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3

ROYAL COMMISSION ON THE
DONALD MARSHALL, JR., PROSECUTION

VOLUME XVIII

Held: October 26, 1987

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

Before: Chief Justice T. 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. Marlys Edwardh, & Ms. Anne S. Derrick:
Counsel for Donald Marshall, Jr.

Michael G. Whalley, Q.C.: Counsel for City of Sydney

Joel Pink, 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

Graydon Nicholas: 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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COURT REPORTER'S CERTIFICATE	RR
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INQUIRY RECONVENED AT 9:37 o'clock in the forenoon on Monday, the 26th day of October, A.D., 1987, at Sydney, in the County of Cape Breton, Province of Nova Scotia

1

2 MR. CHAIRMAN:

3 Good morning. Yes.

4 MR. SPICER:

5 Good morning, My Lord. The first witness is Barbara Floyd.

6 BARBARA FLOYD, being called and duly sworn, testified as follows:7 BY MR. SPICER:

8 Q. Would you tell us your full name, please?

9 A. Barbara Floyd.

10 Q. Barbara Floyd?

11 A. Yes.

12 Q. Were you brought up in Sydney, Barbara?

13 A. Yes.

14 Q. Can you tell us the schools that you went to?

15 A. High schools?

16 Q. No, start before high school. What's the first school you went
17 to?

18 A. Elementary schools?

19 Q. Yes.

20 A. St. Joseph's.

21 Q. Okay, and where did you go from there?

22 A. Sacred Heart.

23 Q. All right.

24 A. Holy Angels Convent, Sydney Academy, Dartmouth Junior High and
25 Holy Angels Convent.

BARBARA FLOYD, by Mr. Spicer

1 Q. What years were you at the Sydney Academy?

2 A. I'm not sure. Around 1970.

3 Q. In the '60's? Maybe I can help you better, --

4 A. '70. 1970.

5 Q. '70, '71?

6 A. I think so.

7 Q. Around that time. Can you tell us what grades you were in
8 at that time in Sydney Academy?

9 A. Ten.

10 Q. Grade ten. And did you leave the Sydney Academy then to go to
11 Dartmouth?

12 A. Yes.

13 Q. And when would that have been?

14 A. '71. I'm not positive.

15 Q. In seventy -- in 1971 and '71, you were in Sydney and at Sydney
16 Academy.

17 A. Yeh.

18 Q. Is that right?

19 A. I'm pretty sure. I can't recall the dates.

20 Q. Okay. Okay, sure. You were born in 1955?

21 A. Yes.

22 Q. And in 1970 and '71, would you have known some of the -- some
23 of the Indian boys in Sydney?

24 A. Yes.

25 Q. Okay. Were there a group of Indian kids that you used to hang

BARBARA FLOYD, by Mr. Spicer

- 1 around with at about that time?
- 2 A. Yes.
- 3 Q. Can you tell us who they were?
- 4 A. There was an awful lot of them.
- 5 Q. Well, can you give us your recollection of who they were?
- 6 A. Artie Paul, Junior Marshall, Edward Kabatay, Lawrence Paul,
7 Kevin Christmas, Jimmy Gould -- quite a few others.
- 8 Q. Was Tom Christmas?
- 9 A. Yes.
- 10 Q. And were there other friends of yours -- other girlfriends
11 of yours that used to hang around with the same group of
12 Indian kids?
- 13 A. Yes.
- 14 Q. And who were they?
- 15 A. Joan Clemens, Sandra MacNeil.
- 16 Q. Sandra MacNeil?
- 17 A. They're the ones that I recall, like there's other ones, but I
18 didn't hang around with them.
- 19 Q. Okay. And when you say you used to hang around with them,
20 can you give us some idea of the sorts of things that you
21 used to do?
- 22 A. Go to the dances.
- 23 Q. Yes.
- 24 A. Hung around Wentworth Park.
- 25 Q. Did you hang around at all out by the graveyard?

1 A. Yes.

2 Q. Do you remember incidents of any of the Indian boys that you
3 were mentioning being involved in bumming money in the park?

4 A. I didn't see anyone bumming money in the park.

5 Q. Did you know that it was going on though?

6 A. Yes.

7 Q. Okay. Did you ever hear of anybody -- of any of the Indian
8 kids using any force to bum money?

9 A. No.

10 Q. Did you ever get the feeling at Sydney Academy -- at school
11 that any of your friends would shun you a bit because you were
12 hanging around with the Indian boys?

13 A. I don't feel that they did.

14 Q. Did you ever hear any comments? Did anybody ever make fun of
15 you or anything?

16 A. Back then, no.

17 Q. Later?

18 A. Yes.

19 Q. And what was said later?

20 A. Just remarks like how could I hang around with them. How could
21 I ever go out with an Indian boy.

22 Q. And who would be making those remarks?

23 A. White people.

24 Q. This is after you finished high school? And would it have
25 been in relation to the time you were in high school or just

BARBARA FLOYD, by Mr. Spicer

1 | generally?

2 | A. Generally.

3 | Q. Generally. Would that have been in Sydney?

4 | A. Yes, lately and all along in the last few years.

5 | Q. Over the years?

6 | A. Yes.

7 | Q. Do you ever remember being told by the police in Sydney that
8 | you shouldn't hang around with the Indians?

9 | A. No.

10 | Q. Do you have any recollection of your parents ever being told
11 | by the police that they shouldn't let their daughter hang around
12 | with Indians?

13 | A. No.

14 | Q. Did you ever hear that that was happening to anybody else's
15 | parents?

16 | A. Yes.

17 | Q. Okay. Do you remember anybody specifically?

18 | A. Joan Clemens.

19 | Q. Joan Clemens?

20 | A. Yes.

21 | Q. Was there a fair amount of drinking going on at that time,
22 | 1970, 71?

23 | A. Everyone I knew used to drink. Not all the time but occasionally.

24 | Q. On the weekends?

25 | A. Yes.

BARBARA FLOYD, by Mr. Spicer

- 1 Q. And where would that place?
- 2 A. In the park.
- 3 Q. And what would you do if you were drinking in the park and the
4 police came along?
- 5 A. Take off.
- 6 Q. Take off? How often did that used to happen?
- 7 A. Quite often.
- 8 Q. Quite often that the police would come along?
- 9 A. Yes.
- 10 Q. Did the police ever pick you up?
- 11 A. Once.
- 12 Q. Once? Did you ever see them picking the Indian kids up?
- 13 A. No.
- 14 Q. Were you ever in the graveyard area drinking and the police
15 would come along?
- 16 A. Not myself, but it has happened.
- 17 Q. You heard about it?
- 18 A. Yes.
- 19 Q. Did you know Junior Marshall well? 1970?
- 20 A. Fairly well.
- 21 Q. What was your impression of him?
- 22 A. I liked him. I thought he was a nice guy. He was quiet and
23 seemed to mind his own business.
- 24 Q. Did you ever see Junior carrying a knife?
- 25 A. No.

BARBARA FLOYD, by Mr. Spicer

1 Q. Did you ever hear that he did?

2 A. I don't recall, no.

3 Q. Did you know John Pratico in 1971?

4 A. Yes.

5 Q. And where did you know him from?

6 A. Seeing him around, in the park, and --

7 Q. Yes. Did he used to hang around with the Indian guys at all?

8 A. I don't remember him being with us, but I've seen him hanging
9 around the park but not a lot.

10 Q. Okay. And at that time -- You didn't know him from school then,
11 I take it?

12 A. No.

13 Q. No? Just from hanging around in the park. And what was your
14 impression of him?

15 A. I didn't have much of an impression of him.

16 Q. Yes. When you say you didn't have much of an impression of
17 him, did you have any impression of him at all? Did he --

18 A. I didn't think he was very normal.

19 Q. Do you know whether or not that was sort of the view generally
20 of the people that you hung around with?

21 A. I felt that, yes.

22 Q. You felt that? And was there a way that -- in which that
23 feeling was conveyed to you from John? Was there something
24 about him?

25 A. Basically, the look of him.

BARBARA FLOYD, by Mr. Spicer

- 1 Q. Yes. In what respect? Just looked different?
- 2 A. Yes.
- 3 Q. Act a little differently?
- 4 A. Yes, I felt that he did.
- 5 Q. Now you attended the dance on May the 28th?
- 6 A. Yes.
- 7 Q. Who did you go with?
- 8 A. Joan Clemens and Sandra MacNeil.
- 9 Q. Do you know what time you left the dance?
- 10 A. As soon as it was over.
- 11 Q. Around midnight?
- 12 A. Yes.
- 13 Q. And when you left the dance, did you see John Pratico?
- 14 A. Yes.
- 15 Q. Do you remember how long after the -- after leaving the dance
- 16 you saw John?
- 17 A. Moments.
- 18 Q. Moments? Are you -- Do you remember whether or not by the
- 19 time you'd seen John whether you'd heard anything about the
- 20 stabbing?
- 21 A. I had heard something. I don't know if it was exactly that
- 22 someone told me someone was stabbed or if they said there
- 23 was a lot of police down the park, not to go near the park.
- 24 Q. But whatever it was, you'd heard that before you saw John?
- 25 A. Just before I saw John.

1 Q. Just before you saw -- And when you saw him what was he doing?

2 A. He was arguing with Ricky Risk.

3 Q. Are you able to tell us whether or not that he appeared to
4 you to be drunk or sober?

5 A. I couldn't swear to how he was.

6 Q. Do you have any recollection of how he looked?

7 A. He looked like he had been drinking, but I don't know if he
8 was.

9 Q. Was he pushing and shoving with --

10 A. Just arguing.

11 Q. Arguing?

12 A. It didn't last any more than ten seconds or so.

13 Q. And was that just outside the church?

14 A. Yes. In the parking area -- parking lot area.

15 Q. In the parking lot area around the church?

16 A. Yeh.

17 Q. Who did you leave the dance with?

18 A. Joan and Sandra.

19 Q. Joan and Sandra? And where were you heading?

20 A. We decided to walk Joan past the park because she lived up
21 off Alexandra Street, to make sure she'd be okay. And then
22 we were headed home.

23 Q. Okay. Can you just show us how you would've gotten Joan home?

24 A. We walked down here and up past -- to about here.

25 Q. Right. So you would've gone up along George Street, turned

BARBARA FLOYD, by Mr. Spicer

- 1 left onto Argyle, gone past Argyle a little beyond Crescent?
- 2 A. Yes, past Crescent a bit.
- 3 Q. Right and you would've dropped Joan off there?
- 4 A. Yeh.
- 5 Q. Okay. And then where would you and Sandra have gone?
- 6 A. Back down this way and over here and up that way.
- 7 Q. Okay. So back down Argyle, along George a little bit, and
- 8 then off along by Cottage Road?
- 9 A. Yes. Up towards Townsend Street.
- 10 Q. Up towards Townsend Street?
- 11 A. Yes.
- 12 Q. During the course of taking Joan over towards -- on Argyle and
- 13 on your trip back, did you hear any sirens or see anything?
- 14 A. No.
- 15 Q. Did you see anybody at all?
- 16 A. No.
- 17 Q. So the only person you would've seen would've been John Pratico
- 18 when you left the dance?
- 19 A. Everyone at the dance was there outside.
- 20 Q. Sorry?
- 21 A. Everyone that was at the dance outside and around, yeh.
- 22 Q. Yes. Did you have -- Were you visited the next morning by
- 23 John MacIntyre?
- 24 A. Yes.
- 25 Q. And you -- Was he by himself?

BARBARA FLOYD, by Mr. Spicer

- 1 A. No. Mr. Mallowney.
- 2 Q. Was with him?
- 3 A. Yes.
- 4 Q. Do you remember what time of the day that was?
- 5 A. It was shortly before noon. It wasn't really early. It was
6 later in the morning.
- 7 Q. Okay. And did you meet him at the door or did your mother?
8 Did you go to the door and answer the door?
- 9 A. No, I don't know who answered the door. It was't me.
- 10 Q. Did MacIntyre and Mallowney come into your house?
- 11 A. Yes.
- 12 Q. And what was it that they were there for?
- 13 A. To speak to me.
- 14 Q. Did they tell you what it was they wanted to talk to you about?
- 15 A. They told me that Junior and Sandy had been stabbed the night
16 before and they asked me if I was at the dance, and then they
17 asked me if I was in the park.
- 18 Q. Right. And what did you say?
- 19 A. I said I wasn't in the park.
- 20 Q. What did they say to that?
- 21 A. Well, they said that they had an eye witness that said that I
22 was there.
- 23 Q. What did you say?
- 24 A. That I wasn't.
- 25 Q. Did they persist in --

BARBARA FLOYD, by Mr. Spicer

- 1 A. Yes, they described me. At the time, I had a towel on my head
2 because I had just gotten out of the shower, and they knew
3 exactly what I looked like. They knew what clothes I wore and
4 things like that and said that somebody did see me there.
- 5 Q. And in the course of telling you that somebody had seen you
6 there the night before, did they describe to you the clothes
7 that you had been wearing the night before?
- 8 A. Yes.
- 9 Q. And did they describe them correctly?
- 10 A. Yes.
- 11 Q. Can you give us any idea of how many times they suggested to
12 you that you were in the park?
- 13 A. A few times.
- 14 Q. And would those suggestions have been being made by MacIntyre
15 or by Mallowney?
- 16 A. MacIntyre.
- 17 Q. What was Mallowney doing?
- 18 A. Just standing over against the wall.
- 19 Q. Can you describe MacIntyre's attitude towards you that morning?
- 20 A. Well, he was persistent that I did -- that I was there -- that
21 they had an eye witness saying that I was there.
- 22 Q. Did he tell you who the eye witness was?
- 23 A. No.
- 24 Q. And did you persist in saying, "No, I wasn't."?
- 25 A. That's right.

BARBARA FLOYD, by Mr. Spicer

- 1 Q. What happened after that? You persisted in saying that you
2 weren't there. Was there more to the conversation?
- 3 A. There was more than that, but I can't remember everything.
- 4 Q. Can you tell us anything else that you do remember?
- 5 A. Just that they told my parents to, you know, make sure that
6 I'm telling the truth and stuff like that. That was it.
- 7 Q. Were your parents there when you were being questioned?
- 8 A. Yes.
- 9 Q. And did they get involved in the discussion at all or did they
10 just stand by and listen?
- 11 A. Well, they listened other than telling me to tell the truth.
- 12 Q. And they told you to tell the truth during the course of the
13 questioning?
- 14 A. Yes. He also asked if I was going out with Edward John.
- 15 Q. This is Edward John Kabatay?
- 16 A. Yeh.
- 17 Q. And who asked you that?
- 18 A. MacIntyre.
- 19 Q. And what did you say?
- 20 A. Yes.
- 21 Q. Did he say anything in response to that?
- 22 A. No.
- 23 Q. No. Did he say anything to your parents about the fact that
24 you were going out with Edward John?
- 25 A. No.

BARBARA FLOYD, by Mr. Spicer

- 1 Q. Do you know how long MacIntyre and Mallowney were at your house
2 that morning?
- 3 A. I wouldn't think it was more than a half an hour at the most.
- 4 Q. Did they say anything to you when they were leaving, that
5 they'd get back to you or anything like that?
- 6 A. No.
- 7 Q. Did you give a statement to the Sydney Police Department?
8 Anything in writing?
- 9 A. No.
- 10 Q. Did you have any idea when they left where they'd gotten the
11 information from concerning what you were wearing the night
12 before?
- 13 A. No.
- 14 Q. Did you ask them?
- 15 A. No.
- 16 Q. Were you a little nervous when they were questioning you?
- 17 A. Yes.
- 18 Q. Is that the first time you've been questioned by the police?
- 19 A. Yes.
- 20 Q. Did you see Junior Marshall that evening, Saturday evening?
- 21 A. Yes.
- 22 Q. And where did you see him?
- 23 A. At a girlfriend's place on the reserve.
- 24 Q. At Anita Paul's?
- 25 A. Yes.

BARBARA FLOYD, by Mr. Spicer

- 1 Q. Okay. What time of the evening was that?
- 2 A. Early.
- 3 Q. Early in the evening?
- 4 A. After supper, early evening.
- 5 Q. And did Junior tell you what had happened the night before?
- 6 A. Yes.
- 7 Q. Was there anything that prompted him to tell you?
- 8 A. We were probably asking him what had happened.
- 9 Q. Right. By that point, had Sandy Seale died?
- 10 A. It was just shortly after I was talking to Junior that it came
- 11 over the radio that he had died.
- 12 Q. Was Junior there when that came over the radio?
- 13 A. Yes.
- 14 Q. Do you remember what his reaction was to that?
- 15 A. We were all very upset. Junior was upset.
- 16 Q. And how -- What was he showing that would indicate to you that
- 17 he was upset?
- 18 A. His reaction. He was --
- 19 Q. Did he say anything?
- 20 A. I can't remember the exact words. We were all crying and
- 21 everything. I can't remember just what happened.
- 22 Q. Do you remember if Junior was crying?
- 23 A. I don't remember looking at him at that time, no.
- 24 Q. But he was upset?
- 25 A. Yes.

BARBARA FLOYD, by Mr. Spicer

1 Q. What was it that he told you had happened the night before?

2 A. He had told me that him and Sandy were going through the park
3 and two fellows stopped him, one was really old, and asked him
4 for a match, and he didn't have a match; so he kept walking
5 and when he turned around, the old fellow had stabbed Sandy
6 and he went to help them by swinging with his arm and he stabbed
7 him and then he proceeded to show me his -- took off the
8 bandage and showed me his arm.

9 Q. He took the bandage off?

10 A. Yes.

11 Q. Did he -- Did Junior describe the two people to you?

12 A. He just said one was old and one was like middle-aged, you
13 know. I was under the impression then like that they were
14 both old.

15 Q. Did he describe any -- Did he describe what they were wearing
16 to you?

17 A. They wore dark clothes.

18 Q. Did he describe -- Did he mention to you whether one was tall
19 or one was short?

20 A. I don't remember if he --

21 Q. Did he say anything about their hair?

22 A. Well, when he said old, I just had the impression -- I don't
23 know now, it's --

24 Q. Yes.

25 A. I've heard so many stories; I don't know if he said that one

1 had white hair or dark hair. I just knew he said they were
2 old, and anyone that was in their middle twenties was old to
3 us because we were just kids so --

4 Q. Other than trying to bum a light, did he indicate any other
5 conversation that took place between them that evening?

6 A. No.

7 Q. No? How long was Junior there that night, at Anita Paul's?

8 A. About half an hour.

9 Q. Did he say anything to you about whether he'd been at the
10 police station on the Saturday at all?

11 A. I don't remember.

12 Q. Did Junior Marshall ever say anything to you about -- at that
13 time about whether or not he was in the park trying to bum
14 money himself?

15 A. He didn't tell me that.

16 Q. Did he ever tell you that later?

17 A. That he was bumming money?

18 Q. Yeh.

19 A. No. I've -- I haven't spoken to Junior ever after that evening.

20 Q. After that evening at Anita Paul's?

21 A. Yes.

22 Q. Did you see him around during that week from the Saturday to
23 the following Friday when he was charged?

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

25 Q. No. Did you hear anything around town or amongst your friends

BARBARA FLOYD, by Mr. Spicer

1 as to what was going on with the investigation that week?

2 A. I just felt that they were looking for these two people. I
3 just thought that's what they must be doing, but I didn't
4 hear from him. Nobody really knew what was going on.

5 Q. And you thought they must've been just looking for those two
6 people. Was that just your assumption?

7 A. Yes.

8 Q. It wasn't from anything that you'd heard from anybody?

9 A. No.

10 Q. Did you attend the Preliminary hearing?

11 A. No.

12 Q. Did you hear anything about it at all from any of your friends?

13 A. The Preliminary?

14 Q. Yes.

15 A. No.

16 Q. No. Did you attend any of the trial?

17 A. No.

18 Q. Did you follow the trial in the paper?

19 A. Yes.

20 Q. And at some point during the trial, did you realize that John
21 Pratico was being called as a witness?

22 A. The day he was being called, it was written in the Cape Breton
23 Post. His statement or whatever was in the Post.

24 Q. I'll show you an excerpt from the Cape Breton Post, which is
25 Exhibit 52. Do you remember whether that's the edition of

BARBARA FLOYD, by Mr. Spicer

1 the Cape Breton Post that you -- when you looked at it you
2 realized they were calling John Pratico as a witness?

3 A. Yes.

4 Q. Do you remember where you were when you read that?

5 A. At Sandra MacNeil's house?

6 Q. And were there -- Who -- Were there other people there?

7 A. Yes.

8 Q. Who else was there?

9 A. Joan Clemens. Sandra's sisters were there.

10 Q. And who were -- What were their names?

11 A. Ann MacNeil and Mary MacNeil and Colin Waye was there.

12 Q. And you were reading the paper and what happened? What was
13 your reaction?

14 A. Well, I said, " That can't possibly have happened because he
15 was at the dance; so he couldn't have seen anything." So
16 the adults that were in the room said, "Well, maybe you should
17 do something about it." So --

18 Q. Who were the adults that were in the room?

19 A. Ann.

20 Q. Ann?

21 A. Ann MacNeil and Mary and Colin. I'm not sure if her parents
22 were there or if they were working. I feel that her mother
23 was there too. I'm not sure.

24 Q. Do you know what time of the day it was?

25 A. I'm pretty sure it was at noon.

BARBARA FLOYD, by Mr. Spicer

1 Q. And would you then have just been on your lunch break --

2 A. Yes.

3 Q. -- and been over at Sandra's? And was -- The Cape Breton Post
4 would arrive around noon?

5 A. Yes.

6 Q. The excerpt from the paper that you have in front you, was
7 there a particular part of the newspaper article that when
8 you at it, you thought, well, that couldn't have been it. That
9 couldn't have happened?

10 A. As soon as I read it and I saw that John Pratico was a witness,
11 I knew he couldn't be and the part where he says he ran up
12 Bentinck Street, that had me puzzled that if he ran up
13 Bentinck Street, I pictured that it would be up towards the
14 Acadian Lines; so it didn't make sense that he would be at
15 the dance.

16 Q. And that's in the third paragraph where it says:

17 That's the last I saw. I ran up Bentinck Street,
18 Pratico said.

19 A. Yes.

20 Q. And that didn't make sense to you? Why?

21 A. Because he was at the dance.

22 Q. He was at the dance, and you saw him outside the dance?

23 A. Yes.

24 Q. And you already knew that something had happened in the park --

25 A. Yes.

BARBARA FLOYD, by Mr. Spicer

1 Q. -- at the point that you saw him? And you were saying that
2 the adults that were there had decided that perhaps you ought
3 to do something?

4 A. Yes.

5 Q. And what was it that you did?

6 A. I called Rosenblum's office.

7 COMMISSIONER POITRAS:

8 I didn't get that. I missed that.

9 MR. SPICER:

10 Sorry. She said she called Rosenblum's office.

11 BY MR. SPICER:

12 Q. Did you understand Rosenblum to be one of Junior Marshall's
13 lawyers?

14 A. Yes.

15 Q. And do you recollect whether or not you called him during that
16 lunch break when you were there at lunch time?

17 A. As soon as I read this.

18 Q. Okay. And you called and what happened?

19 A. I called and I asked to speak to Donny Marshall's lawyers.
20 Do you know who the person was that you spoke to? Who is
21 the person that answered the phone?

22 A. I don't know who answered.

23 Q. Do you know whether the person that answered the phone was a
24 man or a woman?

25 A. I think it was a woman.

BARBARA FLOYD, by Mr. Spicer

- 1 Q. And you said you wanted to speak to Donny Marshall's lawyers?
- 2 A. Yes.
- 3 Q. Okay.
- 4 A. I wasn't sure who to ask for, if I should ask for Rosenblum or
5 Khattar; so I just asked for his lawyer.
- 6 Q. Was it Rosenblum's office that he called from?
- 7 A. Yes.
- 8 Q. Okay. And what happened?
- 9 A. A man came back on the phone and didn't -- I don't remember
10 him identifying himself. He just said, "May I help you?"
11 And I told him that I had just read the paper, and I was calling
12 about John Pratico, that he couldn't possibly be a witness
13 because he was at the dance, and he said, "You're too late."
14 And I said, "I beg your pardon," and he just repeated himself
15 and then he hung up.
- 16 Q. Had you identified yourself? Did you say who you were?
- 17 A. I'm pretty sure I did.
- 18 Q. Yes. Did you say anything else other than the fact that John
19 couldn't have seen it because he was at the dance?
- 20 A. That's all I remember saying to him. Then he just kind of
21 cut me off.
- 22 Q. Yes. And were there other things that you had prepared in
23 you mind that you wanted to say to him?
- 24 A. Well, I thought he would've said to come down and talk to him,
25 you know. We would have said what I'm saying now, but --

BARBARA FLOYD, by Mr. Spicer

1 Q. But you didn't get a chance?

2 A. No.

3 Q. Do you have any idea how long that conversation lasted?

4 A. Seconds.

5 Q. Seconds?

6 A. Yes.

7 Q. Do you recollect what the man's attitude was on the other end
8 of the phone? Can you describe what his voice was like?

9 A. He was just blunt.

10 Q. Blunt?

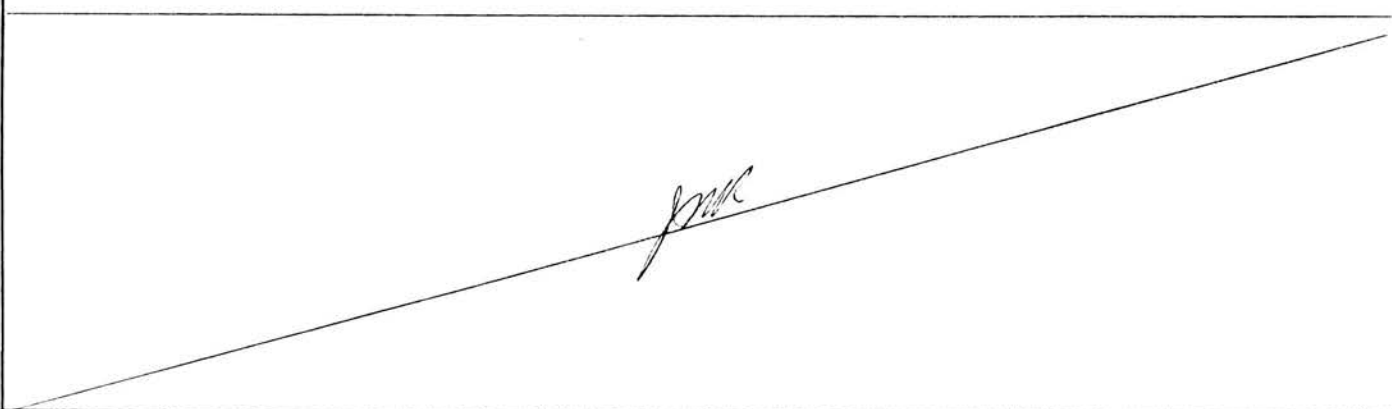
11 A. "You're too late," he said. And I remember thinking, "It's
12 not too late because he's not convicted yet." It hadn't come
13 over the radio that he was guilty.

14 Q. Did you get a chance to say --

15 A. No.

16 Q. -- any of that? No? What did you do when you got off the
17 phone?

18 A. I told the rest of the people what had happened?
19
20
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BARBARA FLOYD, by Mr. Spicer

1 Q. Was there any discussion about whether or not you ought to
2 do anything further?

3 A. There was, but we didn't know what else to do.

4 Q. What sort of things were you thinking about?

5 A. There was nothing I felt that we could do if we approached his
6 lawyer. I figured no one else would help him.

7 Q. Did you think about getting in touch with the police?

8 A. I thought about it, but I'd never do it.

9 Q. Why would you never do it?

10 A. Because I felt that they wouldn't do anything.

11 Q. Why did you feel that?

12 A. Because I knew how the police felt about Donnie Marshall.

13 Q. And how did you think the police felt about Donnie Marshall?

14 A. They didn't like him. I'm not saying the police -- I shouldn't
15 say that. I knew that the head of the investigation --

16 Q. John MacIntyre --

17 A. Yes.

18 Q. --didn't like Junior?

19 A. Right.

20 Q. And from what -- Where did you get that impression from?

21 A. Long before this had happened he picked up Joan Clemens and her
22 mother and took them down to the police station and gave them
23 a really tough time saying that -- how could Joan's mother ever
24 let her go out with the likes of Junior Marshall and said all
25 kinds of things.

BARBARA FLOYD, by Mr. Spicer

- 1 Q. And let's talk about that for a couple of minutes. Was that
2 in connection with the charge against Junior Marshall of giving
3 liquor to under aged girls?
- 4 A. Yes.
- 5 Q. To Joan Clemens in particular?
- 6 A. Yes.
- 7 Q. And that would have been back in November or so of the previous
8 year?
- 9 A. Yeh.
- 10 Q. All right, and how is it that you know anything about that
11 incident?
- 12 A. Joan told me, you know.
- 13 Q. And what was it that Joan told you?
- 14 A. Right from the time that they picked her up off the school bus
15 and then picked up her mother and took them down to the police
16 station.
- 17 Q. What did she tell you about what happened?
- 18 A. She told me that John MacIntyre was hollering at her mother and
19 called her a lot of names, such as, an unfit mother and things
20 like that and said that there was a lot of charges against
21 Junior and how could she ever let her daughter go out with him
22 and her mother was really upset, crying and everything, and
23 it all led to this charge. They ended up going to Court over it.
- 24 Q. And that was the charge against Junior for giving Joan liquor?
- 25 A. Yes.

BARBARA FLOYD, by Mr. Spicer

- 1 Q. Did you ever speak to Mrs. Clemens about this?
- 2 A. No.
- 3 Q. Did you ever see her or talk to her at all?
- 4 A. About this?
- 5 Q. About this particular incident?
- 6 A. No.
- 7 Q. Other than this incident involving Joan Clemens do you have --
- 8 are there any other reasons why you had the impression that
- 9 John MacIntyre didn't like Junior Marshall?
- 10 A. That was the one I'm clear on.
- 11 Q. That's the one you're clear on, but was there -- was there
- 12 anything else? Was there a feeling that you had that --
- 13 A. Well, I knew he had been picked up a few times for drinking and
- 14 then just let off.
- 15 Q. He'd been picked up a few times for drinking and then just let
- 16 off?
- 17 A. Yeh.
- 18 Q. Did Junior ever express the view to you that he didn't like --
- 19 didn't think that MacIntyre liked him?
- 20 A. I would say yes that he had over this, yeh -- Not --
- 21 Q. I'm sorry, over this?
- 22 A. --over this, over the drinking charge, yeh.
- 23 Q. Okay. So when you're saying, "Not over this", you mean not
- 24 over -- not over the murder but over the -- over the drinking
- 25 charge in the prior November?

BARBARA FLOYD, by Mr. Spicer

- 1 A. Yeh.
- 2 Q. Did Junior Marshall ever express to you how he felt about
3 John MacIntyre?
- 4 A. Maybe that he was nervous of him, you know, scared of him.
5 There was things said back then about a tombstone being broken
6 and everyone -- I don't know how this came about but it was said
7 that John MacIntyre thought it was Junior who did it.
- 8 Q. Did you ever talk to Junior about that incident?
- 9 A. Oh, yes, he says he didn't do it.
- 10 Q. He says he didn't do it?
- 11 A. Yeh.
- 12 Q. In the course of telling you that he didn't do it, did he express
13 any views about John MacIntyre?
- 14 A. Just that he thought it was foolish that he would blame him
15 for doing it.
- 16 Q. Did he indicate to you why he thought he might have been being
17 blamed?
- 18 A. No.
- 19 Q. So other than those incidents that you've told us about in the
20 last couple of minutes, is that the substance of why you had
21 the impression that Junior thought that he wasn't liked by
22 John MacIntyre?
- 23 A. Why Junior thought he wasn't liked by him?
- 24 Q. Yeh.
- 25 A. Yes.

BARBARA FLOYD, by Mr. Spicer

- 1 Q. That's pretty well it? Do you know whether or not that was
2 the -- that was also the impression of the other girls that
3 you used to hang around with and/or the other Indian boys?
4 Did you ever talk about John MacIntyre's attitude towards
5 Junior?
- 6 A. No.
- 7 Q. No. Did you have any impression of the police's attitude
8 towards the Indian boys in general?
- 9 A. How the police felt about the Indian boys?
- 10 Q. Yeh.
- 11 A. Well, there's stories, but I can't remember, you know, who
12 said them and things like that, like if they were picked up by
13 the police. I don't remember who it was that said these stories.
- 14 Q. Did you have an impression at all of what the Indian kids thought
15 the attitude of the Sydney Police Department was towards them
16 though? Maybe you can't remember specific incidents.
- 17 A. I feel that they felt that they were being hassled a lot more
18 than -- a lot more than the White kids were?
- 19 Q. Did you ever see anything yourself that would indicate that to
20 you?
- 21 A. No.
- 22 Q. Did you ever see the -- the Indian kids getting in hassles
23 with the White kids, any fights, any pushing and shoving?
- 24 A. No.
- 25 Q. Nothing like that?

BARBARA FLOYD, by Mr. Spicer

- 1 A. No.
- 2 Q. What about with any of the Black kids?
- 3 A. No, I didn't see any fights.
- 4 Q. Was there ever ever -- ever any of the Black kids that used
5 to hang around down in the park?
- 6 A. I don't remember any.
- 7 Q. So it just would have been the Indian kids and yourself?
- 8 A. Yeh. There was a lot of other kids that hung around the park
9 too like the ship yard bunch, but --
- 10 Q. Were you surprised when Junior was convicted?
- 11 A. Yes.
- 12 Q. Did you consider after he -- after he, in fact, had been convicted
13 knowing as you did that John Pratico couldn't have seen anything,
14 did you at that point consider doing anything further?
- 15 A. Well, I had run into Donnie's mother at a hockey game shortly
16 after this and I told her that -- the story that I just told you
17 and she said that they'd get a hold of me when they had an
18 appeal?
- 19 Q. Did you ever hear back from her?
- 20 A. No.
- 21 Q. Did you do anything further? You didn't get in touch with the
22 police and you didn't go back and try to --
- 23 A. At that time?
- 24 Q. Yes.
- 25 A. No.

BARBARA FLOYD, by Mr. Spicer

1 | Q. Were you in contact at all with Junior during the years that
2 | he was in prison?

3 | A. No.

4 | Q. Did he ever write you?

5 | A. No.

6 | Q. Were you contacted by the R.C.M.P. in 1982 by Harry Wheaton?

7 | A. I contacted them.

8 | Q. You contacted them? I'll show you Volume 13, page 178. You
9 | said to me a minute ago that you contacted Harry Wheaton. What
10 | was it that -- that caused you to get in touch with Wheaton?

11 | A. I had heard John Pratico on the radio one morning saying,
12 | from what I got out of the conversation that he made with --
13 | that he was admitting that he lied at the-- at the main trial.

14 | Q. That he had lied at the trial in 1971?

15 | A. Yeh.

16 | Q. And having heard that, what did you do?

17 | A. I called the R.C.M.P. and asked for whoever was in charge of the
18 | case.

19 | Q. And who did you get?

20 | A. Sergeant Wheaton.

21 | Q. Did you talk to him on the phone at that time?

22 | A. For a few minutes and then he made an appointment to come and see
23 | me.

24 | Q. And the statement that's at page 178 of Volume 13 is that to
25 | your recollection the statement that you gave to Sergeant Wheaton?

BARBARA FLOYD, by Mr. Spicer

- 1 A. Yes.
- 2 Q. Were you at your home when that statement was taken?
- 3 A. At my parent's home.
- 4 Q. Your parent's home. Did Sergeant Wheaton, when he came to see
5 you, explain to you what the reinvestigation was all about?
6 Did he tell you what they were doing?
- 7 A. He just told me they were reinvestigating it.
- 8 Q. And he took this statement from you. You've had a chance to
9 look at that statement with me in the last few days?
- 10 A. Yeh.
- 11 Q. Is that statement -- Was that statement, at the time, your best
12 recollection of what had happened in 1971?
- 13 A. Yes.
- 14 Q. During the giving of that statement, were the questions being
15 asked by Sergeant Wheaton or by Sergeant Wheaton and Constable
16 MacQueen?
- 17 A. I'm pretty sure it was Wheaton who was speaking to me.
- 18 Q. Can you describe to us the manner in which they conducted that
19 interview? Do you feel they were being blunt, for instance,
20 or were they just asking you the questions?
- 21 A. They were just asking me the questions.
- 22 Q. Turn over the page to page 179. Then on page 180 I think you'll
23 see that you've signed an affidavit. Do you recollect the
24 circumstances under which you gave this affidavit?
- 25 A. Mr. Aronson came to my parent's house.

BARBARA FLOYD, by Mr. Spicer

1 Q. Were you contacted by Mr. Aronson prior to him coming to see
2 you?

3 A. Yes.

4 Q. And did he discuss with you on the telephone what it -- what it
5 was that he was going to come and see you about?

6 A. He told me on the phone that he was Junior's lawyer and I don't
7 think we discussed it over the phone. We discussed it when he
8 got there.

9 Q. Did he indicate to you over the telephone that he was coming
10 to get you to sign a statement?

11 A. I don't remember him saying that on the phone.

12 Q. When he did come to see you was he by himself or was he with
13 somebody else?

14 A. He was alone.

15 Q. Alone?

16 A. Yeh.

17 Q. And did he bring the documents you have in front of you with
18 him, the affidavit?

19 A. I don't remember.

20 Q. Do you remember signing this affidavit?

21 A. No.

22 Q. On how many occasions did you see Mr. Aronson?

23 A. I believe it was only once.

24 Q. Only the once. Is it fair to say that you probably signed
25 it on the occasion that he came to see you?

BARBARA FLOYD, by Mr. Spicer

1 A. I would say.

2 Q. Do you remember how long he was with you that day?

3 A. About an hour anyway.

4 Q. Do you recollect whether or not he went through the substance
5 of this document with you?

6 A. Yes.

7 Q. He did?

8 A. I would say he didn't read it like if that's what you mean,
9 like read it step by step to me.

10 Q. Did he suggest to you that you should read through it before
11 you signed it?

12 A. I don't recall.

13 Q. You don't recall. I just want to draw your attention to
14 paragraph three of that affidavit. It says: (The last phrase
15 or the last couple of phrases.)

16 That Pratico followed along behind
17 us along George Street until we
18 turned onto Argyle Street in Sydney.

18 Is that, in fact, your recollection of what John Pratico was
19 doing?

20 A. No. No, I don't ever remember saying that.

21 Q. Would you have any idea where Mr. Aronson would have gotten that
22 information?

23 A. Unless -- The only thing that I know I would have said is that
24 he would have followed us for a few steps, unless it was
25 interpreted that way. I don't know. I don't know why --

BARBARA FLOYD, by Mr. Spicer

- 1 Q. When he arrived at your parent's home this document was already
2 prepared, was it not?
- 3 A. It must have been.
- 4 Q. All right, and I noticed at the -- at the very beginning of it
5 it says: "I Barbara Mary Floyd", and it would appear as if
6 he's added a one to make it 121 Inglis instead of 12. Was
7 that your instigation? Did you tell him, "You've got the
8 address wrong"?
- 9 A. I would say it was mine, yes.
- 10 Q. Okay, but you don't have any explanation as to why you wouldn't
11 have indicated to him that there was an error at the end of
12 paragraph three?
- 13 A. No.
- 14 Q. Was there anybody else there other than yourself and Steve
15 Aronson at the time that affidavit was taken?
- 16 A. There was no one in the room.
- 17 Q. Sorry?
- 18 A. There was no one in the room.
- 19 Q. No one else in the room. Did Mr. Aronson explain to you what
20 the purpose of the affidavit was and what it was in connection
21 with?
- 22 A. The reinvestigation.
- 23 Q. Did he indicate to you that in signing the affidavit you were,
24 in effect, making a note and saying that to the best of your
25 knowledge all the material in that was true?

BARBARA FLOYD, by Mr. Spicer

1 COMMISSIONER POITRAS:

2 I think the witness has indicated that she didn't remember signing
3 the affidavit.

4 MR. SPICER:

5 But as it goes along, My Lord, it seems as if she does have some
6 recollection. That's why I'm asking, to see whether or not she does.

7 COMMISSIONER EVANS:

8 Is the witness saying that that is her signature on the affidavit?

9 THE WITNESS:

10 That is my signature. Yes, it is.

11 COMMISSIONER EVANS:

12 That is your signature.

13 THE WITNESS:

14 I remember reading over this but I don't remember this. Like I
15 don't remember why I wouldn't have corrected that at the time.

16 BY MR. SPICER:

17 Q. Were you contacted by anybody else subsequent to giving that
18 affidavit in 1982 in connection with the reinvestigation?

19 A. I had spoken to a few people that had contacted me.

20 Q. Do you have any recollection of who they were?

21 A. Michael Harris, and there was another lawyer but I think this
22 was much later that I spoke to -- but not around here --

23 Q. Would that have been in connection with the CBC action?

24 A. Yes.

25 Q. Let's go back to the -- for a moment to the Saturday evening

BARBARA FLOYD, by Mr. Spicer

- 1 | when you were in Anita Paul's basement, did you know Sandy
2 | Seale?
- 3 | A. To see him.
- 4 | Q. To see him. Other than to see him, did you know him to talk to
5 | him?
- 6 | A. No.
- 7 | Q. Why was it that, I believe, you indicated that your reaction
8 | was that everybody was crying?
- 9 | A. Well, I was under the impression at that time that Anita Paul
10 | had been out with him.
- 11 | Q. Anita Paul, sorry, had been?
- 12 | A. Anita Paul had been out with him like.
- 13 | Q. Dating him, is that what you mean?
- 14 | A. Well, I don't really know if they were dating. I think she
15 | had mentioned that they were together at one time or another.
- 16 | Q. This is Anita Paul and Sandy?
- 17 | A. Yes.
- 18 | Q. Okay. Other than that can you-- can you explain to us why you
19 | would have been crying?
- 20 | A. Well, I was just really upset. I don't remember anybody, you
21 | know -- I know Anita was crying and everyone else was really
22 | upset.
- 23 | Q. Do you know whether or not any of the other -- any of the other
24 | girls like other than yourself knew Sandy at all well?
- 25 | A. No, I don't think any of us knew him well, just to see him at the

BARBARA FLOYD, by Mr. Spicer, by Ms. Derrick

1 | dances and say hello, that --

2 | Q. Did he hang around at all with your group?

3 | A. I don't remember that he did at all, no.

4 | Q. Did you see him on the night of the stabbing?

5 | A. No.

6 | MR. SPICER:

7 | Thank you.

8 | BY MS. DERRICK:

9 | Q. Ms. Floyd, by name is Anne Derrick and I represent Junior Marshall.

10 | I just wanted to ask you about these dances that you used to go
11 | to when you were a kid in grade ten. There'd be all different
12 | kids there together, is that right, Indian kids, and Black kids,
13 | and White kids?

14 | A. Yeh.

15 | Q. And was there a lot of mingling with everyone?

16 | A. Yes.

17 | Q. And people dancing together?

18 | A. Yes.

19 | Q. So it was quite a friendly relaxed atmosphere at these dances,
20 | was it, amongst all the different kids?

21 | A. Yes.

22 | Q. Now you say that you knew John Pratico. Did you know him well
23 | enough to talk to him?

24 | A. If he was there. I would never go up to him and talk to him.

25 | Q. But you would have, on occasion, had brief conversations with him?

BARBARA FLOYD, by Ms. Derrick

- 1 A. Yes.
- 2 Q. Did you know him to tell stories or make things up?
- 3 A. No, I didn't talk to him enough to know--
- 4 Q. You didn't know him well enough to know whether or not he did
- 5 that?
- 6 A. Right.
- 7 Q. You knew him to be friendly with the Indian kids, did you?
- 8 A. Yes.
- 9 Q. That night that you saw him at the dance in the parking lot, did
- 10 you talk to him that night?
- 11 A. No.
- 12 Q. And he never told you either on that night or on any other
- 13 occasion that he had seen anything in the park?
- 14 A. No.
- 15 Q. Now just to clarify this for me, is it your recollection now
- 16 that on that occasion he followed you for a few steps?
- 17 A. That would be about it, yes.
- 18 Q. And after that you didn't see him again?
- 19 A. No.
- 20 Q. You really weren't paying much attention to what he was doing?
- 21 A. No, that's right.
- 22 Q. Did you see Junior Marshall at the dance that night?
- 23 A. No.
- 24 Q. Now it was the next day, was it, that Sergeant MacIntyre came to
- 25 talk to you. Is that right?

BARBARA FLOYD, by Ms. Derrick

- 1 A. Yes.
- 2 Q. And was he in uniform, do you remember?
- 3 A. A suit.
- 4 Q. A suit. He --Where did he come? I may have missed that. Where
5 did this discussion take place?
- 6 A. In the morning.
- 7 Q. Was it at your parent's home?
- 8 A. Yes.
- 9 Q. That's where you were living?
- 10 A. Yes.
- 11 Q. Is that right? And where actually did it take place? Did it
12 take place on the porch or in the kitchen?
- 13 A. In the living room.
- 14 Q. In the living room. So Sergeant MacIntyre and Constable
15 Mallowney came right into the house and into the living room?
- 16 A. Yeh.
- 17 Q. And were your parents in the living room at that time?
- 18 A. Yes.
- 19 Q. And were people sitting down or standing up? Do you remember
20 how people were situated? Did the police officers sit
21 down, for instance?
- 22 A. Mallowney didn't sit down. John MacIntyre sat down.
- 23 Q. And were you seated?
- 24 A. Yes.
- 25 Q. And your parents, were they there the whole time that this

BARBARA FLOYD, by Ms. Derrick

1 conversation was going on?

2 A. Yes.

3 Q. And it's your recollection that Sergeant MacIntyre did all the
4 talking. Is that right?

5 A. Yes.

6 Q. And he was very insistent that you had been seen in the park?

7 A. Yes.

8 Q. And you were equally insistent that that hadn't happened?

9 A. Correct.

10 Q. Now did-- did Junior Marshall's name come up in the course of
11 this discussion?

12 A. He was calling him Donald Marshall and I said I didn't know
13 Donald Marshall and he got kind of angry with me because I
14 didn't -- We used to call him Junior so I didn't -- and then he
15 finally said Junior and I said, "Yes, okay, I know who you're
16 talking about".

17 Q. You just didn't make the connection between this person,
18 Donald Marshall --

19 A. Right.

20 Q. And-- And in what context was he bringing Junior Marshall's
21 name up?

22 A. That he was stabbed also.

23 Q. Did you form any impression that Junior was a suspect at this
24 time?

25 A. No.

BARBARA FLOYD, by Ms. Derrick

- 1 Q. Did you have any concerns for Junior being involved in this
2 given what you knew the police thought of him? So that didn't
3 occur to you at that point that he might -- that he might be
4 being considered as a party to this?
- 5 A. No.
- 6 Q. No. How long did this questioning take place?
- 7 A. About a half an hour at the most.
- 8 Q. And how did it end? What caused the police to leave? Do you
9 recollect that?
- 10 A. Well, I just insisted that I was at the dance the whole night,
11 so they didn't have anything else to say to me?
- 12 Q. So it sort of petered out, did it?
- 13 A. Yeh.
- 14 Q. They weren't really getting anywhere with you. Did anyone
15 take notes while this was going on?
- 16 A. MacIntyre.
- 17 Q. He was taking notes while he was talking to you, and were you
18 able to see what he was recording?
- 19 A. No.
- 20 Q. Did he write things down as you said them, do you recollect?
- 21 A. I can't remember. I just remember him having something on his
22 lap and he was writing. I don't know.
- 23 Q. Was he writing the entire time or just at certain times?
- 24 A. No, not the entire time.
- 25 Q. And you never saw this, I take it, afterwards?

BARBARA FLOYD, by Ms. Derrick

1 A. No.

2 Q. It was never presented to you to read whatever these notes
3 were. Now, I'm sorry, I may have missed this. I was out of
4 the room for a minute. When was it that Junior Marshall told
5 you about the two men in the park? Was that on Saturday
6 night?

7 A. Yes.

8 Q. And where did that happen?

9 A. In Anita Paul's basement.

10 Q. And at that point did you know that Sandy Seale had died?

11 A. Just shortly after he told me the story Sandy Seale had died.

12 Q. And was Junior Marshall still there when you got the news that
13 Sandy had died?

14 A. Yes.

15 Q. He was, and was he one of the people that-- that seemed very
16 upset by this?

17 A. Yes.

18 Q. Now when you called this lawyer -- When you called this person
19 and told him about John Pratico, did you understand that you
20 were speaking to a lawyer?

21 A. I felt that I was speaking to Mr. Rosenblum.

22 Q. Had you ever spoken with Mr. Rosenblum on any occasion before?

23 A. No.

24 Q. And you made this call -- Where -- I'm sorry, where was it that
25 you made this call from?

BARBARA FLOYD, by Ms. Derrick

- 1 A. From Sandra MacNeil's house.
- 2 Q. And in-- in what room?
- 3 A. Her phone was in a hallway.
- 4 Q. And were there -- were there other people there overhearing
5 this conversation?
- 6 A. I can't recall anyone standing very close to me. I remember
7 walking, after I hung up, into the kitchen and telling them--
- 8 Q. People were in the kitchen, were they? So they may or may not
9 have heard this conversation. You can't be sure of that. Is
10 that correct?
- 11 A. I can't be sure.
- 12 Q. But it was that you -- but you related the substance of the
13 conversation to them?
- 14 A. Yeh.
- 15 Q. When you spoke to this person that you believed to be Mr. Rosenblum,
16 did you -- you believe you identified yourself, and did you also
17 say that you had seen John Pratico that night?
- 18 A. Yes.
- 19 Q. And your recollection of it is that it was a very abrupt
20 conversation?
- 21 A. Yes.
- 22 Q. Is that correct? You also told my friend about Joan Clemens
23 and Mrs. Clemens having had an experience with Sergeant MacIntyre
24 after she got off the school bus one day. Were you with her
25 on the school bus that day when that happened?

BARBARA FLOYD, by Ms. Derrick, by Mr. J. Pink

1 A. No.

2 Q. So you heard this from her but you never observed any portion
3 of it? You weren't with her getting off the school bus and
4 you never saw Sergeant MacIntyre?

5 A. No.

6 Q. It's just from what she told you. Is that correct?

7 A. Sandra MacNeil was on the school bus with her and she was
8 in the police car, but they told her to get out so we were both
9 quite curious to find out what had happened.

10 Q. I see. So you heard about what happened both from Sandra MacNeil
11 and from Joan Clemens.

12 MS. DERRICK:

13 Thank you. Those are my questions.

14 MR. J. PINK:

15 My Lord, Chief Justice, may I introduce myself to the Commission.

16 My name is Joel Pink. I will be sitting in for Mr. Pugsley for the
17 next couple of weeks representing Mr. MacIntyre.

18 BY MR. J. PINK:

19 Q. Ms. Floyd, back in 1971 what was your age?

20 A. When this incident happened, exactly?

21 Q. Yes.

22 A. I had just turned sixteen.

23

24

25

JMP

BARBARA FLOYD, by Mr. J. Pink

- 1 Q. And when you told the Commission that you knew that everybody
2 was drinking, can you explain to us from what ages that you
3 knew that people were drinking down in the Park area?
- 4 A. Anywheres from fourteen and up.
- 5 Q. And tell me on the night in question when you came in
6 contact with John Pratico you were with Sandra MacNeil is
7 that correct?
- 8 A. Yes.
- 9 Q. What was her age at that time?
- 10 A. Sixteen.
- 11 Q. And you were with Joan Clemens and what was her age at that
12 time?
- 13 A. Yes, sixteen.
- 14 Q. And had you been friendly with Sandra MacNeil and Joan
15 Clemens prior to that particular night?
- 16 A. Yes.
- 17 Q. And were those two girls also hanging around the graveyard
18 and the Park area with you?
- 19 A. Yes.
- 20 Q. And had you known Joan Clemens when she was fourteen years
21 of age drinking?
- 22 A. I don't remember her being fourteen when she was drinking,
23 no.
- 24 Q. So Sandra MacNeil and Joan Clemens were two of your friends
25 that hanged around -- that hung around the area of the

BARBARA FLOYD, by Mr. J. Pink

1 | graveyard and the Park area, is that correct?

2 | A. Yes.

3 | Q. Now on this particular night that you saw John Pratico on
4 | the night of the dance, had either of the three of you been
5 | drinking?

6 | A. No.

7 | Q. Had there been any liquor at the dance?

8 | A. I didn't see any.

9 | Q. Now you say that you knew John Pratico, he was not a good
10 | friend of yours; but you knew him and that's basically it,
11 | is that correct?

12 | A. Yes.

13 | Q. You told the Commission that he wasn't normal. Do you have
14 | anything other than looks that would say that John Pratico
15 | was not normal?

16 | A. The way he spoke.

17 | Q. And what was wrong with the way he spoke?

18 | A. He didn't seem very intelligent to me.

19 | Q. And other than your impressions, do you have anything else
20 | to base your opinion on?

21 | A. No.

22 | Q. You told the Commission that he acted differently. Could
23 | you be -- could you elaborate on that a little more?

24 | A. He just seemed to stand out more so than anyone. You'd
25 | more --

BARBARA FLOYD, by Mr. J. Pink

- 1 Q. Well, that's -- would that be because of his looks?
- 2 A. I would think so, yes.
- 3 Q. But when you say that he acted differently, you can't
- 4 elaborate on that anymore to tell us what you mean by that?
- 5 A. No, just his speech.
- 6 Q. You say that on the night in question, he looked like he was
- 7 drinking. Do you have anything to tell the Commission as to
- 8 how you come to that opinion?
- 9 A. Just by the way he was talking and arguing.
- 10 Q. Could you tell whether or not his voice was slurred?
- 11 A. I found that he mumbled so I can't tell if he was slurred
- 12 or not.
- 13 Q. So whether or not -- was that his normal tone of voice the
- 14 fact that he mumbled. Was that why you say that he wasn't
- 15 normal or acted a little differently because he mumbled?
- 16 A. I'd say.
- 17 Q. Did you see anything different on this particular night,
- 18 that is the night of the dance and the night you came in
- 19 contact with John Pratico, that was any different than any
- 20 other time that you had seen this gentleman?
- 21 A. He appeared to be drinking to me probably because of his
- 22 stance. He appeared to be drinking. I can't swear that he
- 23 was but --
- 24 Q. So you didn't smell liquor on his breath?
- 25 A. No, I wasn't close to him.

BARBARA FLOYD, by Mr. J. Pink

- 1 Q. You didn't see him stagger?
- 2 A. Yes.
- 3 Q. And when you say he staggered, what do you mean by that?
- 4 A. Just, off balance.
- 5 Q. Did you see him walk at all?
- 6 A. A few steps.
- 7 Q. And did he have difficulty taking those few steps?
- 8 A. Not great difficulty, no.
- 9 Q. Do you know what him and his friend, Rick Risk, were arguing
10 about?
- 11 A. They weren't friends.
- 12 Q. They were not friends?
- 13 A. No.
- 14 Q. What were they arguing about?
- 15 A. I have no idea. It only lasted about ten seconds.
- 16 Q. Now did you make note as to what time in fact the dance
17 concluded, was finished?
- 18 A. I was pretty sure it was twelve o'clock.
- 19 Q. You've told the Commission about your interview with John
20 MacIntyre. Is it not a fact that John MacIntyre invited
21 your parents into the living room at the time that he
22 discussed this -- the night before with you?
- 23 A. I don't remember him inviting them there. That's there home
24 so they were there sitting next to me.
- 25 Q. And let me ask you this, at no time did he ask your parents

BARBARA FLOYD, by Mr. J. Pink

1 to leave?

2 A. No.

3 Q. And were both of your parents present at this interview?

4 A. Yes.

5 Q. The description that he gave, I understand your evidence
6 correct, is that that was the proper description of which
7 in fact you were wearing the night before?

8 A. Yes.

9 Q. And during this particular interview, at no time did John
10 MacIntyre ever threaten you?

11 A. No.

12 Q. And throughout that interview all he kept telling you is
13 to be truthful to him and to Constable Mallowney, is that
14 correct?

15 A. Exactly.

16 Q. And in fact once you told him the story that in fact you
17 were not present in the Park that night, he never -- never
18 bothered you again?

19 A. Right.

20 Q. And in fact, as I understand your evidence, the closing
21 message that he gave to your parents was he told your parents
22 to make sure that you were telling him the truth?

23 A. Yes.

24 Q. Is that correct?

25 A. Yes.

BARBARA FLOYD, by Mr. J. Pink

- 1 Q. You told the Commission that you were nervous. I take it
2 that was because you were talking to policemen, is that
3 correct?
- 4 A. Yes.
- 5 Q. There's nothing that the policeman did to make you nervous,
6 it's just the fact that they were present?
- 7 A. Oh, it made me nervous when he told me that an eye witness
8 had saw me. Like I figured somebody was lying about me.
- 9 Q. Yes, but it was nothing that in fact that they did --
- 10 A. No.
- 11 Q. -- to make you nervous, okay. And in fact they were taking
12 notes of the conversation that you had?
- 13 A. Yes.
- 14 Q. Now the conversation that you had with Junior Marshall
15 immediately after the death of Sandy Seale, you never
16 reported that conversation to the police?
- 17 A. No.
- 18 Q. Regards if it was John MacIntyre or the Chief of Police
19 of Sydney, did you? When you read the article in the
20 paper, the Cape Breton Post, about John Pratico and your
21 interpretation of what he was saying or the paper's
22 interpretation of what he was saying, you never called
23 the police at that time either, did you?
- 24 A. No.
- 25 Q. Did you know anybody on the police force or had you ever

BARBARA FLOYD, by Mr. J. Pink

1 | come in contact with any member of the police force other
2 | than John MacIntyre?

3 | A. No.

4 | Q. Did you ever have any friends on the Sydney Police Force
5 | at that time?

6 | A. At that time.

7 | Q. Yeh, at that time?

8 | A. No.

9 | Q. Mr. Spicer in his examination discussed with you about the
10 | attitude of your friends towards the police and the police
11 | attitude towards them and one person that you made mention
12 | of was Joan Clemens and her incident that she had with the
13 | Sydney Police; can you tell me -- do you have any knowledge
14 | of Junior Marshall giving liquor to minors?

15 | A. Yes.

16 | Q. Other than calling Mr. Rosenberg -- Mr. Rosenblum's office,
17 | you never called anybody else regarding your observations
18 | of that night in question?

19 | A. That's correct.

20 | COMMISSIONER EVANS:

21 | I believe, Mr. Pink, she said she spoke to Mrs. Marshall after
22 | the conviction.

23 | MR. J. PINK:

24 | Yes, that is correct.

25 |

BARBARA FLOYD, by Mr. J. Pink

1 BY MR. J. PINK:

2 Q. Okay, up until that time you spoke to no other person. And
3 you were never called by the Marshall family to come give
4 evidence before the Court of Appeals?

5 A. No.

6 Q. Did you know anything about the hearing before the Court
7 of Appeal? Did you know when it was going to take place?

8 A. After this main trial, you mean.

9 Q. Yes, after the trial and --

10 A. I had heard nothing about it.

11 Q. -- you spoke to Mrs. Marshall at the hockey game?

12 A. No.

13 Q. Okay. As I understand your evidence, Miss Floyd, and please
14 correct if I'm wrong. Your group that you hung around with
15 other than being chased out of the Park for drinking by the
16 police, you had no run-ins with them, is that correct?

17 A. Not myself, no.

18 Q. If you were walking -- were you ever with any of the Indian
19 boys that in fact had any problems with the Sydney Police?

20 A. And saw it myself or just --

21 Q. Yes.

22 A. No.

23 Q. Okay, had you on any occasion while walking down the street
24 in the Town of Sydney when you were with the Indian boys,
25 did you ever have any difficulties with any members of the

BARBARA FLOYD, by Mr. J. Pink

1 Sydney City Police Force?

2 A. I can remember the police stopped one night and asked me
3 who I was and what was I doing on the Reserve and that I'd
4 better go home.

5 Q. And do you know if that was the Sydney City Police or the --

6 A. Yes.

7 Q. -- R. C. M. P.?

8 A. No, it was the Sydney Police.

9 Q. And do you know who in particular that was -- other than this
10 one occasion when you came in contact with Sergeant MacIntyre
11 as he then was, had you ever run into that gentleman before?

12 A. No.

13 Q. And you had an association up until that time of how many
14 years with the Indian boys? How long were you hanging
15 around them and were you friendly with them?

16 A. Up until this incident.

17 Q. Yes.

18 A. Approximately a year. At least a year.

19 Q. After that incident how long were you in fact friendly with
20 the Indian boys?

21 A. After the incident, three years.

22 Q. Okay, so that would take it up to the year about 1974, is
23 that correct?

24 A. No, about '73.

25 Q. '73, so between 1970 and 1973, you had no particular problem

BARBARA FLOYD, by Mr. J. Pink, by Mr. D. Pink

1 with the Sydney City Police, is that correct?

2 A. Correct.

3 Q. And the Indian boys that you were hanging around with when
4 you were with them had no particular problems with the
5 City of Sydney Police, is that correct?

6 A. Correct.

7 Q. And that of course includes Sergeant MacIntyre?

8 A. Yes.

9 Q. Correct.

10 MR. J. PINK:

11 I've no further questions, thank you, my Lords.

12 MR. MURRAY:

13 No questions on behalf of Mr. Urquhart.

14 MR. ELMAN:

15 No questions, my Lord.

16 BY MR. D. PINK:

17 Q. Miss Floyd, I'd just like to follow up on one area with you.

18 I had some difficulty hearing your direct examination regarding
19 the meeting with Mrs. Marshall?

20 A. Yes.

21 Q. That was a meeting at a hockey game?

22 A. Yes.

23 Q. And when approximately did that take place?

24 A. Shortly after Junior was sent to prison.

25 Q. Okay, when Mr. Marshall was convicted in early November, so

BARBARA FLOYD, by Mr. D. Pink

- 1 | it was sometime shortly after that?
- 2 | A. Yes.
- 3 | Q. Correct?
- 4 | A. She was under the impression that there would be an Appeal,
5 | so from what I gathered from our conversation.
- 6 | Q. And that's what I wanted to find out from you. What did you
7 | understand from her was the situation at that time?
- 8 | A. That they were going to have an Appeal. That she was trying
9 | to get an Appeal.
- 10 | Q. Okay, what did you tell Mrs. Marshall?
- 11 | A. I told her about John Pratico and I told her about making
12 | the phone call.
- 13 | Q. So you told her that Mr. Pratico had been at the dance,
14 | correct?
- 15 | A. Outside the dance, yes.
- 16 | Q. Outside the dance in the parking lot?
- 17 | A. Yes.
- 18 | Q. And that you had seen him there?
- 19 | A. Yes.
- 20 | Q. And you told her that you had called Mr. Rosenblum?
- 21 | A. Yes.
- 22 | Q. Was there anybody with Mrs. Marshall when you spoke to her?
- 23 | A. It was in a ladies room. There was probably people there.
24 | I don't remember who was with her.
- 25 | Q. Anybody else participating in the conversation?

BARBARA FLOYD, by Mr. D. Pink

- 1 A. No.
- 2 Q. And what did Mrs. Marshall indicate to you that she was going
3 to do with the information that you gave to her?
- 4 A. Give it to who ever was in charge of the Appeal.
- 5 Q. Did you understand that to be Mr. Rosenblum?
- 6 A. No.
- 7 Q. You didn't know?
- 8 A. I didn't know. It hadn't been started. From what I gathered.
9 It was when, she said, they would start an Appeal.
- 10 Q. And am I correct that you had some impression that she was
11 going to do something with the information to get it to the
12 Appeal? That was your belief is that your evidence?
- 13 A. Yes, she said she would phone me when it started.
- 14 Q. Did she ever speak with you again?
- 15 A. No.
- 16 Q. Have you ever between that date and this spoken with Mrs.
17 Marshall?
- 18 A. No.
- 19 Q. Your answer is no?
- 20 A. Correct, no.
- 21 Q. Were you surprised when nothing happened with the information
22 that you gave to her?
- 23 A. Yes, I didn't think there was an Appeal. I didn't follow it
24 after that so --
- 25 Q. So you did not know that an Appeal actually was conducted in

BARBARA FLOYD, by Mr. D. Pink

1 | early 1972?

2 | A. Right.

3 | Q. Is that correct?

4 | A. Yes.

5 | Q. So you didn't read the Cape Breton Post to find out that
6 | story?

7 | A. Correct.

8 | Q. You told Mrs. Marshall that you had seen John Pratico, you
9 | indicated that?

10 | A. Yes.

11 | Q. Did you tell her that at that point that you had already known
12 | that something had taken place in the Park?

13 | A. I didn't say anything like that to her, no.

14 | Q. Just so that I understand. You indicated at the beginning
15 | of your direct testimony that when you were leaving the dance,
16 | you were told to avoid the Park?

17 | A. Yes.

18 | Q. Because the police were there?

19 | A. They either said the police was there or someone had been
20 | stabbed. It was something that made us walk Joan past
21 | the Park because we were nervous for her.

22 | Q. Okay, I'm sorry I had difficulty at the beginning of your
23 | testimony hearing, so that's what I just wasn't -- I wanted
24 | to follow up with. So you -- you knew that there was -- the
25 | police were at the Park and you are not quite sure now if you

BARBARA FLOYD, by Mr. D. Pink, by Mr. Ross

1 | knew exactly why?

2 | A. Right.

3 | Q. But you subsequently learned that it was because of the
4 | stabbing?

5 | A. Yes.

6 | Q. Did you convey that to Mrs. Marshall, in other words, that
7 | when you saw John Pratico the stabbing had already occurred?

8 | A. I don't -- I don't remember saying that to her, no.

9 | MR. D. PINK:

10 | That's all I have, thank you.

11 | MR. PRINGLE:

12 | No questions.

13 | BY MR. ROSS:

14 | Q. As I would point out -- the Saturday evening -- the
15 | Saturday evening when you were at Anita Paul's basement, do
16 | you recall what time you got there, approximately?

17 | A. The time I got there.

18 | Q. Yes.

19 | A. Between six and -- sometime after six I would say.

20 | Q. Perhaps between six and seven?

21 | A. Or six and eight.

22 | Q. Between six and eight?

23 | A. Yes.

24 | Q. And the Paul's, where were they living at that time?

25 | A. The Paul's.

BARBARA FLOYD, by Mr. Ross

- 1 Q. Yes.
- 2 A. On the Reserve.
- 3 Q. I see. So you left Sydney and you went over to the Reserve?
- 4 A. Yes.
- 5 Q. Yeh. And when you got there, who all were in the basement?
- 6 A. Well, there was a store in the basement, so there was, you
7 know, a lot of people there.
- 8 Q. It was a store, a general store?
- 9 A. Yes.
- 10 Q. I see and could you recall who was present?
- 11 A. I remember Anita and Junior, Edward John, myself, maybe there
12 was some others, I can't recall.
- 13 Q. Yeh, was anybody minding the store or was this just a
14 gathering place for people?
- 15 A. No, someone -- she has a lot of sisters. I wouldn't know if
16 which one was working in the store that night.
- 17 Q. And I see, this would be the Paul's store, would it be?
- 18 A. Yes.
- 19 Q. Yep. And when you were speaking to -- to Anita and Junior
20 and your friends, did you have an opportunity to speak with
21 them in any degree of privacy or was it just general
22 discussion in an open area?
- 23 A. A general discussion.
- 24 Q. And how well had you known Anita?
- 25 A. I went to school with her for probably a year and a half, two
years.

BARBARA FLOYD, by Mr. Ross

- 1 Q. I see, well this incident occurred in May of 1971, you
2 would have known Anita from around 1979 -- sorry '69?
- 3 A. We went to class together in Grade eight. I don't know
4 what year that was.
- 5 Q. I see. But were you very close friends or just distant
6 friends?
- 7 A. I thought we were good friends.
- 8 Q. Did you go to dances with her from time to time?
- 9 A. I'm not sure if she went to the dances.
- 10 Q. Do you recall anything that you might have done with her --
11 she was -- as a --
- 12 A. I used to go to her home and visit.
- 13 Q. And I take it you'd spend a lot of time talking with her
14 and she'd spend a lot of time talking with you, am I correct?
- 15 A. Yes.
- 16 Q. And during this discussion, did you ever discuss Sandy Seale?
- 17 A. Just that night.
- 18 Q. Just that one night?
- 19 A. Just that one night.
- 20 Q. And I take it that if she had any ongoing friendly
21 relationship with Sandy Seale prior to that night, you
22 would have known about it because of your close relationship,
23 isn't that correct?
- 24 A. Yes.
- 25 Q. And you got no such knowledge of any such relationship?

BARBARA FLOYD, by Mr. Ross

1 A. I don't, no.

2 Q. You don't --

3 A. She implied that she had met him, you know, that she knew him.

4 Q. Or she had met him?

5 A. She implied to me that she knew him. That night was the only
6 time that she implied it.

7 Q. You see when you were speaking to Mr. Spicer, you indicated
8 and my notes indicate that you were under the impression
9 that Anita Paul was out with Sandy Seale. I take that to
10 mean that they had some form of a dating relationship. Am
11 I wrong with your explanation?

12 A. That's what I gathered from her conversation. I had never
13 seen them together.

14 Q. Did you ever discuss it her before or after?

15 A. No.

16 Q. I see. So the only person who could really give us that
17 information would be Anita?

18 A. Yes.

19 Q. Yes.

20 MR. ROSS:

21 Thank you very much. No more questions of this witness.

22 MR. NICHOLAS:

23 Yes, my Lordships, I have a few questions to ask the witness,
24 and I'm here representing Mr. Bruce Wildsmith today.

25

BARBARA FLOYD, by Mr. Nicholas

1 BY MR. NICHOLAS:

2 Q. Now Mrs. -- is it Mrs. Floyd or Miss Floyd?

3 A. Miss Floyd.

4 Q. Miss Floyd, yes. On the particular time frame if I can
5 call this particular period in 1971 to 1973 when you first
6 were introduced to the Indians in Membertou, was -- did you
7 meet them through -- because you went to school with them?

8 A. Yes.

9 Q. So it was in Grade eight that you first met these people?

10 A. Yes.

11 Q. And these -- the questions you were asked on I believe by the
12 first counsel; I forget his name but he asked you that -- was
13 it common knowledge that people would go to the Park and bum
14 money?

15 A. I don't remember seeing that. I know people did.

16 Q. Now the people that you know who went to bum money, was it
17 just Indians or were there others?

18 A. No, there was others.

19 Q. There were others, I see.

20 A. If you need a -- like, I don't know what you mean by bumming
21 money. If they needed a pack of cigarettes they may ask for,
22 you know, a dime or a quarter. If that's what you mean by
23 bumming money, that's what I mean.

24 Q. Well, I -- I just picked that up from my notes when you were
25 asked that question. The question was "was it common to bum

BARBARA FLOYD, by Mr. Nicholas

1 money?"; I didn't know what it was requested for. Now your
2 comments about some people asked you "Why are you hanging
3 around with Indian boys?", was this later on in your adult
4 life that people told you this?

5 A. Yes.

6 Q. About how old would you have been then, Miss Floyd?

7 A. When people made comments at me.

8 Q. When that particular comment was first made to you, yes?

9 A. Why did I ever hang around with Indians.

10 Q. Yes?

11 A. This has happened a lot of times. Even within the last year,
12 so --

13 Q. So people are still asking you this question?

14 A. Why was I ever hanging around with them, yes.

15 Q. And would these people be friends of yours or acquaintances
16 or just people in general?

17 A. I thought they were friends until they asked me it.

18 Q. Well, the particular incident that you have told the
19 Commission here today concerning an episode involving your
20 friend Joan Clemens. Who was the -- who was the Indian
21 that she was going out with at that time?

22 A. Who was Joan Clemens going out with at that time.

23 Q. Yes?

24 A. Junior Marshall.

25 Q. I'm sorry, pardon?

BARBARA FLOYD, by Mr. Nicholas

1 | A. Junior Marshall.

2 | Q. Junior Marshall and do you know how long that they had been
3 | going out together?

4 | A. A few months I would say.

5 | Q. A few months before the police talked to her or --

6 | A. Yes.

7 | Q. A few months before the incident in 1971?

8 | A. She had been going out with him since before the liquor
9 | charge.

10 | Q. Now in -- in that particular incident, Miss Clemens -- were
11 | there other people who supplied liquor to minors other than
12 | Indians?

13 | A. Yes.

14 | Q. And most of these young girls, they would be around fourteen
15 | and fifteen years old at the time?

16 | A. Girls and boys.

17 | Q. Girls and boys, I see. Now you have described quite vividly
18 | what happened to your friend Joan Clemens and I believe the
19 | police officer at the time talked to her. How soon after did
20 | Miss Clemens relate this episode to you?

21 | A. How soon after the incident.

22 | Q. Yes?

23 | A. If it wasn't the same day, it would have been the day after.

24 | Q. Did similar incidents happen to any of your other girl friends?

25 | A. No.

BARBARA FLOYD, by Mr. Nicholas

1 MR. CHAIRMAN:

2 Your answer is no?

3 BY THE WITNESS:

4 A. Did anything like that happen before?

5 BY MR. NICHOLAS:

6 Q. Did a similar incident like that happen to any of your other
7 girl friends?

8 A. No.

9 Q. No, now were you aware that the police had made similar
10 discussions with parents of other children, of other girls
11 about supplying liquor?

12 A. I wasn't aware of it. I wasn't aware of it.

13 Q. You're not aware of it. So you would have no reason to why
14 this particular incident -- isolated incident would take
15 place by the police?

16 A. No.

17 Q. In the -- in the conversations that you heard from -- from
18 Miss Joan Clemens, was there -- was it very upsetting to her?

19 A. Yes.

20 Q. Now to you recall -- although I -- it was a long time ago but
21 I'm wondering if -- was there any remarks in general that the
22 police would have told her about Indians?

23 A. About Indians.

24 Q. And drinking and supplying liquor to minors?

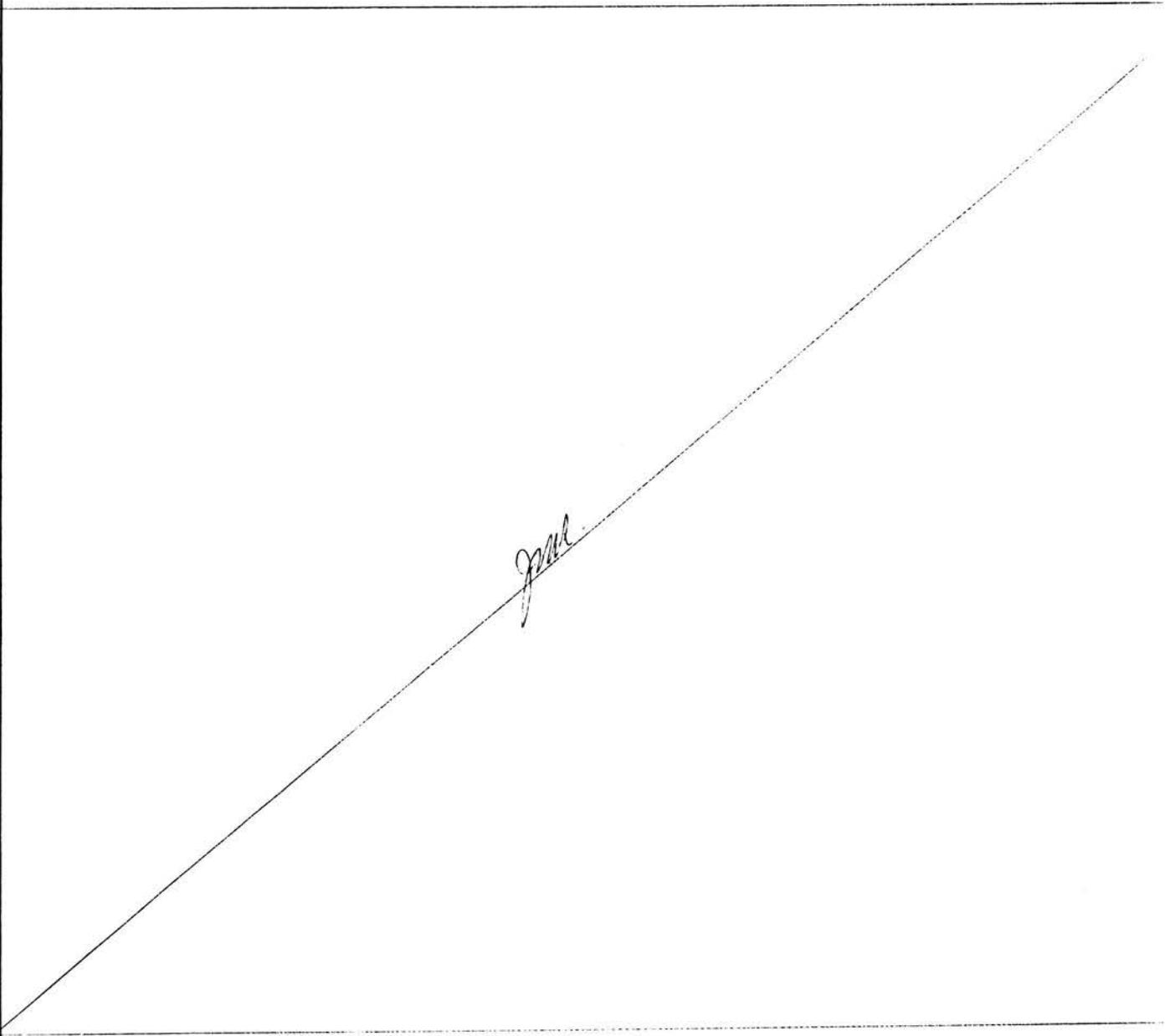
25 A. It was all based on Junior. It wasn't Indians. They were

1 talking about how could Joan's mother let her go out with
2 Junior Marshall.

3 Q. So it was because of Junior as a person not Junior as an
4 Indian?

5 A. Yes.

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me

1 Q. Now, when-you said you also, I believe, dated an Indian?

2 A. Yes.

3 Q. And you said his name was Artie Paul?

4 A. No. Edward John Kavatay.

5 Q. I'm sorry, pardon?

6 A. Edward John Kavatay.

7 Q. Kavatay or -- I'm sorry. I can't hear if I'm hearing the
8 name --

9 A. Kavatay.

10 Q. Yes. And how long did you -- did you date Mr. Kavatay?

11 A. About three and a half years.

12 Q. And would this have been while you were at high school?

13 A. Yes.

14 Q. And did you, yourself, were you discouraged from dating
15 Mr. Kavatay by your parents?

16 A. I was because of an incident that happened. It wasn't because
17 he was an Indian boy. It was because I was picked up one
18 night by the police for drinking and they brought him with
19 me to the police station and my parents felt that he gave me
20 liquor but it wasn't him. He didn't drink.

21 Q. And how soon in relation to this event of May 28th was that?
22 Do you know the approximate time?

23 A. It was before that.

24 Q. It was before it. How about your other friends, did they
25 ever try to find out why you were dating this Indian?

- 1 | A. No.
- 2 | Q. So your friends really did not hold it against you then?
- 3 | A. Not my close friends, no.
- 4 | Q. Not your close friends. And these different dances that are
5 | held in Sydney, would they move to different sections of the
6 | city?
- 7 | A. Yes.
- 8 | Q. And at those dances did you -- did you go there in the company
9 | of Mr. Kavatay?
- 10 | A. No.
- 11 | Q. So you would have went alone?
- 12 | A. Went with the girls.
- 13 | Q. Went with the girls, I see. And there were no incidences in
14 | other dances in the city of Indians coming into the dances?
- 15 | A. No incidence?
- 16 | Q. No incidence or --
- 17 | A. No.
- 18 | Q. No.
- 19 | A. Not that I saw.
- 20 | Q. Not that you saw, yes. So other than your friend, Joan
21 | Clemens, you know of no other young woman at the time who
22 | was discouraged to date Indians?
- 23 | A. Not that I know of.
- 24 | Q. You've also indicated to other counsel that you spend considerable
25 | time visiting friends on the Reserve?

1 | A. Yes.

2 | Q. Would that have been throughout this three year period
3 | also?

4 | A. Yes.

5 | Q. Yes. And did you encounter any difficulties because
6 | you were a Non-Indian on that Reserve?

7 | A. No.

8 | Q. So you were accepted?

9 | A. Yes.

10 | Q. At the time of the interview you had with Mr. MacIntyre, in
11 | your home, were there any comments made about Indians in
12 | general?

13 | A. No.

14 | Q. No.

15 | MR. NICHOLAS:

16 | I have no further questions, My Lords.

17 | BY MR. CHAIRMAN:

18 | Q. What's your occupation?

19 | A. I'm a hair stylist.

20 | MR. CHAIRMAN:

21 | That is all. Thank you.

22 | INQUIRY ADJOURNED: 11:06 a.m.

23 | INQUIRY RECONVENED AT 11:27 a.m.

24 |

25 |