

WYMAN YOUNG, by Mr. Orsborn

1 WYMAN YOUNG, being called and duly sworn, testified as follows:

2 BY MR. ORSBORN:

3 Q. What's your name, sir?

4 A. Wyman Wentworth Young.

5 Q. Wyman?

6 A. Wentworth Young.

7 Q. Wentworth Young. Wyman is W-y-m-a-n?

8 A. That's right.

9 Q. Where do you live now, sir?

10 A. On Hills Road in Mira.

11 Q. I'm sorry?

12 A. Hills Road in Mira.

13 Q. And who do you work with?

14 A. The City of Sydney Fire Department.

15 Q. The City of Sydney Fire Department. Did you at any time work
16 with the City of Sydney Police Department?

17 A. Yes.

18 Q. And when was that, sir?

19 A. From October, 1957, until September the 15th, 1975.

20

21

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JMR

WYMAN YOUNG, by Mr. Orsborn

- 1 Q. You joined the force in 1957. In what capacity did you join
2 the force?
- 3 A. Constable.
- 4 Q. As a constable. And what training, if any, did you have when
5 you joined the police force?
- 6 A. None.
- 7 Q. None. What duties were you given when you joined the police
8 force?
- 9 A. Regular patrol duties.
- 10 Q. Regular patrol duties. Were these on -- on foot?
- 11 A. The first three and a half years that I was on the Police
12 Department, I was on what they called the floating shift.
13 I spent two nights on back shift and three nights of four
14 to twelve for approximately three and a half years and the
15 two nights on back shift, I was usually in a car.
- 16 Q. The two nights on back shift you'd be in a car. What beats
17 did you work?
- 18 A. On the floating shift, every beat. The floating shift you
19 relieved other constables on their nights off from what they
20 had a floating week.
- 21 Q. Yes.
- 22 A. So you would relieve one constable tonight, another constable
23 the next night and you would keep on rotating until you
24 finished your five shifts.
- 25 Q. And did you remain as a constable throughout your years

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1 | on the police force?

2 | A. Yes.

3 | Q. Both on the beat and in a car?

4 | A. Yes.

5 | Q. Why did you leave?

6 | A. Well, I just got -- I guess I was on the union executive and
7 | I was having different little arguments with management and
8 | stuff and I just fed up with the whole issue and I left.

9 | Q. Labour/management problems?

10 | A. A little bit, yeh.

11 | Q. Can you give us some indication of what they were?

12 | A. Well, just what's normal. If you're on the union executive
13 | you're usually hasselling with the management and there was
14 | different things that came up and I just sort of got fed up
15 | with it and you'd carry it home to your private life and
16 | I found it -- I felt the change into the fire department
17 | would give me a better private life at home. So I just
18 | changed.

19 | Q. You just changed?

20 | A. Yeh.

21 | Q. When you just changed --

22 | A. Transferred from one department to the other.

23 | Q. How do you transfer from one department to the other?

24 | A. Well --

25 | Q. How do you transfer from the --

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- 1 | A. Well, I went to the City Manager --
- 2 | Q. -- police department to the fire department?
- 3 | A. Pardon.
- 4 | Q. I don't quite understand the concept of the transfer from
- 5 | police to fire?
- 6 | A. Well, there was an opening in the fire department and I went
- 7 | to the City Manager and asked him what's the change of a
- 8 | transfer were and I went to other people, of course, and
- 9 | eventually they granted the transfer.
- 10 | Q. I see, and did you take your seniority with you?
- 11 | A. You take your City seniority with you. You take your pension
- 12 | plan with you but your promotional seniority and your pick
- 13 | of vacation and that stuff, you go to the end of the line.
- 14 | Q. I see, and to your knowledge are there transfers back the
- 15 | other way from the fire department to the police department?
- 16 | A. Pardon.
- 17 | Q. Are there transfers back the other way?
- 18 | A. No, no.
- 19 | Q. There are not?
- 20 | A. I've never heard of one, no.
- 21 | Q. I see. Did you spend any time in the Whitney Pier area when
- 22 | you were on the beat?
- 23 | A. Approximately out of eighteen years, approximately nine and
- 24 | a half years I would say in the Pier.
- 25 | Q. Yes, and did you become acquainted with the Seale family?

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1 | A. I knew Oscar Seale a bit but not extremely close. I would say
2 | that I knew him better -- I had conversations with him after
3 | I left the fire department more so than when I was on the
4 | police department.

5 | Q. I'm sorry.

6 | A. I never knew him as well I would say at the time I was on the
7 | police department as after I had left the police department.

8 | Q. I see, did you know any members of his family?

9 | A. No, not personally.

10 | Q. Did you know of any members of his family?

11 | A. Yes.

12 | Q. Did you know of his son, Sandy?

13 | A. Yes.

14 | Q. What did you know of him?

15 | A. Well, I never knew an awful lot of the boy at all, but I did --
16 | I've heard of him. I heard that he was sort of -- he played
17 | a bit of minor hockey and I heard that he was a bit aggressive.
18 | And you'd hear a little bit of rumbles where his name would
19 | come up different times that he was a little boisterous on
20 | the street. But I never -- I don't -- I don't recall of
21 | having any occasion to deal with him. I might have but I
22 | don't recall any.

23 | Q. Did you hear anything about him that suggested that he was
24 | much other than an average teenager or an average kid?

25 | A. I can't say -- all I can say in recollection of that I did

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1 | hear of him and I was imagined that mostly what I would hear
2 | of him that if there was a fight, that he could be aggressive
3 | or something. I don't really recall, you know, in detail --
4 | it wasn't a big issue with me.

5 | Q. You have no personal knowledge of Sandy?

6 | A. No, not any real personal knowledge, no.

7 | Q. In 1971, I take it you were still a constable?

8 | A. That's right.

9 | Q. Do you recall in '71, if you were working the beat or in a
10 | car?

11 | A. I believe I was in the car at the time with John Mallowney.

12 | Q. In a car with John Mallowney?

13 | A. Yes, in a town car in what they would call over in Sydney
14 | proper at that time.

15 | Q. Okay, and in 1971, do you have any recollection whether you
16 | knew or knew of Junior Marshall?

17 | A. Yeh, I knew of Junior Marshall.

18 | Q. What did you know of him?

19 | A. Well, I had driven him up to the County Jail one time. I
20 | forget what he was charged with and I forget who charged
21 | him. I transported him up to the County Jail. And I knew
22 | the Marshall family. I played a lot of fast ball and I
23 | played up on the Reservation. I knew most of the local
24 | Indian people. I knew his father and I knew his brother.
25 | And you could say about the same I'd know about him as I'd

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1 know about Sandy Seale, that every now and then, he'd be into
2 -- I didn't know if Sandy Seale was in small scapes but I
3 knew that Junior Marshall was into different little scrapes.
4 Fighting here and there or something to that effect. But
5 that's about all I knew of him.

6 Q. Anything about him that stood out in your mind other than
7 the few scrapes?

8 A. No.

9 Q. Did he -- were there other people, Blacks, Whites or Indians,
10 that you have some other recollections of?

11 A. I'd supposed. Nothing -- like it would be just normal police
12 work. There would be different people that you would know
13 that they would get into, you know, maybe drinking a little
14 too much or get into a little fight here or there but
15 nothing that would excite me or you know, like that would
16 stand out. There'd be different Indians that you would
17 arrest different times for intoxication and the odd Black
18 person. I never arrested very many Black people -- it's
19 more like two but I think their dead now -- only liquor
20 offences.

21 Q. Would any of those particular groups, the Indians, the Blacks,
22 or Whites, that stand out in your mind as your having more
23 to do with them than others in terms of your police work?

24 A. No.

25 Q. In 1971, did you know or know of John Pratico?

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1 A. I never knew John Pratico. I knew the name but I don't
2 recall. I would know who John Pratico was but I never --
3 I don't recall ever recall having anything to do with him.
4 I knew that -- the name but I don't know why I would know it.
5 But, you know, since the case came up I always knew the --
6 in my recollection of the Pratico's.

7 Q. Did you know or know of Roy Ebsary?

8 A. No.

9 Q. Did you know or know of Jimmy MacNeil?

10 A. No.

11 Q. I'd like you to have a look, sir, at exhibit 40, I believe
12 you'll find a copy of it under that volume there. It's
13 some hand-written notes. And I'd ask you to turn to the
14 third page of -- of that exhibit. These are notes taken
15 from Sergeant Murray Wood of the R. C. M. P. and they're
16 dated May 30th, 1971, and I'll just read them so that --
17 if I can pick out the writing:

18 Dated May 30th, 1971, 9:00 a.m.
19 to 10:30 a.m. Office discussion
20 with Edward MacNeil and Wyman
21 Young both City of Sydney police
22 re stabbing and resulting murder.
23 Both of opinion Marshall
24 responsible. Two names given to
25 them re possible suspects. And
one of them has grey hair, recently
released Dorchester. Believed
living in Sydney on parole.

24 Did you know Sergeant Wood?

25 A. No. I recognize his face and I remember seeing him but I

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1 | don't recall knowing him personally.

2 | Q. I see, do you have any recollection of having a conversation
3 | with Sergeant Wood on the 30th of May, 1971?

4 | A. No.

5 | Q. This would have been a Sunday and would have been immediately
6 | following Mr. Seale's death. It's not clear where the
7 | conversation took place whether it took place in the R. C. M. P.
8 | offices or the Sydney Police Department offices. Would it
9 | have been unusual for you to have conversation with R. C. M. P.
10 | personnel concerning present cases?

11 | A. Yeh, it would be unusual.

12 | Q. It would be unusual. Do you recall holding the opinion at
13 | this time that Mr. Marshall was responsible for the stabbing?

14 | A. No.

15 | Q. If in fact this conversation with Sergeant Wood took place
16 | and he indicates clearly that

17 | Both of opinion Marshall
18 | responsible.

19 | Can you give us any assistance as to how you might have
20 | arrived at such an opinion?

21 | A. I don't think I would have arrived at such an opinion if --
22 | if I said anything that would indicate that Marshall was
23 | guilty, it would have to be something that another policemen
24 | that was investigating the thing had indicated to me. I wasn't
25 | investigating the case so I wouldn't have any reason to

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- 1 think that Marshall or anyone else was guilty.
- 2 Q. Do you have any recollection of anybody investigating the
3 case expressing that opinion to you?
- 4 A. Not at this time, I don't.
- 5 Q. No. At any time?
- 6 A. No.
- 7 Q. Now you say that you would have to hear that from somebody
8 investigating the case. Would that mean a detective?
- 9 A. Well not necessarily someone investigating the case. It could
10 have been a policeman that was on duty the night of the
11 incident.
- 12 Q. I see.
- 13 A. It could have been anybody. I don't recall ever making
14 the statement and I don't recall having the opinion but
15 if I had the opinion, it had to be a second hand opinion
16 because I wasn't investigating the case and I would have
17 no reason to form an opinion of that nature.
- 18 Q. If you were aware that Mr. Marshall was present at the stabbing
19 and that were -- had been injured, would your own knowledge
20 of Mr. Marshall that you've related to us this morning
21 about his getting into a few scrapes, would that be sufficient
22 for you to form an opinion that he was a good suspect?
- 23 A. Would you rephrase that?
- 24 Q. If you had known that Mr. Marshall was present at the scene -
25 he was there -- and you've related to us that Mr. Marshall

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1 used to get in to a few scrapes, would those two facts
2 be sufficient for you to form an opinion that he was a
3 prime suspect?

4 A. I don't think that they would form a strong opinion. No,
5 not that much evidence -- or that little evidence.

6 Q. Was that in -- Are you saying that that would not be
7 sufficient for you to form that opinion?

8 A. No, I don't think I would have formed an opinion that easy
9 on that serious of case.

10 Q. So, if I may summerize, you have no recollection of having
11 the conversation with Constable -- or it's Sergeant Wood
12 and if you, in fact, expressed the opinion, this was an
13 opinion that had been provided to you elsewhere.

14 A. That would have to be correct, yes.

15 Q. Would you have been working as a partner with Ed MacNeil, at
16 all?

17 A. I worked with Eddie for periods of time in the car. I worked
18 with everybody practically.

19 Q. I see.

20 A. Sometimes you'd spend four or five months with a constable
21 and for some unexplained reason, they'd stick you on another
22 shift with another constable or vacations would come up or
23 whatever. I worked with everybody there.

24 Q. So it wouldn't be unusual for you to be with Mr. MacNeil?

25 A. No.

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- 1 Q. The note goes on to say that the names of a couple of
2 suspects were given. Do you recall anything at all -- like,
3 getting names of possible suspects?
- 4 A. No, I had absolutely nothing to do with the case so there'd
5 be no reason for anybody to give me names of suspects. I
6 don't recall anything about the conversation or suspects.
7 We weren't permitted, actually, or encouraged to investigate
8 things that the detective department were investigating.
- 9 Q. You weren't encouraged to investigate things?
- 10 A. Well, you would feel more that you might be interfering
11 with the case or going out -- doing something that would
12 interfere with their investigation, you know.
- 13 Q. Were ever told that you were interfering with an investigation?
- 14 A. No.
- 15 Q. Were ever stopped by detectives from pursuing a lead in
16 any case that you felt was useful?
- 17 A. No.
- 18 Q. Where did you get the impression then that you might
19 be interfering?
- 20 A. Well, it was sort of a one way street. They would -- If you
21 learned anything you would tell the detectives but you didn't
22 take your own initiative. The police department won't -- wasn't
23 run that you would take your own initiative and start doing
24 things on your own. The case was the detectives' case and
25 you were a foot patrolman and you were in the car and you did --

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- 1 | you just went to the calls that you were assigned to go to.
- 2 | Q. If you had been given the names of a couple of suspects, what
- 3 | would you have done with those names?
- 4 | A. I would have given them to the Detective -- to the Detective
- 5 | Division.
- 6 | Q. Did you have any part in this investigation at all?
- 7 | A. I just don't recall at what point, but four or five days after
- 8 | the incident I was told to sit in the court room of the old
- 9 | police station with Marshall and I wasn't to speak to him.
- 10 | I was just to sit there and that's what I did. He sat on one
- 11 | side of the court room and I sat on the other side and there
- 12 | wasn't one word passed between us.
- 13 | Q. Did you play any other part in the investigation? Did you
- 14 | talk to any witnesses?
- 15 | A. No.
- 16 | Q. Did you conduct any search?
- 17 | A. No.
- 18 | Q. Were you involved in the search in the park with --
- 19 | A. With John Mallowney, yes.
- 20 | Q. And what did that consist of?
- 21 | A. Very little. Just walking up and down the park. Nobody told
- 22 | us -- It was just the fact is I believe what John Mallowney
- 23 | said (he was the senior man at the time.) - he said we have to
- 24 | go up to the park and look around and see if we could find
- 25 | any evidence. He was up a ways towards the band shell, I

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- 1 | believe, from where I was. I would be down more towards the
2 | court house end of it and he came back with a piece of kleenex
3 | with some blood on it and that was about all that took place
4 | up there.
- 5 | Q. Were you given any kind of precise instructions at all?
- 6 | A. No.
- 7 | Q. Do you know who sent you up there?
- 8 | A. No, I don't.
- 9 | Q. Do you have any idea what you were looking for?
- 10 | A. No.
- 11 | Q. If you had found a knife what would you have done with it?
- 12 | A. Turned it over to the Detective Department.
- 13 | Q. Picked it up and turned it over?
- 14 | A. No. No. No. I probably would have left it where it was and
15 | got them to come up and take it. You wouldn't mess with it like
16 | that.
- 17 | Q. Were you ever given any briefing by any of the Detectives
18 | investigating the case as to what you might be on the lookout
19 | for as a patrolman?
- 20 | A. On this particular case?
- 21 | Q. Yes.
- 22 | A. No.
- 23 | Q. You were never asked to be on the lookout for two men, including
24 | the old man with grey hair?
- 25 | A. No, not to my recollection. I don't remember ever being asked

WYMAN YOUNG, by Mr. Orsborn

1 | to do anything.

2 | Q. Were you asked if you had any recollection about people that you
3 | had been involved with with knife offenses?

4 | A. No.

5 | Q. Have you ever had any involvement with knife offenses?

6 | A. Once. It never amounted to anything but I was on a house
7 | call one time and I had a new Constable with me and I can't
8 | remember the fellow's name now but I remember that he had a
9 | history of violence and a little bit of mental history. The
10 | fellow was in a bedroom and I told the other Constable, I said,
11 | "Be careful of this fellow when you go over to the bed". "He
12 | could have a knife or something under the sheets". I said,
13 | "He could be a violent person". And they wanted him to go to
14 | the hospital -- to the Cape Breton Hospital and we actually
15 | had no authority to take him. We had no papers or anything.

16 | Q. I'm not sure that we need all the details of that.

17 | A. Well anyway he had a knife. That was the only incident. He had
18 | a knife under the blankets and there was no hassle about --

19 | Q. The dealing then with a knife offense would -- has stuck
20 | in your mind?

21 | A. Yeh.

22 | Q. And your evidence is that you were -- at this time you were not
23 | asked to your recollection about any knife offenses?

24 | A. No.

25 | Q. We expect to hear some evidence, sir, to the effect that on

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1 occasion when a policeman on the beat or in a car would see
2 a White girl in company with an Indian that the girl's parents
3 would be phoned and some expression of dissatisfaction made.

4 Do you have any knowledge of that?

5 A. No, I've never heard of --

6 Q. Would they do it?.

7 A. Phone the parents?

8 Q. Yes.

9 A. About a white girl going out with an Indian?

10 Q. Yes.

11 A. No.

12 Q. Do you know of any other officers that did?

13 A. No.

14 Q. We expect also, sir, to hear some evidence from Mr. Tom
15 Christmas a little later on. Do you know Tom Christmas?

16 A. I recall him, yeh.

17 Q. Yeh. I anticipate that -- that he will testify that on one
18 occasion prior -- prior to the Marshall matter that he was
19 chased by yourself and had a billy club thrown at him, it hit
20 him on the back of the head and then he was jumped on by
21 yourself and he believes it to be yourself. Do you have any
22 recollection of that?

23 A. No.

24 Q. Would that be your style?

25 A. No.

WYMAN YOUNG, by Mr. Orsborn, by Ms. Edwardh

1 | MR. ORSBORN:

2 | Those are all my questions, sir. Thank you.

3 | BY MS. EDWARDH:

4 | Q. Mr. Young, just a couple of questions. You left the Department
5 | in 1975?

6 | A. Yes.

7 | Q. And you are with the Fire Department now. Did you have any
8 | difficulty or any conflict in your relationship with Sergeant
9 | MacIntyre that resulted in difficulty between the two of
10 | you?

11 | A. There was times we had a few confrontations.

12 | Q. And were those confrontations in the context of any investigations
13 | or cases you were working on?

14 | A. No.

15 | Q. Can you tell us or indicate, sir, what the basis of those
16 | confrontations were?

17 | A. What confrontations --

18 | Q. Yes, between you and --

19 | A. Well, one time I recall being -- I went to lunch. I was the
20 | senior man at the time and I was in the Town car. It took
21 | me quite a few years to get up to that echelon
22 | of police work. I went to lunch one evening and I was on the
23 | Union Executive and I was -- I'm a little bit outspoken, I
24 | suppose, and I wasn't getting quite along with the powers to
25 | be so when I came back from lunch, the Sergeant on the desk,

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1 John MacKay said that Sergeant MacIntyre or the Deputy
2 Chief MacIntyre and Chief Goldie came out and told them when
3 I came back from lunch, to put me on the Ashby beat and
4 to put a junior man in the car. I felt at the time that it
5 was sort of a -- them lowering my temperment. They thought
6 that I would refuse to go to the Ashby beat.

7 Q. And if you had refused, what would have happened?

8 A. I would have been suspended. This was my own feeling on it.
9 I went to the Ashby beat as ordered. I got a hold of the
10 President of the Union who was John Mallowney. He got a hold
11 of Manning MacIntyre who was the CUPE representative
12 and they got a hold of the Mayor and the Mayor got a hold of
13 the R.C.M.P. The R.C.M.P. got a hold of Chief Goldie and
14 Chief Goldie got a hold of Deputy Chief MacIntyre and he
15 came down and put me back in the car.

16 Q. You had some --

17 COMMISSIONER EVANS:

18 The Deputy Chief was not a member of the union?

19 THE WITNESS:

20 No, he wasn't.

21 BY MS. EDWARDH:

22 Q. I take it he wasn't a supporter of the union?

23 A. I'm not quite sure what his feelings were at work but
24 I didn't think -- I didn't feel he was.

25 Q. You smile when you say that so I take it you at least have a

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1 | view that he wasn't?

2 | A. Right.

3 | Q. In addition to that difficulty, do I take it that Sergeant
4 | MacIntyre or Chief MacIntyre was a man who ran the Department
5 | with what some have described as a pretty iron fist?

6 | A. Yeh.

7 | Q. And there were, in fact, a lot of officers who had some pretty
8 | strong feelings about him. Is that correct?

9 | A. Yes.

10 | Q. And would it be fair to say that those strong feelings might
11 | be described as also disliking him?

12 | A. Yes.

13 | Q. And he was a man also who would take an investigation, carve
14 | it and only give other people information if he chose to?

15 | A. I don't understand that.

16 | Q. He was a man who would -- He liked to take control himself?

17 | A. Yes.

18 | Q. And he was the kind of person who only gave out information
19 | when he chose to give it out?

20 | A. Yes, I would say that.

21 | Q. And do you think, sir, some officers that you've dealt with
22 | on the force, even they sometimes found him to be a bit of a
23 | bully?

24 | A. I suppose so.

25 | Q. Yes. You suppose so?

WYMAN YOUNG, by Ms. Edwardh

- 1 | A. Yes.
- 2 | Q. That's a fair statement occasionally?
- 3 | A. Yes.
- 4 | Q. You referred to an incident with Mr. Marshall. Perhaps you
5 | could just clarify, about sitting in the court room with
6 | him?
- 7 | A. Yes.
- 8 | Q. Can you say -- Was he arrested at that time?
- 9 | A. I don't know.
- 10 | Q. We have heard evidence that he was around the police station
11 | for at least some number of days after this incident, sitting
12 | around, and I'm wondering whether this incident you describe
13 | of sitting there watching him could have occurred before
14 | his arrest?
- 15 | A. I don't believe he was charged at the time I was sitting there
16 | with him, but I don't know. Like I wasn't told anything
17 | outside of sit there and watch him and don't talk to him.
- 18 | Q. So to the best of your knowledge he wasn't formally charged?
- 19 | A. That's right. I don't believe that he was.
- 20 | Q. Were you told what to do if he tried to leave?
- 21 | A. No, I wasn't.
- 22 | Q. Would it be fair to ask you today whether you had any view
23 | of what you might do should he try to leave?
- 24 | A. Oh, I was well aware of what I'd do if he tried to leave,
25 | yes.

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1 Q. That was just to tell him to sit down?

2 A. Well, yeh, he would know that.

3 Q. And when you describe being in the Court, do I take it that
4 the Court was empty at this time and you were just using it
5 as a room?

6 A. Right.

7 Q. I mean there were not proceedings ongoing?

8 A. No, no. No, no. No.

9 Q. Just the two of you at the opposite ends of the room kind of
10 looking at one another?

11 A. Yes.

12 Q. Did Mr. Marshall try and have any conversation with you?

13 A. No.

14 Q. At that time you obviously knew he was a suspect?

15 A. Yes.

16 Q. Do you recall, sir, at any time during this process whether
17 you were ever detailed or anyone ever suggested that people
18 should be kind of on the lookout for a white or light
19 Volkswagen? Do you ever recall that being part of a detail?

20 A. No.

21 Q. And I take it it was your answer to my learned friend's
22 question, you also have no recollection of actually being
23 sent out to search for anybody with any specific
24 description, an old man or --

25 A. I don't recall any instructions, no.

WYMAN YOUNG, by Ms. Edwardh

- 1 Q. And on the night in question when the stabbing occurred, do
2 you know where you were, sir?
- 3 A. When the stabbing occurred?
- 4 Q. Yes, on May the 28th around midnight.
- 5 A. I was probably at home.
- 6 Q. Let me just show you something and see whether it changes your
7 view of that. Do you have volume 16 in front of you; if not
8 I will get it for you?
- 9 A. I don't know. What's-- Is it here?
- 10 Q. You have volume 16. Okay. Would you please turn to page 38,
11 and it is a statement of one Gary Vincent Tobin. The pages
12 are at the top there, thirty-eight. And would you please
13 take your eyes down about the very end of the first main --
14 big paragraph on that page. This young man is saying -- He's
15 describing the incident and then he gets to:
- 16 P.C. Young told me to leave...
- 17 And he's referring to the dance.
- 18 ...and at the intersection of
19 George and Cottage I seen
20 Junior Marshall in a police
car.
- 21 Now I'm wondering, sir, whether you're aware of any other
22 Constable Young on the force at the time?
- 23 A. There was -- Roy Young was on the force at the time, but
24 I never worked that dance so I wouldn't -- I was day shift
25 the next day so I wouldn't be out at that hour of the night.

WYMAN YOUNG, by Ms. Edwardh

1 | Q. So that must be the other officer then?

2 | A. Either that or it was a mistake as far as who -- who it was.

3 | It wasn't me.

4 | Q. Okay. We have heard, sir, as a result of a question posed
5 | actually by Mr. Murray that Sergeant Urquhart had developed
6 | a nickname around the station in 1970, '71, and I think
7 | the name suggested by Mr. Murray was "Father Confessor".

8 | Have you ever heard that name?

9 | A. No, I don't recall it.

10 | Q. So you can't help us as to this name?

11 | A. No.

12 | Q. And I take it with respect to the search that you participated
13 | in with Mallowney that essentially it was just the two of
14 | you without instructions going out to see if you could find
15 | anything or if anything was around?

16 | A. That's right.

17 | Q. Did you have any even idea of where the actual stabbing took
18 | place?

19 | A. No, I didn't.

20 | Q. Now as well, sir, you were involved in going out to Membertou
21 | when Mr. Marshall was arrested. Is that correct? Let me just
22 | see if this refreshes your memory?

23 | John Mallowney has testified and at page 1610 of volume 9 --

24 | I'm sorry, I'm incorrect. The question was put to him and

25 | let me just read you this exchange and this is from Mr. Wildsmith:

WYMAN YOUNG, by Ms. Edwardh

1 Q. My information, and perhaps you'll now
2 indicate you have no knowledge of this,
3 is that yourself and Constable Wyman
4 Young were dispatched and assigned to
5 the Membertou Reserve that evening...

6 This is at the time of the arrest.

7 ...because of threats to Mr. Marshall and
8 his family.

9 The answer from the officer was:

10 A. I don't recollect it.

11 Do you, sir, have any recollection of going out to Membertou
12 at the time of Mr. Marshall's arrest because of threats to
13 the family?

14 A. Are you talking about the evening?

15 Q. The evening, yes.

16 A. No, I don't recall any of that but I don't see -- See, if I
17 was day shift the day after the incident, I --

18 Q. No, no. I'm not talking about the incident. I'm talking
19 about Mr. Marshall's arrest which would be some days later.
20 It would be Friday, June the 4th. The incident is May the 28th
21 so it would be the end of the week.

22 A. No, I wouldn't be working in the evenings.

23 Q. And if the arrest occurred during the day, I take it you simply
24 have no recollection of participating in any way?

25 A. No, I don't.

Q. Now you say you also did some work with Ed MacNeil over the
course of the years surrounding 1970, '71, '72?

WYMAN YOUNG, by Ms. Edwardh

1 A. Possibly. I worked with him off and on over my years as a
2 police officer but I couldn't say exactly when.

3 Q. Did he ever describe to you the arrest of a -- in 1970 of
4 an older man carrying a twelve inch butcher knife in this
5 pants?

6 A. No.

7 Q. Did he ever talk to you about Ebsary in later years when his
8 name came up?

9 A. Not that -- I don't recall.

10 Q. You don't recall?

11 A. No.

12 Q. One last area, sir, is I have information that at some time
13 shortly after the incident, Mr. Marshall went back to Crescent
14 Street and started to knock on doors to see if any citizens
15 had seen anything, looking for someone who might have seen
16 these two individuals, but was picked up by the police and
17 then brought to the police station and told that the police
18 were going to do that. Were you one of the officers, sir, who
19 picked him up?

20 A. Not that I -- Not that I recall.

21 Q. Have you heard about that at all? Would you be able to assist
22 us as to --

23 A. No, I can't. I don't recall.

24 Q. You don't have any recollection.

25 MS. EDWARDH:

Thank you very much, sir.

WYMAN YOUNG, by Mr. Murray

1 BY MR. MURRAY:

2 Q. Mr. Young, my name is Donald Murray and I'm representing
3 John MacIntyre. I refer you in volume one to pages 67 and -- 67,
4 which is testimony from John Mallowney at the Preliminary
5 Inquiry held with respect to the Marshall case. My friend
6 suggested to you that it was just yourself and Constable
7 Mallowney that went down to the park that morning. I ask
8 you to look at line 13 and there's an answer, "Myself", which
9 would be Mallowney, and Constable Wyman Young, "Crawford".
10 Is there an officer named Crawford, sir?

11 A. Yes.

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1 Q. And was he there with you that morning or do you recall?

2 A. It's possible. See, Crawford could have been sent up
3 there with us. I don't recall. At the time, I believe
4 that I was assigned to the car with Constable Mallowney.

5 Q. And Mallowney, as a senior officer, would have received
6 the direct instructions --

7 A. Yeh. So he -- we could have taken Crawford. I don't recall
8 that. I just recall going there with Mallowney. Now,
9 Crawford could have been with us, or he might not have
10 been with us.

11 Q. Yes. And if Constable Mallowney testified under oath that
12 you three conducted a thorough search, you would have no
13 basis on which to argue with that?

14 A. No.

15 Q. Your answer was no?

16 A. I would have no basis to argue with that.

17 Q. Thank you. I have no further questions.

18 BY MR. PINK:

19 Q. Just a couple of very brief questions. My friend, Mr. Orsborn,
20 asked you about an incident or an allegation by Mr. Christmas,
21 and you said you don't recall an incident where you chased
22 him and threw a billy club. Do you deny that incident
23 occurred?

24 A. That I chased him through what?

25 Q. And threw a billy club at him.

WYMAN YOUNG, by Mr. Pink, by Mr. Ross

1 A. Yes, I deny that, yes.

2 Q. You deny that? The courtroom that was in the old Police
3 Station, by this time it was no longer in use, is that
4 correct?

5 A. I would imagine that it would still be in use in the
6 mornings. I'm not sure.

7 Q. The new courthouse was in use?

8 A. Yes, but the new one would take cases, but liquor control
9 stuff they would take them out of the lock-up and into there
10 and run --

11 Q. So provincial offences were still there at that time?

12 A. Yes, I believe so, yes.

13 Q. And was it Magistrate MacDonald that would sit there, or
14 was it another magistrate?

15 A. I believe at the time it would be Magistrate MacDonald.

16 Q. That's all. Thank you.

17 MR. SAUNDERS:

18 No questions.

19 BY MR. ROSS:

20 Q. Mr. Young, my name is Anthony Ross, and I will be asking you
21 a couple questions with respect to Sandy Seale. Now, you've
22 indicated that you had heard that he might have been a little
23 boisterous on the street. Do you recall who you heard that
24 from?

25 A. Pardon?

WYMAN YOUNG, by Mr. Ross

- 1 | Q. Do you recall who you heard indicate that Sandy Seale might
2 | have been a little boisterous on the street?
- 3 | A. Where I heard it?
- 4 | Q. Yes.
- 5 | A. No, I wouldn't recall where I heard it, no.
- 6 | Q. And you wouldn't recall who you heard it from either?
- 7 | A. No.
- 8 | Q. You further indicated that -- My understanding is that it
9 | is the same kind of talk about Sandy Seale and Junior
10 | Marshall. Am I correct that that was your evidence?
- 11 | A. Yes, I would say so, yes.
- 12 | Q. I see. What about -- Did you ever hear of an incident
13 | involving Sandy Seale and a dog belonging to who is
14 | now Chief Walsh?
- 15 | A. No.
- 16 | Q. Did you ever hear of an incident involving a dog belonging
17 | to Chief and Junior Marshall -- Chief Walsh and Junior Marshall?
- 18 | A. No.
- 19 | Q. You didn't?
- 20 | A. A dog belonging to Chief Walsh?
- 21 | Q. And Junior Marshall?
- 22 | A. I didn't know that Chief Walsh had a dog.
- 23 | Q. All right. You didn't hear about the story. Good.
- 24 | A. No.
- 25 | Q. Now, tell me, as far as your relationship with -- Could it

1 be said that you are a fairly good friend of Junior
2 Marshall?

3 A. A fairly good friend of Junior Marshall's?

4 Q. Yes.

5 A. I wouldn't say that I was a good friend of Junior Marshall's.
6 I don't really believe that I was either way with Junior. I
7 don't -- didn't know the boy. I knew his father, but I
8 didn't know the boy --

9 Q. I see.

10 A. -- to that extent where I would say I was a friend or
11 anything else involved with him.

12 Q. And as far as Sandy Seale is concerned, is it fair that the
13 same thing would have applied?

14 A. Yes.

15 Q. And is it fair further that there would have been a more of
16 a distant relationship between yourself and Sandy Seale
17 than between yourself and Junior Marshall?

18 A. No, I don't think there would -- would be any difference
19 in the relationship. I didn't know either one of them as
20 far as -- I knew who they were. I would recognize them
21 on the street.

22 Q. And that was the extent of it?

23 A. Pretty well.

24 Q. Apart from some scuttle-butt that you might have heard which
25 was never substantiated?

WYMAN YOUNG, by Mr. Ross, Mr. Wildsmith

1 A. Yeh.

2 Q. I see. Thank you very kindly. No more questions.

3 MR. CHAIRMAN:

4 Mr. Wildsmith.

5 BY MR. WILDSMITH:

6 Q. Just one question, Mr. Young. You were asked about whether
7 on the night that Junior was arrested, you might have been
8 dispatched with Constable Mallowney to the Reserve, and your
9 answer, I think, was that that would not have happened on
10 the night that Junior was arrested. I'm wondering if you
11 have any recollection of being dispatched at all around
12 this time period along with Constable John Mallowney or
13 anyone else to take a patrol car to the Reserve and stay
14 there?

15 A. I don't recall ever being dispatched to the Reserve out-
16 side of going on calls, and we used to check on regular
17 patrol duties driving up through the Reserve, but I don't
18 recall any special dispatch to the Reserve area. There
19 might have been. I don't -- You know. I'm not denying
20 that we weren't sent there. I don't recall any.

21 Q. Thank you. That's all my questions.

22 MR. CHAIRMAN:

23 That's all, thank you, Mr. Young.

24 THE WITNESS:

25 You're welcome.

WYMAN YOUNG, by Mr. Wildsmith


1 | MR. CHAIRMAN:

2 | So we adjourn until October 26th, at 9:30 of the clock.

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6 | INQUIRY ADJOURNED AT 11:23 o'clock in the forenoon on the 9th
7 | day of October, A.D., 1987.
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COURT REPORTER'S CERTIFICATE

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


Judith M. Robson
Official Court Reporter
Registered Professional Reporter