

ARTHUR J. Paul, by Mr. Spicer

1 INQUIRY RECONVENED: 3:16 p.m.

2
3 ARTHUR JAMES PAUL, being called and duly sworn, testified as follows:

4 BY MR. SPICER:

5 Q. Mr. Paul, can you tell us your full name please?

6 A. Arthur James Paul.

7 Q. Where do you live?

8 A. Arthur James Paul.

9 Q. All right. Where do you live?

10 A. In Sydney. 33 Gallagher in Membertou.

11 Q. Membertou? And how old are you?

12 A. 36.

13 Q. And you were born in Sydney?

14 A. Sydney.

15 Q. And shortly after you were born you moved to Shubenacadie
16 didn't you?

17 A. Yes.

18 Q. How old were you when you moved to Shubie?

19 A. I'd say nine.

20 Q. Nine?

21 A. Yeh.

22 Q. Did you do the first three grades of school at the Residencial
23 of Shubenacadie?

24 A. I completed all the grades. I completed all grades in
25 Shubenacadie.

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- 1 Q. In Shubenacadie. And how high up did the school go?
2 What was the last grade?
- 3 A. Well, probably I'd say around about grade seven between that
4 -- between grade seven and grade eight.
- 5 Q. And you did everything -- all your schooling to grade seven
6 or eight at the Shubenacadie school?
- 7 A. Yes.
- 8 Q. Okay. You never when to the Membertou School?
- 9 A. Just once.
- 10 Q. For one year?
- 11 A. Well, one year before going to Shubie.
- 12 Q. Before going to Shubie?
- 13 A. Yeh.
- 14 Q. Okay. What grade did you do -- what -- at Membertou?
- 15 A. Primary.
- 16 Q. Primary?
- 17 A. Yeh.
- 18 Q. And you were -- you spoke English or you were taught in
19 English at that school?
- 20 A. I most -- mostly speaking Micmac.
- 21 Q. Speaking Micmac. Now, at -- when you were at the school in
22 Membertou you say you were in grade primary? And what
23 language were you -- were the teacher -- were you taught in?
- 24 A. English.
- 25 Q. In English? Okay. The language that you spoke at home was

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- 1 Micmac, is that right? Is that right?
- 2 A. That's right.
- 3 Q. Okay. You have to say yes because the machine doesn't
- 4 pick it up if you nod. Okay?
- 5 A. Yeh.
- 6 Q. And you went from Membertou to Shubenacadie?
- 7 A. Yes.
- 8 Q. And was that another school on the Reserve at Shubie?
- 9 Shubenacadie -- was that school on the Reserve?
- 10 A. Hants County. It's above -- It's across from the town
- 11 of Shubie itself.
- 12 Q. Right. And was the school on the --
- 13 A. It's up on -- It's up on a hill.
- 14 Q. Right. And was the school on the Reserve?
- 15 A. I don't know but -- I don't know if it's Crown land or --
- 16 I don't think it's Crown land.
- 17 Q. What language were you taught in at that school?
- 18 A. English.
- 19 Q. English again? Were there -- Was it all Indian children in
- 20 that school?
- 21 A. Yes.
- 22 Q. Okay. And after you finished at Shubenacadie what school
- 23 did you go to after that.
- 24 A. The Indian day-school.
- 25 Q. And --

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- 1 A. The Indian day-school in Sydney.
- 2 Q. In Sydney? Which school was that?
- 3 A. That's up in Membertou.
- 4 Q. On the Membertou Reserve?
- 5 A. Yes.
- 6 Q. And what grade was that?
- 7 A. Grade three.
- 8 Q. Grade three?
- 9 A. Grade three.
- 10 Q. Let me understand you correctly. Did you go out to
- 11 Shubenacadie and then come back to Sydney for grade three?
- 12 Where did you do grades one and two? Do you remember?
- 13 A. Grade one and two. In Shubie.
- 14 Q. In Shubie?
- 15 A. Yeh.
- 16 Q. All right. You did grades one and two in Shubenacadie and
- 17 then you came to Membertou for grade three?
- 18 A. Yeh.
- 19 Q. Okay.
- 20 A. Yeh, grade three.
- 21 Q. And I think you told me one other time --
- 22 A. No.
- 23 Q. -- when we were talking about this stuff that at one stage
- 24 of the game you went to St. Anne -- the St. Anthony Daniel
- 25 School in Sydney.

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- 1 A. Yes.
- 2 Q. Do you remember what grade that was?
- 3 A. Grade five.
- 4 Q. Grade five. And I think -- And you've also told me I think
5 before that you would have been around age 14, 15 or so at
6 that stage --
- 7 A. Yeh.
- 8 Q. -- and you quit school after grade five?
- 9 A. Yes.
- 10 Q. Is that right?
- 11 A. That's right.
- 12 Q. Okay. And was all your instruction when you were in school
13 in English?
- 14 A. In English. Yes, sir.
- 15 Q. And was the language you were speaking at home Micmac?
- 16 A. Just part.
- 17 Q. Just partly?
- 18 A. Just part because from Shubie -- from the years I was there
19 I mostly spoke English.
- 20 Q. Why was that?
- 21 A. Cause when I come back -- when I came back to the Reserve
22 I was a little disoriented.
- 23 Q. When you came back from Shubie?
- 24 A. Yeh. I was disoriented, yeh.
- 25 Q. Why were you disoriented?

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- 1 A. Well, people on Membertou they mostly -- they were mostly
2 talking Micmac and it's was pretty hard to adapt to get back
3 to the system.
- 4 Q. Right. Had you been speaking a lot of English at Shubenacadie?
5 Is that it?
- 6 A. Yeh, a lot of English, yeh.
- 7 Q. I see. And when you came back to Membertou then were you having
8 trouble getting back into speaking Micmac again?
- 9 A. Yes.
- 10 Q. I see. Okay. After you quit school-- I think you told me
11 some time ago that you quit when you were 14 or 15 in grade
12 five. What did you do after that or --
- 13 A. Oh, I went roaming around Eskasoni, Nyansa and Whycomomagh,
14 Barra Head --
- 15 Q. What sorts of things were you doing?
- 16 A. -- Shubenacadie. Looking for odd jobs.
- 17 Q. Were you finding any?
- 18 A. Paint jobs.
- 19 Q. Did you eventually take any training to get a -- for --
20 to get a trade?
- 21 A. Yes, I took two courses. Upgrade. I took two courses, upgrading.
22 And I took another course, carpentry. So I got 200 hours
23 for that. That was in '73.
- 24 Q. And is that the sort of work that you do now, Art,
25 carpenter work.

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- 1 | A. Yeh. But before that I -- I bumped in to a fellow that's
2 | was working on a Reserve. His name is Mr. Farrell. He does
3 | -- He does foundations. So he consulted me one day to see
4 | -- are you willing to work, you know, I need a good worker.
5 | Q. How old were you then?
6 | A. How old was I?
7 | Q. Yeh.
8 | A. I'd say I was around about 18.
9 | Q. And so did you start doing some foundation work then?
10 | A. Yeh. So we -- he got me going to the job and I succeeded
11 | pretty good.
12 | Q. You-sorry; you succeeded?
13 | A. I guess I'll always succeeded -- he taught me a lot. He
14 | taught me a lot.
15 | Q. So you have been doing foundation and carpentry work over
16 | the years?
17 | A. Yeh, before I -- Yes, before I took the course in '73 in
18 | Memberton.
19 | Q. Was -- Around 1969, 1970 or so was Junior Marshall a good
20 | friend of yours?
21 | A. Yes.
22 | Q. Okay. How long had you known Junior for?
23 | A. Off and on. Yeh. Well, after I come from Shabie -- Donald
24 | was working as drywall and occasionally Junior and I would
25 | go out and go camping and whatnot. Go the woods and hunt, whatnot

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- 1 Q. Is this when you were 17 and 18? About that age?
- 2 A. Around 16, yeh.
- 3 Q. Around that?
- 4 A. Yeh.
- 5 Q. Were you hanging around a fair amount with Junior in 1969,
6 '70, '71, around that time?
- 7 A. Between 1970 -- between 1970, 1970 -- Wait now. 1967.
8 '68. There was another group I usually hang around with was
9 my nephews Terry Paul, Gerald Ginnish, Harry Kavatay but
10 their a little older than Junior. They went to school in
11 Sydney Academy. I hung -- I hang around with them.
- 12 Q. Did you hang around at all with Junior in the park?
- 13 A. Yes.
- 14 Q. Okay. And addition to yourself and Junior who else would
15 you be hanging around with in the park?
- 16 A. Tom.
- 17 Q. Tom Christmas?
- 18 A. Tom Christmas, yeh. There'd be John Christmas but he was
19 a little younger. Kevin Christmas. He hung around.
20 Cameron Paul but he mostly had to go to work. He mostly
21 had to go to school. But there were many events at that time
22 when we did want to out. It was particularly on the weekends.
23 You know for the dances and --
- 24 Q. And that group that you were just describing would be the
25 group that would kind of hang out together?

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- 1 A. Yes.
- 2 Q. Is that it? Did you ever do any pan-handling or bumming
3 money in the park?
- 4 A. Yes.
- 5 Q. What kinds -- What sorts of amounts of money would you be --
- 6 A. Oh, not very much. A dollar fifty, seventy-five cents.
- 7 Q. What would you be getting it for?
- 8 A. Pardon?
- 9 Q. What would you be bumming it for?
- 10 A. Oh, for a bottle of beer, rum. If we could get enough -- If
11 we do get enough we'll get a 40 ounce of Apple Jack.
- 12 Q. Did you ever go pan-handling or bumming only with Junior?
- 13 A. Yes. A few times.
- 14 Q. You did.
- 15 A. But not -- but not compulsive like.
- 16 Q. What do you mean not compulsive?
- 17 A. Not all the time.
- 18 Q. Oh, sure. Did you ever see Junior use -- use any force
19 when he was bumming money?
- 20 A. Oh, there's other people around that you can -- well, the
21 park is full. You see. If this particular person don't
22 have enough well that's all right we'll go out -- we'll go
23 to the next person.
- 24 Q. What's the answer to my question? My question was whether
25 or not you'd ever seen Junior use any force in bumming money

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- 1 from people?
- 2 A. Oh, probably grabbed somebody. Probably grab someone.
- 3 Q. Did you ever see that yourself?
- 4 A. Yeh.
- 5 Q. And when you say --
- 6 A. Probably grab someone but --
- 7 Q. And would --
- 8 A. -- empty out their pockets. They empty out their pockets and
9 no harm -- after that no harm done.
- 10 Q. Are you able to tell us whether or not in this -- on the
11 occasions when you saw that would that be with somebody that
12 you knew? In other words you know -- you knew the person
13 that you were bumming the money from or you didn't know?
- 14 A. There was a few there that I knew.
- 15 Q. All right. But on the occasions that you just mentioned
16 about Junior grabbing somebody, do you recollect whether
17 or not that would have been somebody that Junior knew?
18 In other words a friend or his or an acquaintance?
- 19 A. No.
- 20 Q. You don't remember?
- 21 A. No. No, it's not that I don't remember but -- It's not
22 that I don't remember. It's just -- It was just another
23 person that just came out of the blue.
- 24 Q. I see. Are you able to tell us how old the people were
25 that you used to bum money from? Are they mostly kids your

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- 1 own age or were they older or younger?
- 2 A. No, they were older. Around 30. In there. In the early --
- 3 early 30's. A little over 40.
- 4 Q. And these would be the usual sorts of people that you'd
- 5 stop and ask for money?
- 6 A. Yeh.
- 7 Q. Would you be doing much drinking when you were down in the
- 8 park?
- 9 A. Particularly the weekends.
- 10 Q. You'd be working some of the time during the week would you?
- 11 A. Yeh, I'd be working. Yeh. I was working for Kevin Farrell
- 12 at that time. He lives down on Kings Road there.
- 13 Q. That's the foundation guy you were telling --
- 14 A. Yeh, the foundation fellow. Yeh.
- 15 Q. Do you remember ever being -- the police ever coming up
- 16 to you in the park and asking you to leave?
- 17 A. Yeh, on numerous occasions.
- 18 Q. And on those numerous occasions can you tell us what happened?
- 19 What sorts of things would happen? What would they say
- 20 to you?
- 21 A. Well, they probably say well, -- cause of a few incidences
- 22 and tell whether that was were called there. There was
- 23 bottles broken there on the street there. Do you know anything
- 24 about this, you know. So -- no, no I don't.
- 25 Q. Were you ever picked up by the police and taken down to the

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- 1 | cells and then let go the next day and not charged? Just
2 | spend the night there and then get turfed out the next day?
- 3 | A. Yeh, a few times I was picked up by the police to take me
4 | home because I was feeling pretty good.
- 5 | Q. They'd take you home directly?
- 6 | A. Yeh, they took me home directly.
- 7 | Q. To the Reserve?
- 8 | A. Yeh, usually when they do pick me up I don't say nothing.
9 | I do not say nothing.
- 10 | Q. Were there occasions when you were -- then when you were
11 | picked up by the police and instead of taking you to the
12 | police station they'd drive you home?
- 13 | A. They'd drive me home, yeh.
- 14 | Q. That right. Were there other occasions when they would
15 | take you to the police station?
- 16 | A. Yes.
- 17 | Q. On the occasions that you were taken to the police station
18 | were you -- did you always end up getting charged of being drunk
19 | in a public place or would they sometimes just let you go
20 | the next day?
- 21 | A. A charge and probably drunk in a public place.
- 22 | Q. So would -- that's what would happen to you when you went
23 | to the police station and stayed over night. You'd get charged
24 | the next day?
- 25 | A. Yes.

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- 1 Q. Okay. Do you remember the night of the Sandy Seale stabbing?
- 2 A. Yes.
- 3 Q. Okay. Can you tell us what you were doing that evening?
- 4 A. Well, first I called Kate -- Kate O'Reilley.
- 5 Q. Who is she?
- 6 A. She lives out Cross Street -- 23 Cross Street.
- 7 Q. Kate O'Reilley?
- 8 A. Kate O'Reilley, yeh.
- 9 Q. Was that your girlfriend at the time?
- 10 A. Yes, she was.
- 11 Q. Okay. So you called her and then what did you do?
- 12 A. I called her and I said I'll see you down at the Tobin's
- 13 later but she -- well, she told me that she going to see
- 14 me down at Tobin's. To Intercolonial. We'll be in a -- We'll
- 15 be in the back of a car.
- 16 Q. This is the car in the back of Tobin's.
- 17 A. Yes. An old ford.
- 18 Q. Yeh, Okay.
- 19 A. An old Ford, yeh. So I was on my way down. Roy Gould and
- 20 Junior Marshall -- they were just coming from Sydney. Coming
- 21 from Halifax somewhere and --
- 22 Q. Junior just come from Halifax?
- 23 A. Yeh, Halifax or somewhere. He was glad to see me. And, like,
- 24 Junior he says "Where you going dude?" And I said "I'm going
- 25 down Intercolonial to see Kate" and he tells me "Can I tag

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- 1 along? Well, I said; "Oh well, suit yourself." So we had
2 no money and -- well, I had a few dollars myself. I'd
3 say I had around about ten dollars. So he confronted Roy
4 Gould for some money. Ten to 15 dollars or something. That's
5 what it was. Okay. So we proceeded to town to the liquor
6 store. I went in.
- 7 Q. Who's we?
8 A. Gould -- Roy Gould, I and Junior.
9 Q. Right.
10 A. I went in because I was the oldest -- I was the old -- well,
11 I was 20. Eligible to get the -- to get the liquor, eh.
12 I thought -- I think it was 21 but I took the chance to get in.
13 Q. Close enough.
14 A. Yeh, close enough.
15 Q. Okay, you went in?
16 A. Yes.
17 Q. Went in to the liquor store?
18 A. Yeh.
19 Q. What did you get in the liquor store?
20 A. Black Diamond. A quart of Black Diamond Rum.
21 Q. And where did you go then?
22 A. We proceeded to 76 Intercolonial Street.
23 Q. Is that Tobin's?
24 A. That's Tobin's.
25 Q. Okay.

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- 1 A. Terry Tobin's.
- 2 Q. Right. What did you do there?
- 3 A. From there we got in to the car and then Doc he wanted
4 to see Junior.
- 5 Q. Who's Doc?
- 6 A. Doc Tobin. He wanted to see Junior about something. That
7 he was a scrapper or something. One of the girls told
8 -- told Doc -- the one that hangs around Artie Paul he's
9 pretty good with his fists. No, --
- 10 Q. Was everybody in the car at this --
- 11 A. Well, outside sort of hanging around before we got in to
12 the car. So since Doc knew Pius --
- 13 Q. This Pius Marshall?
- 14 A. Yeh. And nobody tangles with Pius. Six -- you know, he's
15 a giant, you know. That made amends anyway and that's how
16 Doc and Junior got acquainted.
- 17 Q. Are you telling me Doc and Junior got acquainted that night?
- 18 A. Yeh.
- 19 Q. And what happened then? Did you hang around Tobin's then?
- 20 A. That night?
- 21 Q. Yes.
- 22 A. Yes. We all went in the car.
- 23 Q. What about Junior?
- 24 A. Junior? He was in the car.
- 25 Q. And how long was Junior in the car for?

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- 1 A. Oh, till he wanted that urge to get a drink. A glow. He
2 says; I want to put on a glow. He said; He wanted to put
3 on a glow because -- I said; It's only a quart and not
4 very much. Well, I think we all had a quantity to drink.
5 About that much. It wasn't very much. So Doc he went in
6 the house to see if he could get anything from his father
7 and Junior got kind of impatient and honked the horn, eh.
8 And Mr. Tobin he come out and he was a little mad -- he
9 was a little mad and one of the girls told me -- one of the
10 girls told me; There's Mrs. Tobin. She's in there. She's
11 ill. So I don't blame Mr. Tobin for reacting that way.
12 So he's pounding at the car door and the girls were saying
13 Let him in and Junior said; No. No, don't let him in. He
14 has something in his hand. So he got -- he didn't -- he
15 couldn't succeed so he went back in the house and closed
16 the door behind him. So meanwhile the girls were debating
17 to go somewheres else. Our girls. Then Frenchy --
- 18 Q. Who were the girls now? It was Kate?
- 19 A. Pardon me?
- 20 Q. Who are the girls we're talking about? Is that Kate and who?
- 21 A. I think it was Marg and --
- 22 Q. Sorry?
- 23 A. -- I'm not quite sure if it was Marg or Theresa MacNeil or
24 Mary -- Mary.
- 25 Q. Mary?

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- 1 A. Mary O'Reilley.
- 2 Q. O'Reilley.
- 3 A. Right. They left. Moore Tobin left. Frankie French left.
- 4 I declined to go because I wanted to stay with Kate.
- 5 Q. What did Junior do?
- 6 A. Junior? Well, Junior went with the boys heading towards
- 7 to St. Joseph's dance.
- 8 Q. Did that bunch indicate to you that that's where they were
- 9 going? They were heading down to the dance?
- 10 A. Yes.
- 11 Q. Okay. Did you see Junior again that evening?
- 12 A. Later around three o'clock but before that -- before that
- 13 when they all went Kate and I were still in the car. And
- 14 we were there for a while. We were talking away. What's
- 15 going on and see what's coming up for the summer, you know.
- 16 And this was around about twelve-thirty or something --
- 17 I didn't have a watch. This was around about twelve-thirty
- 18 and I heard the siren. I heard the siren.
- 19 Q. You heard a siren?
- 20 A. Yeh, I heard a siren and --
- 21 Q. How close is the -- where you were, Tobin's, to the park?
- 22 A. Oh, two miles.
- 23 Q. Two miles?
- 24 A. Two miles. So I heard the siren. Something developed here.
- 25 An intuition. You know, a flash insight.

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- 1 Q. Yes.
- 2 A. And I said; Oh, well, it couldn't be that. Nothing
3 happened to Junior or anything. But it just lasted for
4 around about five seconds, so I didn't tell Kate nothing.
- 5 Q. This was after you heard the siren?
- 6 A. Yeh, I heard the siren.
- 7 Q. Why would that have happened to you? Have you got any idea?
- 8 A. Oh, it's just -- It's natural I guess. Well, it happens to
9 me a lot of times. So -- So we kept talking. Kept talking.
10 So I told Katie; Well, I think it's time to go. So I walked
11 her home. We got far as the warehouses there between Fairview
12 Street -- by the time I got to Fairview Street there was
13 a cruiser there.
- 14 Q. There was -- sorry?
- 15 A. There was a cruiser there. A police car.
- 16 Q. Where's Fairview Street?
- 17 A. That's at the north end. That's a couple of blocks from
18 Cross Street where Kate lives. So they shone a light. Then
19 they told me; who you with? I says; Oh, I'm with my girlfriend.
20 He says; All right. Would you like to jump in the car with
21 us?
- 22 Q. Was this police now?
- 23 A. Yeh. They didn't read me no rights or anything.
- 24 Q. If I could just stop you there for a moment. Had you --
- 25 A. All right.

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- 1 Q. Had you seen Junior by that point?
- 2 A. Pardon me?
- 3 Q. Had you seen Junior since he got out of the car to the
- 4 time that you're now being picked up by the police?
- 5 A. No, I hadn't seen Junior.
- 6 Q. You hadn't seen him. Okay.
- 7 A. As far as I concerned Junior was down at St. Joseph's dance.
- 8 Well, okay. They picked me up. I couldn't give -- I couldn't
- 9 give you positive identification nor I can give you a
- 10 general discription.
- 11 Q. As to who the officers were you mean?
- 12 A. Yeh, that's right. But they were officers. Police. City Police
- 13 So I got in the back and some cases they wanted to know
- 14 if I could speak first. Well, I didn't speak. So they
- 15 mentioned Joan Clemens. They wanted to know what address
- 16 Joan Clemens lives.
- 17 Q. Did you know the answer to that question?
- 18 A. Pardon me?
- 19 Q. Did you know where she lived?
- 20 A. Yes.
- 21 Q. Did you tell them?
- 22 A. Yes. But I -- we didn't have time. Then I started thinking
- 23 about Junior.
- 24 Q. Why would that be?
- 25 A. Cause Junior used to go out with Joan Clemens.

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- 1 Q. Joan Clemens?
- 2 A. So I didn't bother saying after that. They were just talking.
3 They were just talking their cop routine -- routine. There
4 you go. Okay. So I showed them the house. And the
5 intercom that they had -- intercom was going there and --
- 6 Q. In the police car?
- 7 A. Yeh, the intercom. Radio. Okay, Art we'll let you off
8 here now.
- 9 Q. Where were you when they said we're going to let you off
10 now?
- 11 A. At the end of Dacre Street.
- 12 COMMISSIONER EVANS:
- 13 Which street?
- 14 BY MR. SPICER:
- 15 Q. Dacre Street?
- 16 A. Dacre. Okay. From there -- so --
- 17 Q. Did you just get out of the car then and go --
- 18 A. Yeh, I got out of the car. They head towards St. Anthony
19 Daniel towards town.
- 20 Q. Was the only thing that they asked you about Artie -- was
21 it -- were they only asking you about Joan Clemens?
- 22 A. Yeh.
- 23 Q. That's all you remember?
- 24 A. Yeh. They haven't mentioned Junior and I haven't mentioned
25 Junior. And so I -- Well, they dropped me off. I went to

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1 | Xavier Street. Xavier leads you to the shortcuts to Membertou.

2 | The woods.

3 | Q. Right.

4 | A. So there's two paths there. One passes the Spring Garden
5 | Villa. There's two paths leading to Membertou. There's
6 | a path leading to Gallagher. That's where I live. And there's
7 | a path leading to Maillard Street.

8 | Q. Is that also in -- That's also in the Reserve?

9 | A. Yeh.

10 | Q. Did you go back to the Reserve then?

11 | A. Pardon me?

12 | Q. You were headed back to the Reserve?

13 | A. Yeh, heading back to the woods.

14 | Q. Right.

15 | A. I'm heading back to the woods and I'm still thinking --
16 | I'm still thinking there's -- I said there's something
17 | going on. There's something wrong. So by the time I got
18 | to the Reserve the only thing -- the only thing I seen was
19 | the dogs. They were barking. They were barking. Just bark.
20 | And normally when you're on a Reservation there is always
21 | dogs around. They -- There was another -- There was another -
22 | And the dogs were just -- they were barking. They were
23 | barking and barking so I just about indicated that there's
24 | something going on.

25 |

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1 Q. You're by yourself at this time?

2 A. Yeh, I was by myself.

3 Q. Just thinking to yourself what was going on.

4 A. Yeh, I hadn't met anyone on the road. I hadn't met anyone on
5 the road. I hadn't met anyone on the road so I got to the
6 house.

7 Q. This is your house now?

8 A. Pardon me?

9 Q. You got to your house?

10 A. Yeh.

11 Q. Okay.

12 A. Oh, I'd say -- I'd say around about another -- I'd say another --
13 another half hour, Junior comes walking in the door and he was
14 pale. He had a bandage on his left forearm. I said to myself,
15 "Fuck, Junior, what the hell happened to you"? In some cases --
16 I knew there was something going on but I just couldn't quite
17 pinpoint it. Junior -- I told Junior to sit down, sit down
18 for a second. "I know you're in shock," I told him. He tells
19 me, "You know what happened"? I tell Junior, "It don't matter
20 what happened". He said -- He just said, "I just want to get
21 through to you first because I just got" -- "I'm going to have
22 to calm you down first before you give -- you've given me any
23 details".

24 Q. Did it seem to you that he wasn't calm when he came in?

25 A. No, he wasn't calm. He was in shock. His face was pale. His

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1 face was pale. He was shaking real bad so he had to sit
2 down for a while. I remember there was another fellow in the
3 other room. I don't know if it was my brother or a cousin of
4 mine from Eskasoni. We usually have a few bottles of wine there
5 and I kind of thought I'd offer Junior a drink -- a drink of
6 rum -- not of rum but wine just to settle him down. So we talked
7 and so we talked, but of what -- of what he told me, but I
8 don't know if I am obligated of saying what he told me.

9 Q. Yeh, I want to know what he told you.

10 A. You want to know, eh?

11 Q. Yeh.

12 A. Okay. He couldn't -- See, he couldn't -- he couldn't quite say
13 to a point like -- if you would have met him a week later or
14 something like that he probably -- he probably say it in a
15 perspective way, but he was still in shock. His mouth was
16 babbling there and I couldn't make him out. I said, "Just
17 clam down and just tell me what happened". He said he was
18 down to see the police.

19 Q. He told you he'd been down to see the police?

20 A. He was down to see the police, got stitched up, and he showed
21 me his arm, it had stitches on there.

22 Q. Did he not have a bandage around his arm at the time?

23 A. He had a -- Well, he had a bandage and then -- and then the
24 upper sleeve here was cut, I guess. Well, someone must have
25 cut it in order to relieve the pressure. So -- So I told him,

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1 "Who -- Who were you with"? "Which Sandy was down the Park",
2 but before that I was worried about Sandy". I said, "Sandy
3 who"? First of all, I thought it was Sandy MacNeil. Well,
4 Sandy MacNeil is a girl, eh, Sandy. This was Sandy -- Sandy
5 Seale.

6 Q. Did you know Sandy Seale?

7 A. Sandy Seale? Yes, I knew of Sandy Seale. Sandy Seale --

8 Q. Okay. Go ahead.

9 A. Oh, we'll get that later on, yeh. So I told Junior to sit
10 down, just sit down for around -- just sit down for a few
11 seconds anyway, just sit down and calm down. Everything will
12 be okay. So he said -- he started talking about this old
13 man. This old man with grey hair and a coat -- with a cloak,
14 claimed to be a priest, was from away somewhere. So Seale
15 and Junior claimed there were from somewheres else themselves.
16 I don't know. It was just one of these communications that
17 you want to hide your identity, I guess, you know. Well, I --
18 Well, panhandling as far as I'm concerned -- as far as I'm
19 concerned I don't think they got too much.

20 Q. Who was doing the panhandling there?

21 A. Junior. Junior was doing the pan -- panhandling.

22 Q. Did he tell you that that night?

23 A. Pardon me?

24 Q. Did he tell you that evening that that's what he was doing?

25 A. Yeh, panhandling.

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- 1 Q. Did he tell you what he was panhandling for?
- 2 A. For money.
- 3 Q. For money. Did he tell you who he asked for money?
- 4 A. The older fellow.
- 5 Q. The older fellow. And did he tell you what the older fellow's
- 6 response was? What did the older guy do?
- 7 A. The older guy said, "Well, I got something in my pocket". "I
- 8 got something for you and your friend". But before that they
- 9 were asking about -- Before that they were asking about
- 10 bootleggers and women, you know, and before that they were
- 11 asking -- they were inviting them to their place. Well, he
- 12 pointed in one direction. He pointed that way anyway.
- 13 Q. Who is "he"?
- 14 A. Ebsary, the older fellow, he pointed, so they have -- just so --
- 15 they got into a little scuffle there. They had got into a
- 16 little scuffle. Junior had a little tangle with -- with the
- 17 taller fellow and meanwhile Mr. Seale himself had his hands
- 18 in his pocket.
- 19 Q. Yes, and what happened?
- 20 A. And Junior heard a scream.
- 21 Q. Is what you're telling me now what you remember Junior telling
- 22 you that night?
- 23 A. This is -- Yes. Yes. This is what he told me, sir, but maybe
- 24 years later it could be a different -- it could be a different
- 25 story all together, eh.

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- 1 | Q. No, I want -- all I want -- All I want to be sure of when you
2 | and I are talking is that you are telling me to the best of
3 | your recollection what Junior told you that night, the night
4 | you saw him, the night of the stabbing?
- 5 | A. Yeh.
- 6 | Q. And is what you've just told me what Junior told you that night?
- 7 | A. Yeh.
- 8 | Q. Yes?
- 9 | A. Yeh.
- 10 | Q. Did he tell you anything else during the course of that
11 | conversation that evening after you'd calmed him down and were
12 | talking to him? Did he tell you anything else about the
13 | incident?
- 14 | A. Yeh, he told me -- Yeh, he told me he was at the hospital and
15 | there were detectives there. It was Seale -- Sandy Seale --
16 | Young Sandford was there.
- 17 | Q. Did -- Did Junior say anything to you that night as to whether
18 | or not Sandy was a friend of his?
- 19 | A. I'm not -- Like an acquaintance? Yeh. Yeh.
- 20 | Q. What did he say?
- 21 | A. He was his acquaintance.
- 22 | Q. Acquaintance?
- 23 | A. Yeh.
- 24 | Q. Would he have used that word?
- 25 | A. Buddy. Buddy.

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- 1 Q. Buddy?
- 2 A. Yeh, buddy.
- 3 Q. What about yourself, how well did you know Sandy Seale?
- 4 A. Well, the last time I seen Sandy Seale was on Henry Street,
5 Henry Street at the Imperial -- at Holy Redeemer. It's on
6 Henry Street at the northend--Broadway. That's the last time
7 I seen him.
- 8 Q. When was that, Artie, was that that Friday or some time before?
- 9 A. Oh, that was before.
- 10 Q. Some time before?
- 11 A. That was before.
- 12 Q. Was he -- Was Sandy Seale a buddy of yours?
- 13 A. I just knew him to see him.
- 14 Q. You just knew him to see him?
- 15 A. I could recognize him by his smile. He had a smile -- He had
16 features of -- Well, he was built agile and he always had
17 a smile on his face. He was built and good --
- 18 Q. But he wasn't somebody you'd consider to be a buddy of yours?
- 19 A. Oh, no. No, no.
- 20 Q. A couple of days after the stabbing were you -- did you give
21 a statement to the police?
- 22 A. No.
- 23 Q. Where's volume 16? Page 36 and 37. Artie, let me show you
24 these two pages. Now page 37 of this volume is a handwritten
25 statement. Is that your signature at the bottom?

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1 A. Yeh.

2 MR. CHAIRMAN:

3 What page?

4 MR. SPICER:

5 Thirty-seven, My Lord.

6 BY THE WITNESS:

7 A. Yeh, that's pretty close to it.

8 BY MR. SPICER:

9 Q. Well, do you recognize that as probably being your signature?

10 A. Probably.

11 Q. Okay, and page 36 purports to be the typewritten version of
12 this handwritten statement, and it's dated June the 2nd, 1971,
13 a couple of days -- three of four days after the incident?

14 A. But this wasn't the funeral, was it? Was that the funeral?

15 Q. It may have been the day of the funeral. Do you -- Do you have
16 any recollection at all of being questioned by Sergeant MacIntyre
17 and giving this -- giving the statement that you see here on
18 page 36?

19 A. No, I do not have a vivid recollection.

20 Q. Do you have any recollection at all?

21 A. No.

22 Q. You have no recollection at all that you ever gave a statement
23 to the police?

24 A. No.

25 Q. But you are satisfied that that's probably your signature at

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- 1 | the bottom of page 37?
- 2 | A. Yes, that is my signature. There's some things here I wanted to
- 3 | just -- There's a few misinterpretations there, misunderstanding
- 4 | and misquotes here. Okay. "Last Friday night I was going to
- 5 | my girlfriend's, Kate Tobin." I would have said Kate O'Reilley's
- 6 | Q. You would have said, "Kate", is that what you're saying?
- 7 | A. Yeh, Kate. I would have said, "Kate's at Intercolonial Street,
- 8 | "Donald Marshall, Jr., asked me where I was going". When I
- 9 | talk to -- When I talk to Donald Marshall, Jr., all the time,
- 10 | when I mention his name it's always Junior. It's always
- 11 | Junior. I don't come across by saying any formal words about
- 12 | Donald Marshall, Jr., it's always Junior. And down here --
- 13 | Q. Yeh, I just want to ask you about where you're not pointing
- 14 | with a pen. The question is: "Did he tell you what happened"?
- 15 | And your answer is, "Yes, he told me him and Sandy met on the
- 16 | bridge in the park and there was two guys up on the hill".
- 17 | "They were asking for a match, and those two fellows were
- 18 | asking Junior if he was coloured and Junior said, 'I'm an
- 19 | Indian', and this fellow said, 'I hate Niggers'. He said the short
- 20 | fellow with white hair stabbed Sandy and then the short fellow
- 21 | stabbed him in the arm". Now what do you want to say to us
- 22 | about that?
- 23 | A. I find this here pretty complicated and --
- 24 | Q. Now when you say "this here" --
- 25 | A. Yeh.

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1 Q. --what section are you referring to?

2 A. Yeh. Okay. Okay. The two fellows were asking Junior if
3 he was coloured, you know. Imagine, you know, asking Junior
4 if he was coloured, all right. It would be the other way
5 around if they asked Sandy if he was an Indian, and I just
6 couldn't quite -- and I just can't quite put that into
7 perspective.

8 Q. Well, do you remember telling the police any of this? I believe
9 you told us you don't remember any of this?

10 A. No. No.

11 Q. And what you just told me and told us in the last few minutes,
12 there's quite a lot more detail in what you've told us in the
13 last few minutes than what you -- than what would seem to be
14 written in this statement here, isn't that right, concerning
15 what -- what Junior told you had happened?

16 A. Yeh, but this here is true.

17 Q. Now wait a sec. Which -- Which part is true?

18 A. This here is true about the bootleggers and the women.

19 Q. All right. Let me just -- so that the other Counsel will know
20 where we are what you're saying is true regardless of whether
21 you remember saying it or not --

22 A. Yeh.

23 Q. Q. Did Junior ever see them before?

24 A. I don't think. They also asked
25 Junior where there were bootleggers
and women. They also asked them
to meet them in the park tomorrow
night.

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1 Now that part you say is true regardless of the fact that you
2 don't remember giving that statement to the police?

3 A. Yeh.

4 Q. And in the paragraph above that: "Yes, he told -- told me him
5 and Sandy met on the bridge...", that paragraph there, is that
6 also true regardless of whether or not you remember saying
7 that to the police?

8 A. Undecided. It's -- In some cases it's inevitable -- not
9 inevitable -- It's beyond my comprehension.

10 Q. What's beyond your comprehension?

11 A. Because it's just -- It's -- I know -- It's like -- It's like
12 a blind hockey player in a dark rink looking for a black
13 puck that's not there. It's completely out --

14 MR. CHAIRMAN:

15 Maybe Mr. Paul would like an opportunity to examine that statement
16 a bit further and if he needs more time than this afternoon we
17 can always adjourn until tomorrow. I'm in the hands of Counsel.
18 Would you prefer we rise until tomorrow?

19 MR. SPICER:

20 I think it would be a good idea, My Lord. Perhaps he can have a
21 chance to have a look this over.

22 MR. CHAIRMAN:

23 All right. We're adjourned until tomorrow at nine-thirty.

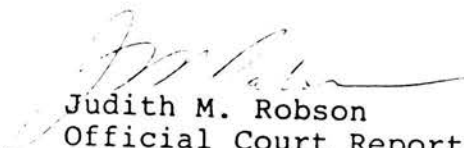
24

25 INQUIRY ADJOURNED AT 3:59 o'clock in the afternoon on the 3rd
day of November, A.D., 1987.

WW

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 3rd day of November, 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

Sydney Discovery Services
November 3, 1987