

ARTHUR WOODBURN, by Mr. Orsborn

1 | ARTHUR WOODBURN, being called and duly sworn, testified as follows:

2 | BY MR. ORSBORN:

3 | Q. Inspector Woodburn, where do you live, sir?

4 | A. At 271 Cherry Street in Sydney.

5 | Q. Your first name is Arthur?

6 | A. Yes, sir.

7 | Q. And are you presently employed with the Sydney Police
8 | Department?

9 | A. Yes, sir, I am.

10 | Q. And you hold the rank of Inspector?

11 | A. Yes, sir.

12 | Q. How long have you worked with the Department, sir?

13 | A. Twenty-one years.

14 | Q. Twenty-one years. Are you able to give the Commission a brief
15 | chronology of your progression through the Department?

16 | A. My first five years I spent as a foot patrolman and the next
17 | five -- four years I spent in the police patrol car. I spent
18 | four years as a drug investigator and four years as a
19 | detective and eight years in those -- two or four years as
20 | a dog master and for the past three years I've been Patrol
21 | Inspector.

22 | Q. In what capacity were you employed in 1971?

23 | A. As a foot patrolman on Charlotte Street.

24 | Q. On Charlotte Street?

25 | A. On beats in the City.

ARTHUR WOODBURN, by Mr. Orsborn

- 1 Q. And was Charlotte Street one of your beats?
- 2 A. Yes, sir, it was.
- 3 Q. I see. On these beats did you work in pairs with another
4 patrolman?
- 5 A. Normally not. If you were on Charlotte Street, for example,
6 you'd be assigned to what they call the upper end of Charlotte
7 which would be from Prince Street to Dorchester. The other
8 man on Charlotte Street would be assigned to what they call
9 the lower end of Charlotte Street which would be from Prince
10 Street down to Townsend, and including the Esplanade.
- 11 Q. So it would not be normal for you to walk the street together?
- 12 A. No, sir.
- 13 Q. But on occasion would you pass like ships in the night?
- 14 A. Oh, yes, we'd get together occasionally.
- 15 Q. Yes. As of May, 1971, Inspector, did you know or know of
16 Donald Marshall, Jr.?
- 17 A. Vaguely. I didn't know him personally. I knew his father
18 Donald, Sr.
- 19 Q. Did you know anything about him?
- 20 A. Donald, Jr.?
- 21 Q. Yes.
- 22 A. No, just what I heard in the police service itself that he was
23 in and out of trouble occasionally.
- 24 Q. And I'm thinking now specifically of prior to the -- the Seale
25 incident?

ARTHUR WOODBURN, by Mr. Orsborn

- 1 A. No, I can't say so, no.
- 2 Q. Was there anything about Mr. Marshall that set him apart from
3 other teenager's in the City?
- 4 A. No, I wouldn't say so.
- 5 Q. At that time did you know John Pratico?
- 6 A. By sight, yes.
- 7 Q. Did you know Sandy Seale?
- 8 A. Just to see him.
- 9 Q. Roy Ebsary?
- 10 A. No, sir, I did not know him.
- 11 Q. Did you know Jimmy MacNeil?
- 12 A. Pardon?
- 13 Q. Did you know Jimmy MacNeil?
- 14 A. No, sir, I didn't.
- 15 Q. On the night of May 28th, 1971, do you recall if you were
16 working or not?
- 17 A. What was the date again?
- 18 Q. The Friday night, May 28th, 1971.
- 19 A. No, I was not working.
- 20 Q. Do you recall when you first learned that there had been a
21 stabbing in Wentworth Park?
- 22 A. It was probably -- I probably heard it a couple of days later
23 on the news or the following day on the news I would say.
- 24 Q. Do you know what your shift schedule was at that time?
- 25 A. As far as I can recall I was off on the long weekend. I would

ARTHUR WOODBURN, by Mr. Orsborn

1 | be off on Friday night, Saturday night, Sunday night, Monday
2 | night, and I would go back to work at twelve o'clock Tuesday
3 | night.

4 | Q. Twelve o'clock Tuesday night?

5 | A. Right.

6 | Q. I see. Did you have any part -- As a patrolman did you play
7 | any part in the investigation or searches or interviewing
8 | related to the Seale stabbing?

9 | A. No, sir.

10 | Q. When you returned to work on the Tuesday, do you recall if you
11 | received any instructions as to what you might be on the look-
12 | out for in respect to that stabbing?

13 | A. I didn't receive any instructions whatsoever.

14 | Q. Would it have been the normal course of events for patrolmen
15 | to receive either from their sergeant or from detectives
16 | briefings as to what they should be on the lookout for?

17 | A. Briefings in those days were very far -- far between -- You
18 | wouldn't -- Occasionally you'd get -- your sergeant would
19 | tell you maybe that the Detective Department was looking for
20 | a certain person or if you seen a certain person around to
21 | notify them, but other than that the only real briefing we
22 | had in those days were just from each other.

23 | Q. When you say, "each other", do you mean --

24 | A. Each patrolman.

25 | Q. Each patrolman.

ARTHUR WOODBURN, by Mr. Orsborn

- 1 A. When he was coming off his beat he would tell you what he did
2 on the beat that night and so on.
- 3 Q. I see.
- 4 A. We had a report system (It wasn't a very good one.) where you
5 would write-if anything extraordinary happened on your beat
6 you would write an occurrence report on it and sign it and
7 it would be filed.
- 8 Q. Was there a free exchange of information between the constables
9 and the detectives?
- 10 A. No, I wouldn't say so.
- 11 Q. Why not?
- 12 A. It -- In those days it -- you would give them information but
13 you would very rarely hear anything about it.
- 14 Q. Yes.
- 15 A. And that was basically it. It was a very bad system.
- 16 Q. A bad system?
- 17 A. Yeh, it was because there was no briefing of shifts and no
18 briefing from the Detective Department going through the
19 shifts so they'd know what was going on throughout, you know,
20 different shifts that came on previous to it and afterwards.
21 There was very poor communications.
- 22 Q. Do you know of the Maple Leaf Restaurant?
- 23 A. Yes, sir.
- 24 Q. Where was that located in '71.
- 25 A. It still is there right now on the corner of Charlotte and Pitt.

ARTHUR WOODBURN, by Mr. Orsborn

1 Q. And was that on your Charlotte Street beat?

2 A. Yes, sir, it was.

3 Q. In the week following the Seale stabbing, the week following
4 May 28th, '71, while you were on your beat did you have any
5 occasion to meet John Pratico at or close to the Maple
6 Leaf Restaurant?
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ARTHUR WOODBURN, by Mr. Orsborn

1 A. No, sir, I did not.

2 Q. In that week or give or take that week, did you have any
3 occasion to meet John Pratico anywhere in which he related
4 his version of the stabbing?

5 A. Sir, as I stated, I know John Pratico by sight. I have
6 never in my life time had a conversation with him. He
7 has never had a conversation with me and I have never been
8 with anybody else that he had a conversation with.

9 Q. If such a conversation had taken place with you following
10 the -- the night of the Seale stabbing, what would you
11 have done about it if anything?

12 A. I would have made a report on it at the end of my shift
13 and I would have put "Attention Detective Department"
14 because anything of serious nature that happened on my
15 beat, that's generally what I would do.

16 Q. That you would have made a report of it a written report?

17 A. Yes, sir.

18 Q. We've had some evidence here from John Butterworth who was
19 a constable working at the time. Do you know John
20 Butterworth?

21 A. Yes, sir, I do.

22 Q. And did you have occasion in 1971 to work the beats on
23 Charlotte Street with him?

24 A. Off and on, yes.

25 Q. I see, he testified, sir, and I'm reading from volume 11 of

ARTHUR WOODBURN, by Mr. Orsborn

1 | our transcript and we're at now page 1971 and he's speaking
2 | of the week following the stabbing. He said:

3 | I was with Constable Arthur
4 | Woodburn. We were working
5 | together and Mr. Pratico
6 | appeared just as we were
7 | walking along our beat he
8 | appeared. A short while
9 | later we went into the Maple
10 | Leaf Restaurant which is on
11 | Charlotte Street and we had
12 | a cup of coffee. Constable
13 | Woodburn -- I can remember
14 | that night if I can recall
15 | was to my left and John
16 | Pratico followed us in. We
17 | didn't ask him in. It was
18 | Constable Woodburn but I
19 | don't recall him doing --
20 | he was saying to my right --
21 | Constable Woodburn and I
22 | were talking out of the blue.
23 | I was getting -- I can remember
24 | getting up to leave like we were
25 | through and as we were getting
up he was facing me and he
mentioned that he'd never forget
what he had seen in the Park.
And he described the stabbing.

17 | And the question to Mr. Butterworth:

18 | Do you have independent
19 | recollection of that night
20 | and this conversation with
21 | Mr. Pratico? Do you recall
22 | that now?

21 | And he says:

22 | Well, I don't recall that
23 | conversation word for word

24 | And he goes on -- on page 9 -- 1974 and he's asked:

25 | Could you tell us how he

ARTHUR WOODBURN, by Mr. Orsborn

1 you mean John Pratico
2 described the stabbing.

3 He mentioned about a
4 knife going in, bringing
5 her down and twisting her
6 and across. I took it to
7 mean like an "L" shape,
8 coming down and twisting
9 going across. I can remember
10 that like yesterday.

11 Did that happen in your presence, sir?

12 A. No, sir, it did not.

13 Q. I see, from your --

14 A. If -- oh, I'm sorry -- if I may elaborate a bit on that, sir.

15 John Butterworth was a very meticulous person about writing
16 reports. He would write a report on anything of even a
17 small nature that happened on his beat. And I would say if
18 that had happened at that time, that he would have submitted
19 a report to the Detective Department office.

20 Q. That he would have submitted --

21 A. And I would have had knowledge -- I would have had knowledge
22 of it being the senior man on that beat.

23 Q. To your knowledge, sir, did Mr. Butterworth, Constable
24 Butterworth, ever make such a report?

25 A. Not that I'm aware of, no.

 Q. And if he did not make such a report, is it your opinion that
 Pratico did not, in fact, demonstrate that to Mr. Butterworth?

 A. I can't say what -- I can't speak for John Butterworth, but
 it never happened in my presence.

ARTHUR WOODBURN, by Mr. Orsborn

- 1 Q. I see. Did you attend any of the Marshall trial, sir?
- 2 A. No, sir.
- 3 Q. Were you aware that an investigation was conducted by the
- 4 R. C. M. P. in 1971?
- 5 A. I had been aware at that time, yeh, there was one going on,
- 6 yes. I had no facts of the case or anything like that.
- 7 Q. It was a topic of discussion around the station house?
- 8 A. Not that I recall.
- 9 Q. What capacity were you -- did you hold in the Department, sir,
- 10 in 1974-75?
- 11 A. I was -- if I may check just for one second -- in '75.
- 12 Q. Yes. Were you in the car or in the drug squad?
- 13 A. Drug Department.
- 14 Q. Drug Department?
- 15 A. Yes, sir.
- 16 Q. Do you have any knowledge between 1974-75 of R. C. M. P.
- 17 making inquiries and I'm thinking of Constable Gary Greene
- 18 and Constable Eugene Coles, inquiries concerning the Marshall
- 19 matter?
- 20 A. No, sir, I did not. Not that I recall.
- 21 Q. How long did you work in the car patrol?
- 22 A. About four years.
- 23 Q. But between the beat and the car you were ten years, nine
- 24 ten years?
- 25 A. Yeh, a little over nine and a half years or so.

ARTHUR WOODBURN, by Mr. Orsborn

1 Q. Did you have occasion to patrol areas such as Wentworth Park?

2 A. Yes, sir.

3 Q. Both on foot and in the car?

4 A. Yes, sir. Not so much on foot but on -- in vehicles, yes.

5 Q. And have occasion to patrol the Membertou Reservation?

6 A. Yes, sir.

7 Q. On foot?

8 A. No.

9 Q. I see. In the 1970-71 era, were there any particular trouble
10 spots that you would check more frequently than others on
11 your patrols?

12 A. No, sir. Not really, no.

13 Q. Was the Park area known as a particular trouble spot?

14 A. Not in my days in the car, it wasn't, no.

15 Q. Did you have occasion to check the teenagers in the Park
16 for alcohol?

17 A. That was pretty -- that would occur almost every where in
18 the city where there was darkness, trees and etcetera.
19 But we would go down there and do the same thing as at
20 Wentworth Park. Sometimes Victoria Park. No great deal
21 of trouble with it.

22 Q. We've heard some evidence of young girls being stopped in
23 the very early morning hour at one o'clock and two o'clock
24 and questioned as to the company they were keeping and
25 then contact being made with their parents by the police to

1 suggest that, you know, the parents should be concerned about
2 the company they were keeping. Do you have any knowledge of
3 that kind of activity on the part of the constables or the
4 policemen in the cars?

5 A. Not -- not that I'm aware of, no.

6 Q. Did you ever contact a parent of a teenager to express
7 concern about the company they were keeping?

8 A. I can never recall doing that, no.

9 Q. When did you work in the Detective Division, Inspector?

10 A. Pardon.

11 Q. You did work as a Detective for a period of time?

12 A. Yes, sir, I did.

13 Q. When was that?

14 A. Be roughly three and a half four years ago.

15 Q. And who were your fellow detectives?

16 A. Inspector Urquhart was in charge of it at that time.

17 Inspector Young worked there, myself, Deputy Chief John
18 Mallowney and we had an Ident Section. There were two
19 members -- three members in it.

20 Q. Sir, in February of 1983, did you have occasion to have a
21 conversation with a Brooks MacGuire concerning the Marshall
22 matter?

23 A. Yes, sir, I did.

24 Q. And did you make some notes of that conversation with Mr.
25 MacGuire?

ARTHUR WOODBURN, by Mr. Orsborn

1 A. I did the following day, yes.

2 Q. The following day. These have already been circulated to
3 counsel but I'd ask you if that is in fact the notation
4 that was made.

5 MR. RUBY:

6 My Lords, I don't fully understand. I'm -- I'm asking -- asking
7 your Lordships for assistance. Why is this really relevant. If
8 MacGuire has got evidence to give then let him be called by
9 someone, by Commission Counsel. But I'm not sure why we're
10 getting at -- from second hand from this witness. And what
11 significance is it. It looks as if he's a red herring and
12 doesn't really go anywhere. He's not alone in that. There's
13 a lot of other people that are like that as well, which is not
14 bothered with. I'm wondering why he'd going into it now.

15 MR. ORSBORN:

16 My friend, Mr. Murray, maybe able to answer that. I think we
17 had this discussion when this was originally suggested by Murray
18 and we agreed that certainly as far as he felt that this was
19 relevant to his client and as far as Mr. Marshall's name is
20 mentioned, we had no objection to pursuing this with Inspector
21 Woodburn. I think he, in fact, was asked to stand down when
22 he was here before so that Mr. Marshall's counsel could review it
23 and then we'll review it with Inspector Woodburn.

24 MR. MURRAY:

25 Yes, and if it -- please -- please my Lords, as I said the last

ARTHUR WOODBURN, by Mr. Orsborn

1 | time when I first raised this document with the Commission, we
2 | simply raised it in the matter of completeness because it is
3 | referred to in volume 17 or exhibit 17 on page 19 so the
4 | documentation used by the Commission, certain comments are made
5 | about something being done with this particular document and
6 | it may become relevant as to whether what is said was to be
7 | done was in fact ever done. Just as a matter of completeness
8 | I think it's appropriate that the matter be placed before the
9 | Commission. But if the Commission chooses to call Mr. MacGuire
10 | or not, that's certainly not up to us.

11 | THE CHAIRMAN:

12 | That's not the point that Mr. Ruby's making. This gentlemen
13 | Brooks MacGuire whom we've heard of -- I've heard of for the
14 | first time now, apparently says that he made certain statements
15 | to Inspector Woodburn concerning Donald Marshall, Junior's
16 | behaviour shortly after the -- after the stabbing. And it seems
17 | to be that if Brooks MacGuire was still around that he should be
18 | called and put to the test. Rather than try and introduce this
19 | piece of evidence.

20 | MR. RUBY:

21 | My point is this, that if MacGuire is anything more than a
22 | passing flake -- I mean that's relevant. There's nothing to
23 | indicate that at the moment other than this report.

24 | MR. CHAIRMAN:

25 | I haven't see it yet, so I can't -- this is --

ARTHUR WOODBURN, by Mr. Orsborn

1 MR. MURRAY:

2 My Lord, the document does go on and says -- it talks about being
3 turned over to the R. C. M. P. The R. C. M. P. said that they
4 were going to do something with it and I suggest that it's very
5 relevant whether in fact the R. C. M. P. did do what they said
6 they were going to do with it. That is the main purpose from our
7 point of view that we see the document.

8 MR. CHAIRMAN:

9 Is Mr. MacGuire still in existence?

10 MR. ORSBORN:

11 Yes, my Lord.

12 COMMISSIONER EVANS:

13 Is he available?

14 MR. ORSBORN:

15 Yes, my Lord.

16 THE CHAIRMAN:

17 Then we'll call him.

18 MR. ORSBORN:

19 Then we'll probably have called a witness that we needed --

20 THE CHAIRMAN:

21 Pardon.

22 MR. ORSBORN:

23 Then we may discover that we've called a witness that we perhaps
24 did not need to call and he may be even a redder herring than
25 this -- than this is. This is part of the dilemma that we -- that

ARTHUR WOODBURN, by Mr. Orsborn

1 we face and as I indicated earlier when Mr. Murray produced this
2 or requested us to consider this statement that we had some
3 concerns about the -- the relevance of evidence that Mr. MacGuire
4 might give. Then if he asked us to proceed with it on these
5 to the basis of completeness and in the -- that Inspector Woodburn
6 did indeed have conversations with Detective MacIntyre and Frank
7 Edwards about this information, I can see where it may have some
8 relevance to Mr. Urquhart but I have -- would have no difficulty
9 in simply exploring with Inspector Woodburn, number one his
10 opinion of Mr. MacGuire without getting into the contents of
11 the statement and then number two, what action he took as a result
12 of getting the statement and then if your Lordship wishes, calling
13 Mr. MacGuire.

14 MR. RUBY:

15 I think that I would agree with that, my Lord.

16 THE CHAIRMAN:

17 Yes.

18 MR. RUBY:

19 It would seem that the completeness aspect of what was done
20 is relevant. I invite you to go ahead and I have no objection to
21 that. If it's purported, some of its contents should be supported.

22 THE CHAIRMAN:

23 Right.

24 BY MR. ORSBORN:

25 Q. Let me ask you about the circumstances, Inspector, under

ARTHUR WOODBURN, by Mr. Orsborn

- 1 | which you had this conversation with Mr. MacGuire. As I
2 | understand it he was at your home and this was a --
- 3 | A. It was just --
- 4 | Q. -- an off-duty conversation.
- 5 | A. Yeh, it was just a casual conversation which, I believe,
6 | at that time it was in the news media about an appeal or something
7 | was up and he just happened to bring it up while we were
8 | down my basement. I was working on a rifle stock there.
- 9 | Q. All right. This was about a year after the Marshall case
10 | had become the subject of news that --
- 11 | A. It was in 1983. I don't know exactly. I didn't follow it
12 | that closely myself.
- 13 | Q. Was Mr. MacGuire a friend of yours?
- 14 | A. A casual acquaintance.
- 15 | Q. I see.
- 16 | A. I hunted with him a couple of times. I know him -- I don't
17 | know him extremely well but I know him.
- 18 | Q. How long had he been in your company this night before he
19 | started to give you this information?
- 20 | A. I'm not sure. It could be ten, twenty minutes, I guess.
- 21 | Q. Do you know --
- 22 | A. It was just casual conversation while we were down the
23 | basement working on his gun.
- 24 | Q. Do you know whether or not Mr. MacGuire had been drinking
25 | prior to your having this conversation?

ARTHUR WOODBURN, by Mr. Orsborn

- 1 | A. I don't believe he was.
- 2 | Q. Do you know if he was drinking while you were having this
3 | conversation?
- 4 | A. No, I don't think.
- 5 | Q. Did you believe Mr. MacGuire?
- 6 | A. I'm not sure and even to this day I'm still not sure.
- 7 | Q. Had he given you any reason in the past to have some doubt over
8 | statements that he might make?
- 9 | A. No, it's hard for me to judge the man because I don't know
10 | him that well. I don't know if he just said it to make
11 | conversation or if it actually happened.
- 12 | Q. I see. Was he in the habit of making conversation with you
13 | over serious matters?
- 14 | A. No, not really. Mostly hunting or something like that or
15 | rifles or --
- 16 | Q. Did Mr. MacGuire at any time indicate to you the source of
17 | the information that he was conveying to you?
- 18 | A. I didn't take it all that serious because, you know, he
19 | said it was general talk around the dance halls and it was
20 | more like hearsay that he was passing on to me.
- 21 | Q. Did he ever provide you with any specific names?
- 22 | A. No, as is -- in the thing here, I told him, I said, you know, I
23 | asked him did he ever tell anybody -- any police officers
24 | about it or R.C.M.P. or anybody investigating it and he said
25 | no, he didn't. And I asked him did he know other people that

ARTHUR WOODBURN, by Mr. Orsborn

1 | were present when this was supposedly said and he gave
2 | me a name or two and he said he'd try and look up some old
3 | friends -- this was a long time after -- and I said well,
4 | you give me the names and phone numbers of whoever, you
5 | know, that would more or less back up what he's saying. And
6 | he never ever did and I seen him several times after that.

7 | Q. He never got any more names or phone numbers?

8 | A. No.

9 | Q. Did you ever ask him for them?

10 | A. No, because my instructions, after this happened, -- I
11 | met with Chief John MacIntyre, Inspector Urquhart, Michael
12 | Whalley, and their advise to me was to turn it over to the
13 | R.C.M.P. through the Crown Prosecutor because the R.C.M.P.
14 | at that time were conducting an investigation and they said
15 | it was better for me not to get involved in it because
16 | I might be interfering with their investigation.

17 | Q. The note indicates that the conversation took place at
18 | around ten-thirty p.m. on Sunday night, February 6th, 1983
19 | and the note indicates that you -- you supplied this
20 | information to Chief MacIntyre, Inspector Urquhart on
21 | February the 7th, the next morning. Would that be correct?

22 | Q. The next morning, yes.

23 | Q. Your note then indicates that on the following day, February
24 | 8th, you spoke with the Crown Prosecutor Frank Edwards?

25 | A. Yes sir, I did. I went up to his office and I --

ARTHUR WOODBURN, by Mr. Orsborn

1 Q. When you spoke to -- It appears from your signature at the
2 bottom and the date underneath that, that the notes themselves
3 were made up on February 9th, 1983 which would be, I think, a Wednesday.

4 A. Yeh, it must have been if I put the date. I think what
5 happened here, this -- the last page here is after I
6 completed going to Frank Edwards and so on and I made the
7 second page cause I was after completing what I was told to
8 do.

9 Q. I see. Now, to lead in to --

10 A. This would be on the 9th that I completed the page that
11 I visited the Crown Prosecutor and left a copy with him.

12 Q. When did you, in fact, make the notes of the conversation
13 with Mr. MacGuire?

14 A. Just that morning when I went to work.

15 Q. And you had those notes when you spoke to Chief MacIntyre?

16 A. Yes, I had them. That would be basically the first page
17 right to the bottom here.

18 Q. I see. And is it your evidence that Chief MacIntyre instructed
19 you to pass your information along to the Crown Prosecutor?

20 A. Yes, sir. He told me not to get involved in it because it
21 was being re-investigated by the R.C.M.P. and that I should
22 contact the Crown Prosecutor with it and he also conferred
23 with city solicitor, Michael Whalley, and he gave the same
24 advice.
25

ARTHUR WOODBURN, by Mr. Orsborn

1 MR. CHAIRMAN:

2 What was the date of the hearing of the review by the Court
3 of Appeal of Nova Scotia?

4 MR. ORSBORN:

5 I believe the final argument on the appeal was really prior to this.

6 MR. CHAIRMAN:

7 Prior to this?

8 MR. ORSBORN:

9 Immediately prior -- the decision came out on May 12th of 1983 but
10 I believe the final arguement had been presented in, I think,
11 in early February. I stand to be corrected but my understanding
12 is prior to that.

13 MR. SAUNDERS:

14 The appeal was heard in December; argument was made in February,
15 My Lord.

16 MR. CHAIRMAN:

17 Fine, thank you.

18 BY MR. ORSBORN:

19 Q. Did you provide copies of these notes to Chief MacIntyre?

20 A. I -- What I did at the time, I wrote it down. I gave it to a steno
21 to type up for me and I gave a copy to everybody that was
22 concerned with it.

23 Q. I see. And have you discussed this with Mr. MacGuire since?

24 A. No.

25 MR. ORSBORN:

Those are my questions, sir. Thank you.

ARTHUR WOODBURN, by Mr. Ruby

1 BY MR. RUBY:

2 Q. Two areas only that I want to ask --

3 MR. CHAIRMAN:

4 Before you commence your cross-examination, Mr. Ruby, I think
5 I should make it clear that this statement has not been admitted
6 in evidence.

7 BY MR. RUBY:

8 Q. Did you ask Brooks MacGuire why he hadn't come forward back
9 at the time of the original trial if he had something to offer;
10 not whether he did but why?

11 A. I'm just trying to recall it. I believe it's -- I believe what
12 I asked him was why he -- I asked him did he ever speak to
13 anybody in authority, a police officer or anybody, concerning
14 it and he said no, he didn't. He said it was common knowledge
15 all over Sydney what was going on.

16 Q. But you didn't -- You didn't ask him why it was that he didn't
17 speak to anybody in authority?

18 A. No. He just -- He more or less said that everybody in Sydney
19 knew what he was telling me; you know, that him telling them
20 wouldn't make any difference, I guess, is what he meant.

21 Q. Okay. And we all -- at least I do. We all I think know people
22 who for whatever reason like to inject themselves in matters
23 of public notoriety and attention. Is this MacGuire got the
24 reputation of being that sort of fellow?

25 A. No, sir. I think he's almost opposite to that from what I

ARTHUR WOODBURN, by Mr. Ruby, by Mr. J. Pink

1 know of him.

2 Q. Okay. In terms of his character, is he the kind of person who
3 you'd -- From what you know of him, by reputation, is he the
4 kind of person you'd find reliable?

5 A. I can't even answer that truthfully. I can't because I don't
6 know him that well.

7 Q. Thank you, sir.

8 BY MR. J. PINK:

9 Q. Inspector, just two questions: Did Constable John Butterworth
10 work with anyone else on the beat other than yourself?

11 A. Oh, definitely, yes.

12 Q. And secondly, was there a curfew in the City of Sydney back
13 in 1971 for young people?

14 A. Yes, I believe there was but nobody ever bothered with it.

15 Q. What was the curfew?

16 A. Nine o'clock, I believe.

17 Q. And for what age?

18 A. Up to sixteen.

19 Q. And how many other people would John Butterworth work with on
20 the beat?

21 A. Well, he could work with anywhere from ten to twenty men.

22 Q. But you say that you were definitely not present at the time
23 of this meeting with John Pratico?

24 A. No, sir, because I definitely -- I would remember something
25 like that. I definitely would have and I would have put a

ARTHUR WOODBURN, by Mr. J. Pink

1 | report in on it.

2 | MR. J. PINK:

3 | Thank you.

4 | BY MR. CHAIRMAN:

5 | Q. Before you leave, I missed that curfew. You say there's a --

6 | COMMISSIONER EVANS:

7 | There was a curfew?

8 | BY MR. CHAIRMAN:

9 | Q. There was a curfew?

10 | A. Yes.

11 | Q. Where?

12 | A. In the City of -- In Sydney itself.

13 | Q. Inside for the City of Sydney?

14 | A. Yes.

15 | Q. Anyone -- And it applied to everyone sixteen years of age and
16 | under?

17 | A. Yeh, but as I say, nobody paid any attention to it.

18 | BY COMMISSIONER EVANS:

19 | Q. Particularly the teenagers.

20 | A. That's right. Even when I was a young fellow myself, I can --
21 | you know, they had it then but nobody really paid any attention
22 | to it. A policeman came along at nine o'clock and he told
23 | you to go home, you went home and that was it.

24 | Q. Things changed a little later.

25 | A. Yes.

ARTHUR WOODBURN, by Mr. J. Pink

1 | MR. CHAIMRAN:

2 | Any questions?

3 | NO QUESTIONS FROM REMAINING COUNSEL

4 |
5 | (WITNESS WITHDREW)

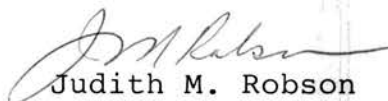
6 |
7 | MR. CHAIRMAN:

8 | We'll adjourn until nine-thirty tomorrow.

9 |
10 | INQUIRY ADJOURNED at 4:22 o'clock in the afternoon on the 28th
11 | day of October, A.D., 1987.

COURT REPORTER'S CERTIFICATE

I, Judith M. Robson, an Official Court Reporter, do certify that the transcript of evidence hereto annexed is a true and accurate transcript of the Royal Commission on the Donald Marshall, Jr., Prosecution as held on the 28th day of October, A.D., 1987, at Sydney, in the County of Cape Breton, Province of Nova Scotia, taken by way of recording and reduced to typewritten copy.



Judith M. Robson
Official Court Reporter
Registered Professional Reporter