

ROYAL COMMISSION ON THE
DONALD MARSHALL, JR., PROSECUTION

VOLUME XIX

Held: October 27, 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

Bruce H. Wildsmith, & Graydon Nicholas:
Counsel for Union of Nova Scotia Indians

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

MEDIA POOL COPY

INDEX - VOLUME XIX

Catherine A. Soltesz

By Mr. Orsborn	3344
By Ms. Derrick	3390
By Mr. J. Pink	3403
By Mr. Saunders	3416
By Mr. Ross	3420
By Mr. Wildsmith	3426
By Commissioner Evans	3437

Emily Clemens

By Mr. Spicer	3440
By Ms. Derrick	3491
By Mr. J. Pink	3500
By Mr. Wildsmith	3510

COURT REPORTER'S CERTIFICATE	SS
------------------------------------	----

INQUIRY RECONVENED AT 9:34 o'clock in the forenoon on Tuesday, the 27th day of October, A.D., 1987, at Sydney, County of Cape Breton, Province of Nova Scotia.

1 CATHERINE A. SOLTESZ, being called and duly sworn, testified as
2 follows:

3 BY MR. ORSBORN:

4 Q. Mrs. Soltesz, what is your full name, please?

5 A. Catherine Ann Soltesz.

6 Q. And would you spell your last name, please?

7 A. S-o-l-t-e-s-z.

8 Q. And you date of birth?

9 A. February 24th, '55.

10 Q. And where do you live presently?

11 A. Out in Howie Centre.

12 Q. I'm sorry?

13 A. In Howie Centre.

14 Q. Howie Centre?

15 A. Yes.

16 Q. Where's that?

17 A. Floral Heights.

18 Q. I'm sorry?

19 A. Egerton Street.

20 Q. That's in Sydney?

21 A. Number One. Yes.

22 Q. That's in Sydney? Will you try and speak a little more into the
23 microphone?

24 A. Okay.

25 Q. You live in Sydney?

1 A. Yes, I do. Out in Howie Centre.

2 Q. And have you lived in Sydney all your life?

3 A. No, I was in Calgary for ten years.

4 Q. When was that?

5 A. '76 on.

6 Q. I don't think I asked you this. Your maiden name was O'Reilley,
7 is it?

8 A. Yes.

9 Q. Right. And you are a sister to Mary Csernyik --

10 A. Mary Csernyik.

11 Q. -- who testified yesterday?

12 A. Yes.

13 Q. And also to Margaret O'Reilley?

14 A. Yes.

15 Q. Now Margaret House --

16 A. House.

17 Q. -- I believe, is it?

18 A. Yes.

19 Q. And did you live in Sydney in 1971?

20 A. Yes, I did.

21 Q. With your sisters on Cross Street?

22 A. Yes.

23 Q. What school did you go to?

24 A. Sheriff Junior High.

25 Q. Sheriff Junior High? In the spring of 1971, you would've been

- 1 | sixteen, let me guess, were you?
- 2 | A. Yes.
- 3 | Q. And what grade were you in?
- 4 | A. Eight.
- 5 | Q. Sheriff is the same school that your sister Mary went to?
- 6 | A. No.
- 7 | Q. She went to Central, I guess, though?
- 8 | A. She went to Central.
- 9 | Q. The -- Sheriff school that you went to, do you recall if there
- 10 | was a racial mix of students --
- 11 | A. Yes, it was.
- 12 | Q. -- at that school? What was that mix? Did you have Blacks,
- 13 | Indians, and Whites?
- 14 | A. Yes.
- 15 | Q. Both boys and girls?
- 16 | A. Yes.
- 17 | Q. Is that a denominational school?
- 18 | A. No.
- 19 | Q. General public school?
- 20 | A. General public.
- 21 | Q. I discussed with your sister yesterday, some aspects of life
- 22 | as a teenager in Sydney around 1971. I'd like to do the same
- 23 | with you for a few minutes. Outside your school activities,
- 24 | what sorts of activities would you engage in as a teenager in
- 25 | say 1971?

- 1 A. A lot of dances, the park.
- 2 Q. Yes.
- 3 A. We hung around in groups, the shows.
- 4 Q. The park that you're referring to is Wentworth Park?
- 5 A. Yes.
- 6 Q. And the groups that you're speaking of, can you be a little
7 more specific about the composition of those groups?
- 8 A. Well, we hung around with a group of Indians.
- 9 Q. You say, "we." Do you mean --
- 10 A. My sisters, I, Barbara. The people that you met yesterday.
- 11 Q. Okay. Do you recall the Indians who you hung around with?
- 12 A. Yes. Junior Marshall, Artie Paul, Cameron Paul.
- 13 Q. Can you speak up just a little --
- 14 A. Cameron Paul.
- 15 Q. How did you get to --
- 16 A. Pius Marshall.
- 17 Q. Pius Marshall? How did you get to meet the Indians? Did they
18 go to your school?
- 19 A. No, I don't believe they did. Possibly through another friend.
- 20 Q. Sorry?
- 21 A. Possibly through another friend. I believe, Patsy O'Day.
- 22 Q. Another friend.
- 23 A. Yes.
- 24 Q. Patsy O'Day. Any Indian girls in your group?
- 25 A. No.

- 1 Q. Over how long a period of time would you have been a part of
2 this group?
- 3 A. I'd say about a year.
- 4 Q. About a year?
- 5 A. Yes, with that -- with the group. But after all -- with the
6 incident that happened, everybody kind of broke up.
- 7 Q. Okay. So you -- What you're telling me is that you had been
8 with this group for about a year prior to the time of the
9 incident?
- 10 A. I think so. I'm not quite sure.
- 11 Q. Not sure. Okay. And following the incident, the group broke
12 up?
- 13 A. Yes.
- 14 Q. Why would the group break up after the incident? Were there
15 tensions created within the group because of the incident?
16 Bad friends made because of it?
- 17 A. It just wasn't the same. I can't give any particular reason
18 but maybe just even the thoughts of something like that
19 happening in that area scared the girls, and we just kept away
20 from that area.
- 21 Q. You kept away from the park?
- 22 A. Yes.
- 23 Q. After the incident? Was there any suggestions made to you
24 that you shouldn't belong to this group anymore by teachers,
25 parents, other friends?

- 1 A. I don't recall.
- 2 Q. Any Blacks as part of your group? Either boys or girls?
- 3 A. No.
- 4 Q. The dances that you spoke of, would Blacks attend the dances?
- 5 A. Yes.
- 6 Q. Was there any White boys as part of the group?
- 7 A. Off and on, yes.
- 8 Q. With this group, would you go to shows with them?
- 9 A. A lot of the midnight shows.
- 10 Q. I'm sorry?
- 11 A. Midnight shows.
- 12 Q. Okay. And you'd hang around the park with them?
- 13 A. Yes.
- 14 Q. Okay. Would you spend any time on the reserve with them?
- 15 A. No.
- 16 Q. Visit their homes at all?
- 17 A. No.
- 18 Q. Would they visit your homes?
- 19 A. No.
- 20 Q. Would they have been allowed to visit your home?
- 21 A. No.
- 22 Q. Would you have been allowed to visit their home?
- 23 A. I'm not sure.
- 24 Q. The fact that you hung around with a group of Indian boys, did
25 this provoke any reaction from other boys and girls at school,

- 1 | say from White girls or White boys?
- 2 | A. No.
- 3 | Q. What about from Blacks? Anybody like that?
- 4 | A. No. There was no problem in that respect at all.
- 5 | Q. Okay. Any reaction from your teachers?
- 6 | A. No.
- 7 | Q. Did they know about it?
- 8 | A. They did later.
- 9 | Q. Later meaning what?
- 10 | A. Well, when I was brought in for questioning, I was picked up
- 11 | by the police at --
- 12 | Q. Yes.
- 13 | A. -- my school.
- 14 | Q. But I'm thinking prior to this, in the year before the incident.
- 15 | A. I don't believe so. They wouldn't know --
- 16 | Q. But the parents?
- 17 | A. They knew. They didn't want to know.
- 18 | Q. They didn't want to know? Why was that?
- 19 | A. It was a no-no.
- 20 | Q. Do you know if ever --
- 21 | A. In the public's eyes.
- 22 | Q. In the public's eyes?
- 23 | A. At that particular time, yes.
- 24 | Q. Okay. How did you get that impression?
- 25 | A. Probably through my parents and parents of the other -- some of

1 the other girls.

2 Q. Okay. Are you saying then that there was a feeling among the
3 girls in the group that their membership in this group or their
4 being part of this group was generally something that the
5 other parents didn't approve of?

6 A. Yes.

7 Q. Why was that?

8 A. I believe there was a lot of prejudice at that time. That's
9 my personal opinion.

10 Q. Other than your parents nonapproval, was there any other
11 evidence or suggestion of this prejudice?

12 A. The police made it very clear that that was bad company.

13 Q. Okay. Could you tell us how you arrived at that conclusion,
14 please?

15 A. We were at a midnight show in Sydney on Charlotte Street. We
16 were out walking around and a police car stopped, took our
17 names, addresses, telephone number, and that was it. We were
18 left alone after that not realizing that they had made a visit
19 to my house asking if they knew who we were with, that we were
20 in very bad company, and this was in the middle of the morning
21 so it was quite a shocker to my parents, thinking there may
22 be a bad accident or something.

23 Q. Okay. Do you know roughly when this occurred in relation to
24 the incident?

25 A. I believe it was that summer. The summer of '71.

1 Q. Following the incident?

2 A. No, before.

3 Q. Do you recall who you were with? The members of the group?

4 A. Yes, I do. I was there with Artie Paul, my sister, with Pius
5 Marshall.

6 Q. Your sister Margaret or --

7 A. Mary.

8 Q. Sister, Mary.

9 A. There was Theresa MacNeil and Junior Marshall. I believe that
10 was it.

11 Q. Okay. And you say it was the middle of the morning. Do you
12 mean the middle of the early morning?

13 A. Yes.

14 Q. Around what time?

15 A. I'd say between one and two.

16 Q. Had you been out walking around on Charlotte Street that hour
17 of the morning before?

18 A. No.

19 Q. Do you recall who the policemen were?

20 A. No, I don't .

21 Q. Did they come up in a car, though?

22 A. Pardon me?

23 Q. They came by in a car or were they on the beat?

24 A. They were in a car.

25 Q. And they stopped?

- 1 | A. Yes.
- 2 | Q. Do you recall, other than taking your names and addresses, any-
- 3 | thing that they said to you?
- 4 | A. That was all they wanted to know. They --
- 5 | Q. Did they make any suggestion to you at that time that you were
- 6 | in bad company?
- 7 | A. No.
- 8 | Q. Did they take the names of the boys that you were with?
- 9 | A. Yes. Well, they knew who they were.
- 10 | Q. I see.
- 11 | A. I -- That was my impression. I believe they took the names
- 12 | down.
- 13 | Q. And you then went home?
- 14 | A. After the show probably.
- 15 | Q. You walked home?
- 16 | A. Yes.
- 17 | Q. And do you recall what time you got home?
- 18 | A. No, it was -- They usually showed three shows. Two hours. I'd
- 19 | say six.
- 20 | Q. Did your parents believe that you had gone to this midnight
- 21 | show?
- 22 | A. Yes.
- 23 | Q. And were either one of your parents up when you got home?
- 24 | A. Yes.
- 25 | Q. What happened?

- 1 A. They were pretty upset. My father was pretty upset that in fact
2 the police had come to the house. We didn't know what had
3 happened. We didn't understand why they had come and he was
4 just really upset.
- 5 Q. They didn't understand why the police had come?
- 6 A. Yes.
- 7 Q. Do you know what the police told your father?
- 8 A. I just -- As far as I was told is that they'd asked if
9 Catherine and -- the three sisters lived there, making sure
10 they had the right place, and expressed to him that we were
11 in very bad company, and that's all I know.
- 12 Q. Your parents were already aware, though, that you were a part
13 of this group?
- 14 A. Yes.
- 15 Q. So the fact that you were with this company wouldn't be any
16 surprise to your parents?
- 17 A. No. You always said you weren't but you were.
- 18 Q. I'm sorry?
- 19 A. I said you always said you weren't but you were.
- 20 Q. You told them that you weren't?
- 21 A. Yes.
- 22 Q. Did they believe you?
- 23 A. Probably not.
- 24 Q. And this --
- 25 A. It wasn't like a -- Everyone says, "group, group, group," but --

1 | Q. Yes.

2 | A. -- it was more or less just friends together. That's all.

3 | Just -- Categorizing it as group because it was Indians.

4 | Q. Do you know if the --

5 | A. You know, if it was all Whites meeting down there and getting
6 | together -- Group sounds bad.

7 | Q. Do you know whether or not the police had mentioned to your parents
8 | that you were with Indians or simply that you were in bad
9 | company?

10 | A. I couldn't say for sure.

11 | Q. But you were able to determine --

12 | A. But he knew.

13 | Q. I'm sorry?

14 | A. He knew that that was the reason that they were there, because
15 | we were with Indians.

16 | Q. Your father knew?

17 | A. Yes, he knew.

18 | Q. The police were there because you were with Indians?

19 | A. Why else would they go down? If we had have been walking with
20 | anybody else, they wouldn't made it a point to go to the house
21 | that time in the morning.

22 | Q. How do you know that?

23 | A. Well, it was a midnight show. All the people -- They didn't
24 | stay in for the whole show. They might come out during an
25 | intermission, walk around. It was in the summer -- holidays.

- 1 Q. Did you discuss this with your friends, the fact that the
2 police had gone to your house? Your school friends?
- 3 A. I don't remember.
- 4 Q. Did you ever hear of any similar incident among your friends,
5 the police going to their house?
- 6 A. No.
- 7 Q. And are you aware of friends of your being out at say two o'clock
8 in the morning walking down Charlotte Street?
- 9 A. Yes.
- 10 Q. You mentioned that your parents were not happy about your
11 associating with Indians. Did they ever raise with you the
12 possibility of associating with Blacks or not associating with
13 Blacks?
- 14 A. No.
- 15 Q. You said earlier that you felt that there was some prejudice
16 in the public against the Indians?
- 17 A. Yes.
- 18 Q. Was there any prejudice against Blacks, to your knowledge?
- 19 A. No, I don't know.
- 20 Q. You don't know?
- 21 A. No. No. Step back a minute. I went to school with a lot of
22 colored girls. They came to my place for lunch lots of times.
23 There was -- didn't seem to be -- I guess as long as they were
24 girls.
- 25 Q. Did you have any Indian girls come to your place for lunch?

- 1 A. No, I didn't know that many Indian girls.
- 2 Q. Can you suggest reason why Blacks might be more accepted than
3 Indians?
- 4 A. No.
- 5 Q. You mentioned that you were -- you spent some time hanging
6 around in Wentworth Park. We've heard evidence earlier about
7 people bumming money in the park. Do you have any knowledge
8 of people getting a dime or a quarter or otherwise in the park?
- 9 A. Just more or less between ourselves. You know, helping each
10 other out, and somebody would pass by. We might say, you
11 know, "You got a quarter?"
- 12 Q. Did you ever do it yourself?
- 13 A. I don't remember, no. The boys would do that.
- 14 Q. The boys would do it?
- 15 A. Yes.
- 16 Q. Were you ever in their company when it was done?
- 17 A. Probably so. I can't recall any certain incident.
- 18 Q. Would it be done by both White boys, Indian boys, and Black
19 boys?
- 20 A. Yes.
- 21 Q. Do you ever recall any force or pressure being applied to extract
22 a dime or a quarter?
- 23 A. No.
- 24 Q. Do you have any knowledge of any fights or disturbances in the
25 park area?

1 A. Not that I remember.

2 Q. You've heard testimony about the police making patrols in
3 the park area and sending the teenagers scattering when the
4 police arrived. Do you have any recollection of being in the
5 park at any time when the police would patrol?

6 A. On occasion, yes.

7 Q. What would they be looking for?

8 A. Probably liquor, but I don't remember an occasion where any was
9 found. We would just kind of move along.

10 Q. Were you ever questioned by the police, yourself?

11 A. Just on the -- Just on my statement.

12 Q. Just on -- Yes, but --

13 A. Yes.

14 Q. In the park, --

15 A. No one at all.

16 Q. -- you weren't questioned by police on patrol?

17 A. No.

18 Q. Were you ever with anybody that was questioned about liquor
19 during one of these patrols?

20 A. Not that I remember.

21 Q. There's some suggestion from your sister yesterday that the
22 Indians felt that they more or less owned the park. I don't
23 know if you heard her testimony or not. Do you have any
24 knowledge of the Indians claiming or protecting the park area
25 as their own?

1 A. I wouldn't go as far as to say that, no.

2 Q. Was there any --

3 A. It just happened to be the place that we went. There -- You know.
4 Like any other teenager, where do you go? You go to the
5 dances, you go here. You walk Charlotte Street. You -- You
6 know, you have to have a place to go. You have to be somewhere.
7 Just on the weekends.

8 Q. Do you recall among the teenage community that -- and -- in
9 the activities in the park, any kind of division along racial
10 lines?

11 A. Never.

12 Q. What about at the dances?

13 A. Never.

14 Q. The impression I'm getting, and correct me if I'm wrong, please,
15 Mrs. Soltesz, that within the teenagers, there was little if
16 any distinction or division along racial lines, but once you
17 got to the parents, there was a distinction that started to
18 emerge particularly between Whites and Indians but not so or
19 less so with Blacks. Is that an accurate statement of what
20 you've been telling us?

21 A. Yes.

22 Q. Did you know Sandy Seale?

23 A. No.

24 Q. You knew Junior Marshall?

25 A. Yes.

- 1 Q. Had you known him for any time other than this year that you
2 were part of this group?
- 3 A. I don't believe so.
- 4 Q. Was he a part of that group for the whole year?
- 5 A. Yes.
- 6 Q. Did you ever date him?
- 7 A. No.
- 8 Q. What about his brother, Pius? Do you know Pius?
- 9 A. Yes, I knew him.
- 10 Q. Did you ever date him?
- 11 A. No.
- 12 Q. Would Junior be a regular member of this group --
- 13 A. Yes.
- 14 Q. -- that you were a part of? What did you think of him?
- 15 A. Junior is very quiet and shy, gentle, big.
- 16 Q. Did you ever see him in any fights?
- 17 A. With his brother on occasion.
- 18 Q. I'm sorry?
- 19 A. With his brother on occasion.
- 20 Q. He fought with his brother?
- 21 A. Yeh.
- 22 Q. Okay. Did you see him in fights with anybody else other than
23 his brother?
- 24 A. No. He wasn't --
- 25 Q. Did you ever --

- 1 | A. Well, he was quiet. He more or less kept to himself, but he'd
2 | be there if anything would -- If a fight would break out, I'm
3 | sure he wouldn't step behind. He'd be there.
- 4 | Q. Did you ever see him get involved in a fight that had broken out?
5 | A. Possibility. I can't recall anything.
- 6 | Q. Did he strike you as being any more likely to fight than any
7 | of your other friends?
8 | A. He seemed always to be the protector. If some little fellow
9 | was going through and being picked on, he'd be the one to stand
10 | up and take the blows. Like, "Don't bother him. Leave him
11 | alone." I can't think of anything in particular right at the
12 | moment, but that comes back to me now.
- 13 | Q. Do you have any recollection, though, of his going to the assistance
14 | of some smaller person?
15 | A. I can't remember.
- 16 | Q. Did you ever see him with any weapons of any kind?
17 | A. No, I've seen him with a pocket knife.
- 18 | Q. On what occasions?
19 | A. Maybe one or two.
- 20 | Q. When you saw him with it, what was he doing with it?
21 | A. Sticking it in trees.
- 22 | Q. Sticking it in trees?
23 | A. In the ground. Just --
- 24 | Q. I see. Do you know if this was something that he usually
25 | carried?

1 A. No, not usually.

2 Q. It wasn't usual for him to carry it?

3 A. No.

4 Q. What about the other boys in your group? Would they carry
5 any weapons on occasion?

6 A. I don't believe so, no.

7 Q. Any kind of a pocket knife at all?

8 A. No. Some of the White boys did.

9 Q. Some of the White boys did carry knives?

10 A. Yeh.

11 Q. Pocket knives?

12 A. Yes.

13 Q. And on what kind of occasions would you see White boys with
14 knives?

15 A. I can't remember.

16 Q. Is it that -- I understood you say the White boys weren't nor-
17 mally part of your group that you hung around with?

18 A. Yeh. Yeh, sometimes. Yeh.

19 Q. And when you on occasion saw them with knives, was this when
20 they were part of your group?

21 A. No. I believe that was something separate.

22 Q. Did you ever see a knife used in a fight?

23 A. Never.

24 Q. Other than the meeting with the police on Charlotte Street, did
25 you ever have any occasion to have contact with the police

1 while you were in company with Junior Marshall?

2 A. No.

3 Q. I'd like to go now specifically to May of 1971, and at this time,
4 were you part of the group that Junior was in?

5 A. Yes.

6 Q. Do you have any recollection now of the night of May 28th, '71?

7 A. Yes.

8 Q. What recollection to you have?

9 A. That evening we had met on Intercolonial Street.

10 Q. You say, "we." Who's we?

11 A. Myself and Artie, Junior, I believe Moose Tobin.

12 Q. Yes.

13 A. And possibility Frankie French. We were all together that
14 evening, and we were sitting in a car in a backyard, and I
15 remember Junior left for the dance on his own that evening.

16 Q. You didn't go to the dance yourself, did you?

17 A. No, but I was wearing the jacket. I was cold. I was wearing
18 that yellow jacket that he had worn that night and when he
19 was leaving, I hollered to him to take it. It looked new
20 and --

21 MR CHAIRMAN:

22 Excuse me. We're having great difficulty.

23 MR. ORSBORN:

24 Sorry.

25

1 MR CHAIRMAN:

2 We've missed -- I've missed the last two or three minutes of this
3 testimony.

4 MR. ORSBORN:

5 Sorry.

6 MR. CHAIRMAN:

7 Check the -- this lady's microphone and see -- It should be more
8 strategically located.

9 BY MR. ORSBORN:

10 Q. Perhaps you wouldn't mind just reviewing that for us,
11 Mrs. Soltesz, your recollection of the night of May 28th.
12 Go ahead.

13 A. Okay.

14 Q. Perhaps if you'll just go back to where -- that night.

15 A. Okay. That evening we met on Intercolonial Street. There
16 was Junior --

17 Q. Intercolonial Street?

18 A. Yes. Intercolonial Street. Junior Marshall, Artie Paul, myself,
19 my sister, Mary. I believe Moose Tobin was there and possibility
20 Frankie French.

21 Q. Yes.

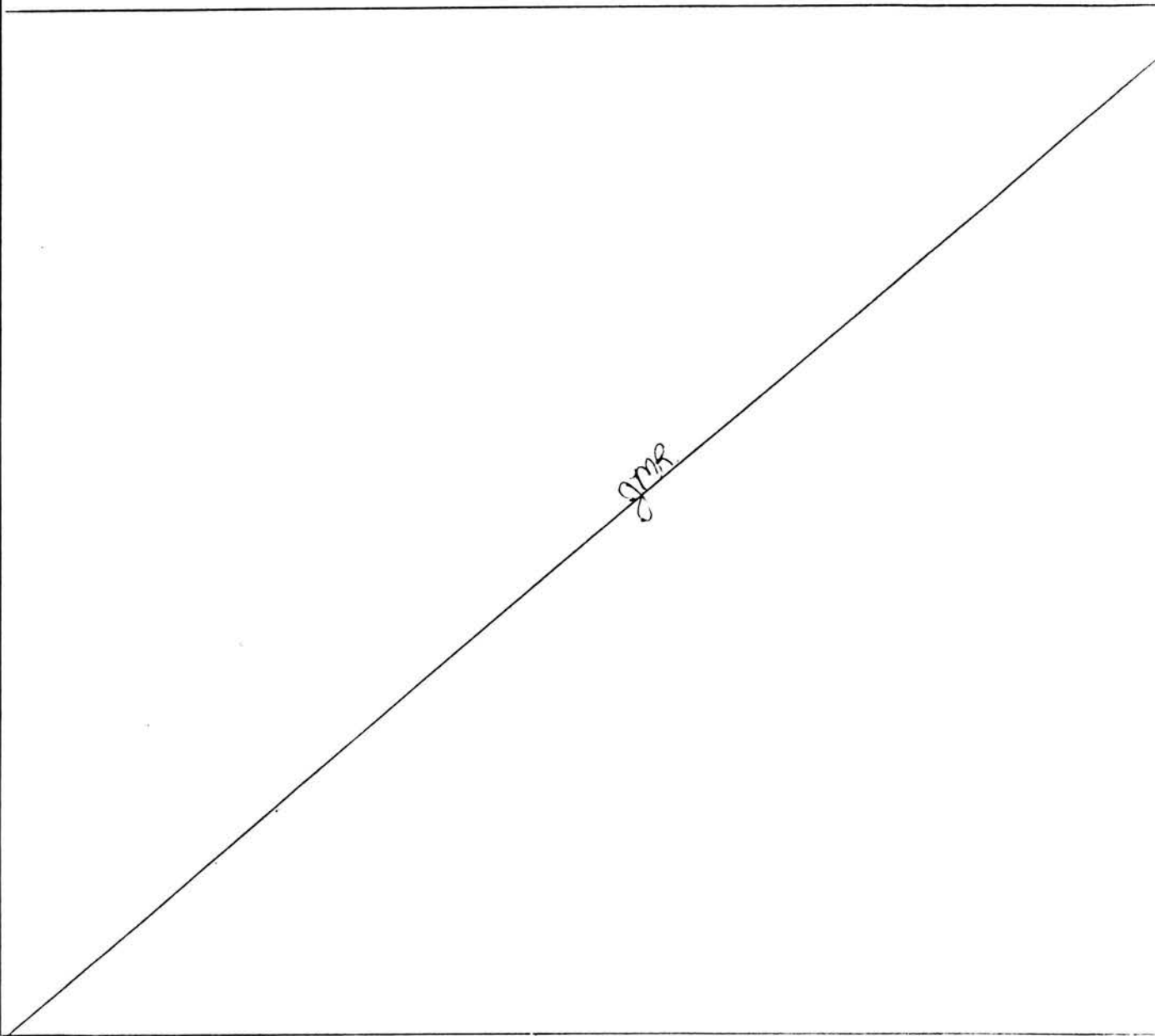
22 A. I don't think I'm missing anybody. We were sitting in a car --
23 in an abandoned car in the backyard and as it was getting on
24 dance time, I don't know if Junior was meeting a girl there. I
25 can't remember for sure, but he had left. I borrowed his jacket

1 because I was cold, and as he was leaving, I hollered him to
2 come back. He took the jacket and left on his own.

3 Q. Yes. Do you know what time that was?

4 A. I couldn't say for sure, but I'd say somewhere between 9:30,
5 10:30.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



GMR

- 1 Q. What time did the dances start?
- 2 A. Nine o'clock.
- 3 Q. Nine o'clock, and what time would they usually finish?
- 4 A. Twelve.
- 5 Q. Would you usually attend the dances yourself?
- 6 A. Usually, yes.
- 7 Q. Any reason why you didn't go this night?
- 8 A. I don't remember. I drew a blank. I don't remember.
- 9 Q. But you did not go --
- 10 A. No.
- 11 Q. You didn't go to the dance?
- 12 A. No, I was not at the dance, no.
- 13 Q. How far was Intercolonial Street where you were from St. Joseph's
- 14 where the dance was?
- 15 A. About six or seven good blocks, long blocks.
- 16 Q. Had Junior been drinking, do you recall?
- 17 A. I believe there was a bottle of rum. I can't remember what
- 18 size or -- I'd say a pint of rum passed around. That's all
- 19 I remember.
- 20 Q. Was he drunk?
- 21 A. No.
- 22 Q. What did you do after he left?
- 23 A. I don't remember.
- 24 Q. Were you drinking yourself?
- 25 A. Probably so.

1 Q. Were you drunk?

2 A. No.

3 Q. Do you know how you got home and if you got home?

4 A. We always walked.

5 Q. How far were you from your house?

6 A. About the same distance in the opposite direction.

7 Q. Did you have any knowledge that night of any incident or
8 problem in the park?

9 A. Not until I got home.

10 Q. When you got home that night?

11 A. Yes.

12 Q. Do you know what time it was when you got home?

13 A. No, I couldn't say for sure.

14 Q. What did you learn when you got home?

15 A. That somebody had been stabbed in the park and I know that I
16 was at home at that point because it was my mother that told
17 us that news and that she had heard it on the radio. My other
18 sister was at home.

19 Q. Your other sister?

20 A. Margie.

21 Q. All right.

22 A. And I believe she was sick that evening and Ma knew that we
23 were at home because if we hadn't been she would have been
24 worried with something like this going on where we were so I
25 was at home when it was reported on the radio.

1 Q. Did you know who had been involved in the stabbing?

2 A. I don't believe so.

3 Q. After Junior Marshall left you that night to go to the dance
4 did you have any further contact with him?

5 A. Yes, I believe he phoned the following morning and asked for
6 me. My sister answered it and I took the call.

7 Q. Was he in the habit of calling the house for you?

8 A. No.

9 Q. Were you surprised to hear from him?

10 A. No, I was -- Yes and no.

11 Q. What did he -- What did he call you for?

12 A. He told me what had happened, exactly what had happened at the
13 park that night.

14 Q. And do you -- Do you have any recollection now of that
15 conversation?

16 A. Yes, I do. It was --

17 Q. Would you tell us --

18 A. --exactly as he said all along.

19 Q. Okay. Can you tell us what he told you then please.

20 A. He told me about two men, one older, grey hair, wearing black
21 like -- or a dark coat like a priest. It looked like a priest.
22 Something about asking for a cigarette or a match and that he
23 was -- he was injured himself. Just exactly what he --

24 Q. Did he tell you how the stabbing actually occurred?

25 A. I don't remember.

- 1 Q. Can you offer any suggestion as to why he might have called you
2 to tell you that?
- 3 A. Just out of friendship I guess. I don't -- Maybe he couldn't
4 think of anyone else to phone or --
- 5 Q. Do you know if he had called anybody else?
- 6 A. I don't know.
- 7 Q. Do you know where he was calling from?
- 8 A. No, I don't.
- 9 Q. Was this early in the morning?
- 10 A. I don't remember.
- 11 Q. Did he sound scared to you?
- 12 A. I just took it for -- I believe what he said and I took it
13 for what he had said and I never dreamed that it would go any
14 further than -- than that.
- 15 Q. Did he indicate to you that the police thought he had done it?
- 16 A. No.
- 17 Q. Did he make any mention of Maynard Chant?
- 18 A. No.
- 19 Q. Any mention of John Pratico?
- 20 A. No.
- 21 Q. Did he make any mention of Sandy Seale other than the fact that
22 he had been stabbed? Did he talk about anything that Sandy
23 might have done that evening?
- 24 A. No.
- 25 Q. In the time that you had been hanging around with Junior had he

1 | ever mentioned Sandy's name?

2 | A. No.

3 | Q. Had you ever seen them together?

4 | A. No.

5 | Q. Were they two people that you would expect to find together in
6 | the park?

7 | A. I never knew -- I never knew Sandy Seale but the park was open
8 | to anybody so anybody walking through -- everybody chummed
9 | together.

10 | Q. But would it surprise you that Junior had been walking through
11 | the park with Sandy at night?

12 | A. No.

13 | Q. Did he mention anything about Sandy Seale's girlfriend?

14 | A. No.

15 | Q. Did he mention anything about Sandy running over to Pollett's
16 | Drug Store?

17 | A. No.

18 | Q. Any discussion at all of Junior and Sandy getting into a fight?

19 | A. No.

20 | Q. Any mention of an attempt to bum money?

21 | A. Just a match or a cigarette. That's all I remember.

22 | Q. Did he --

23 | MR. CHAIRMAN:

24 | I'm not clear on that. Who was -- Who was looking for the match
25 | or the cigarette?

1 THE WITNESS:

2 I guess it would have been Junior.

3 MR. SPICER:

4 There is some clarification of that.

5 MR. CHAIRMAN:

6 Yes.

7 MR. SPICER:

8 There is some degree of clarification of that in the statement that
9 she gave to the police which we'll touch on shortly.

10 BY MR. SPICER:

11 Q. Did Junior give you any instruction or a request as to what
12 he wanted you to do with this information that he was giving
13 you?

14 A. No.

15 Q. Any suggestion to you that this is what happened-- I want your
16 friends to know that this is what happened?

17 A. No.

18 Q. Did you believe him?

19 A. Yes.

20 Q. Do you recall how long you were talking to him?

21 A. Probably about twenty minutes.

22 Q. Did you have any other further conversations with him?

23 A. No.

24 Q. Did you discuss the phone call with your sisters?

25 A. I don't remember.

- 1 Q. Were you close enough to your sisters that it would have been
2 the type of thing that you would have discussed?
- 3 A. At that point, no. I might have talked to Margie. Mary was
4 going another way at that point in time so she probably wouldn't
5 want to hear anything about it.
- 6 Q. I'm not sure that I follow you.
- 7 A. Well, she had a new boyfriend and she --
- 8 Q. She was no longer part of your group?
- 9 A. She was no longer a part. She just felt like she wasn't sure of--
- 10 Q. Do you recall hearing that Junior had been arrested and
11 charged with the murder?
- 12 A. It seemed to be a long time after the incident?
- 13 Q. Yes. Were you surprised when he was arrested?
- 14 A. Yes.
- 15 Q. Did you still believe that he -- the story that he had told you?
- 16 A. Yes.
- 17 Q. Did you in any way get a sense of wanting to help him?
- 18 A. Yes.
- 19 Q. How did you think you could help him?
- 20 A. At that age it seems impossible. It just didn't seem like it
21 was going to -- It seemed like it was going to go to Court and
22 everything was going to come out and none of this would happen,
23 the truth would have come out, so it was -- it was a shock.
- 24 Q. Is it possible out of your desire to help him that you would
25 have discussed with your friends at school the story that Junior

- 1 | gave you?
- 2 | A. No.
- 3 | Q. It's not possible?
- 4 | A. I don't believe it's possible, no.
- 5 | Q. Was it a topic of conversation at your school?
- 6 | A. Not really. It was in the papers a lot and the story -- the
- 7 | story was in the paper a lot and people just kind of turned
- 8 | a blind eye. They didn't want to hear about it.
- 9 | Q. Why was that?
- 10 | A. I have no idea.
- 11 | Q. Did you discuss it with your parents?
- 12 | A. No.
- 13 | Q. Did you maintain contact with the Indian boys in your group after
- 14 | the incident?
- 15 | A. Yes.
- 16 | Q. For how long?
- 17 | A. For two years.
- 18 | Q. Two years after. You mentioned to us earlier that after the
- 19 | incident the group seemed to split up and everybody went their
- 20 | separate ways?
- 21 | A. Yes.
- 22 | Q. But you're telling us that you, in fact, kept some contact with
- 23 | them for a couple --
- 24 | A. I kept seeing -- I kept seeing an Indian after the incident.
- 25 | Q. You kept seeing an Indian?

1 A. Yeh.

2 Q. Were you still part of this -- of the group?

3 A. No.

4 Q. I understand. Did you discuss Junior's conversation with any
5 of the Indian boys that had been a part of your group?

6 A. Probably so but I don't remember.

7 Q. Were you contacted by the Sydney Police in respect to the
8 incident?

9 A. Yes.

10 Q. Do you recall the circumstances of that?

11 A. Yes, I do. I was in school and I got called to the office and
12 they took me in the police car.

13 Q. Do you know when -- when that was in relation to the incident?

14 A. No. I -- In my own mind I thought it was before Junior had
15 been taken in for questioning or any of that.

16 Q. It was during a school day?

17 A. Yes, it was.

18 Q. And you recall being taken in a police car to the police
19 station?

20 A. Yes, I went to the principal's office first and he said that
21 the police were here and I went with them down to the police
22 station.

23 Q. Were you alone or was your sister --

24 A. I was alone.

25 Q. Was your mother there?

- 1 | A. I was alone.
- 2 | Q. Do you know who picked you up at the school, what policeman?
- 3 | A. No, I don't.
- 4 | Q. Do you know how many there were?
- 5 | A. I believe there was two but I couldn't say for sure.
- 6 | Q. Do you recall if they were in uniform?
- 7 | A. I don't remember.
- 8 | Q. Do you recall if they said why they wanted to see you?
- 9 | A. They didn't say.
- 10 | Q. Did the principal make any comments to you about the police
11 | wanting to talk to you?
- 12 | A. He seemed kind of -- I don't know what the word would be. Well,
13 | it's just trouble. When you see the police it means trouble,
14 | so I think he was a bit disturbed by that, that somebody in
15 | his school was being taken by the police.
- 16 | Q. How did you feel?
- 17 | A. I don't know really how I felt, kind of stupid I guess. I
18 | felt kind of stupid being taken by the police from school. I'm
19 | sure there could have been a better way to do it.
- 20 | Q. And do you recall what happened after they picked you up?
- 21 | A. They took me in for questioning. I didn't know why at the
22 | time. I figured that it had something to do with just because
23 | we knew Junior.
- 24 | Q. The policemen that picked you up, were they the same policemen
25 | that questioned you?

- 1 A. I don't -- No, I don't believe so.
- 2 Q. Do you recall who questioned you?
- 3 A. Who questioned me?
- 4 Q. Yes.
- 5 A. Sergeant MacIntyre.
- 6 Q. Did you know Sergeant MacIntyre at the time?
- 7 A. Just on sight.
- 8 Q. Was there anybody else present when you were questioned by
- 9 Sergeant MacIntyre?
- 10 A. I believe there was another officer.
- 11 Q. Do you know who that was?
- 12 A. No, but I think if I saw him again I'd remember.
- 13 Q. Can you give us a description of him now?
- 14 A. Tall, thin, just like you.
- 15 Q. Did he wear a uniform?
- 16 A. Yes.
- 17 Q. Did Sergeant MacIntyre wear a uniform?
- 18 A. I believe so, yes.
- 19 Q. This tall, thin officer that was in uniform, was it the same
- 20 officer that stopped you on Charlotte Street?
- 21 A. I don't -- I couldn't say for sure, no.
- 22 Q. Were you alone in the room with the two police officers?
- 23 A. When I went in the room first Mary was there, my sister Mary.
- 24 Q. Yes.
- 25 A. And I went to ask her, "What are you here for?", or something to

1 that effect and Sergeant MacIntyre slammed something down on
2 the desk and Mary jumped up anyway. It didn't scare me but
3 it upset her very bad. Like we felt like we were criminals.

4 Q. Why did Sergeant MacIntyre slam something down on the desk?

5 A. Because he said, "You'll have your time to speak", and that was
6 it.

7 Q. What did he slam on the desk?

8 A. I believe it was a binder.

9 Q. Did he slam it down hard or just lay it down?

10 A. He slammed it down.

11 Q. Was he speaking to you? He said, "You'll have your time to
12 speak", was this directed to you?

13 A. Yes.

14 Q. Was your mother at the police station?

15 A. I don't remember her being there.

16 Q. Did you ask if she could come down?

17 A. No.

18 Q. When Sergeant MacIntyre said to you, "You'll have your time
19 to speak", what did you do?

20 A. Shut up.

21 Q. Did you stay in the room?

22 A. I don't remember.

23 Q. When Sergeant MacIntyre spoke to you was he sitting or was
24 he standing?

25 A. During our conversation or --

1 Q. No, when you first went -- first when you went into the
2 room.

3 A. --at that time? He was standing.

4 Q. He was standing?

5 A. Standing.

6 Q. Do you recall if the other officer was sitting or standing?

7 A. I believe he was sitting. He wasn't saying too much whoever he
8 was.

9 Q. And you don't recall if he stayed in the room at that point
10 or not?

11 A. I know that Mary had -- He wasn't finished with her yet.
12 So I don't remember. I believe I stayed in the room and they
13 were just about finished and then she left and I stayed alone.

14 Q. While you were there with Mary do you have any recollection of
15 the discussion between the police officers and Mary?

16 A. No.

17 Q. And after she finished -- Well, do you recall a statement
18 being read over to Mary?

19 A. No.

20 Q. Do you recall her being given a statement and asked to read it?

21 A. No.

22 Q. Your recollection is that she, after a short time, left and
23 you were there by yourself?

24 A. Yes.

25 Q. And what happened after that?

1 A. He questioned me.

2 Q. Who was questioning you?

3 A. Mr. MacIntyre.

4 Q. Do you recall if he was standing or sitting?

5 A. Sitting I believe.

6 Q. And the other officer, was he sitting or standing?

7 A. Sitting, sitting.

8 Q. Was the other officer participating at all?

9 A. Not really. Not to any extent.

10 Q. I'll show you a statement, Mrs. Soltesz, and ask you if you can
11 identify the signature that appears on these two sheets of
12 paper? There is a signature at the bottom of each page. Is that
13 your signature?

14 A. Yes.

15 Q. Your signature on each page?

16 A. Yes.

17 MR. ORSBORN:

18 My Lord, this is the original of a statement which Mrs. Soltesz
19 identifies her signature on the bottom of each page. The handwritten
20 version is reproduced in Volume 16 at page 80.

21 MR. CHAIRMAN:

22 Page 80.

23 MR. ORSBORN:

24 On eighty, and the typed version is immediately prior to that. There
25 is also another copy of the typed version of Volume 13, page 176.

1 I ask that this statement be asked as an Exhibit, two pages.

2 MR. CHAIRMAN:

3 Exhibit 62.

4 MR. ORSBORN:

5 Sixty-two. Thank you.

6 BY MR. ORSBORN:

7 Q. Mrs. Soltesz, this statement talks about a number of the matters
8 that we have already discussed with you and I'd like to review
9 them briefly. You were asked if you know Donald Marshall and
10 your answer is, "Yes", and you were asked if you kept company
11 with him, and your answer was, "Several times this year".

12 When you were asked if you keep company with somebody, does
13 that mean to you -- have you gone out with that person or
14 have you been in a group where they are or --

15 A. In a group where they are I would say.

16 Q. That would mean to you in a group?

17 A. Yes.

18 Q. This would not mean to you, have you dated Junior Marshall?

19 A. No.

20 Q. You were then asked if you were talking to him since the
21 stabbing and you say, "Yes", and then you answer, "On the
22 phone almost every day until he went to gaol". You did tell
23 us this morning about the conversation the morning following
24 the stabbing but I think you indicated to us that that was
25 the only conversation that you had. Do you recall having any

1 other conversation with him on the phone?

2 A. No.

3 Q. Did the questioning proceed on that question and answer basis,
4 do you recall?

5 A. Yes.

6 Q. And you recall Sergeant MacIntyre writing down as you would
7 answer?

8 A. Yes.

9 Q. You were then asked about the conversation that you had with
10 Mr. Marshall and perhaps I'll read the answer:

11 He told me he was down at the park
12 with Sandy Seale and two guys came
13 over and asked him for a cigarette,
14 and when they said no the men
15 started to call them Blackie and
16 that.

17 He said:

18 One man was old and grey.

19 He said he got stabbed in the arm. He said he ran to get
20 help. He went to a house to use the phone. The man did not
21 want him to use it but he then -- he let him use it. that
22 indicates that the person asking for the cigarette was the
23 two guys that came over?

24 A. Yeh.

25 Q. Does this statement refresh your memory in any way about the
26 conversation with Junior?

27 A. I believe I remember the Blackie part of it because my thoughts

1 were -- they were picking on the Black person there or that
2 they just said that because they were two dark people.

3 Q. That word "Blackie", would that be a word that would be in
4 common usage in Sydney to refer to a Black?

5 A. No.

6 Q. Have you heard it used before?

7 A. No. It sounds like something way back when.

8 Q. Your sister Mary, in her statement that she gave to the -- to
9 the police, also used the same word "Blackie" and talked about
10 the two men and the cigarette. Is it possible given the
11 consistencies between your account of Junior's conversation and
12 Mary's account of that conversation, that you, in fact,
13 discussed the conversation with Mary and related it to her?

14 A. I may have told her, yes.

15 Q. You were then asked about seeing Junior with a knife and you
16 say, yes, you saw him with a knife, about a five and a half
17 inch blade. You have spoken this morning about seeing a pocket
18 knife. Do you recall if you were referring to a pocket knife
19 when you answered this question?

20 A. Yes, I was.

21 Q. The five and a half inch blade is a very specific description.
22 Do you know how it came about that you gave it?

23 A. I went like this, "That big". That's what I said.

24 Q. You simply spread your fingers apart a certain distance
25 and said, "About that big"?

- 1 A. Yes, that big.
- 2 Q. Did you use the words, "Five and a half inch blade"?
- 3 A. No, I did not.
- 4 Q. And did you intend to give an impression of the five and a half
5 inch blade?
- 6 A. No, I did not. That would be the whole knife, a pocket knife.
- 7 Q. Your intention was to refer to the whole knife being five and
8 a half inches long with the blade opened out?
- 9 A. Yes.
- 10 Q. I see. Do you recall if there was any particular aspect of
11 your relationship with Junior that the police were more
12 interested in than any other?
- 13 A. When I was questioned about a knife, the first thing I thought,
14 oh, that they're going to try to pin this on him. That was
15 my impression when I was asked that question.
- 16 Q. Yes. At this point he had already been charged with the--
17 with murder?
- 18 A. I can't remember that.
- 19 Q. I'm sorry?
- 20 A. I can't remember that. I thought that this was well before
21 that.
- 22 Q. Okay. When you got the impression then that they were trying
23 to -- to pin it on Junior, did you want through your
24 statement to help him in any way?
- 25 A. Well, the statement went no further. There was -- I was never

1 | contacted again, never used again. That was taken and garbaged.

2 | Q. Yes.

3 | A. I thought that possibly if I was called I might be of some
4 | help or even just for a character witness.

5 | Q. Do you remember now signing the statement?

6 | A. Yes.

7 | Q. Do you remember if you read the statement over before you
8 | signed it?

9 | A. I believe I did, not in great detail.

10 | Q. If you had read it over and had seen the part about the five
11 | and a half inch blade, would you have corrected that?

12 | A. Yes.

13 | Q. You would have corrected it?

14 | A. Yes.

15 | Q. I see.

16 | A. It would take a long time to read this. It's kind of messy.

17 | Q. So you nevertheless have a recollection of reading it over?

18 | A. Just briefly.

19 |

20 |

21 |

22 |

23 |

24 |

25 |

JMR

1 Q. Do you know if it was read over to you?

2 A. No, it wasn't.

3 Q. It wasn't read back to you. Are you able to give any
4 description as to the -- the attitude of the police while
5 the statement was being taken from you?

6 A. Well, we weren't -- we weren't put at ease like in regular
7 interviews you should -- my version is you're put at ease,
8 say tell the truth; but it was more or less cut and dry.
9 Answer the questions and out. There's nothing friendly
10 about it.

11 Q. I'm sorry.

12 A. There was nothing friendly about it.

13 Q. Had you ever been interviewed by the police before, given
14 a statement before?

15 A. Never.

16 Q. Would it be fair to say that you were perhaps naturally
17 apprehensive about even being there?

18 A. Yes.

19 Q. Was there any mention made during the interview with the
20 police about Patricia Harriss?

21 A. No.

22 Q. Do you recall the brief time that you were there while
23 Mary was in the room whether Patricia Harriss's name was
24 mentioned?

25 A. Never.

1 Q. Did you know Patricia Harriss at the time?

2 A. I knew her to see her. She went to school with my sister.
3 I saw her at the dances.

4 Q. Which sister did she go to school with?

5 A. Mary and Margie.

6 Q. Mary and Margie. She didn't go to the same school you did
7 at the time?

8 A. No.

9 Q. And you saw her at the dances?

10 A. Yes.

11 Q. Do you recall ever discussing with Patricia Harriss your
12 conversation with Junior?

13 A. No, never.

14 Q. Is it possible that you could have had that conversation
15 in a group where she was present?

16 A. No.

17 Q. You've heard some testimony with respect to the linkage
18 between the story that Junior was telling about the two
19 men appearing in a statement of Patricia Harriss and
20 Patricia Harriss saying later in the statement that she
21 was -- or I'm sorry, your sister Mary saying later in
22 the statement that she told that story to Patricia Harriss.
23 Are you able to give us any help at all as to whether or
24 not there was any communication between Patricia Harriss
25 and any of your sisters --

- 1 | A. Not that --
- 2 | Q. -- where that story might have surfaced?
- 3 | A. -- no.
- 4 | Q. Were you ever contacted by any of the -- the lawyers involved
5 | in this case, Mr. MacNeil, Mr. Rosenblum, Mr. Khattar?
- 6 | A. Never.
- 7 | Q. Did you attend the trial?
- 8 | A. No.
- 9 | Q. Did you follow it in the news?
- 10 | A. I suppose I did, yes.
- 11 | Q. Were you aware that there were people that testified that
12 | they had actually seen Junior stab Mr. Seale?
- 13 | A. Yes.
- 14 | Q. Did you believe them?
- 15 | A. No.
- 16 | Q. Why not?
- 17 | A. Well, for one thing I didn't know anybody by the name of
18 | Chant; but as for Pratico I thought it was just something
19 | made up.
- 20 | Q. Did you know John Pratico?
- 21 | A. To see him, yes.
- 22 | Q. And you say you thought that he made it up?
- 23 | A. Yes.
- 24 | Q. Why would you think that?
- 25 | A. He -- you'd have to know him on sight and know that he was

1 a little off. Like you couldn't believe anything that he
2 would say. He wouldn't be a reliable person to take any
3 thing like that from.

4 Q. Had you known him earlier to tell stories that were not
5 true?

6 A. I just remember him tagging along with whoever he could
7 tag along with and he was always left to tag along. Just
8 to be free, I guess, nobody bothered him.

9 Q. Do you ever remember making him -- him making stuff up?

10 A. No.

11 Q. Was it a topic of discussion within your circle of friends
12 that John Pratico should not be believed?

13 A. I don't believe I had too much contact with any of the
14 -- to speak about that at that time.

15 Q. Did you think that you could possibly do anything to -- to
16 help given the nature of the eye witness testimony?

17 A. Well, like I say, I thought if I had have got called maybe
18 as a character witness. There wasn't really much that I
19 knew of besides that. I wasn't allowed to go to the court
20 any of the hearings or anything.

21 Q. You weren't allowed to go?

22 A. No.

23 Q. Did you ask to go?

24 A. No, I didn't dare.

25 Q. Why not?

1 A. It was just a shut/close case -- just --

2 Q. Closed by whom?

3 A. Well, my parents.

4 Q. And why was that?

5 A. Well, it was trouble, I guess.

6 Q. They didn't want you involved in it?

7 A. Right.

8 Q. Were they upset because you had been hanging around with
9 -- with Junior and now he was in this trouble?

10 A. I think they were in shock as everybody else was and just
11 more or less waiting to see what was going to come about
12 with it and watching the papers and just in shock.

13 Q. Do you recall when you became aware that Junior was found
14 guilty?

15 A. I believe I saw it on television. I remember that picture
16 him taken on handcuffs.

17 Q. Did you keep any contact with him after the trial?

18 A. Yes, I wrote him back and forth.

19 Q. For how long a period?

20 A. I can't say for sure. I don't remember.

21 Q. Did he write you?

22 A. Yes.

23 Q. Were you ever contacted by the R. C. M. P. when this matter
24 was opened up again in 19 -- in the 1980's?

25 A. Never.

1 Q. Ever contacted by Mr. Aronson the lawyer for Mr. Marshall?

2 A. Never.

3 Q. Were you ever contacted by Mr. Edwards who was the Crown
4 Prosecutor involved in the matter in the 1980's?

5 A. Never.

6 MR. ORSBORN:

7 No more questions, my Lord. Thank you.

8 BY MS. DERRICK:

9 Q. Mrs. is it Soltesz?

10 A. Yes.

11 Q. Thank you. My name is Anne Derrick. I represent Junior
12 Marshall. You were telling my friend about the occasion
13 when you were stopped by the police after a late movie.
14 Did that happen on a weekend, do you recall?

15 A. It would probably be a holiday weekend. That's usually when
16 it would be.

17 Q. So I take it that would be the only time you'd be allowed
18 to stay out --

19 A. Yes.

20 Q. -- those sort of hours?

21 A. Yes.

22 Q. Had you gone to late shows before?

23 A. That was probably the first one. I couldn't say for sure but --

24 Q. And you're clear that this happened before Sandy Seale was
25 stabbed?

1 A. Yes.

2 Q. Because I think you earlier said something about it being
3 during the holiday but you didn't --

4 A. Yes.

5 Q. -- mean to give the impression that that was the summer
6 holidays, you meant like a holiday weekend?

7 A. Yes.

8 Q. Right. Did your parents ever say anything to you about
9 not hanging around with Indians?

10 A. They didn't like the idea.

11 Q. So there was some discussion in your household that this
12 was not looked upon favourably?

13 A. Yes.

14 Q. And there was express reference made then to the fact that
15 you were hanging around with Indians and they didn't approve
16 of that?

17 A. Yes.

18 Q. I take it, however, that you and your sisters enjoyed the
19 company of the Indian boys?

20 A. Yes.

21 Q. They were nice to you and they were pleasant to be with?

22 A. Yes.

23 Q. Now you made reference to having seen Junior Marshall with
24 a -- I think you called it a pocket knife?

25 A. Yes.

1 Q. Is that correct? And your evidence with respect to other
2 children, other kids having pocket knives was that you
3 don't recollect anyone having pocket knives except some
4 of the White boys?

5 A. Yes.

6 Q. Did you ever see kids carving their initials in trees or
7 in park benches?

8 A. Yes.

9 Q. So that was in your view one of the reasons why kids carried
10 pocket knives, was it?

11 A. Yes.

12 THE CHAIRMAN:

13 You can't control -- I don't think I ever knew a boy ten or
14 twelve years of age who didn't carry a pocket knife.

15 MS. DERRICK:

16 My Lord, I carried a pocket knife when I was twelve years old.

17 THE CHAIRMAN:

18 I don't think this -- there is any great purpose is being served
19 in pursuing the pocket knife --

20 MS. DERRICK:

21 I have no -- I have no other questions on it my Lord.

22 THE CHAIRMAN:

23 -- the games that used to be played are still in play today, I
24 think. Probably not as skillfull as we used to play them.

25

1 | MS. DERRICK:

2 | Undoubtedly not.

3 | BY MS. DERRICK:

4 | Q. Mrs. Soltesz, you say that you knew John Pratico. He hung
5 | around -- hanged around with your group, is that correct?

6 | A. Yes, just as -- just on sight I don't remember him that
7 | well.

8 | Q. Did he seem like a kid that was eager to please?

9 | A. Yes.

10 | Q. Wanted to ingratiate himself with people?

11 | A. Yes.

12 | Q. I take it you never had occasion to have much conversation
13 | with him?

14 | A. No.

15 | Q. So what you knew about him was what you observed?

16 | A. Yes.

17 | Q. Now on the occasion the night of the dance in question when
18 | you were in the car, it was in Moose Tobin's yard, is that
19 | right?

20 | A. Yes.

21 | Q. Moose Tobin and Frankie French, were they White boys?

22 | A. Yes.

23 | Q. And did they hang around with your group as well?

24 | A. Yes, on occasion.

25 | Q. Now I'm a little unclear on this. On that occasion one of

1 | your sisters was in the car as well, is that right?

2 | A. I couldn't say for sure.

3 | Q. I'm just -- I'm just unclear. You had -- did you say earlier
4 | that one of your sisters was ill that night --

5 | A. Yes and --

6 | Q. -- and at home?

7 | A. -- I believe -- I thought that Margie was at home that
8 | night just because I remember her coming out to the back
9 | door in her housecoat. But maybe she had gotten in earlier.

10 | Q. In your statement which I think you have in front of you,
11 | it's on page -- well it's the first page, it's page 78 of
12 | volume 16, at the very bottom when you're asked

13 | Did you see Junior Marshall the night
14 | of May 28th?

15 | You say

16 | Yes I was sitting in a car in Tobin's
17 | yard, Intercolonial Street with Frankie French,
18 | Moose Tobin, Margie O'Reilley, my
19 | sister, Junior Marshall.

18 | A. Yes.

19 | Q. Did you mean Margie O'Reilley and you were identifying
20 | her as your sister or did you mean Margie O'Reilley and
21 | your other sister. In other words, both sisters?

22 | A. I believe just Margie, my sister.

23 | Q. So in this statement as you recollected then, it was Margie
24 | that was in the car --

25 | A. Yes.

1 Q. -- but now your recollection isn't entirely clear?

2 A. I just remember seeing her in her housecoat when I got home.
3 So she probably got in earlier than me.

4 Q. Maybe she was there and maybe she went home, is what you're
5 saying, is that right?

6 A. Yes.

7 Q. And you saw a quantity of liquor -- you don't know exactly
8 the amount being passed around in the car that night, is
9 that right?

10 A. Yes.

11 Q. Did you actually see Junior Marshall drink anything out of
12 it?

13 A. Yes, I probably did.

14 Q. Do you remember seeing him have one drink?

15 A. Yes.

16 Q. Do you remember seeing him have any more drinks than that?

17 A. It was a long time ago.

18 Q. I know that, so you recollect one drink?

19 THE CHAIRMAN:

20 I don't think she quite said that.

21 MS. DERRICK:

22 Couple. Well she does recollect the one drink.

23 BY THE WITNESS:

24 A. Yes.

25

1 MS. DERRICK:

2 But the fact is whether she recollects any other.

3 BY MS. DERRICK:

4 Q. When Junior called the next morning, I under -- I take
5 it that you knew Junior well?

6 A. Yes.

7 Q. Is that fair to say and was it an occasion when he did most
8 of the talking?

9 A. Yes.

10 Q. Did he seem agitated at the time?

11 A. Wound up, excited, talking fast.

12 Q. And was that somewhat unusual for him?

13 A. Yes.

14 Q. You knew him to be more quite and less talkative?

15 A. I don't believe I ever talked to him on the phone before
16 that.

17 Q. Is that right. Would you ever have talked for such a long
18 period of time before?

19 A. No.

20 Q. Would you have ever discussed Junior or his friends with
21 your other friends at school?

22 A. Not really. They just knew that I was dating an Indian
23 and it was just common knowledge.

24 Q. And the friends that didn't hang around with your group were
25 not friends that you would discuss the groups activities with?

1 | A. No.

2 | Q. Now when the police came to question you, was it a marked
3 | police car that came to the school?

4 | A. I believe it was.

5 | Q. And you were taken to, was it the police station --

6 | A. Yes.

7 | Q. -- did you say, by two police officers who left you there,
8 | is that correct?

9 | A. I believe so, yes.

10 | Q. So you went -- when you went into the room where your sister
11 | Mary was, you just went in on your own?

12 | A. Yes.

13 | Q. And what -- who was talking when you went in, was it Sergeant
14 | MacIntyre who was talking at that time --

15 | A. Yes.

16 | Q. -- that you recollect? Mary wasn't saying anything?

17 | A. I don't think so.

18 | Q. And in the course of the time when you were asked questions,
19 | it was Sergeant MacIntyre who asked the questions, is that --

20 | A. Yes.

21 | Q. -- correct? And would you describe the interview -- his
22 | interviewing technic as being a persistent one? He wanted
23 | your answers?

24 | A. Yes.

25 | Q. And did the interview move along quite briskly?

1 A. Yes, it did.

2 Q. Did you feel quite nervous throughout?

3 A. No.

4 Q. How did you feel?

5 A. I felt that all he wanted me to say was that he'd carried
6 a knife and I didn't want to lie and say he didn't. So I
7 just told truth and left it at that.

8 Q. So this suggestion about Junior Marshall with a knife came
9 from Sergeant MacIntyre and it seemed important --

10 A. Yes.

11 Q. -- to him?

12 A. That was really the only thing I thought of any importance
13 in it other than the time maybe he had left. Nothing else
14 seemed important.

15 Q. That's what you felt Sergeant MacIntyre was after --

16 A. Yes.

17 Q. -- is that correct? In the course of giving your statement
18 would it be fair to say that you minimized the amount of
19 contact you had had with Junior. When you say in your
20 statement in answer to the question

21 Do you keep company with him?

22 Several times this year. The last
23 time about a week before the
stabbing took place.

24 Would in fact you spent more time with Junior Marshall than
25 just several times in the proceeding six months?

1 A. It was usually just on the weekends. I seemed to have known
2 him a lot longer than that but I can't recall how long I'd
3 knew him before that.

4 Q. Your -- your recollection now of the amount of times you
5 were in Junior Marshall's company --

6 A. Yes.

7 Q. -- with other people, would it be more than several times
8 in a period of six months?

9 A. Yes, I would say so.

10 Q. And this reference to the five and a half inch blade which
11 you say that you didn't make, you were intending to describe
12 a pocket knife with it's blade extended, is that correct?

13 A. Yes.

14 Q. Is it possible that this word "Blackie" that is used in your
15 statement was not your word at all?

16 A. I believe that it was probably that older man -- man he was
17 talking about that said "Blackie".

18 Q. Do you have a recollection of Junior Marshall using that
19 word?

20 A. Yes.

21 Q. You do?

22 A. Yes.

23 Q. So that word -- you didn't associate that word when you
24 were talking with the police that day?

25 A. No.

- 1 Q. You had in fact heard that from Junior Marshall?
- 2 A. Yes.
- 3 Q. You said in your direct evidence that you -- you thought
4 that the police were trying to pin it on Junior. What was
5 it -- what was it about the interview that left you with
6 that impression?
- 7 A. Just -- just the harshness of it, I guess. It was like
8 something you saw on tv. There was -- just as I said before
9 there was --
- 10 Q. It was the tenor of the --
- 11 A. Yes.
- 12 Q. -- interview that left --
- 13 A. Yes.
- 14 Q. -- you feeling that way? You at no time asked to have
15 your mother there, is that correct?
- 16 A. That's correct.
- 17 Q. Was any mention made of getting her?
- 18 A. No, there wasn't.
- 19 Q. There was no suggestion that you could call her or that she
20 could be contacted?
- 21 A. You're correct.
- 22 Q. Had that suggestion been made would you likely have called
23 her?
- 24 A. A possibility. It would have been good to have a witness
25 to what I was saying in the room.

1 Q. Would you have been worried that your parents would have
2 been angry with you in this situation?

3 A. My mother was mellow.

4 Q. I'm sorry?

5 A. My mother was mellow.

6 Q. Oh, is that right.

7 A. With something this important you don't fool around with.
8 I mean you have to be there but at that age you should have
9 somebody in there with you.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

gms

1 Q. So any concerns about your parents reaction wouldn't have
2 held you back?

3 A. No.

4 Q. You would have felt better if they had been there?

5 A. Yes.

6 Q. Is that fair to say? In this statement at the very end of --
7 of your statement which is on the second page, you were asked
8 as well, by Sergeant MacIntyre, about seeing Junior Marshall
9 fighting at any time. And you said in your direct evidence
10 that you recollect a fight with his brother Pius, I guess.
11 Is that correct?

12 A. Yes.

13 Q. And then you say in this statement, you recollected another
14 fight down at the park. "The guys were from Westmount."
15 Do you have any recollection of that now?

16 A. No, I do not. I didn't know anybody from Westmount.

17 Q. So you don't -- you don't remember saying that?

18 A. I -- I honestly say I didn't say that. I never knew anybody
19 in Westmount.

20 Q. And you have absolutely no recollection of any fights other
21 with -- involving Junior Marshall, other than those involving
22 his brother Pius? Is that correct?

23 A. Yes.

24 MS. DERRICK:

25 Thank you. Those are my questions.

1 BY COMMISSIONER EVANS:

2 Q. Isn't it a fact that your mother was at the police station with your sister?

3 A. I don't recall my mother being there.

4 Q. My recollection is your sister said that --

5 A. My sister said that yesterday.

6 Q. Yeh, --

7 A. Yes, because she said that she had driven her there.

8 Q. Yes.

9 A. But --

10 Q. You have no recollection of that?

11 A. No, I don't. Maybe she had been gone by the time I got there.

12 BY MR. J. PINK:

13 Q. Mrs. Saltesz, the first area that I wish to deal with is
14 your concern -- the concern of your parents and your
15 association with the Indian boys. I take it that was their
16 concern, is that correct?

17 A. Yes.

18 Q. And tell me, when you were hanging around the park were
19 there any Indian girls there?

20 A. On occasion.

21 Q. Yes. And tell me at any time did your parents tell you
22 not to hang around with Indian girls?

23 A. No.

24 Q. At any time did you ever try to bring home, to your home, an
25 Indian girl to play with?

1 | A. No.

2 | Q. So really when we look at this whole area what we're really
3 | concerned with then is your association with the Indian boys.
4 | It's not Indians generally. Correct?

5 | A. Yes.

6 | Q. As I understand it your parents queried you on many occasions
7 | about your associations with the Indian boys and at that time
8 | you told them, as I understand your evidence, that you were
9 | not hanging around with them. Is that correct? You were
10 | being less than truthful with your parents?

11 | A. Yes.

12 | Q. And you told us about this one incident that occurred at
13 | early morning hours when you were walking the streets at
14 | approximately one-thirty or one -- between one and two
15 | o'clock in the morning. Is that the only incident in which
16 | you ever had any problems with the police when you were
17 | associating with the Indians -- boys?

18 | A. The only time ever, yes.

19 | Q. So, I take it, it's based on that one incident that you now
20 | tell us that the Sydney Police did not like Indians?

21 | A. Well, it was not only that. There was other things that
22 | happened that I'm just not clear enough to speak of. Times
23 | that guys were put in gaol.

24 | Q. For what?

25 | A. For break and enter, which they claim they never did.

1 Q. Yes.

2 A. And just things like that.

3 Q. And do you know whether or not any of these people were ever
4 convicted of these crimes that they were charged with?

5 A. Some of them were, yes.

6 Q. And tell me had you ever known any White people to have
7 been arrested for break and enters?

8 A. Yes.

9 Q. And convicted of them?

10 A. Yes, but they did it.

11 Q. Oh, they did it. I see.

12 A. Yeh, that's the difference here.

13 Q. So I take it that you are assessing this because the Indian
14 boys had told you that they had not done it or you
15 had heard that they had not done it and that's upon what
16 you base your opinion that the Sydney Police didn't like
17 Indians. Is that correct?

18 A. Could you repeat that?

19 Q. Sure. I take it's based on what you heard from other people
20 about Indian boys committing break and enters and not having
21 done it, that you allege that the Sydney Police did not
22 like Indians?

23 A. Yes.

24 Q. Were you ever aware of any other kids being stopped at
25 approximately two o'clock walking the streets? Two o'clock

1 in the morning walking the streets of Sydney by the police?

2 A. No.

3 Q. But this was your first and only occasion?

4 A. Yes.

5 Q. Now, you've told the Commission as to how you arrived at the police
6 station to the best of your recollection. I take it
7 that when you went into the room to talk to Sergeant
8 MacIntyre, that you were interested in giving them a complete
9 and truthful statement, or answer, to any questions that
10 they may pose to you?

11 A. Yes.

12 Q. And my -- Mr. Orsborn has referred you to the statement
13 that you have before you and I take it that that adequately
14 reflects what, in fact, you told Sergeant MacIntyre on the
15 night in question?

16 A. Yes.

17 Q. And the part that I really want to deal with is the conversation
18 that you say that you had with Junior Marshall the morning following
19 the stabbing in the park. And that's been read to you
20 and the question I want to pose to you is that, at no time
21 did he ever tell you that one of these older people
22 had in fact stabbed Sandy Seale?

23 A. Yes, he did tell me that.

24 Q. Oh. If he told you that why wasn't then -- why did you
25 not tell the police that?

1 | A. He told the police that. It was in the papers.

2 | Q. No, but you've told me that you wanted to give them a complete
3 | and truthful statement when you were asked these questions
4 | by them, yet in your statement you make no mention of the
5 | fact that Donald -- Junior Marshall had told you that this
6 | older person had, in fact, stabbed Sandy Seale.

7 | A. "He said that the man was old and gray and he said he had
8 | stabbed him in the arm." He told me exactly what happened.

9 | Q. And that's what, in fact, you related to the police.
10 | Isn't that correct?

11 | A. Yes.

12 | Q. And can you show me in this statement as to where Donald
13 | Marshall told you that the older man had in fact stabbed
14 | Sandy Seale?

15 | A. It's not there.

16 | Q. And I'm going to suggest to you that it was never said
17 | to you and --

18 | A. And I'm going to suggest to you that it wasn't written down.

19 | Q. Well --

20 | A. He told me what happened that morning and he told that same
21 | story over and over again. So something got confused.
22 | I don't know what it is but don't try to blame me.

23 | Q. Oh. No, I'm suggesting to you Mrs. Soltesz, that you
24 | never told Sergeant MacIntyre that?

25 | A. Well, I suggest that -- that you're wrong.

- 1 Q. You read the statement over, in fact, before you signed it?
- 2 A. This --
- 3 Q. Or it was read to you --
- 4 A. The way I was pressured that morning. No, I don't think --
- 5 Q. Okay, let's get --
- 6 A. -- I read this completely.
- 7 Q. Let's get it to the aspect of being pressured. As I understand
- 8 it you were not scared of the police.
- 9 A. No, I was not.
- 10 Q. You were in the room. You were being questioned. You
- 11 answered their questions. Then you were asked to leave?
- 12 A. I was scared at the way they were treating me.
- 13 Q. How were they treating you, Mrs. Saltesz, that made you
- 14 so upset with the Sydney Police?
- 15 A. They weren't treating me very well. They weren't treating
- 16 me as I thought I should have been treated.
- 17 Q. And how did you feel --
- 18 A. As a young girl.
- 19 Q. How did you feel that you should have treated?
- 20 A. I already said that.
- 21 Q. You knew that they were there for the truth?
- 22 A. Yes.
- 23 Q. You knew they were asking you questions?
- 24 A. Yes.
- 25 Q. You gave them answers to their questions?

1 A. Yes, I did.

2 Q. You were shown this statement after you complete it -- completed
3 it?

4 A. I was shown a statement like that.

5 Q. You told --

6 A. I didn't read it completely.

7 Q. You didn't read it completely. You had the opportunity
8 to read it completely?

9 A. I guess I didn't feel like I had the time to do it.

10 Q. But what did they do to make you feel that you did not have
11 time to do it?

12 A. They just did it very briskly. Question, answer. Badgered
13 me about this knife. How big was the knife? How big was
14 the knife? How big was it? Was it this long? Was it this
15 long? I said it was this long.

16 Q. Okay. Now, you show us exactly what you told Sergeant
17 MacIntyre?

18 A. That's exactly what I told Sergeant MacIntyre. And --

19 Q. How long?

20 A. That long.

21 Q. And how long you say that was?

22 A. I'd say that's about five and a half inches.

23 Q. Correct.

24 A. Roughly.

25 Q. And that's exactly what is in your statement, isn't it?

- 1 Q. Five and a half inches.
- 2 A. They said the blade was five and a half inches. I didn't
3 say the blade. A hunting knife hasn't got a blade on it
4 that big.
- 5 Q. Oh, was it a hunting knife or a pocket knife?
- 6 A. A pocket knife. I said a hunting knife doesn't have a blade
7 that long and that's something you use for animals.
- 8 Q. In questioning so far you referred to the use of a pocket
9 knife?
- 10 A. Yes.
- 11 Q. Was the knife that you saw Junior Marshall with a pocket
12 knife or was it a hunting knife?
- 13 A. A pocket knife.
- 14 Q. So that --
- 15 A. I believe I went over this. He didn't want to hear any more
16 about that. Gee.
- 17 Q. The knife then that you saw Junior Marshall had is one that
18 the blade folded back into the knife, is that correct?
- 19 A. Yes.
- 20 Q. You've distinguished the difference between a hunting knife
21 and a pocket knife?
- 22 A. Can I distinguish?
- 23 Q. Do you distinguish the difference between the two?
- 24 A. A hunting knife is a lot bigger.
- 25 Q. So on the night in question --

1 A. Wider, more dangerous.

2 Q. So the knife that you saw Junior Marshall with was, in fact,
3 a pocket knife?

4 A. Yes.

5 Q. Now, you were asked the question whether not on the 28th
6 of May, 1971 you, in fact, had seen Donald Marshall Junior,
7 is that correct?

8 A. The 28th of May?

9 Q. Yes. The 28th day of May. That's when you were being questioned
10 about the -- what took place. I'm sorry.

11 A. No, that's --

12 Q. I'm sorry. You saw him on the 28th of May but you were being
13 questioned on the 18th day of June? Correct?

14 Let me change the question around. When you were taken in
15 and asked questions by Sergeant MacIntyre, you knew that he
16 was asking questions about your knowledge of Donald Junior
17 Marshall? Correct?

18 A. Yes.

19 Q. And he was interested in knowing whether or not you had
20 seen him on the night of the stabbing? Is that correct?

21 A. Yes.

22 Q. Now, I refer you to page 78 which is the typewritten statement
23 in exhibit number 16, which is volume 16, and you'll see the
24 question:

25 Do you keep company with him?

1 A. Several times this year. The last time about
2 one week before the stabbing took place.

3 Is that a correct statement? Do you see that?

4 A. No, I don't.

5 Several times this year. Okay.

6 Q. Do you see that?

7 A. Yes, I do.

8 Q. Is that a true statement?

9 A. What I meant by that -- prior to that night. Cause I told
10 them where we were that night and everything so I wasn't hiding
11 anything.

12 Q. Do I understand you correct that on the evening prior
13 to the stabbing when you saw Junior Marshall that, in fact,
14 you did have something to drink?

15 A. Yes.

16 Q. I refer you to page two of your statement. You see there
17 were it says

18 Did you or anyone else have anything to drink
19 that night in the car?

20 A. I never saw it.

21 Is that a true statement?

22 A. The words --

23 I don't remember saying that.

24 Q. Yes. In fact, were you drinking in the car?

25 A. I can't say for sure. I know there was a pint of liquor

1 | being passed around.

2 | MR. CHAIRMAN:

3 | In all fairness, Mr. Pink, I think you should also draw her
4 | attention to the last part of that statement.

5 | Did anybody have anything to drink in your presence
6 | that night?

7 | A. Yes, Artie Paul.

8 | Q. Moose Tobin.

9 | A. Junior Marshall's. One pint of liquor.

10 | MR. J. PINK:

11 | One pint of liquor. That is correct.

12 | BY THE WITNESS:

13 | Yes. Maybe I didn't have any.

14 | BY MR. J. PINK:

15 | Q. Now, -- Dealing with the fights. As I -- Do I understand
16 | you correct when you say that you had only seen Junior Marshall
17 | in one fight and that was with his brother, Pius?

18 | A. That I can remember, yes.

19 | Q. Can you give me an explanation as to how the last answer
20 | got into your statement in where it says

21 | Yes, with his brother Pius and another fight
22 | down the park. The guys were from Westmount.
23 | This was last summer.

24 | A. I have no idea.

25 | Q. Oh. Maybe you said -- Could you have said that to Sergeant MacIntyr
but, today, not have recollection of saying that?

1 A. No.

2 Q. The bumming or the asking for cigarettes and matches, was
3 that a common occurrence in the park?

4 A. Yes.

5 Q. Do I understand you correct when you say that you thought
6 the statement you gave to the police was prior to Junior
7 Marshall being charged?

8 A. Yes, I believe to this day that it was.

9 Q. But you could be wrong about that?

10 A. It looks that way.

11 Q. Yes. At any time did Junior Marshall ever mention to you
12 about these gentlemen going and getting into a white Volkswagen?

13 A. No.

14 Q. Could it be, Mrs. Soltesz, the reason why you did not put
15 in your statement, the fact that Junior Marshall said to
16 you, that the old man stabbed, or words to that effect -- the
17 old man stabbed Sandy Seale is because you have no independent
18 recollection of it today or, in fact, it was not said to you?

19 A. I believe --

20 Q. Could it be one of those two alternatives?

21 A. No, it was said to me.

22 Q. Could you have forgot to put it in your statement?

23 A. I can't see forgetting something that important.

24 Q. Tell me, you knew who was defending Junior Marshall did you
25 not?

1 | A. No I did not.

2 | Q. You never saw the name of Simon Khattar or Moe Rosenblum's
3 | name in the paper?

4 | A. Yes, later on I did.

5 | Q. Did you ever think to call them and say look this is what
6 | Sandy Seale told me?

7 | A. Everybody knew it.

8 | Q. I'm -- Donald Marshall told me?

9 | A. Everybody knew it. It was told.

10 | Q. At no time do you know whether or not your sisters had
11 | in fact talked to Patricia Harriss?

12 | A. No.

13 | Q. And your association with John Pratico was very limited,
14 | would you agree?

15 | A. That's correct.

16 | Q. And the area, I take it, that you thought you could help
17 | Junior Marshall at his trial was by becoming a character
18 | witness?

19 | A. Yes.

20 | MR. J. PINK:

21 | I have no futher questions.

22 | MR. MURRAY:

23 | No questions, My Lords.

24 | MR. BARRETT:

25 | No questions, My Lords.

1 BY MR. SAUNDERS

2 Q. Mrs. Soltesz, can you tell us the incident when you were
3 walking at about two o'clock in the morning with you
4 friends on Charlotte Street, when was that? Do you know
5 what month it was? What time of the year it was?

6 A. No, I have no idea.

7 Q. Are you able to help us when, with respect to May 28th, 1971,
8 it was? Can you say if, in fact, it was that year?

9 A. Yes, I could -- I would say it was that year.

10 Q. And it was certainly prior to May 28th, 1971?

11 A. Yes.

12 Q. And what had you told your parents you were going to be
13 doing that evening? That is the evening that you were
14 stopped at two o'clock in the morning?

15 A. We were at the midnight show. The late show. All night
16 show.

17 Q. That's what you told your parents you were doing?

18 A. Yes.

19 Q. In fact did you go to the midnight show?

20 A. Yes.

21 Q. With these other individuals that you were walking with?

22 A. Yes.

23 Q. And the show got out at midnight, did it?

24 A. It started at midnight.

25 Q. It started at midnight?

1 | And you left at around one-thirty and were walking towards
2 | your home when you were stopped?

3 | A. We were walking around the Charlotte Street area.

4 | Q. Yeh.

5 | A. Around the block.

6 | Q. So your parents knew what you were doing because you told them
7 | that and --

8 | A. Yes.

9 | Q. -- not, in fact, what you did?

10 | A. Right.

11 | Q. Is that correct?

12 | A. Yes.

13 | Q. Now, you indicated to the Commission that you were taken from
14 | your school to the police station when -- and you gave them
15 | your statement and you walked into the room and they were
16 | about finished but not quite finished with your sister?

17 | A. Yes.

18 | Q. How was it that you knew where your sister was at the police
19 | station?

20 | A. I didn't know that she was there.

21 | Q. So how is it that you walked in that room where she happened
22 | to be?

23 | A. Somebody must have pointed me the way or brought me in.

24 | Q. And she was there along with two police officers and no
25 | one else present?

- 1 | A. Yes.
- 2 | Q. The day -- that is the Saturday of the stabbing, that is
- 3 | May 29, 1971, when was it that day that the call came to
- 4 | your home from Junior Marshall?
- 5 | A. I believe it was the morning.
- 6 | Q. Saturday morning?
- 7 | A. Yes.
- 8 | Q. Were you parents home?
- 9 | A. Yes, they probably were. I couldn't say for sure.
- 10 | Q. Right. Did you hear the phone ring?
- 11 | A. Yes.
- 12 | Q. Your sister answered?
- 13 | A. Yes.
- 14 | Q. And passed the phone to you?
- 15 | A. Yes.
- 16 | Q. How long was your sister on the phone?
- 17 | A. Just long enough to pass the phone to me.
- 18 | Q. Did she tell you who it was on the phone?
- 19 | A. Yes.
- 20 | Q. So she had no detailed conversation with the caller?
- 21 | A. No.
- 22 | Q. All she did was answer the phone, pass it to you, and say to
- 23 | you who was on the other end?
- 24 | A. Yes.
- 25 | Q. Is that correct?

1 | A. Yes, correct.

2 | Q. And at that point, I take it that, you had no idea who was
3 | involved in the stabbing the night before?

4 | A. That's correct.

5 | Q. All you had heard when you returned home from the park
6 | was an indication from your mother that there had been a
7 | stabbing?

8 | A. Yes.

9 | Q. But who the people involved in that were, you did not know?

10 | A. Right.

11 | Q. So the very first indication that you had, that your friend
12 | Junior Marshall was involved, was his call to you?

13 | A. I believe so unless it was said on the -- something to do
14 | with the radio broadcast.

15 | Q. Well, is your best recollection today that it was Junior
16 | who first alerted you of the fact that he happened to
17 | be there?

18 | A. Yes.

19 | Q. All right. And he was a friend of yours?

20 | A. Yes.

21 | Q. And, in fact, you told the Commission that you had been
22 | wearing that yellow jacket that he apparently had on at the
23 | time of the stabbing?

24 | A. Yes.

25 | Q. And so you also said that Junior Marshall had never called you

1 on the telephone before, to the best of your recollection?

2 A. That's correct.

3 Q. So it was a surprise for you to even get a call at your
4 home on a Saturday morning from Junior Marshall?

5 A. That's correct.

6 Q. And certainly a surprise to hear from him that he was involved
7 in a stabbing incident in the park?

8 A. Yes.

9 Q. Right. And I suggest to you, Ma'am, that it would be more
10 than likely that you would, after the call was over, tell
11 your sister about what it was that you had discussed with
12 Junior Marshall?

13 A. Yes, probably so.

14 Q. Because of the very surprising nature of the whole thing,
15 correct?

16 A. Yes.

17 Q. Right.

18 MR. SAUNDERS:

19 Thank you.

20 MR. BISSELL:

21 No questions.

22 MR. CHAIRMAN:

23 Mr. Ross.

24 BY MR. ROSS:

25 Q. Mrs. Soltesz, my name is Anthony Ross. You indicate that

1 | you kept in contact with Junior Marshall after he had
2 | been in prison?

3 | A. Yes, I did.

4 | Q. And how often were you writing to each other? Fairly often
5 | or not very often?

6 | A. I would say fairly often but I can't remember how long.

7 | Q. Did you keep the letters?

8 | A. No, I did not.

9 | Q. So all of them are gone by now?

10 | A. Yes.

11 | Q. And tell me when you got that phone call from Junior Marshall
12 | on the 29th of May, I take it, you would have been surprised
13 | to hear from him in the first place wouldn't you?

14 | A. Yes.

15 | Q. As a matter of fact you had an unlisted number, didn't you?

16 | A. Yes, we did.

17 | Q. And how would he have gotten your number? Did you ask him?

18 | A. No, I didn't. Oh, his brother went with my sister.

19 | Q. Oh, you think he might have got it from your brother -- his
20 | brother?

21 | A. From his brother, yes.

22 | Q. And did you ask him whether or not he had discussed the
23 | incident which occurred with the people -- the other people
24 | who were with him in the car in Moose Tobin's yard?

25 | A. No, I did not.

1 Q. I see. You just spoke to him and after you spoke to him,
2 you hung up and that was it?

3 A. Yes.

4 Q. Now, you indicate that you spoke to him for approximately
5 20 minutes?

6 A. That's correct.

7 Q. And that's your -- Is that still your best recollection of
8 how long would you have spoken to him?

9 A. Yes.

10 Q. Now, does it -- How does that compare to the time that
11 you spent with the police? Does it appear to be around the
12 same amount of time that you would have spent with police?
13 Shorter or longer?

14 A. About the same about of time.

15 Q. About the same, okay. Now, tell me, did you know a guy
16 by the name of Brooks MacQuire?

17 A. Yes.

18 Q. Did he hang around with you?

19 A. No, he did not.

20 Q. Was he a part of any of these groups as you recall?

21 A. Not that I recall.

22 Q. Did you ever know him hanging around with Junior Marshall?

23 A. No.

24 Q. Now, after Marshall had been arrested but before his trial,
25 he was held in the gaol in Sydney for a while, wasn't he?

1 | A. Yes.

2 | Q. Did you ever visit him while he was there?

3 | A. I don't believe so.

4 | Q. Now, after he had been convicted and before he was moved
5 | over to Dorchester, did you visit him when he was in gaol
6 | in Sydney at any time then?

7 | A. No.

8 | Q. And tell me that night when you were in the backyard of
9 | -- in Moose Tobin's backyard, do you recall whether or not
10 | that night -- whether or not Junior Marshall had a pocket
11 | knife with him?

12 | A. I don't believe so.

13 | Q. Now, perhaps you can help me straighten out something.
14 | Some of the police officers who gave testimony here
15 | indicated that the park was a place where there was trouble.
16 | Racial type trouble from time to time. Do you recall
17 | any race type problems in the park?

18 | A. Never.

19 | Q. Now, as I recall, I can look at the plan behind you and one
20 | can see three separate pools and my recollection of the area
21 | that between Bentinck Street and King there is another large
22 | section of the park. Is that your recollection?

23 | A. Bentinck Street and -- What was the other one?

24 | Q. Between Bentinck and King. There's the other section of the
25 | park down by the --

1 A. Oh, yes.

2 Q. -- Down by the courthouse?

3 A. Yes.

4 Q. Now, perhaps you could tell me, the Indians hung out in
5 which section of the park? Was it above -- between Bentinck
6 and King or between Bentinck and Argyle?

7 A. Argyle here. Around the band --

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

JMS

1 Q. In the general area of the band shell?

2 A. Yes.

3 Q. Was there any area in which Blacks hung around?

4 A. No.

5 Q. I see. Now one of the questions that was raised by Commission
6 Counsel was you try to get at the basis of the apparent
7 prejudice that your appearance might have entertained with
8 respect to Indians. Now is it fair to say that this
9 prejudice extended to Indian male youth primarily?

10 A. Yes.

11 Q. For instance, if you had an Indian girlfriend you would not
12 expect the same kind of attitude from your parents?

13 A. True.

14 Q. And you further indicated -- As a matter of fact, Commission
15 Counsel took you right to the edge with respect to Blacks, and
16 as I recall there was something about even having lunch with
17 a Black girl?

18 A. Yes.

19 Q. Would you perhaps tell me what was your response at that time?
20 I didn't get the whole response.

21 He asked you something and I can remember you speaking about
22 having lunch with a Black girl but I didn't hear his question
23 and the whole response. Do you recall what I'm speaking about?

24 A. Yes, I said, on many occasions I had girls come from school for
25 lunch.

1 Q. That would come to your house?

2 A. Yes, and there was a few Black girls and there was no problem.

3 Q. No problem. Would you have anticipated any problem if there
4 was Black boys coming to your house for lunch?

5 A. Probably.

6 Q. I see. So then is it fair to say that as far as the youth were
7 concerned the problem -- the problem as seen by the parents
8 was young male from a different race being with their
9 daughters?

10 A. Yes.

11 MR. ROSS:

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

13 THE WITNESS:

14 You're welcome.

15 BY MR. WILDSMITH:

16 Q. Just a couple of questions, Mrs. Soltesz, I'm just interested
17 in getting a little more information from you. You've
18 described to Mr. Ross a few moments ago a particular area of
19 the park where the Indian youth tended to hang around. I'm
20 wondering if it's true, and I think you said this before,
21 that other people besides Indians would hang around in the
22 park?

23 A. Yes, that's true.

24 Q. And the time that you would hang around the park with the
25 Indian youth, would that be during daylight hours as well as

1 | in the evenings or after dark?

2 | A. Just in the evenings.

3 | Q. For example, Saturdays, on weekends, holidays?

4 | A. Yes.

5 | Q. In the daylight as well?

6 | A. Just in the evenings.

7 | Q. Before dark, as well as after dark?

8 | A. After dark.

9 | Q. It tended to be after dark, and would you say there was any
10 | particular reason why it was after dark?

11 | A. So nobody would see you.

12 | Q. I'm sorry?

13 | A. I said, so nobody would see you.

14 | Q. I see, and would you say that that had something to do with the
15 | fact that the police didn't like Indian youth hanging around
16 | the band shell and that area of the park?

17 | A. Would you repeat that again please.

18 | Q. Yes, you were saying that you weren't seen after dark and
19 | that was why it tended to be after dark that you hang around
20 | and my assumption is that that was because people like the
21 | police would not like the group you were hanging around with?

22 | A. Right.

23 | Q. And the Indian youth in particular --

24 | A. That's correct.

25 | Q. --hanging around in the park?

1 A. Yes, that's correct.

2 Q. And it would be your impression that by and large the police
3 would, when they found your group or Indian youth in the
4 park, would ask them to leave or would chase them away, would
5 search them for liquor, would search them for weapons, all of
6 those kinds of things?

7 A. Yes.

8 Q. Thank you, and we've heard some evidence or references to --

9 MR. CHAIRMAN:

10 Mr. Wildsmith, don't leave that there because this is the first
11 time we've heard of searching of weapons. Would you tell us more
12 about that?

13 THE WITNESS:

14 I'm getting tired, I missed that.

15 BY MR. WILDSMITH:

16 Q. Pardon?

17 A. I'm getting tired, I missed that.

18 Q. My question to you is about the kinds of activities that the
19 police might engage in with respect to the Indian youth in
20 the park if they came upon them after dark, and one of the
21 things I suggested to you is that they may search them
22 for weapons and your answer was --

23 A. No. No, they nevered searched for weapons. I'm sorry. I
24 missed that.

25 Q. --was yes, I think. Okay. What kinds of things would the

1 | police do then if they found the Indian youth in the park
2 | after dark?

3 | A. They'd just ask if there was any alcohol and --

4 | Q. And search around for alcohol?

5 | A. I don't remember them searching around.

6 | Q. What would the general reaction of the Indian youth be if the
7 | police arrived on the scene, would they flee?

8 | A. Yes.

9 | Q. All right. We've heard some evidence about activities like
10 | bumming matches, bumming cigarettes, and maybe bumming small
11 | change. Was it your observations that those activities were
12 | engaged in by non-Indians as well as Indians?

13 | A. Yes.

14 | Q. And would it be your observation that the police would chase
15 | away other groups of young people who were hanging around in
16 | the park? No, is that -- You're shaking your head.

17 | A. I don't recall.

18 | Q. You don't recall any instances that involve police and other
19 | racial groups?

20 | A. No.

21 | Q. Thank you.

22 | MR. CHAIRMAN:

23 | Was there a curfew in the park, do you know?

24 | THE WITNESS:

25 | Not to my knowledge. There was no signs posted or any curfew at

1 | that time.

2 | MR. WILDSMITH:

3 | My Lord, there was some reference made, I believe, the time in
4 | my cross-examination of Marvel Mattson the former R.C.M.P. officer
5 | who lived across from the park and there was a newspaper clipping
6 | that I drew to his attention at that time that showed that within a
7 | matter of days after this incident there was a curfew on the park
8 | and there was some suggestion in the clipping that that curfew
9 | wasn't linked to the stabbing incident.

10 | BY MR. WILDSMITH:

11 | Q. Now you've described yourself as being in Sheriff Junior
12 | High School with children of other racial groups, and I'm
13 | wondering if amongst the kids who were in that school would
14 | have been Junior Marshall. Did he attend that school at the
15 | same time as yourself?

16 | A. I don't believe so.

17 | Q. And what about Sandy Seale?

18 | A. No.

19 | Q. Okay. We've also heard some evidence from you and indeed,
20 | I guess, from your sister as well about your -- about the
21 | attitude of your parents and I take in particular your father
22 | towards you and your sister dating or hanging around with the
23 | Indian boys?

24 | A. I believe that was the general public's -- most of the general
25 | public's views.

1 Q. Yes, but it was of your parents as well?

2 A. Yes.

3 Q. And I think you were asked the question of whether there was
4 expressed discussions between you and your parents over this
5 issue and I think your answer to Ms. Derrick was, yes, that there
6 were such discussions?

7 A. Discussions on what?

8 Q. Discussions between you and your parents about you dating or
9 hanging around with the Indian youth?

10 A. Yes, there was discussions.

11 Q. And am I correct in understanding that you had instructions
12 or directions from your parents not to hang around with the
13 Indian youth?

14 A. Yes.

15 Q. And did they indicate to you why you shouldn't hang around with
16 the Indian youth?

17 A. No.

18 Q. Now you've described this incident after the mid-night show
19 being on Charlotte Street when the police came along. How
20 do you think your parents felt when the police came to your
21 house to relate that you were hanging around with Indian youth
22 that night? Can you describe how your parents seemed to be
23 about the visit from the police?

24 A. Just a visit from the police at that time would be very
25 upsetting and they were upset.

1 Q. Can you indicate a little more about why they would be upset,
2 and what it was they may have been concerned about?

3 COMMISSIONER EVANS:

4 How would this witness know how her parents felt about a call from
5 the police. She might know on what their reaction was when she
6 got home but certainly she would not know their reaction when the
7 police came.

8 MR. WILDSMITH:

9 Yes, My Lord, I'm really wondering if the witness can help us out
10 with what her parents might have said or suggested or her observations
11 of her parents response at the time that she came home.

12 COMMISSIONER EVANS:

13 When she got home?

14 MR. WILDSMITH:

15 Yes.

16 BY MR. WILDSMITH:

17 Q. I'm trying to get at how your parents felt but, of course,
18 we're talking about your observations of what your parents
19 said or what your parents did or how they seemed when you came
20 home and they talked to you.

21 A. They were -- They were upset.

22 Q. Was it because the police had visited?

23 A. I believe so, yes.

24 Q. Was it more so that than the fact that you were hanging around
25 with the Indian youth?

- 1 A. Probably more because the police came to the door in the
2 middle of the morning.
- 3 Q. Yes, and how did you feel about the police having visited your
4 parents?
- 5 A. I was very surprised.
- 6 Q. Yes.
- 7 A. I didn't see any reason for it.
- 8 Q. There was nothing happening on Charlotte Street when the police
9 came along?
- 10 A. Nothing, no. I didn't think they had the right to do that.
- 11 Q. Yes.
- 12 BY MR. CHAIRMAN:
- 13 Q. How old were you then?
- 14 A. Sixteen.
- 15 Q. And your sister, fourteen?
- 16 A. Fourteen or fifteen.
- 17 BY MR. WILDSMITH:
- 18 Q. Now you've indicated that you hung around with the Indian
19 youth or dated Indians for some period of time about a year,
20 I think you mentioned, before this incident and for a couple
21 of years afterwards you dated a particular Indian. Is that
22 correct?
- 23 A. Yes. Yes.
- 24 Q. Did you feel as though there was any need to hide the fact
25 that you hung around with Indians or dated Indians?

- 1 A. I didn't feel personally myself, no.
- 2 Q. Did you feel others felt that way?
- 3 A. Yes.
- 4 Q. Such as your sister?
- 5 A. No.
- 6 Q. Okay. Now you also described the incident where the police
7 attended at your school to take you down to the police station
8 to give a statement and I'm not sure I completely heard your
9 evidence on this point. Was it the case that this was during
10 the regular school hours that the police came for you?
- 11 A. Yes, it was regular school hours.
- 12 Q. And they would go to the principal's office, would they, and
13 request you?
- 14 A. Yes.
- 15 Q. And how would the principal get a hold of you, would it be
16 over the public address system or --
- 17 A. Yes.
- 18 Q. So you were requested over the public address system to come
19 to the principal's office?
- 20 A. Yes.
- 21 Q. And these policemen came in uniform and in a police cruiser,
22 is that --
- 23 A. It was a police car. I can't remember for sure if they were
24 in uniform.
- 25 Q. All right, and did the other kids then know that the police had

- 1 taken you down to the station?
- 2 A. Yes.
- 3 Q. Yes, and how did you feel about that?
- 4 A. I -- It did bother me at that time. I guess they were wondering
- 5 why.
- 6 Q. Yes. Was it a source of some embarrassment to you?
- 7 A. Yes.
- 8 MR. CHAIRMAN:
- 9 Would you ask her how the other school -- how her classmates would
- 10 know that she went -- that she left in the police car.
- 11 MR. WILDSMITH:
- 12 Certainly.
- 13 BY MR. WILDSMITH:
- 14 Q. How would the other children or the other kids in school have
- 15 found out that you were taken down to the police station?
- 16 A. They are pretty nosey. Once they'd see -- If I wasn't coming
- 17 back somebody would have seen the police car outside and
- 18 they'd figure it out that they were taking me. Where else
- 19 would they be taking me?
- 20 Q. I'm sorry?
- 21 A. I said, where else would they be taking me?
- 22 Q. And they'd notice your absence from classes?
- 23 A. Yes.
- 24 Q. Okay. I take it from the fact that you dated Indians and
- 25 hung around with a group of Indians that you would have a

1 fair degree of experience in observing the reaction of the
2 police and of the teachers and of other people to Indians?

3 A. Yes.

4 Q. And can you tell us anything about the attitude or
5 treatment that Indians received in the school which you attended
6 by the teachers, by the principal, by the other students?

7 A. I don't remember anything specific about at school.

8 Q. Nothing specific at school?

9 A. No.

10 Q. Okay. Can you help us out as to whether you overheard
11 conversations involving or making reference to Indians in
12 a disrespectful way?

13 A. By whom?

14 Q. By the other kids in school, by teachers, by the police?

15 A. No.

16 Q. The other kids would not talk about the Indians?

17 A. No.

18 Q. Okay, and just to summarize some of the evidence, I think, that
19 you've given, I take it that it's your experience and your
20 observation and your opinion that the police were harder on
21 Indians than non-Indians?

22 A. That's my own opinion, yes.

23 Q. And harder on girls like yourself that hung around with
24 Indians than with girls who did not?

25 A. Yes.

1 MR. WILDSMITH:

2 Thank you. That's all my questions.

3 BY COMMISSIONER EVANS:

4 Q. I have a couple of questions that I'd like to ask you concerning
5 the night when you and your sister were stopped on the street.

6 I understand it was about one-thirty or so in the morning?

7 A. Yes.

8 Q. And you had gone to the midnight show?

9 A. That's correct.

10 Q. And did some -- either you or your sister say that they would
11 show several movies at that --

12 A. Yes.

13 Q. Yes, but you obviously had left before the show finished?

14 A. Yes.

15 Q. And what time did you finally go home that morning?

16 A. I believe it was before daylight.

17 Q. And that's when you met, of course -- when your father had
18 some conversation with you?

19 A. Yes.

20 Q. Do you know the names of the police officers who stopped
21 you on the street?

22 A. No, I don't. No.

23 Q. Nor do you know the names of the police officers who went to
24 your home to speak to your father?

25 A. No, I do not.

1 | Q. The other question I -- You had known Junior Marshall for
2 | some period of time prior to this?

3 | A. Yes.

4 | Q. Had you known any incident that -- any trouble that he had,
5 | that is Junior Marshall, with the police --

6 | A. No.

7 | Q. --with respect to supplying liquor to minors. Did you know
8 | anything about that?

9 | A. No, I didn't.

10 | Q. You did not. Okay. Was it your view that the police were
11 | concerned because you were out with the Marshall boy or was
12 | it just because you were out with some Indian boy?

13 | A. I believe it was the particular people that we were with that
14 | night.

15 | Q. That is Marshall and his brother?

16 | A. Yes, and Paul.

17 | Q. And a Paul.

18 | A. Artie Paul.

19 | Q. And that was the concern of the police officers who went to
20 | your father?

21 | A. Yes, that's correct.

22 | COMMISSIONER EVANS:

23 | Thank you. I have no further questions.

24 | MR. CHAIRMAN:

25 | That's all thank you very much.

CATHERINE A. SOLTESZ, by Commissioner Evans

1 THE WITNESS:

2 Okay.

3 MR. CHAIRMAN:

4 We will take a short break.

5

6

7

(WITNESS WITHDREW)

8

9

10 INQUIRY ADJOURNED AT: 11:35 a.m., AND RECONVENED AT: 11:52 a.m.

11

12

13 MR. SPICER:

14 The next witness is Emily Clemens, My Lord.

15

16

17

18

19

20

21

22

23

24

25

gmr