   I don't recall hearing anything of that nature.
- 21  Q.   Okay. Internally within the police force in that the last
- 22           murder in the town (As I understand it would be the last
- 23           murder.) had gone unsolved, internally was there any additional
- 24           pressure to get this one solved so that we don't have another
- 25           unsolved murder on the books?

NORMAN D. MacASKILL, by Mr. Orsborn

1 A. I don't believe so.

2 Q. On the night of the stabbing itself, it's our understanding  
3 based on the evidence we've heard so far that Sergeant  
4 MacIntyre did not come out that evening although he was  
5 requested to do so at one o'clock in the morning and that  
6 there was some dicussions with the Chief of Police concerning  
7 that. At the time did you have any knowledge of the fact that  
8 Sergeant MacIntyre was asked to come out and did not?

9 A. No, I didn't. The first I heard about that was from Sergeant  
10 MacIntyre himself some time later.

11 Q. When would that have been, sir?

12 A. That was some time after one of the hearings that took place.  
13 Sergeant MacIntyre at that time told me that Detective M. R.  
14 MacDonald had made a statement that he was called, asked to  
15 come out and that he refused to come out.

16 Q. Yes, there's been a lot of hearings in this -- in this matter,  
17 sir. Do you know if this is within the last four or five  
18 years?

19 A. I believe that it was after -- it was after the hearing in  
20 Halifax, I believe.

21 Q. That would have been 1982 - 1983?

22 A. It was some time -- some time after. I'm not sure of the date.

23 Q. And did Sergeant MacIntyre indicate to you that he was in  
24 fact asked to come out?

25 A. I believe that he indicated that -- at that time it was a

NORMAN D. MacASKILL, by Mr. Orsborn

1           stabbing that he thought that Detective M. R. could have  
2           handled it at that time.

3    A.   I see.  I don't want to put words in your mouth but am I  
4           understanding you to say that at least insofar as what  
5           Detective MacIntyre told you that he did not come out because  
6           at that time he didn't consider the matter serious enough?

7    A.   Did not consider?

8    Q.   It serious enough.

9    MR. MURRAY:

10   Well, with respect, My Lords, I think that takes it a little farther  
11   than what the evidence before the Commission is so far.

12   MR. CHAIRMAN:

13   The evidence or the response that I heard (I'm having difficulty  
14   hearing some of it.) was that Sergeant Detective MacIntyre while  
15   being called and told there was a stabbing thought that M. R.,  
16   presuming Detective M. R. MacDonald, could handle it.  And even  
17   there, the witness was saying that it -- that's what he thought.

18   MR. ORSBORN:

19   Yes, I appreciate that.

20   BY MR. ORSBORN:

21   Q.   But did Detective MacIntyre say to you, "It's only a stabbing.  
22           I thought M. R. could handle it."?

23   A.   Well, I don't think he said that just in that tone, that it's  
24           only a stabbing but he said that he thought that Detective  
25           M. R. MacDonald could handle it at that stage.

NORMAN D. MacASKILL, by Mr. Orsborn

1 | Q. Okay.

2 | BY MR. CHAIRMAN:

3 | Q. Yes. M. R. -- Detective M. R. MacDonald was on duty that  
4 | night, was he not?

5 | A. I believe he was, sir.

6 | BY MR. ORSBORN:

7 | Q. I think the evidence indicated, sir, that Detective MacDonald  
8 | had been on duty from four to twelve and had gone home and  
9 | was in fact on call --

10 | A. That's right, yes.

11 | Q. -- following that time. Now, sir, you were a Detective for  
12 | some twenty years. You were involved in some murder  
13 | investigations. I'd like to take advantage of your experience  
14 | and pick your brains for a moment. I'd like you to assume  
15 | that you are back into your shoes as a Detective and you've  
16 | received a call late at night about a serious stabbing, a  
17 | serious assault in Wentworth Park and that there is a man  
18 | seriously injured who's on his way to the hospital. When  
19 | you get that call as a Detective, are there any instructions  
20 | of any kind that you would issue over the telephone?

21 | A. If -- if the phone call was received immediately after, one  
22 | of the first things I would be concerned with would be that  
23 | if the person was able to speak at all that an effort should  
24 | be made to try and get a statement from him --

25 | Q. Yes, would you --

A. -- and secure the area.

NORMAN D. MacASKILL, by Mr. Orsborn

- 1 Q. Secure the area. When you speak of securing an area like a  
2 street and a portion of a park at twelve o'clock at night,  
3 what do you do to secure the area?
- 4 A. Well, it's very difficult to try and have someone there until  
5 the area could be searched to see that nothing is removed from  
6 the area.
- 7 Q. Would you put a rope around it or anything around it?
- 8 A. It would be very difficult at that time of night to rope off  
9 an area like that without proper lighting or something.
- 10 Q. Would you issue any instructions to your constables or other  
11 men on the force?
- 12 A. Other than to try and secure the area and see that those --  
13 search around the area, to see if they can find anything.
- 14 Q. Would you -- In terms of securing the area, would you for  
15 example say to one or more of the constables, "Stay on the  
16 scene. Don't move."?
- 17 A. Yeh.
- 18 Q. Would that be standard practice? Would that be good practice?
- 19 A. It would be good practice. It's pretty hard to secure an  
20 area like that where people are coming from all directions.
- 21 Q. I appreciate that. That's why I was trying to understand how  
22 you would in fact do it.
- 23 A. Very difficult to.
- 24 Q. It may be difficult but how would you do it?
- 25 A. The only one way that it could be done I suppose is to have

NORMAN D. MacASKILL, by Mr. Orsborn

1 |           enough men there and rope it off and see that they don't  
2 |           get inside of the roped off area.

3 | Q.   Okay, and is securing the scene important enough for you  
4 |           to get that done at twelve o'clock at night?

5 | A.   It wouldn't be easy.

6 | Q.   I'm sorry.

7 | A.   It wouldn't be very easy to rope it off at that time of night.

8 | Q.   I appreciate it might be difficult. I'm trying to understand  
9 |           whether that securing the area is of such importance that you  
10 |          would -- you would take all these difficult steps in the  
11 |          middle of the night.

12 | A.   I find it hard to -- it's difficult to understand you, sir.

13 | Q.   I'm sorry. Even though it's difficult, requires man power,  
14 |          it's in the middle of the night, it's a park area, would you  
15 |          still try and do it?

16 | A.   Well, you can still have men watch the area if you couldn't  
17 |          rope it off.

18 | Q.   You'd have men watch the area.

19 | A.   Yeh.

20 | Q.   I see. Would you -- if you got this call, would you think  
21 |          about getting Ident services?

22 | A.   I didn't get that.

23 | Q.   Would you think about getting Ident services?

24 | A.   At that time not unless there was -- not unless there was  
25 |          some danger that the scene would change.

NORMAN D. MacASKILL, by Mr. Orsborn

- 1 Q. I see. So --
- 2 A. If there was nothing there that was likely to change over  
3 overnight --
- 4 Q. So if the scene was secured, you could wait for Ident.
- 5 A. Yeh, I wouldn't see a reason for calling out someone to start  
6 taking measurements before the brass --
- 7 Q. If you assume that you have another person involved in the  
8 assault who has been slightly wounded and this person gives  
9 you a description of -- of two other men -- you're given  
10 this description as a Detective, what would you do with that?
- 11 A. I'd certainly pass that information around to the rest of the  
12 Department and search the area and see if a man of that  
13 description could be found any place.
- 14 Q. We're still at one o'clock in the morning. When you say  
15 pass the information around to the other men in the Department,  
16 how would you do that?
- 17 A. In a -- it would have to be by phone or by word of mouth,  
18 reported to the cars and to the men on the beat.
- 19 Q. Okay, and you say search the area, would you have men pulled  
20 off their beat to search the area?
- 21 A. It depends on how many men were available.
- 22 Q. Okay, would you -- would you get them out of bed, bring them  
23 on duty?
- 24 A. I don't know. You're asking me now what I would have done  
25 some sixteen years --



1 Q. Yes, as I say, I'm going to pick your brain.

2 A. -- ago.

3 Q. No, not sixteen years ago but I'm posing a situation to you  
4 and trying to understand how a man with twenty years  
5 experience would react.

6 A. That would be I suppose the proper thing to do.

7 Q. You're dealing with a murder. Would you consider a autopsy?

8 A. Oh, yes.

9 Q. Would you automatically get an autopsy in the case of a murder?

10 A. It'd depend on the -- It'd depend on the injuries, whether in  
11 one case where a person's -- In one case where a person's  
12 head was blown away, you wouldn't -- I wouldn't -- I don't  
13 think I'd call for an autopsy.

14 Q. I see. As an investigator, what information do you hope to  
15 get from an autopsy?

16 A. The cause of death.

17 Q. Yes, anything else?

18 A. I think that's -- I don't know if the autopsy would reveal any-  
19 thing else.

20 Q. Is it possible that it could reveal anything about the  
21 circumstances surrounding the death?

22 A. I don't know if that's up to the -- the autopsy any more  
23 than to ascertain the cause of death.

24 Q. Would you be interested if there were any bruises, if there  
25 were any evidence of alcohol, drugs, any scrapings under the

NORMAN D. MacASKILL, by Mr. Orsborn

1 fingernails, any evidence of a fight?

2 A. Oh, yeh. Oh, sure. Sure.

3 Q. But that kind of stuff could be around even if the guy had  
4 his head blown off and in the absence of an autopsy, how  
5 would you ascertain that?

6 A. Well in a case like that, that would be -- that would be up  
7 to the person doing the autopsy or the examining the --  
8 the examining doctor who --

9 Q. I appreciate that but the -- the initiative for the autopsy  
10 would perhaps come from the police?

11 A. In --not always. The doctor appointed by the Province or  
12 examining the cause of death. If he was called to the scene,  
13 he would -- if he wasn't satisfied with the cause of death,  
14 he would asked for an autopsy.

15 Q. Who would call him to the scene?

16 A. By the police.

17 Q. By the police.

18 A. Normally.

19 Q. In the Seto case, do you recall if there was an autopsy in that  
20 case?

21 A. Oh, yes.

22 Q. There was?

23 A. Yes.

24 Q. Okay, and was that performed at your request?

25 A. I don't know whose request it was performed on.

NORMAN D. MacASKILL, by Mr. Orsborn

1 Q. Was there any question about the cause of death in that case?

2 A. Outwardly I don't think there was any -- any questions due  
3 to the injuries, the noticeable injuries to the body.

4 Q. I see. During the course of the investigation in the Seale  
5 stabbing, did you make inquiries in the following days as  
6 to what was happening with the investigation?

7 A. I would think so.

8 Q. Do you recall making any inquiries?

9 A. I don't recall.

10 Q. Do you recall whether or not the Detectives involved asked  
11 for your assistance or your advise at any time?

12 A. I can't recall.

13 Q. You can't recall. While you were a Detective, sir, up until  
14 1966, did you have occasion to take any statements from witnesses  
15 who were juveniles?

16 A. Take statements from juveniles?

17 Q. Yes.

18 A. Yes, many times.

19 Q. And did you follow any particular practice in taking statements  
20 from juveniles with respect to having a member of their family  
21 present with them?

22 A. No.

23 Q. Would you take statements from them by themselves?

24 A. Up until -- up until -- I'm not quite sure what was the  
25 date but there was a directive issued by the courts (I believe

NORMAN D. MacASKILL, by Mr. Orsborn

1 it was by the Juvenile Court.) that no child of a certain  
2 age would be interviewed without the parent or juvenile  
3 officer present but that didn't come -- that wasn't in  
4 force until some years later. I just can't remember now  
5 when that --

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JMR

NORMAN D. MacASKILL, by Mr. Orsborn

1 | Q. Some years later than what?

2 | A. When that Act came --

3 | Q. Was it while you were a Detective?

4 | A. I think it was after I left.

5 | Q. After you left?

6 | A. Yes.

7 | Q. So do I understand that while you were Detective that you  
8 | didn't follow any particular practice of having a parent  
9 | present when there was a statement being taken from a  
10 | juvenile?

11 | A. No.

12 | Q. So would you, for example, taken a statement from somebody  
13 | fourteen without their parents present?

14 | A. Oh, yes.

15 | Q. I see. Up until the time that Mr. Marshall went to trial  
16 | and was convicted, do you have any recollection at all  
17 | or any personal involvement of you in the -- in the  
18 | investigation or discussions with the Detectives or the  
19 | Prosecutor concerning the investigation. Do you have any  
20 | recollection now of that -- that investigation?

21 | A. I can't hear you clearly, sir.

22 | Q. I'm sorry. Up until the -- up until the date of the  
23 | trial, you know, from May up until November, do you have  
24 | any recollection of having been involved in any way in that  
25 | -- in that investigation?

NORMAN D. MacASKILL, by Mr. Orsborn

- 1 A. No.
- 2 Q. Now in November of 1971, following the trial we know that a  
3 Mr. Jimmy MacNeil came forward and said he was an eyewitness  
4 and you had the wrong man. Did you know Jimmy MacNeil?
- 5 A. No.
- 6 Q. No, never heard of him?
- 7 A. No, I've heard of him but I don't know him.
- 8 Q. I'm sorry.
- 9 A. I've heard of him but I don't know him.
- 10 Q. Had you heard of him in 1971?
- 11 A. I don't -- I heard about him then.
- 12 Q. What did you know of him in 1971?
- 13 A. '71 -- well, the first I heard of him was when he, I understand,  
14 it came to the station with the claim that he was with Ebsary  
15 when the stabbing took place.
- 16 Q. Yes, do you recall who you heard that from?
- 17 A. Pardon.
- 18 Q. Do you know who you heard that from?
- 19 A. I can't recall who I heard it from first.
- 20 Q. Do you remember if you looked at any statement that he gave?
- 21 A. No.
- 22 Q. You didn't look at it?
- 23 A. No.
- 24 Q. Wouldn't you be interested in that?
- 25 A. Yes, I was interested in it but knowing that it was --

NORMAN D. MacASKILL, by Mr. Orsborn

1 feeling that it has been looked after; it was brought to  
2 the attention of the Crown Prosecutor.

3 Q. I see, did you know Mr. Ebsary before -- before his name  
4 came up in this, did you know Mr. Ebsary and know of him?

5 A. No, I recall seeing him once at the shopping center sometime  
6 before that.

7 Q. Seeing him at the shopping center?

8 A. Yes.

9 Q. But he wasn't known to you as a character around Sydney?

10 A. No.

11 Q. And were you aware that he had been interviewed by the police  
12 after Mr. MacNeil came forward?

13 A. Yes.

14 Q. Did you look at any statement that he gave?

15 A. No.

16 Q. Did you discuss this development with anybody else in the  
17 Force like what should we do about it? How are we going to  
18 handle it?

19 A. Well, it was turned over as I understand it -- it's turned  
20 over -- the information was turned over to the Crown  
21 Prosecutor.

22 Q. Yes, and did you play any part in that decision to turn it  
23 over to the Crown Prosecutor?

24 A. No, I understood that that was done.

25 Q. Do you know whose decision that would have been to turn it

NORMAN D. MacASKILL, by Mr. Orsborn

1 over to the Crown Prosecutor?

2 A. I understand it was Sergeant MacIntyre's.

3 Q. This would be, I would think, a rather unusual development.

4 You've got a man charged and tried and convicted and gone off

5 to gaol and here ten days later you got another witness

6 coming forth saying you got a wrong -- you got the wrong man.

7 I'm having a little difficulty understanding why something

8 like that would not get the -- say the Deputy Chief and the

9 Chief of Police involved in it. Do you know if the Chief

10 was involved in these -- in this process here to get the

11 Prosecutor in?

12 A. Well, it would be up to the -- up to the Crown Prosecutor

13 to take -- it's my feeling, take whatever action should be

14 taken at that time. This information was given to him. He

15 was the --

16 Q. Right.

17 A. -- it's up to him to take it from there.

18 Q. Did you have any discussions with the Crown Prosecutor?

19 A. No.

20 Q. Do you know if the Chief of Police had any discussions with

21 the Crown Prosecutor?

22 A. I don't know.

23 Q. We know that the R. C. M. P. was called in to have a second

24 look at the matter. Do you know who made the decision to

25 request the R. C. M. P. to come in?



NORMAN D. MacASKILL, by Mr. Orsborn

1 A. I don't know.

2 Q. Was it your decision?

3 A. Pardon.

4 Q. Was it your decision?

5 A. No.

6 Q. Were you asked for your advice?

7 A. No.

8 Q. Were you present at any -- any meetings of the Police Force  
9 when that was discussed?

10 A. No.

11 Q. Had the R. C. M. P. ever been asked in your time on the Force  
12 to come and take a second look at a case, after a guy had  
13 gone to gaol?

14 A. I can't recall that happening.

15 Q. It wouldn't be a usual occurrence, I take?

16 A. It would depend on, you know, that in one case -- in the case  
17 of murder turned out to manslaughter, the Mounted Police were  
18 asked to -- asked by the Chief of Police to investigate.

19 Q. Was this during your time?

20 A. Yes.

21 Q. Can you tell us a little more about that?

22 A. It was -- it was in the case that the accused or the person  
23 later convicted was very close to the Department.

24 Q. I see, and the R. C. M. P. was asked to take it at the  
25 beginning?

NORMAN D. MacASKILL, by Mr. Orsborn

- 1 A. Yes.
- 2 Q. Because of a possible conflict?
- 3 A. Yes.
- 4 Q. I see. Would the R. C. M. P. review in 1971 -- did you know  
5 they were going to do that before they actually came into the  
6 police station and started work?
- 7 A. In 1971 --
- 8 Q. Did you know the R. C. M. P. were coming before they showed  
9 up?
- 10 A. No.
- 11 Q. No. Did you see any of the R. C. M. P. officers who were  
12 working on this?
- 13 A. I may have seen them coming or going at the police station but  
14 I wasn't talking to any of them.
- 15 Q. You weren't talking -- did you know Inspector Marshall, Al  
16 Marshall?
- 17 A. I may have known him some time previous to that but I wasn't  
18 talking to him at the time.
- 19 Q. Did you make any inquiries as to how their investigation was  
20 going?
- 21 A. I can't recall.
- 22 Q. Did you become aware of the results of the investigation?
- 23 A. Yes.
- 24 Q. How did you become aware of the results?
- 25 A. I believe through Sergeant MacIntyre.

NORMAN D. MacASKILL, by Mr. Orsborn

1 | Q. Did you see any report that was made out by the R. C. M. P.  
2 | officers?

3 | A. No.

4 | Q. What did Sergeant MacIntyre tell you the results were?

5 | A. My -- my recollection was that -- that MacNeil was not  
6 | satisfactory and that it appeared that Ebsary was correct  
7 | or close to it.

8 | Q. And do I understand that at no time during this number of  
9 | days here, that you yourself review any of the statements  
10 | that were taken?

11 | A. No.

12 | Q. Now this matter has been going on for a number of years.  
13 | Over the years have you kept up to date on the various  
14 | proceedings that have taken place?

15 | A. Off and on.

16 | Q. Off and on. Have you read Mr. Harris's book Justice Denied?

17 | A. Yes.

18 | Q. Have you followed testimony before this Commission?

19 | A. Pardon.

20 | Q. Have you followed the testimony coming before this Commission?

21 | A. Have I --

22 | Q. Have you followed the testimony that this Commission has  
23 | heard? Do you know the evidence that's been heard?

24 | A. Some of it.

25 | Q. I see. From your knowledge of what's been written and what's

NORMAN D. MacASKILL, by Mr. Orsborn

1 |       been said and based on your own years experience as an  
2 |       investigator, are you able to make any comment to the  
3 |       Commission as to whether or not in your opinion there were  
4 |       any deficiencies or problems in the manner in which the  
5 |       investigation was carried out?

6 | MR. MURRAY:

7 |       But with respect, My Lord, there -- if there is something specific  
8 |       he wants to put to the witness, I can see that. But the general  
9 |       words used by -- by Commission Counsel at that point, I think  
10 |       just leaves it wide open and we don't know what the witness  
11 |       thinks may have been said that he's now been referred to and  
12 |       asked to comment upon.

13 | THE CHAIRMAN:

14 |       The witness has indicated that he has some knowledge of what has  
15 |       transpired. He's been listening to the multitude of hearings  
16 |       and based on his professional experience, I see nothing wrong  
17 |       with asking for his professional opinion. And then leave it  
18 |       to us to assess it.

19 | BY MR. ORSBORN;

20 | Q. Did you understand the question, sir?

21 | A. (No response.)

22 | Q. I was asking for your professional opinion based on what you  
23 |       have learned about the case from following it over the years  
24 |       whether or not you have any comments you can make to the  
25 |       Commission on what your opinion is of the investigation

NORMAN D. MacASKILL, by Mr. Orsborn

1 | carried out by the police, whether you feel it was good or  
2 | bad. If it was good, fine. If it was bad, why?

3 | A. Well, sometimes you were getting -- you're getting different  
4 | views from different people and it's very difficult to try  
5 | and -- for me to pass judgement on comments that are views  
6 | of different people in the case.

7 | Q. I'm not really asking you to pass judgement, sir. I'm  
8 | simply asking you to comment as a police officer and a senior  
9 | police officer with a number of years of experience?

10 | A. Some of what we heard -- some of it is sworn testimony. The  
11 | book is a writer's view of what happened.

12 | Q. I appreciate that but still assuming that the sworn testimony  
13 | that you've heard is accurate and the Commission will have  
14 | to make that -- that determination, so do you have any  
15 | opinion on any of the -- any of the investigation that you  
16 | could express to this Commission? Is there anything that  
17 | struck your mind as you looked at this case over the years  
18 | and say this was good or this was not good and this should  
19 | have been changed and perhaps this should have been done  
20 | differently. This was good practice. This was bad practice?

21 | A. It's very difficult for me to say that. I've heard by radio  
22 | and tv sometimes one side of the story whether it had been  
23 | contradicted or without getting the other side of it. To try  
24 | and form an opinion.

25 | Q. I'm sorry.

NORMAN D. MacASKILL, by Mr. Orsborn

1 A. It's very difficult for me to try and form an opinion. I guess  
2 that's why this Commission is here to --

3 Q. That may be the reason but --

4 A. You're asking me --

5 Q. -- the Commission has to work through the witnesses and it  
6 would be our hope that somebody with your experience --

7 A. When you're asking -- when you're asking for an opinion --

8 Q. That's all it is. Do you have any opinion?

9 A. It's a --

10 Q. Have you in fact formed any opinions on the -- on the  
11 investigation?

12 A. I supposed I could say that I haven't.

13 Q. You haven't. If you haven't formed them then you can't  
14 express them. Okay.

15 COMMISSIONER EVANS:

16 Looking back now, I suppose, in hindsight, where things done that  
17 should not have been done and was there a failure to do certain  
18 things. Is this what your asking?

19 MR. ORSBORN:

20 Yes.

21 BY MR. ORSBORN:

22 Q. Were there things done that should not have been done or  
23 things not done that should have been done looking back on it?

24 A. To go back and go over the whole thing from the start and  
25 try to pick out things that were done that shouldn't have been

NORMAN D. MacASKILL, by Mr. Orsborn

1 done or things that were not done -- I don't think that I  
2 could start picking out things that should have been or  
3 shouldn't have been done.

4 THE CHAIRMAN:

5 You should move on to another area.

6 MR. ORSBORN:

7 Yes.

8 BY MR. ORSBORN:

9 Q. Just in conclusion, sir, let me touch on an area with you.  
10 And I'm looking at the time in which you were Deputy Chief  
11 from '66 through to '73. To your knowledge did the Sydney  
12 Police Department have during that time any type of  
13 community relations program and by community relations  
14 program I'm thinking of a program by which the police would  
15 have mounted a positive attempt to make the community aware  
16 of what the function and the role of the police officer was,  
17 to help the community understand that the police force was  
18 a part of the community, and to create a positive image for  
19 the police force. Was there any such program in your  
20 tenure?

21 A. No.

22 Q. I see. If I were to ask you what community you were  
23 responsible for policing, what would say? What was your  
24 community?

25 A. Pardon.

NORMAN D. MacASKILL, by Mr. Orsborn

- 1 Q. What was the community you were responsible for policing?
- 2 A. The community.
- 3 Q. Yes.
- 4 A. The area.
- 5 Q. Yes.
- 6 A. Well, it was the City of Sydney.
- 7 Q. The City of Sydney. Did that include areas like Whitney Pier?
- 8 A. Pardon.
- 9 Q. Did that include areas like Whitney Pier?
- 10 A. Yes, yes.
- 11 Q. Would it include the area like the Membertou Reservation?
- 12 A. Yes, it was in the City limits.
- 13 Q. Okay, did you have any particular responsibilities as Deputy
- 14 Chief for the policing on the Reservation?
- 15 A. Not directly as Deputy Chief. It was under the same as any
- 16 other area of the City. It was the responsibility of the
- 17 City Police to --
- 18 Q. Were there any special constables on the Reservation during
- 19 your tenure as Deputy Chief?
- 20 A. Not -- not while I was Deputy Chief. Prior to that there
- 21 was a -- in years back there was always a constable on
- 22 the Reservation.
- 23 Q. Yes.
- 24 A. And then after he passed on, for some years we didn't have a
- 25 constable there and then when, I think, around the early



NORMAN D. MacASKILL, by Mr. Orsborn

1 '60's, they appointed a man from the area as constable and  
2 he was there for some time; but apparently this didn't prove  
3 satisfactory and they went back to the City Police looking  
4 after the area.

5 Q. When you say "didn't prove satisfactory", what was the basis for  
6 that conclusion?

7 A. I'm not quite sure of that. Whether he was inactive and didn't  
8 look after his work or just what it was but it changed the  
9 -- of course, even at that time the City Police were still  
10 responsible; but he was appointed as special constable in  
11 that area.

12 Q. So I understand that during your time as Deputy Chief or  
13 at least for the bulk of that time, it was handled directly  
14 by the Sydney Police without the assistance of a constable.  
15 Is that what you told us?

16 A. I suppose with his assistance when he was there.

17 Q. I see. Now would it be fair to say that over the -- over your  
18 years as a -- as a police officer you've arrested and charged  
19 a fair number of people?

20 A. Yes, yes.

21 Q. Fair number of Whites?

22 A. Yes.

23 Q. Blacks?

24 A. Right.

25 Q. Indians?

NORMAN D. MacASKILL, by Mr. Orsborn

1 A. Yes.

2 Q. Okay. I'm just interested from again your perspective and  
3 your observations as a -- as a police officer. Was there  
4 any particular kind of trouble that one group, Whites, Blacks,  
5 Indians, would get into more than -- more than another group.

6 A. No, I don't think so.

7 Q. Okay. From your experience was any group harder to handle than  
8 another group when it came into contact with the police?

9 A. No.

10 Q. Within the groups, did they react any differently to the  
11 police, did they -- were they noisy, would they get quite,  
12 any differences that stand out among the groups based on  
13 your experience?

14 A. I don't believe.

15 Q. Your - your experience is that as a group, Whites, Blacks,  
16 Indians, would react the same way to police, to authority?

17 A. Same way as a Scotchman or Newfoundlanders or what have you.

18 COMMISSIONER EVANS:

19 What did he say?

20 THE CHAIRMAN:

21 He said they would react the same way as Scotchmen and Newfoundlanders  
22 which means they acted very properly, indeed.

23 BY MR. ORSBORN:

24 Q. Do you know whether or not in your experience there were  
25 any difference between the -- say those three groups in

NORMAN D. MacASKILL, by Mr. Orsborn, by Ms. Edwardh

1 effect making complaints about treatment by police? Would  
2 you get complaints from one group more than other?

3 A. No, I don't think so. Different areas of the City at  
4 different times would get bits of trouble but not for  
5 any continuous length of time.

6 Q. I see. That's all my questions, sir, thank you.

7 COMMISSIONER EVANS:

8 Q. I would just like to clear up one point and it's probably  
9 my fault. I understood the witness to say that in the  
10 Seto case there was an autopsy performed and I wasn't sure  
11 whether he thought that there was an autopsy performed in  
12 the Seale case. Do you know whether or not there was an  
13 autopsy in the Seale case -- an autopsy performed on Mr.  
14 Seale?

15 A. I don't know, sir.

16 Q. The evidence is that there was not an autopsy performed.

17 A. Well, I don't know.

18 THE CHAIRMAN:

19 Ms. Edwardh.

20 BY MS. EDWARDH:

21 Q. Mr. MacAskill, my friend asked you the question of whether  
22 you had any direct responsibility for the detectives or  
23 constables and you answered "no". Did you have a general  
24 supervisory responsibility for the detectives?

25 A. In general yes, but not in particular.

NORMAN D. MacASKILL, by Ms. Edwardh

1 Q. So I take it that with respect to an investigation that they  
2 would conduct, like the Seale investigation, they would not  
3 report to you on a daily or even a weekly basis as to what  
4 would happen in a formal way?

5 A. Not in a formal way.

6 Q. So at it's highest, you might just be throwing out as an  
7 idea about what they might try or what they might pursue but  
8 it wasn't your job to make sure that they were doing certain  
9 things in a particular investigation, is that correct?

10 A. Well, it was certainly my job if anything came to my attention  
11 that I didn't think was done correctly or there was any  
12 neglect or something like that, it was certainly up to me  
13 to call it to their attention or to the attention of the  
14 Chief.

15 Q. But if it came to your attention, it would come to your  
16 attention through informal chit chats or some talk with  
17 the detectives, not in terms of a formal report to you  
18 about what was going on?

19 A. That's correct.

20 Q. So you didn't make sure on a day to day basis that they were  
21 doing things that met with your standards or your procedures,  
22 correct?

23 A. Yes, as I said unless it came to my attention that there was  
24 something neglected.

25 Q. Now with respect to this particular investigation just so we

NORMAN D. MacASKILL, by Ms. Edwardh

1 understand your evidence, sir, you said you were not involved  
2 but I take it you received some information?

3 A. Oh, yes.

4 Q. Would it be fair to say that your recollection today is  
5 that at no time did you give any direction or exercise a  
6 supervisory role in respect to this investigation? Is that  
7 your evidence, sir?

8 A. I can't recall now any -- I can't recall daily conversations  
9 that might have taken place at that time between the detectives  
10 and myself.

11 Q. But to the best -- I'm sorry, I don't want to cut you off  
12 but is it true to say that to the best of your recollection  
13 you don't recall giving any directions in this case such as,  
14 get -- do this post-mortem or don't do it or interview --

15 A. I don't --

16 Q. -- these witnesses or don't interview any of those kinds of  
17 directions?

18 A. No, I don't recall anything of that nature.

19 Q. Do you think, sir, if you had that kind of active role you  
20 would recall or is it just too difficult now that -- with the  
21 passage of time?

22 A. At this time I don't know if I was -- at this time I can't  
23 recall. That's all I can say.

24 Q. In terms of Sergeant MacIntyre's approach to a case and I  
25 take it you have worked with him for many years, was he the

NORMAN MacASKILL, by Ms. Edwardh

1 kind of officer who tended to take direct control himself?

2 Maybe I can phrase the question so it's a little simpler.

3 Was he a take charge-kind of officer?

4 A. I'm afraid I can't hear you.

5 Q. You can't understand the question. Was he the kind of  
6 police officer who would take the investigation and really  
7 conduct it mostly by himself or with the aid of one other  
8 officer instead of involving more individuals in the  
9 department?

10 A. I'd suppose he would -- mostly by himself.

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*over*

NORMAN D. MacASKILL, by Ms. Edwardh

1 Q. That was his style of work?

2 A. Yes.

3 Q. Thank you. Now, you said, sir, that you would have no  
4 difficulty or you didn't see any objection to taking  
5 a statement from a 14 year old. Do you recall saying  
6 that to Mr. Orsborn?

7 A. Yes.

8 Q. As a man who knows or has had dealings with children,  
9 would you also say that if you did that you would have been  
10 cautious? With a child?

11 A. I don't understand your question.

12 Q. Would you agree with me, sir, that when you take a statement  
13 from a child -- a 14 year old, that one has to treat a 14  
14 year old, to some extent, different than a full adult?

15 A. Oh, yes.

16 Q. Would -- And in --

17 A. Well, the 14 year old, now, -- I don't know. Some of them  
18 are much more stronger-minded than people a lot older.

19 Q. Yes, and some of them are weaker-minded?

20 A. Some of them are, maybe, more tender than their years imply.

21 Q. And some of them would be more susceptible to suggestions  
22 than others?

23 A. Well, that's true.

24 Q. Yes. And so as an officer you'd be pretty careful to make  
25 a judgement about the individual child you would be interviewing

NORMAN D. MacASKILL, by Ms. Edwardh

- 1 | even in 1966? You'd want to make sure that the  
2 | condition, for that interview, made it reliable. Is that  
3 | a fair statement?
- 4 | A. Sorry, I didn't understand your --
- 5 | Q. You would have wanted to take steps, in your own mind, to  
6 | make sure that the interview you got from a 14 year old  
7 | was reliable but truthful?
- 8 | A. I'm sorry --
- 9 | Q. I'm sorry. Let me try that question again. You've agreed, sir,  
10 | that children of the age of 14 have differing capacities.  
11 | Some of them can be strong and some less strong, correct?
- 12 | A. Well, at any age. I wouldn't set the limit at 14. Depending  
13 | on the makeup of the person.
- 14 | Q. But children have peculiar problems, correct?
- 15 | A. Some of them.
- 16 | Q. And if, as a police officer, you take a statement from a child  
17 | would you agree, sir, that is it -- it is important for you  
18 | to determine whether or not the circumstances around that  
19 | statement make it reliable so that you have assessed, for  
20 | instance, is this a child who is subject to suggestion?
- 21 | A. Oh, yes. You would have to be very careful with him. Not only  
22 | a child, sometimes a grown up person too. You have to be  
23 | very careful with them.
- 24 | Q. In fact, sir, would it be fair to say that whenever a detective  
25 | takes a statement one of the things that they learn not to do



NORMAN D. MacASKILL, by Ms. Edwardh

1 | is to ever make a suggestion of what the answer should be?

2 | A. Most definite.

3 | Q. Most definitely?

4 | A. Most definitely.

5 | Q. Now you stated, sir, that you had seen Mr. Ebsary at some time  
6 | prior to 1971. Am I correct about that you'd seen him in  
7 | a shopping centre?

8 | A. I believe it was sometime prior to that. It's just --

9 | Q. That's a remarkable --

10 | A. It's just a recollection of meeting him in the -- at the  
11 | entrance there at one time. The exact date of that I can't  
12 | be sure.

13 | Q. But you think it's before the stabbing of Mr. Seale?

14 | A. I believe so.

15 | Q. Can you describe for us what causes you to remember that? Was  
16 | there anything unusual about that meeting that allowed you  
17 | to retain it in your memory 17 years later or --

18 | A. Well, his dress.

19 | Q. And can you assist us and describe the dress that you observed  
20 | that makes you recall him?

21 | A. He had a --might be called a sailors cap. A soft top white  
22 | top cap with a peak on it. I think some grey's on it. And  
23 | a number of badges across the front of his jacket.

24 | Q. Do you recall whether he was wearing kind of a cape or coat  
25 | over his shoulders?

NORMAN D. MacASKILL, by Ms. Edwardh

- 1 A. No. I think it was just an ordinary coat or jacket. It  
2 wasn't --
- 3 Q. So it was the badges or the medals -- or were they badges?  
4 I'm sorry.
- 5 A. There was a number of medals across his left chest.
- 6 Q. And the hat, that brought him to your attention. Did you  
7 engage him in conversation?
- 8 A. No.
- 9 Q. And would it be fair to describe him at that time, when  
10 you saw him, as a man who was short?
- 11 A. Oh, yes.
- 12 Q. The stature?
- 13 A. Yes, sure.
- 14 Q. And grey hair?
- 15 A. I'm not sure now. It's -- I can recollect seeing him then.  
16 The color of his hair was what caught my eye. I just met him -  
17 I was coming out and he was going in with somebody else and  
18 it was just the cap and the badges that caught my eye at the  
19 time.
- 20 Q. So you can't really say today whether you noticed whether he  
21 had grey hair?
- 22 A. I can't tell you right now.
- 23 Q. Would you agree with me, sir, that your observation of Mr.  
24 Ebsary was that he struck an odd appearance?
- 25 A. Yes.

NORMAN D. MacASKILL, by Mr. Murray

1 MS. EDWARDH:

2 Those are my questions. Thank you.

3 BY MR. MURRAY:

4 Q. Mr. MacAskill, my name is Donald Murray and I'm here today  
5 asking questions on behalf of John MacIntyre. The police  
6 station you were working out of in 1971, could you describe  
7 that for the Commissioners? In 1971 how was the detective  
8 department set up?

9 MR. CHAIRMAN:

10 Is there any doubt in your mind, Mr. Murray, as to what the  
11 layout of the Sydney Police Station was and --

12 MR. MURRAY:

13 Well, the purpose of that question was merely to lead to the  
14 next.

15 BY MR. MURRAY:

16 Q. And ask Mr. MacAskill if the interview rooms at the old police  
17 station were soundproof.

18 A. I didn't hear that.

19 MR. CHAIRMAN:

20 Maybe if you come a bit closer, I'm --

21 MR. MURRAY:

22 Certainly.

23 BY MR. MURRAY:

24 Q. Were the interview rooms at the old Sydney City Police  
25 Station for the Detectives soundproof?

NORMAN D. MacASKILL, by Mr. Murray

- 1 A. No.
- 2 Q. Could I have volume 16? Mr. MacAskill I show you a letter in  
3 volume 16 at page 98. And I would ask you to look that over.  
4 Have you ever seen that correspondence before, sir?
- 5 A. I have no recollection of seeing that or hearing anything  
6 about it.
- 7 Q. Would the Sydney City Police Department during your period  
8 of time working with it, receive that kind of letter with  
9 respect to investigations?
- 10 A. At different times we have received letters concerning different  
11 matters. Everything from traffic control to -- just about  
12 everything. That sort of thing, yes.
- 13 Q. I see. Would that kind of letter, sir, have any effect on  
14 how you conducted an investigation?
- 15 A. I wouldn't think so.
- 16 Q. From your knowledge of working with John MacIntyre what can  
17 you say about his personal ethics in police investigations?
- 18 A. I just didn't get the question, sir.
- 19 Q. Are you able to give us any observations -- give the Commission  
20 any observations as to John MacIntyre's personal ethics in  
21 police investigations?
- 22 A. I don't know just how to -- He was very attentive to his work.  
23 Hard working man. You know, he always followed up everything  
24 he was involved in.
- 25 Q. Would he, in your experience, set up facts and ignore other facts?

NORMAN D. MacASKILL, by Mr. Murray

1 | A. Pardon?

2 | Q. Would he, in your experience, set up certain facts and ignore  
3 | other facts?

4 | A. Oh, no.

5 | Q. That was oh, no.

6 | A. No.

7 | MR. MURRAY:

8 | I have no further questions.

9 | MR. ELMAN:

10 | No questions, My Lord.

11 | MR. SAUNDERS:

12 | We have no questions, My Lord.

13 | MR. BISSELL:

14 | No questions.

15 | MR. CHAIRMAN:

16 | Mr. Ross? I'm sure he isn't going to --

17 | MR. ROSS:

18 | Well, My Lord, I think there has been a response -- I understand  
19 | there is a response to the letter which was just shown to this  
20 | witness and I understand that Mr. Pink has gone to get it. I  
21 | wonder if this might be an appropriate time --

22 | MR. CHAIRMAN:

23 | I'm sorry, the letter -- You have the letter, don't you?

24 | MR. ROSS:

25 | Yes, the response. Apparently there was a response to it that's

NORMAN D. MacASKILL, by The Chairman

1 | not in the records.

2 | MR. CHAIRMAN:

3 | From this witness?

4 | MR. ROSS:

5 | From this witness.

6 | MR. CHAIRMAN:

7 | Oh, all right.

8 | MR. ROSS:

9 | And Mr. Pink has just gone to get it. I don't imagine he'll be  
10 | too long. I wonder if it might be an appropriate minute time  
11 | to take a ten minute break. I'd like to see that before --

12 | MR. CHAIRMAN:

13 | How about you, Mr. Wildsmith? Would you like to while the --  
14 | Do you have any questions to put to this witness?

15 | MR. WILDSMITH:

16 | Yes, I do.

17 | MR. CHAIRMAN:

18 | All right. Well, why do you go ahead while we're waiting for  
19 | Mr. Pink. And it might be an idea if you'd come up because I  
20 | think the witness is having difficulty hearing.

21 | BY MR. CHAIRMAN:

22 | Q. How old are you Mr. MacAskill?

23 | A. 79.

24 | Q. 79?

25 | A. Yes, sir.

NORMAN D. MacASKILL, by Mr. Wildsmith

1 Q. And you're still in very good health?

2 A. I hope so.

3 Q. That's great. That's good. That's good.

4 BY MR. WILDSMITH:

5 Q. Mr. MacAskill, I'd like to ask you a few questions on behalf  
6 of the Union of Nova Scotia Indians. Particularly I'd like  
7 to ask about the Sydney Police Commission and whether you can  
8 indicate your understanding of their responsibilities with respect  
9 to the operation of the police department in 1971.

10 A. The responsibility of the ?

11 Q. Sydney Police Commission.

12 A. Police Commission? I suppose that you could say that their  
13 responsibility is to see that law and order is enforced in  
14 the city through the police department. They are responsible  
15 for the police department.

16 Q. Would there be some reporting from your department to the  
17 Police Commission on the work that was being carried out?

18 A. Not on a -- unless there is something, perhaps, up that should  
19 be brought to their attention.

20 Q. What about complaints in relation to the activities of the  
21 department itself?

22 A. In relation between the Police Commission and the --

23 Q. Yes. I'm wondering if any complaints about the operation of  
24 the police department or the activities of particular officers  
25 would be brought to the attention of the Police Commission?

NORMAN D. MacASKILL, by Mr. Wildsmith

- 1 A. At different times that was -- that has been done.
- 2 Q. And that would be part of their function, would it, to  
3 receive these complaints?
- 4 A. Yes.
- 5 Q. And would it be part of the function of the Chief of Police  
6 or yourself, as Deputy, to draw to the Police Commissions  
7 attention any complaints received about particular officers  
8 or the operation of the department?
- 9 A. If it was serious enough to be brought before the Commission.
- 10 Q. Was there any system for keeping records on complaints in  
11 1971?
- 12 A. I would think that -- Well, whoever received them would  
13 put them on file.
- 14 Q. Was there a file then that kept complaints to your knowledge?
- 15 A. I'm not sure now.
- 16 Q. I believe other officers have suggested that such matters  
17 would be kept within the office of the Chief of Police?
- 18 A. That's correct.
- 19 Q. Would the Chief have discussions with you about particular  
20 complaints?
- 21 A. At different times, yes.
- 22 Q. Are you aware of complaints from the Indian community in this  
23 time period of the early '70s?
- 24 A. Well, prior to -- Well, at different there was complaints  
25 received about everything from traffic to street lights.



NORMAN D. MacASKILL, by Mr. Wildsmith, by The Chairman

1 Q. Street lights?

2 A. Barking dogs. Anything that came to --

3 BY MR. CHAIRMAN:

4 Q. Mr. -- The question that Mr. Wildsmith put to you was whether  
5 you can recall if there were any complaints to the Sydney  
6 Police Department during your term as Deputy from the Indian  
7 community? Not individual complaints but --

8 A. I --

9 Q. -- your answer indicated --

10 A. I can't -- I can't --

11 Q. You spoke of street fights and traffic that --

12 A. I can't recall.

13 BY MR. WILDSMITH:

14 Q. Can you recall complaints, if I can direct your attention to  
15 this, about lack of police services being provided by the  
16 Sydney Police Department to the Reserve community?

17 A. I believe that was brought up at different times.

18 Q. Yes?

19 A. It was brought up at the time that the Constable was appointed  
20 on the Reserve.

21 Q. I'm sorry. I didn't quite follow your answer. It was brought  
22 up at the time that a special constable, a band constable,  
23 was appointed?

24 A. On the Reserve. At one time there was a constable appointed  
25 on the Reserve.

NORMAN D. MacASKILL, by Mr. Wildsmith

1 Q. Can you recall whether was a band constable in the early  
2 1970's?

3 A. I don't believe there was. I think that was sometime previous  
4 to that and just what happened there, it wasn't continued,  
5 or that --

6 Q. If I suggested to you one of the reasons why the band constable  
7 system was not continued was because of a lack of cooperation  
8 by the Sydney Police Department with the constable, would  
9 you have any comments or any knowledge about that?

10 A. I don't know.

11 Q. Okay.

12 MR. CHAIRMAN:

13 Mr. Wildsmith, would you ask him -- Mr. MacAskill again. I missed  
14 something earlier when he was talking about a special constable.

15 MR. WILDSMITH:

16 Yes.

17 MR. CHAIRMAN:

18 That -- I thought I got the -- I was left with the impression of  
19 one person that held that position for a long, long time and  
20 then -- up until his death.

21 MR. WILDSMITH:

22 Yes.

23 MR. CHAIRMAN:

24 But I'm not sure.

25

NORMAN D. MacASKILL, by Mr. Wildsmith, by The Chairman

1 BY MR. WILDSMITH:

2 Q. Can you recall the time period in which the band constable,  
3 that you spoke about sir, -- the one that was there for  
4 quite a while and then passed away?

5 A. That was back a number of years, prior to that, I believe  
6 in the late '60s.

7 Q. In the late '60s. And from the date of that persons decease  
8 until your retirement in 1973, you're not aware of any other  
9 band constables being appointed?

10 A. No.

11 BY MR. CHAIRMAN:

12 Q. Do you remember the name of the gentleman you referred to  
13 who died in the -- The police constable, the band constable,  
14 who died in this --

15 A. I don't know, sir, if he died but there was a younger man appointed  
16 then. Years back there was a constable on the Reservation  
17 and he died a number of years ago and then for quite a number  
18 of years there was no constable on the Reservation.

19 BY MR. WILDSMITH:

20 Q. Does the name Fred Googoo mean anything to you?

21 A. John Googoo.

22 Q. Fred Googoo.

23 A. I don't recall that name. I forget -- I can't recall the  
24 name of the younger man, who was appointed later, I think  
25 in the -- I think in the late '60's. I can't recall his name.

NORMAN D. MacASKILL, by Mr. Wildsmith

1 MR. CHAIRMAN:

2 I appreciate that.

3 BY MR. WILDSMITH:

4 Q. Okay. Can you tell us whether there were any Indians who  
5 were regular members of the Sydney Police Force from the  
6 time you joined it in 1931 until your retirement in 1973?

7 A. No.

8 Q. There were none?

9 A. No, there was not.

10 Q. Thank you. And I just wanted to follow up one point that  
11 was made about the involvement of the services of the  
12 R.C.M.P. in the investigation of murder cases. And would  
13 you correct me if my understanding is wrong but is it correct  
14 to say that the Marshall case, meaning the investigation of  
15 the Seale murder, was the only murder case in your experience  
16 with the Sydney Police Department, that did not utilize the  
17 services of the R.C.M.P?

18 MR. ORSBORN:

19 I think to be fair, Mr. Chairman, it should be pointed out that  
20 the services were utilized in some measure at a later date but  
21 some weeks following the incident.

22 MR. CHAIRMAN:

23 I think the question should be initially, the word "initially".

24 MR. WILDSMITH:

25 Yes.

NORMAN D. MacASKILL, by Mr. Wildsmith

1 BY THE WITNESS:

2 A. I just have to think of -- think back to be sure of that. I  
3 can't recall any other instances where they weren't -- where  
4 they weren't called.

5 BY MR. WILDSMITH:

6 Q. So to the best of your knowledge, as you can recall it  
7 today, this would be the only case in which the R.C.M.P.  
8 were not brought in for Ident. services or something at  
9 an early stage?

10 A. I believe that's correct.

11 Q. Thank you. We've also heard some evidence, including from  
12 the present Chief Walsh, that -- and from former Detective  
13 Ed MacNeil -- that around the station the officers referred  
14 to Indians by various terms including wagonburners and  
15 broken arrows, perhaps, Piutes. Are these names that you  
16 are familiar with?

17 A. I've never heard that.

18 Q. You have not?

19 A. No.

20 Q. In your experience have you heard other terms used in relation  
21 to Indians?

22 A. No.

23 Q. Have you heard other discussions amongst officers about Indians,  
24 Indian communities, particular Indians?

25 A. I can't recall ever hearing.

NORMAN D. MacASKILL, by Mr. Wildsmith

1 Q. Thank you.

2 MR. WILDSMITH:

3 Now, the last thing I have, My Lords, are these -- this two  
4 sheets of complaints. I'd just like to -- not put the individual  
5 incidences but just to see if he has any recollection of having  
6 received them or discussed them.

7 BY MR. WILDSMITH:

8 Q. I'll show you two yellow sheets, which I've shown to other  
9 officers. I ask that you not take the time to read it  
10 in detail but I'd like you to just look at it sufficiently  
11 to satisfy yourself in your own mind as to whether you've  
12 seen these sheets before or received complaints about the  
13 incidences that are involved there? Do you have recollection  
14 of this, Mr. MacAskill?

15 A. No.

16 Q. Do you know Roy Gould?

17 A. Yes.

18 Q. And did you know him as the Chief of the Membertou Reserve  
19 in the early 1970s?

20 A. Yes.

21 Q. We're expecting to hear evidence that Mr. Gould drew  
22 these to the attention of the Chief of the day and I just  
23 want to know if perhaps he drew it to your attention as well  
24 or whether you had discussions with the Chief over these  
25 incidences?

NORMAN D. MacASKILL, by Mr. Wildsmith

1 A. I can't recall that at all.

2 MR. WILDSMITH:

3 Thank you. Those are all my questions.

4 MR. CHAIRMAN:

5 We'll take a five minute adjournment.

6 INQUIRY ADJOURNED: 9:57 a.m.

7 INQUIRY RECONVENED AT 10:12 a.m.

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NORMAN D. MacASKILL, by Mr. Gay

1 BY MR. GAY:

2 Q. Mr. MacAskill, my name is Jeremy Gay and I have some questions  
3 for you on behalf of the Black United Front.

4 MR. CHAIRMAN:

5 Maybe you could come up to the front.

6 BY MR. GAY:

7 Q. MacAskill, you've been referred to a letter in volume 16, page  
8 98, and I believe the volume is before you, a letter from the  
9 Black United Front. I believe that I have your response  
10 to a letter. Can you confirm this to me? Do you recollect  
11 that that was, in fact, your response to a letter from the  
12 Black United Front?

13 A. I -- I don't recall this.

14 Q. You don't recall the letter at all?

15 A. No.

16 MR. CHAIRMAN:

17 I take it we haven't got the original?

18 MR. GAY:

19 No, My Lord. I would like it as an Exhibit.

20 MR. CHAIRMAN:

21 All right.

22 MR. GAY:

23 Exhibit 59.

24 BY MR. GAY:

25 Q. Do you recall any correspondence or discussions which you had



NORMAN D. MacASKILL, by Mr. Gay

- 1 | with the Black United Front in response to the letter in volume  
2 | 16?
- 3 | A. I don't recall that, no.
- 4 | Q. No. Do you recall what the concerns of the Black United Front  
5 | were at the time?
- 6 | A. Not now I don't. I can't recall the --
- 7 | Q. Was there any mention made of any concern about racial motivation  
8 | for the death of Sandy Seale?
- 9 | A. From them?
- 10 | Q. Yes.
- 11 | A. I can't recall that, no.
- 12 | Q. Mr. MacAskill, as Deputy Chief I think you've indicated that  
13 | in general you were responsible for the conduct of the police  
14 | force. Is that right?
- 15 | A. That's right.
- 16 | Q. Was that a duty that you shared with the Chief?
- 17 | A. Yes.
- 18 | Q. And as far as complaints against the police force is concerned,  
19 | were you the person to whom complaints were referred?
- 20 | A. If they were referred to me they would then be referred to the  
21 | Chief as soon as I would get in touch with him.
- 22 | Q. All right.
- 23 | A. If he was absent I would have to handle it myself.
- 24 | Q. Was there a formal complaint procedure in place at that time  
25 | when you were Deputy Chief?

NORMAN D. MacASKILL, by Mr. Gay

1 A. No.

2 Q. And -- But are you saying then that all complaints would, if  
3 you received them, would then be referred to the Chief?

4 A. Yes.

5 Q. And would he then delegate some of those complaints to you to  
6 deal with?

7 A. I can't recall any particular instance where that was done.

8 Q. Was there a requirement at that time that any complaints against  
9 the police force be made in writing?

10 A. I can't recall any at the time -- at this time.

11 Q. Now was the Sydney Police Commission in place at the time?

12 A. Oh, yes.

13 Q. And can you tell us -- If a complaint was made about the  
14 police force, would it as a matter of course be referred to  
15 the Police Commission?

16 A. If it was serious enough. If --

17 Q. When you say, "If it was serious enough", how would you determine  
18 whether a complaint was serious enough?

19 A. Well, that would be up to the Chief, for him to say. A complaint  
20 of conduct of a policeman, it would be called to the --  
21 it would be called to the officer whom the complaint was made  
22 against, it would be called to his attention by the police --  
23 by the Chief, and if thought necessary by him it would go to  
24 the Police Commission.

25 Q. I see. But if there was a complaint made about the conduct

NORMAN D. MacASKILL, by Mr. Gay

- 1 of a police officer, it wouldn't as a matter of course, be  
2 referred on to the Police Commission?
- 3 A. No.
- 4 Q. It would be dealt with internally?
- 5 A. It would be dealt with internally.
- 6 Q. Would it be dealt with internally in the majority of cases?
- 7 A. I would think so.
- 8 Q. I believe you indicated that there was some concern about  
9 racial tension at dances prior to the stabbing of Sandy Seale?
- 10 A. I can't recall -- My recollection was that there was some --  
11 some discussion among the men about that.
- 12 Q. When you say, "among the men" --
- 13 A. I can't -- I can't recall particular instances.
- 14 Q. You say there was some discussion between the men, this was  
15 among members of the police force?
- 16 A. Yes.
- 17 Q. And was there a discussion about racial tension between Blacks and  
18 Indians?
- 19 A. No. It's my recollection that there was some discussion there  
20 that some of the Blacks and some of the Indians were pushing  
21 some of the young Whites around.
- 22 Q. I see. So it was a situation where Blacks were pushing Whites  
23 around or Indians were pushing Whites around?
- 24 A. Well, when you hear rumours of something like that, it's not  
25 quite clear who is -- who is responsible or --

NORMAN D. MacASKILL, by Mr. Gay

1 Q. So it wasn't a situation of Whites pushing Blacks around  
2 or Indians pushing Blacks around or --

3 A. It was just -- It was just talked about. With something like  
4 that, it's just talked about. It wasn't by way of a complaint,  
5 so it was just --

6 Q. But the concern was that Blacks -- some Blacks were pushing Whites  
7 around and some Indians were pushing Whites around?

8 COMMISSIONER EVANS:

9 That's what the witness said as I have it. He said that there  
10 were rumours that some Blacks and Indians were pushing Whites around.

11 THE WITNESS:

12 That's correct, sir.

13 BY MR. GAY:

14 Q. Oh, you mean that they were acting in conjunction as a group,  
15 Blacks and Indians in a group were pushing Whites around?

16 A. I don't think I heard like a group, but that's just that  
17 some -- that some of the Indian boys and Black boys were  
18 kind of pushing some of the Whites around. Well, that's just  
19 a -- I say that and it's just rumour there and I can't verify  
20 that at all.

21 Q. You say it was rumour, but it was discussion among the police  
22 officers?

23 A. That's what I heard, yes.

24 Q. And it was a discussion among police officers based on their  
25 personal observations?

NORMAN D. MacASKILL, by Mr. Gay

- 1 | A. I would think so, yes.
- 2 | Q. In no instances are Whites pushing Blacks around or are Indians  
3 | pushing Whites around?
- 4 | A. It's just as I said that that was talked about. What basis  
5 | there was for that, I don't know.
- 6 | Q. It was the subject of discussion in the -- at the police  
7 | station, I take it, where these discussions would take place?
- 8 | A. Well, it was talked about among the men who were working these  
9 | different shifts. Some of those men were doing special duty  
10 | at the dances and being in a position to hear what was going on.
- 11 | Q. And can you tell us what action was taken by the Police  
12 | Department in relation to these problems involving Black and  
13 | Indian youths?
- 14 | A. I don't know if it reached the stage of a real problem. It  
15 | was just talked about and I don't -- and you don't know how  
16 | serious it was.
- 17 | Q. But would it be true to say that the Black and Indian boys  
18 | were perceived to be troublemakers?
- 19 | A. Not any more than the -- I don't think than, like I said before  
20 | any other chaps.
- 21 | Q. You say no more than anyone else?
- 22 | A. Not any more than anyone else, I don't think.
- 23 | Q. You've indicated to us that there were extra patrols sent to  
24 | Membertou after the stabbing of Sandy Seale?
- 25 | A. Yes, that's correct.

NORMAN D. MacASKILL, by Mr. Gay

- 1 Q. And can you tell us why that was -- why that was done?
- 2 A. Well, there was some talk around that some of them felt that,  
3 I guess, that Marshall was responsible for it.
- 4 Q. Someone felt that?
- 5 A. Pardon.
- 6 Q. Who are you referring to as -- You say that someone felt that  
7 Marshall was responsible for it.
- 8 A. That some of the Black people thought -- There was that  
9 discussion. The Department was a bit concerned that there  
10 might be some trouble between them.
- 11 Q. All right. This discussion, who was the discussion among?
- 12 A. You said who was the discussion --
- 13 Q. Yeh, who was involved in these discussions. You mentioned about  
14 a concern about reprisals by Blacks?
- 15 A. That was talked about in the -- in the Police Department.
- 16 Q. I see.
- 17 A. I don't know where that information came from but it was  
18 discussed in the Department.
- 19 Q. Among members of the police force?
- 20 A. Yes.
- 21 Q. Was it ever discussed with members of the Black community?
- 22 A. No, not to my -- not to my knowledge.
- 23 Q. Did you have any personal intervention in so far as the  
24 extra patrols that were sent to Membertou was concerned? Was  
25 that a decision of yours?

NORMAN D. MacASKILL, by Mr. Gay

- 1 A. I can't recall. I can't recall who suggested it at the time,  
2 whether it was the Chief or the man in charge of the shifts.  
3 I just can't recall that.
- 4 Q. Was it your perception at the time that perhaps Blacks would  
5 take the law into their own hands and seek reprisals against  
6 the Indians?
- 7 A. There was some concern that there might be some difficulty  
8 there and there might be some trouble there.
- 9 Q. Was that -- Was that a concern that you shared?
- 10 A. I don't know. When you hear of something like that you just  
11 try to take the precautions and see that nothing happens.  
12 Whether you believe it is actually going to happen or not you  
13 would have to take some precautions to see that it didn't  
14 happen.
- 15 Q. You've indicated that you were involved in at least one murder  
16 case, the Seto murder. Were you ever involved in any other  
17 murder cases prior to -- prior to this Sandy Seale murder other  
18 than the Seto case?
- 19 A. At least three others.
- 20 Q. Okay. You say three others?
- 21 A. Yes.
- 22 Q. And did any of those -- Were autopsies performed in those other  
23 murder cases, do you recall?
- 24 A. Yes.
- 25 Q. They were in all -- in all three others?

NORMAN D. MacASKILL, by Mr. Gay

- 1 | A. I'm not sure of one of them. That's where the indications  
2 | were quite clear as to what caused the death, but there was  
3 | in the -- in the other two. But there was one in which the  
4 | person was shot in the head and I don't know if an autopsy  
5 | was performed in that case or not.
- 6 | Q. All right. You say there may have been one case where an  
7 | autopsy was considered not to be necessary?
- 8 | A. I believe so.
- 9 | Q. Was that because there was an admission or do you recall the  
10 | reason for that?
- 11 | A. No, that was a case where the person was shot in the head and  
12 | I don't think there was an autopsy performed that time.  
13 | I'm not sure of that now, but I don't -- I don't recall an  
14 | autopsy being performed at that time.
- 15 | Q. So is it true to say that including the Seto case there were  
16 | four murder cases that you were involved in?
- 17 | A. I think that's correct. Yes.
- 18 | Q. And -- And the Sandy Seale case, although you weren't involved  
19 | in the investigation of that, that would be the fifth murder --  
20 | just so that I have the numbers right, the fifth murder that  
21 | occurred that you had during your involvement with the Police  
22 | Department?
- 23 | A. That's correct.
- 24 | Q. And did any of the murders, other than Seale, involve a Black  
25 | victim?



NORMAN D. MacASKILL, by Mr. Gay, by Mr. Chairman

1 | A. I beg your pardon.

2 | Q. Did any of the other murders, other than Seale, involve a  
3 | Black victim?

4 | A. Not directly.

5 | Q. Well, were any of the other victims Black?

6 | A. No.

7 | MR. GAY:

8 | That's all I have, My Lord.

9 | BY MR. CHAIRMAN:

10 | Q. Mr. MacAskill, during your time in the police force and in  
11 | particular in 1971, who had the responsibility and the authority  
12 | to order an autopsy following a violent death?

13 | A. Different doctors were appointed Medical Examiners and they  
14 | were called in and in discussions with the police they would  
15 | decide. In some cases there was no doubt, if there was  
16 | outside external injuries with any sign of violence there was  
17 | always an autopsy held, or if the person -- it was a definite  
18 | order that if a person died in a lock-up that there was  
19 | a Majestarial Inquiry held.

20 | Q. This is -- The doctor you refer to or doctors, is this the  
21 | Chief Medical Examiner?

22 | A. He would be appointed by the Province as Medical Examiner and  
23 | he would report to the--if it is required to call for a  
24 | Majestarial Inquiry.

25 | Q. Right. Who would -- When the police brought a particular death

NORMAN D. MacASKILL, by Mr. Chairman

1 to the attention of the Medical Examiner and discussed it with  
2 him as you've suggested would be done, who would have the  
3 authority to order an autopsy, the Medical Examiner or the  
4 police, or the Chief of Police?

5 A. I think that the Medical Examiner was responsible.

6 Q. Would the Crown Prosecutor be involved in these discussions?

7 A. Oh, yes, if there was any signs or any indication of violence  
8 whatsoever or any suspicion of violence.

9 Q. So that if there was a suspicion of violence am I entitled  
10 to assume that there would be a discussion between the police,  
11 the Crown Prosecutor, and the Medical Examiner, and that following  
12 such discussion the Medical Examiner would then decide whether  
13 or not an autopsy should be held?

14 A. I think that's correct, sir.

15 MR. CHAIRMAN:

16 All right. Okay. Thank you. That's all. Thank you, Mr. MacAskill.

17  
18 (WITNESS WITHDREW)

19  
20 MR. ORSBORN:

21 The next witness, Mr. Chairman, will be Inspector Arthur Woodburn.  
22  
23  
24  
25

DISCUSSION BETWEEN COMMISSION AND COUNSEL

1 | MS. EDWARDH

2 | Excuse me, before my friend answers, we've just been handed a  
3 | statement by Corporal Woodburn or Inspector Woodburn. Do I take  
4 | it this is just being made available now and it's not -- I just  
5 | want to for the record -- It's not much assistance. If we'd known  
6 | he was coming, it might have helped if he was added before this  
7 | thirty seconds --

8 | MR. ORSBORN:

9 | The reason for it, Mr. Chairman, is in discussion with my friend  
10 | Mr. Murray is that we have certainly been aware of the contents of  
11 | this statement and the fact that that existed concerns a  
12 | discussion that Inspector Woodburn had in 1983 with Mr. MacGuire  
13 | and the Commission Investigators have followed this through and  
14 | have spoken with Mr. MacGuire. I believe the conclusion that we  
15 | came to was that the story that was related here to Inspector  
16 | Woodburn was not credible.

17 | MR. CHAIRMAN:

18 | Was not?

19 | MR. ORSBORN:

20 | Credible.

21 | MR. CHAIRMAN:

22 | Right.

23 | MR. ORSBORN:

24 | And we, therefore, reached the conclusion that we would not  
25 | pursue it. It was a rather large red herring. My friend Mr. Murray

DISCUSSION BETWEEN COMMISSION AND COUNSEL

1 | which is right, indicated that he wished to have this introduced  
2 | and pursue it, and I simply suggested, well, if you were going  
3 | to do that perhaps I would introduce it through Inspector Woodburn.

4 | MS. EDWARDH:

5 | If I can, My Lords, I'm now just reading this. It has some material  
6 | that bears directly on Mr. Marshall that I have never seen before,  
7 | and although I don't know precisely what this officer did or what  
8 | investigation he may have conducted in relation to these allegations  
9 | it does strike me that in Mr. Marshall's perspective he's prejudiced  
10 | by not being able to effectively cross-examine on this material  
11 | unless I give him at least an opportunity to read it and see if  
12 | there's any independent material that's required.

13 | MR. ORSBORN:

14 | I have no problem with that. The alternative would be --

15 | MR. CHAIRMAN:

16 | I take it the reason this is appearing now is it's been indicated  
17 | to you that Mr. Murray intends to put this document to this witness  
18 | on cross-examination.

19 | MR. ORSBORN:

20 | Yes, My Lord.

21 | MR. CHAIRMAN:

22 | And a document that you had considered not credible or relevant.  
23 | Well, Mr. Murray has a right to do that but if --

24 | MR. MURRAY:

25 | If I might just explain my position, My Lord. The -- Some of the

DISCUSSION BETWEEN COMMISSION AND COUNSEL

1 material referred to in this document is also referred to in  
2 volume 17 which has been introduced before the Commission, and part  
3 of my intent is to get the complete record for --

4 MR. CHAIRMAN:

5 That's fair, but then Ms. Edwardh is entitled to -- and I know I --  
6 to an opportunity to read it. If she concludes that it's credible  
7 and I think -- As far as I know we've been operating on the basis  
8 of complete disclosure. I'm not aware of any instances where there  
9 hasn't been, so if the -- if it's not appropriate to start with  
10 this witness now, we won't start. Do you have another witness?

11 MR. ORSBORN:

12 There was another witness to be available. He's not here yet. The--  
13 The option would be to simply adjourn and then recall Inspector  
14 Woodburn when Counsel has had an opportunity to review this.

15 COMMISSIONER EVANS:

16 You say the other officer is not available?

17 MR. ORSBORN:

18 He's not here yet.

19 COMMISSIONER EVANS:

20 He's with the Fire Department and he's coming from Sydney. He's  
21 not presently on the police force.

22 MR. CHAIRMAN:

23 Is the other witness there now?

24 MR. ORSBORN:

25 That's right.

DISCUSSION BETWEEN COMMISSION AND COUNSEL

1 MR. CHAIRMAN:

2 All right. Well, Mr. -- Inspector Woodburn if you'll leave the  
3 witness box and come back on -- sometime whenever you are so  
4 advised, sometime between now and the end of next year.  
5 We will go ahead with the next witness.

6 MS. EDWARDH:

7 Thank you, My Lord.

8 MR. ORSBORN:

9 The next witness is Mr. Wyman Young.

10 MR. CHAIRMAN:

11 I take it there is to be no surprise materials introduced through  
12 this next witness.

13 MR. ORSBORN:

14 If it is, it's a surprise to me.

15 MR. CHAIRMAN:

16 All right. Well, let's all be surprised.

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