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#1

ROYAL COMMISSION ON THE
DONALD MARSHALL, JR., PROSECUTION

VOLUME XXIV

Held: November 4, 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:
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Ronald N. Pugsley, Q.C., Joel Pink, Q.C.,:
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Donald C. Murray: Counsel for William Urquhart
Frank L. Elman, Q.C., & David G. Barrett:
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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

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COURT REPORTER'S CERTIFICATE XX

INQUIRY RECONVENED AT 9:38 o'clock in the forenoon on Wednesday, the 4th day of November, A.D., 1987, at Sydney, County of Cape Breton, Province of Nova Scotia.

1 ARTHUR J. PAUL, resumes testimony, as follows:

2 BY MR. SPICER:

3 Q. Mr. Paul, when we finished yesterday afternoon, you'd been
4 talking to us about a conversation you had with Junior
5 Marshall at your place on the night of the Seale stabbing,
6 and I'd like you to, if you could, just to tell us again what
7 the substance of that conversation was. In other words, what
8 did -- What do you remember today that Junior said to you?
9 And do you remember the time I'm talking about? It's when he
10 came to your place --

11 A. Yes.

12 Q. -- the night of the murder. Just tell us, to the best of your
13 recollection, what it is that he actually said to you that
14 night.

15 A. Well, before he come in -- He come in through the door without
16 knocking. So I can see the expression on his face. It was pale.
17 He was in shock. I wasn't too concerned of what happened. I
18 was just concerned of -- about the condition as he was.

19 Q. Yes.

20 A. You know. So I told him to sit down for -- I told Junior to
21 sit down for a minute. "Take your time." He said, "I was down
22 the park with Sandy." And I starts thinking. I thought, well,
23 Sandy -- Sandy MacNeil. I thought it was a girl. And he says,
24 "No." He said, "Sandy Seale." I says, "Oh, what happened?"
25 He said, " I met Sandy at the bridge. There were two fellows

1 up on a hill. They asked for a match. One fellow -- the
2 fellow with the gray hair. He claimed he was a priest. They
3 were from away. They were asking if there were some boot-
4 leggers around." And so I said -- so I paused there for a
5 minute, and I said, "A priest." I told what -- How did the
6 other fellow look like? "Well, sort of tall."

7 Q. The other fellow that --

8 A. Yeh.

9 Q. -- they ran into was kind of tall?

10 A. Yeh, kind of tall. And so he was still there shaking --
11 shaking. I just -- So I paused there for another minute. I
12 told Junior, "Calm down. Calm down." So they were -- One
13 fellow says -- short fellow says, "Are you an Indian?" and
14 Junior says, "Yeh." The other fellow -- He mentioned the other
15 fellow, Sandy -- recognized Sandy and this incident happened,
16 and I told him, "What happened?" He said, "Sandy got it.
17 Sandy got it in the stomach," and he got it in the left arm.

18 Q. Had Junior told you this that evening?

19 A. Yeh. But at that time, he was a little shocked too, eh.

20 Q. Who was? Junior?

21 A. Junior, he was shocked.

22 Q. Yes. Did Junior say anything to you in that conversation, the
23 one that you're just telling us about, about what he was doing
24 in the park that night?

25 A. As far as I'm concerned, I figured he'd be going going -- I

ARTHUR J. PAUL, by Mr. Spicer

- 1 | figured he'd be at the dance. He told me he was going to the
2 | dance.
- 3 | Q. Yes. Did he say anything to you, Artie, about whether he'd
4 | been in the park that night to bum money from anybody?
- 5 | A. To bum money?
- 6 | A. Yes. Did he say anything to you at all about that?
- 7 | A. No.
- 8 | Q. Yesterday when I was -- we were having the same conversation.
- 9 | A. Yes.
- 10 | Q. You indicated that Junior had indicated to you that he was in
11 | the park to bum money.
- 12 | A. Yes.
- 13 | Q. What you've told me today is different than what you told me
14 | yesterday. Can you explain to us --
- 15 | A. Yeh.
- 16 | Q. -- why you said one thing yesterday --
- 17 | A. Yeh, yesterday my mind was a little fuzzy -- little fuzzy.
- 18 | Q. Can you offer us any explanation as to why your mind was fuzzy.
19 | Were you more nervous yesterday, or were you -- How were you
20 | feeling?
- 21 | A. Yeh. I was a little nervous yesterday.
- 22 | Q. And are you telling us today that your best recollection of
23 | what Junior told you that night is what you've just told us --
- 24 | A. Yeh.
- 25 | Q. -- in the last few minutes?

1 | A. Best recollection I can tell you is about how he described the
2 | assailant.

3 | Q. And what was that description, Artie?

4 | A. He had a cloak on.

5 | Q. A cloak?

6 | A. A cloak. He had white hair, glasses, short, and claimed he was a
7 | priest.

8 | Q. Did Junior give you all those details that night?

9 | A. Not fully.

10 | Q. Right.

11 | A. Not fully.

12 | Q. Just tell us for the moment, how much detail did Junior give
13 | you that night about the person that had been attacking him?
14 | How much of what you just told me did he tell you that night?
15 | Did he tell you he had a cloak, for instance?

16 | A. Yeh.

17 | Q. Did he tell you that that night?

18 | A. Yeh.

19 | Q. Okay. What else did he tell you?

20 | A. Well, a coat.

21 | Q. Coat, okay.

22 | A. A coat. A long coat.

23 | Q. Did he say anything else about that person that evening?

24 | A. No.

25 | Q. No?

1 A. He told me he was at the hospital. He was a little shocked to see
2 young Sandford there -- young Seale there -- lying there, and
3 he was a little shocked about that.

4 Q. The other information that you've just given us concerning the
5 description of the man that he had glasses on and all the other
6 things --

7 A. Yeh.

8 Q. -- he indicated, is that all stuff that you've picked up over
9 the years -- that you've learned over the years that that's
10 what Roy Ebsary looked like -- that stuff that you've been
11 told over the years or you've seen?

12 A. Junior -- but Junior described to me.

13 Q. Then Junior described to you a man with a coat?

14 A. Yeh.

15 Q. And on that night, and that's all I want you to tell me for
16 now -- On that night, did he tell you anything more about the
17 man than that he had a coat on?

18 A. No.

19 Q. Did he tell you how tall he was, how short he was, anything
20 like that?

21 A. Oh, yeh, he's short.

22 Q. Yes.

23 A. Was short.

24 Q. What about the other man? Did he say anything to you about the
25 other --

ARTHUR J. PAUL, by Mr. Spicer

- 1 A. Yeh, he was in his mid-twenties.
- 2 Q. And did Junior tell you that?
- 3 A. Yeh.
- 4 Q. That he was in his mid-twenties? Did he tell you that that
5 evening or did he --
- 6 A. Yeh. Yeh.
- 7 Q. Okay.
- 8 A. Mid-twenties.
- 9 Q. What else did he tell you about the other man that night?
- 10 A. The fellow with the white hair?
- 11 Q. No, the other guy.
- 12 A. He -- I told Junior, "The other fellow say anything?" and he
13 say, "He didn't say too much." He said, "The fellow with the
14 gray hair, he did all the talking. He did most of the talking."
- 15 Q. And do you remember what the talking was?
- 16 A. Oh, about women, bootleggers.
- 17 Q. After this conversation did Junior leave your place?
- 18 A. Yes.
- 19 Q. Do you know where he went?
- 20 A. Wouldn't know.
- 21 Q. No?
- 22 A. No.
- 23 Q. Did you go, yourself, in -- subsequently or in the days follow-
24 ing or in the weeks after, did you go sort of looking around
25 to see whether you could find these guys?

- 1 A. Yes. Yeh.
- 2 Q. Then where would you go looking?
- 3 A. I'd go down the park.
- 4 Q. Yes.
- 5 A. Go down the park.
- 6 Q. Did you -- And you never came across --
- 7 A. Well, we take a route through the woods there towards South
- 8 Bentinck.
- 9 Q. Is this through the woods through the back of the graveyard?
- 10 A. Yeh.
- 11 Q. Yeh.
- 12 A. So this been going on -- I'd been looking around for -- Oh,
- 13 I'd say around about three years. Something like that, but
- 14 these's one fellow I bumped into. He claimed he was a priest.
- 15 Father Boudreau, but he didn't fit the description. He had
- 16 dark hair and beady eyes.
- 17 Q. You were looking around for these guys because Junior was a
- 18 friend of yours, I take it then.
- 19 A. Pardon me?
- 20 Q. You were looking for these guys because Junior was a friend of
- 21 yours?
- 22 A. Yeh.
- 23 Q. Yeh. Did you see Junior at all before his trial when he was in
- 24 goal? Did you go and see him in the cells?
- 25 A. Yeh, I visited him a few times.

ARTHUR J. PAUL, by Mr. Spicer

1 Q. Did you?

2 A. Yeh.

3 Q. What sorts of things would you talk about?

4 A. He was -- He kept talking about the old fellow.

5 Q. And these conversations, Artie, took place before Junior's
6 trial?

7 A. Yes.

8 Q. And did you go and see Junior after he was convicted? Did you go
9 and see him in Dorechester?

10 A. Yeh, I seen him on a few occasions -- Christmas.

11 Q. At Dorchester.

12 A. Twice. Yeh. Twice.

13 Q. And what sorts of things would you talk about?

14 A. Yeh, he still maintained --

15 Q. That he didn't do it?

16 A. Yes.

17 Q. Do you remember -- Did you know -- Around the time of the
18 murder, 1971, did you know John Pratico?

19 A. John Pratico?

20 Q. Yes.

21 A. Yeh, he hanged around with us several occasions.

22 Q. What kind of a kid was he, Artie?

23 A. Tempermental.

24 Q. In what way?

25 A. He was the sort of fellow that's well a reject from the White

1 society. The White boys didn't want to hang around with him;
2 so he mostly hang around with us. He was at the Reserve a few
3 times.

4 Q. Yes. Did you at one -- at some point when the circus was in
5 town that summer, did you go and speak to John Pratico?

6 A. Yes.

7 Q. And what did you go and speak to him about?

8 A. Well, first of all, to some degree -- to some circumstances, I
9 assumed the City Police were intimidating him.

10 Q. You assumed the City Police were intimidating him?

11 A. Yeh, I assumed the City Police were intimidating him.

12 Q. Why did you assume that, Artie?

13 A. Because he wasn't telling the truth.

14 Q. Yes.

15 A. Wasn't telling the truth about him witnessing the scene -- the
16 crime scene.

17 Q. Okay. And you thought that and you went to see --

18 A. Yeh.

19 Q. You went to see John at the circus?

20 A. Yeh. Well, I happened to see him down there.

21 Q. Yes.

22 A. I happened to see him.

23 Q. You didn't make a special trip to see him?

24 A. No. No.

25 Q. Okay. When did you see --

1 A. Kept dodging.

2 Q. Sorry?

3 A. Kept dodging me.

4 Q. Yes.

5 A. The way it happened was -- He's as harmless as a doe. So I
6 didn't want to -- I don't want to confront him there so I said
7 I'll wait for him -- I'll for him outside. So I waited for
8 him for about a half hour. So I was waiting. I recognized
9 a shirt he had one. He always wears a white shirt. So I seen
10 him coming out and he was walking pretty fast. I said, "Hey,
11 John!" I said, "John, listen, how did you get into a situation
12 like this, you know, with the police and Junior and all this?"
13 So he kept walking. He kept walking. He was pretty nervous.
14 He was pretty nervous.

15 Q. Yes.

16 A. So I told John, "Listen, you better get this straightened out
17 because you're going to get Junior in a lot of trouble." He
18 didn't say too much. But I think he sort of said, "I'm scared
19 of the police -- scared of the police." So I said, "Okay.
20 That's all right." But I told John, "Well, I advise you,
21 John, not to go down to the park because the boys probably
22 think different." You know. Well, I don't know if that was
23 a threat or -- But I was hoping he'll tell his story to the
24 R.C.M.P. I was going to tell him, " Tell your story to the
25 R.C.M.P."

- 1 Q. He was going to?
- 2 A. I was going to tell him.
- 3 Q. Yes. Did he say -- Did John Pratico say anything more to you
4 that time at the circus other than what you just said to us
5 that he said he was scared of the police?
- 6 A. Yeh, he was scared of the police.
- 7 Q. Did he say anything else to you?
- 8 A. No.
- 9 Q. No?
- 10 A. He didn't say nothing. That was the last time I ever met him.
- 11 Q. Last time you met him?
- 12 A. Yeh, I met him afterwards going down the park with his mother.
13 He was always with his mother --
- 14 Q. Yes.
- 15 A. -- and her sister. But after that, I don't -- didn't bother.
- 16 Q. Was John Pratico hanging around with you guys just prior to
17 the time that Sandy Seale was killed? Like in April or May --
18 the spring of that year in 1971.
- 19 A. I'd say -- Well, he had a few drinks with me down at the
20 "jungle." We called it "jungle."
- 21 Q. And "jungle" is that area behind --
- 22 A. Yeh.
- 23 Q. -- the graveyard --
- 24 A. Yeh.
- 25 Q. -- on the way back up to the Reserve?

1 A. Yeh.

2 Q. Do you remember whether or not he was hanging around with you
3 at all after the murder?

4 A. No.

5 Q. He wasn't?

6 A. No.

7 Q. Artie, at some point in time, after Junior was convicted, were
8 you going out with Jimmy MacNeil's sister?

9 A. Yes.

10 Q. Did Jimmy MacNeil ever say anything to you about -- what he knew
11 about the murder?

12 A. Well, his brother, Roddy -- Well, Claire was -- she was -- She
13 was keeping house. She was housekeeper at --

14 Q. And Claire is the sister?

15 A. Pardon me?

16 Q. Who is Claire?

17 A. Claire, that's Jim's sister.

18 Q. Jim's sister. Is that the girl you were going out with at the
19 time?

20 A. Yeh, she was keeping house up 1017 George Street, that's
21 Mr. White.

22 Q. Yes.

23 A. She stayed there for a while. I met her down the park. And this
24 was prior to -- I'd say around four years after the incident.

25 Q. Around '75 or so?

1 A. Around '75. Roddy -- One night Roddy told me, "Jimmy wants to
2 talk to you. He wants to talk to you about something." I
3 didn't care too much for -- of what he was talking about because
4 he was always drinking, you know, he's --

5 Q. Who was?

6 A. Jimmy. Jimmy, yeh.

7 Q. Artie, you never did find out what it was that --

8 A. No.

9 Q. -- Jimmy wanted to talk to you about, did you?

10 A. No. No.

11 Q. You just have a recollection that --

12 A. Yeh.

13 Q. -- he wanted to talk to you about something.

14 A. Yeh.

15 Q. but you never did find out what it was?

16 A. Yeh.

17 Q. Is that right?

18 A. That's right.

19 Q. Yes. Thanks very much, Artie. Mr. Ruby, I think, is going to
20 probably ask you some questions.

21 BY MR. RUBY:

22 Q. Mr. Paul, my name is Clayton Ruby, and I -- You and I have met,
23 I know.

24 A. How are you?

25 Q. And I represent Junior Marshall. There's one area that I really

- 1 want to ask you about from my point of view, and its the
2 question of whether or not --
- 3 A. Excuse me. My hearing has a little impairment.
- 4 Q. Then you speak up a bit, okay? The one area that I want to
5 ask you about is the question of whether or not you ever saw
6 Junior use force or commit a robbery on anyone in the park in
7 the course of bumming -- while bumming money?
- 8 A. No, sir.
- 9 Q. You never did?
- 10 A. No, sir.
- 11 Q. Yesterday you said that you probably did. That was the word
12 you used, I remember.
- 13 A. Yeh.
- 14 Q. Can you explaing that for me so I understand what happened
15 yesterday?
- 16 A. Like grabbing? Like --
- 17 Q. Yeh.
- 18 A. -- grabbing a person for money?
- 19 Q. Right.
- 20 A. No, not really.
- 21 Q. Okay.
- 22 A. Not really.
- 23 Q. Now, when you testified yesterday, were you taking any medica-
24 tion of any kind?
- 25 A. Yes, I had -- I had been on nerve pills. I was on pills for

1 seven years ever since the Inquiry came in. I was pretty -- I
2 was under stress. I was on pills for seven years.

3 Q. We understand, I think. There's been a lot of pressure on
4 everyone --

5 A. Yeh. Yeh.

6 Q. -- involved in this particular Inquiry, and I think we appreciate
7 that. I take it you haven't got that difficulty today?

8 A. No.

9 Q. Feeling better today?

10 A. I'm getting better now.

11 Q. Good. Those are all my questions, sir. Would you wait and
12 my friends may have some questions for you.

13 BY MR. J. PINK:

14 Q. Mr. Paul, in light of some of your evidence today -- My name
15 is Joel Pink, and I'm here on behalf of John MacIntyre. I
16 just wanted to go over some of the evidence that you gave
17 yesterday in light of what you have said today. I take it,
18 sir, that you do agree with me that you did hang around the
19 park with Junior Marshall. Is that correct?

20 A. Yes.

21 Q. And while you were in the park, especially on weekends, there
22 was a lot of drinking going on. Is that correct?

23 A. Yeh.

24 Q. Yes or no, sir?

25 A. That's correct.

1 Q. And when you were in the park area, there was in fact pan-
2 handling or bumming going on for money. Is that correct?

3 A. Yeh.

4 Q. Yes or no, sir?

5 A. Yeh, panhandling.

6 Q. Panhandling? And I take it that a lot of people who were in
7 the park would in fact do some panhandling. Is that correct?

8 A. Yeh.

9 Q. Junior Marshall was involved in panhandling.

10 A. Yes, probably.

11 Q. Yourself, you were involved in --

12 A. Yeh.

13 Q. -- panhandling?

14 A. Yeh, well, I worked for Kevin Farrell.

15 Q. I'm sorry?

16 A. I worked for Kevin Farrell at that time.

17 Q. Yes?

18 A. And I had money.

19 Q. Yes. Had you ever done any panhandling for money in the park?

20 A. Myself?

21 Q. Yes.

22 A. Yes.

23 Q. And did you go panhandling for money with Junior Marshall in
24 the park?

25 A. A few times, maybe. Not sure.

1 Q. When you say a few times and you're not sure, --

2 A. Yeh.

3 Q. Did you or did you not --

4 A. Yeh, I did.

5 Q. You did?

6 A. Yeh.

7 Q. And you did that on a few occasions?

8 A. Yeh, a few occasions, yeh.

9 Q. Now, when you were panhandling for money, did you ever grab a
10 hold of a person at the time that you were making the request
11 for money?

12 A. No.

13 Q. Did you see Junior Marshall grab a hold of a person?

14 A. No, sir.

15 Q. Now yesterday, this question was asked of you, and I will repeat
16 you answer. It's at page 4303 of the transcript of the pro-
17 ceedings held on November the 3rd of 1987. Yesterday, Mr. Paul,
18 the question was asked of you by Mr. Spicer at line 24:

19 Q. What's the answer to my question?
20 My question was whether or not you
21 ever seen Junior using force in
bumming money from people?

22 A. Oh, probably grab somebody --
probably grab someone.

23 A. That's probably.

24 Q. Probably.

25 A. Yeh, but that's not possible.

1 Q. Do you -- would you agree with that question and answer?

2 A. Probably grab somebody --
3 probably grab someone.

4 A. No.

5 Q. No, what?

6 A. No, sir.

7 Q. You do not agree with that? And can you tell us why, sir,
8 yesterday you said that, but today you now say something
9 different?

10 A. Yesterday I was a little confused.

11 Q. What were you confused about? Were you confused about the
12 question, sir?

13 A. Yes.

14 Q. Did you not understand the question:

15 Q. My question was whether or not
16 you had seen Junior use any
force in bumming money from people?

17 Did you understand that question?

18 A. No.

19 Q. You did not understand that? I take it -- Do you distinguish --
20 Do you know the difference between -- Is there a difference
21 between bumming and panhandling, in your opinion?

22 A. No, there's no difference.

23 Q. There's no difference?

24 A. There's no difference.

25 Q. Yesterday you also made mention that the police would be coming

1 to the park and asking you people to leave, is that correct?

2 A. Yeh.

3 Q. The group that you hanged around with were jsut not Native
4 peeople but they were also White people as well. Is that correct?

5 A. That's correct.

6 Q. And I understand yesterday from your evidence that you were
7 picked up by the police on occasions for being drunk in a
8 public place and you were taken home. Is that correct?

9 A. Yeh, picked up, yes. I got picked up numerous of times and
10 driven home -- get drunk.

11 Q. And you were taken home sometimes?

12 A. Yeh. Yeh, drunk.

13 Q. And sometimes you were placed in the lock-up --

14 A. Yeh, sometimes, yes.

15 Q. Is that correct?

16 A. Sometimes, yes.

17 Q. But on all occasions that you were picked up by the Sydney City
18 Police, you were in fact intoxicated or drunk. Would you
19 agree with that, sir.

20 A. Yeh, intoxicated, yes.

21 Q. You were intoxicated. At any -- What is your age now, Mr. Paul?

22 A. Thirty-six going on thirty-seven.

23 Q. During your thirty-six years, had you ever had any contact
24 with John MacIntyre?

25 A. John MacIntyre?

1 Q. Yes.

2 A. Detective?

3 Q. Yes.

4 A. Yes, a few times.

5 Q. How many times?

6 A. I'd say around three times.

7 Q. And was that in relation to the Marshall investigation or was
8 that in regards to other things?

9 A. No, that's regard to other things.

10 Q. And were you brought in? And were you interrogated or were you
11 asked questions by John MacIntyre?

12 A. The incident?

13 Q. Yes.

14 A. No.

15 Q. No. No. Before. In the regards to these three occasions.

16 A. Yeh.

17 Q. Were you -- You said that you were -- you came in contact with
18 John MacIntyre on three occasions?

19 A. Yeh, break and enter.

20 Q. Yes.

21 A. And possession of microphones.

22 Q. Yes. And were you charged with those things, sir?

23 A. Pardon me?

24 Q. Were you charged?

25 A. Yes, I was charged.

1 Q. So, in fact, you do have a criminal record, is that correct?

2 A. Yes, I have. I do.

3 Q. And I take it, sir -- Did you plead guilty to those charges?

4 A. Yes.

5 Q. Okay. And I take it, sir, that you were in fact guilty of
6 those charges. Is that correct?

7 A. That's correct.

8 Q. Okay. So the record that you have is possession of stolen
9 goods and break and enter. Is that correct?

10 A. Yeh. Petty crime.

11 Q. And what was the other -- What's the petty crime?

12 A. They're all petty crimes.

13 Q. Okay. What was the third petty crime?

14 A. There was another one there to -- I think -- narcotics.

15 Q. Narcotics. And was that possession of narcotics?

16 A. Let me see. I don't know when that was. It's back in '78. I got
17 two months for it.

18

19

20

21

22

23

24

25

1 Q. Were these three crimes that you pleaded guilty to, I take it
2 they were subsequent or after the stabbing of Sandy Seale. Is
3 that correct?

4 A. That was -- That was before the stabbing.

5 Q. Before the stabbing?

6 A. Before the stabbing.

7 Q. Oh, because Sandy Seale -- the death of Sandy Seale took place
8 back in 1971?

9 A. Oh, no, the times I've -- the times I've met Mr. -- Mr. MacIntyre
10 was -- was twice, a couple of times.

11 Q. Yes.

12 A. But the incident that happened down at the park, no, I was
13 never down there.

14 Q. I just want to straighten out in my own mind, sir, as to the
15 time that you came in contact with John MacIntyre, was that
16 before the stabbing or after the stabbing?

17 A. That was before the stabbing.

18 Q. So it was before Junior Marshall went to gaol?

19 A. Yes.

20 Q. Is that correct?

21 A. Yeh.

22 Q. Are you sure about that or are you unsure because I want to
23 give you --

24 A. I'm sure, yeh.

25 Q. It was before?

1 A. Yeh.

2 Q. And once again the two instances dealt with the possession
3 of stolen property and break and enter?

4 A. Yeh.

5 Q. When was the narcotic's charge?

6 A. That was in '78.

7 Q. Okay. So that was after the stabbing?

8 A. Yeh, that was after the stabbing.

9 Q. So between 1970 -- '71, and 1978, you had no contact with
10 John MacIntyre?

11 A. No.

12 Q. Would you agree with me, sir, that other than these three occasions
13 in which you came in contact with John MacIntyre, that you have
14 had no problems with John MacIntyre?

15 A. I had no problems with John MacIntyre.

16 Q. And, in fact, sir, when you went to Court and you pleaded guilty
17 you knew what the word "guilty" meant. Is that correct?

18 A. That's right.

19 Q. You also made mention to the Commission, Mr. Paul, that you
20 knew John Pratico. Did you see John Pratico in the park after
21 the stabbing, that is, between the time of the stabbing and
22 the time that Junior Marshall was charged?

23 A. No. No, sir.

24 Q. Other than this one occasion when you mentioned meeting John
25 Pratico at the circus had you ever had discussions with John

ARTHUR J. PAUL, by Mr. J. Pink

1 Pratico regarding what took place and what he, in fact, had
2 seen on the night of the stabbing?

3 A. Well, he didn't say too much.

4 Q. Was there general conversation amongst you and your friends
5 in the park about what, in fact, took place from the time of
6 the stabbing until the time that Junior Marshall was charged?

7 A. Well, around the Reserve everybody -- everybody talks -- everybody
8 talks.

9 Q. What about in the park?

10 A. In the park too.

11 Q. And was John Pratico present at any of those discussions?

12 A. No, sir.

13 Q. So he was not there in your presence?

14 A. No.

15 Q. Is that -- Is that what you're saying?

16 A. Yeh, that's the only time I met him was down at the circus.

17 Q. At the circus?

18 A. At the circus.

19 Q. But whether or not John Pratico was in the park from the time
20 of the stabbing until the time that Donald Marshall was charged,
21 you're not able to say. Is that correct?

22 A. That's correct. I was out on Intercolonial Street.

23 MR. J. PINK:

24 Thank you, Mr. Paul. I have no further questions.

25 MR. MURRAY:

No questions on behalf of William Urquhart.

1 MR. ELMAN:

2 No questions on behalf of Donald C. MacNeil.

3 BY MR. SAUNDERS:

4 Q. Mr. Paul, my name is Saunders and I have a few questions for
5 you on behalf of the Attorney General's Department. In answer
6 to a question put to you by Mr. Pink, sir, you weren't sure
7 whether the narcotic's charge was a simple possession charge?

8 A. No, that's -- Yeh, it was -- It wasn't -- It was for trafficking.

9 Q. Yes.

10 A. Just trafficking.

11 Q. And you were sentenced to a period of incarceration for that
12 offense, sir?

13 A. Yeh. Yeh, a couple of months.

14 Q. Yes, and you indicated that you had been going with a Claire
15 MacNeil, Jimmy MacNeil's sister, for some period of time.
16 Was that over a period of some three or four years?

17 A. A couple of years.

18 Q. Yeh. How many times did Claire indicate to you, sir, that
19 her brother Jimmy wished to talk to you about something?

20 A. None. Never.

21 Q. Pardon me?

22 A. None.

23 Q. I thought you said in answer to a question put to you by
24 Mr. Spicer that -- that Claire had indicated to you that
25 Jimmy MacNeil wished to talk to you?

1 A. Jimmy MacNeil's brother.

2 Q. Brother?

3 A. Brother, Roddie.

4 Q. Pardon me?

5 A. Roddie.

6 Q. All right.

7 A. Roddie MacNeil.

8 Q. Thank you. So you heard that on one occasion, sir, that
9 Jimmy wished to talk to you?

10 A. Yes, on one occasion.

11 Q. But you didn't look into that yourself because you knew that
12 Jimmy was always drinking. Is that correct?

13 A. Yes, he was always drinking, yes.

14 Q. He had that reputation?

15 A. Yes.

16 Q. So do I -- do I state it correctly that you didn't place
17 much stock in the idea of following it up with Jimmy because
18 you knew he was a heavy drinker?

19 A. Yes.

20 MR. SAUNDERS:

21 All right. Thanks very much.

22 MR. PRINGLE:

23 No questions on behalf of the R.C.M. Police, My Lord.

24 BY MR. ROSS:

25 Q. Mr. Paul, my name is Anthony Ross and I would like to ask

- 1 | you some questions on behalf of Oscar Seale. Now when you were
2 | responding to questions from Mr. Spicer reference was made to
3 | Sandy Seale. Do you recall that?
- 4 | A. Speak up. Speak up, Mr. Ross.
- 5 | Q. Do you recall speaking to Mr. Spicer about Sandy Seale?
- 6 | A. Yeh.
- 7 | Q. Now how well did you know Sandy Seale?
- 8 | A. Well, Sandy I met -- I met Sandy in Holy Redeemer on James
9 | Street on a few occasions.
- 10 | Q. On how many occasions?
- 11 | A. On a few occasions.
- 12 | Q. On a few occasions?
- 13 | A. On a few occasions in a dance.
- 14 | Q. At a dance?
- 15 | A. Yeh.
- 16 | Q. Yeh. Now do you recall the first time you met Sandy, do you?
- 17 | A. Yeh, at -- at Trinity Hall.
- 18 | Q. Pardon me?
- 19 | A. Trinity -- Trinity Hall.
- 20 | Q. So you met him a few times at Holy Redeemer?
- 21 | A. Yeh, and at -- and at Trinity Hall.
- 22 | Q. And you also met him at Trinity?
- 23 | A. Yeh.
- 24 | Q. Where did you meet him first, at Trinity or Holy Redeemer?
- 25 | A. Trinity Hall.

- 1 Q. At Trinity Hall, and what was happening at Trinity Hall?
- 2 A. A dance.
- 3 Q. And were you alone or did you go with a group?
- 4 A. I had a few friends.
- 5 Q. Pardon me?
- 6 A. I had a few friends.
- 7 Q. You had a few friends. Do you recall who these friends were?
- 8 A. Bobby Christmas.
- 9 Q. Bobby Christmas and whom?
- 10 A. And, let's see. I think the other one was Cameron Paul.
- 11 Q. So you went to a dance at the Trinity -- the Trinity Church?
- 12 A. Yes, at the hall. It's out Broadway.
- 13 Q. And you were with Bobby Christmas and Cameron Paul?
- 14 A. Yeh. Yes.
- 15 Q. Do you remember whether this was a short time before the
- 16 stabbing or was it a long time before the stabbing?
- 17 A. I'd say a year.
- 18 Q. About a year before the stabbing?
- 19 A. Yeh, around '70.
- 20 Q. That would be some time back in 1970?
- 21 A. Yes.
- 22 Q. Now you hadn't met Sandy Seale any time before that?
- 23 A. No.
- 24 Q. This was the first time?
- 25 A. Yeh.

- 1 Q. Did you go to hockey games?
- 2 A. Hockey games?
- 3 Q. Yes.
- 4 A. No.
- 5 Q. You never went to hockey games?
- 6 A. No.
- 7 Q. What about baseball? Did you go to baseball games?
- 8 A. A few. Yeh, a few games.
- 9 Q. And you never saw Sandy at any of these baseball games either as
- 10 a player or as a spectator?
- 11 A. No.
- 12 Q. So you came out and you met him first at Trinity Hall?
- 13 A. Yeh.
- 14 Q. Did you speak to him that night?
- 15 A. I -- Yes. I told him, "How are you getting along"?
- 16 Q. Pardon me?
- 17 A. I knew he was a hockey player because --
- 18 Q. Well, how did you know that he was a hockey player?
- 19 A. Because the people around there told me, "Here's a guy here
- 20 that can -- he can handle the stick".
- 21 Q. I see, but let me tell you -- Let me see if I got this
- 22 correct.
- 23 A. Okay.
- 24 Q. You were at the dance at Trinity Hall and you were with
- 25 Bobby Christmas and Cameron Paul, correct?

1 A. Correct.

2 Q. Somebody came up to you and identified Sandy Seale as somebody
3 who could handle a hockey stick?

4 A. Yeh, probably, yeh.

5 Q. Now you say probably. I wasn't there. I want to know the facts
6 from you?

7 A. Yeh. Yeh. Yeh.

8 Q. Pardon me? Are you confused?

9 A. I'll get to it. Well, he always had a smile on his face.
10 I know that. He was pretty -- pretty athletic.

11 Q. Pretty athletic with a smile on his face, but you -- you
12 couldn't know this before because you only met him at the
13 Trinity Hall?

14 A. Yeh. Yeh.

15 Q. Is that correct?

16 A. People told me he was a hockey player.

17 Q. And that's why you went over to speak to him because people
18 told you he was a hockey player?

19 A. Well, he was around like any other -- like any other fellow.

20 Q. I'm becoming a little bit confused, Mr. Paul. I'm just trying
21 to pin down the first time that you met Sandy Seale.

22 MR. CHAIRMAN:

23 I think, you know, I would ask that when this witness asks --
24 answers a question fairly definitively that it -- I would ask
25 Counsel to be gentle.

ARTHUR J. PAUL, by Mr. Ross

1 MR. ROSS:

2 Well, I'm trying to be gentle.

3 MR. CHAIRMAN:

4 And I'm not confused with the answer.

5 BY MR. CHAIRMAN:

6 Q. My understanding is, Mr. Paul, and correct me if I'm wrong, that
7 at the Trinity Hall someone introduced you to Sandy Seale?

8 A. Yes.

9 Q. And told you as part of the introduction that Sandy Seale was
10 a skillful hockey player?

11 A. Yes, and athletic.

12 Q. Is that correct?

13 A. Yeh.

14 MR. CHAIRMAN:

15 Is that --

16 MR. ROSS:

17 Absolutely clear, My Lord.

18 MR. CHAIRMAN:

19 All right. Fine.

20 MR. ROSS:

21 Perhaps I should get you to conduct my questioning for me.

22 MR. CHAIRMAN:

23 Well, I'd be glad to.

24 BY MR. ROSS:

25 Q. So tell me now, Mr. Paul, this night when you first met Sandy

- 1 at Trinity Hall did anything else happen between you and
2 Sandy that night or you just met him and then went your
3 separate ways?
- 4 A. I just met him and we just went out separate ways.
- 5 Q. Sure, and that was the end of that first relationship?
- 6 A. The second time was at Trinity -- Trinity.
- 7 Q. The second time was when?
- 8 A. The second time was at Holy Redeemer on --
- 9 Q. You met him a second time over at Holy Redeemer?
- 10 A. Yeh. Yeh.
- 11 Q. And what happened that time?
- 12 A. Well, I just seen him there.
- 13 Q. You just saw him there?
- 14 A. Yeh. Yes.
- 15 Q. You didn't speak to him and he didn't speak to you?
- 16 A. No. No.
- 17 Q. And did you meet him after that?
- 18 A. No.
- 19 Q. So is it fair then -- is it correct to say that you met Sandy once
20 and you saw him a few times after?
- 21 A. Yeh.
- 22 Q. That is the truth?
- 23 A. Yeh, I met him a few times.
- 24 Q. You met him a few times?
- 25 A. I met him a few times at Trinity and Holy Redeemer.

- 1 Q. But on the second -- on the other occasions when you met him
2 at Trinity and Holy Redeemer it was just to see him. You didn't
3 speak to him, did you?
- 4 A. Just once at Trinity.
- 5 Q. Okay. Fine. And you didn't know him to be hanging around the
6 park, did you?
- 7 A. No, sir.
- 8 Q. And you never saw him -- as a matter of fact you didn't know
9 of him ever even bumming money?
- 10 A. No, sir.
- 11 Q. And you knew Junior Marshall quite well?
- 12 A. Yes.
- 13 Q. As a matter of fact you saw him at least on a weekly basis,
14 didn't you?
- 15 A. That's correct.
- 16 Q. And you knew who his friends were?
- 17 A. That's correct.
- 18 Q. And you did not know Sandy to be one of his friends?
- 19 A. No.
- 20 Q. And as a matter of fact he never told you that Sandy was one of
21 his friends?
- 22 A. No.
- 23 Q. Now just with respect to your recollection, Mr. Paul, of the
24 night of the 28th of May, 1971, now you gave evidence that
25 you were heading for the Tobin's when you ran into Junior and

- 1 Roy Gould. That was your evidence given yesterday.
- 2 A. Yes.
- 3 Q. Do you recall saying that?
- 4 A. Yes.
- 5 Q. Now I must tell you Mr. Gould indicated that when he came back
6 from Halifax he dropped off Junior Marshall at his home on
7 the Reserve. That was his evidence.
- 8 A. Yes.
- 9 Q. Now he never mentioned anything about meeting you or going to
10 the liquor store or anything like that. Now I want you to
11 think about it and tell me, are you sure that you went to the
12 liquor store -- that you got money from Roy Gould and went to
13 the liquor store?
- 14 A. I went to the liquor store, yes.
- 15 Q. Yeh, but are you sure you got money from Roy Gould?
- 16 A. Well, Junior -- Junior got money from Roy Gould.
- 17 Q. I see. Were you there when Junior got this money from Roy Gould?
- 18 A. Yes.
- 19 Q. So you saw that yourself?
- 20 A. Yeh.
- 21 Q. I see. Now when you met Junior late in the night after you had
22 walked home Kate --
- 23 A. Yeh.
- 24 Q. --didn't he tell you that he was at the -- at the tavern?
- 25 A. Come again.

1 Q. Didn't Junior tell you that he was at a tavern that night?

2 A. No, he didn't tell me.

3 Q. So your understanding is that after he left the Tobin's he
4 went to the dance?

5 A. Yeh.

6 Q. And from the dance there was this incident at the park?

7 A. Yeh.

8 Q. And from there he went to the hospital?

9 A. Yeh.

10 Q. And then came back to the Reserve?

11 A. He came back to the Reserve.

12 MR. ROSS:

13 Okay. Thank you very much. No more questions.

14 THE WITNESS:

15 You're welcome.

16 BY MR. WILDSMITH:

17 Q. Do you and I know each other, Mr. Paul?

18 A. Yes, Bruce.

19 Q. And I'm going to ask you a few questions on behalf of the
20 Union of Nova Scotia Indians. Mr. Paul, you were originally
21 scheduled to give evidence at an earlier date here, were you
22 not?

23 A. Pardon me?

24 Q. You were originally coming here to give evidence a couple of
25 weeks ago?

1 A. Yeh. Yeh.

2 Q. And you came to the hall that morning?

3 A. Yeh, there wasn't -- it wasn't very crowded here. There was only
4 just a few people here -- there was only two.

5 Q. Yes, and what happened?

6 A. Well, I didn't have my -- I didn't have my blood pressure
7 pills. I didn't have them. I thought I had them. I felt --
8 I felt a pain here. I felt a pain and I said I'll have to
9 go and -- I was going to mention to one of those fellows over
10 there to indicate -- to tell them I'm getting sick. So I
11 went out and went across over to George Street there -- not
12 George Street, Charlotte and I proceeded on the way to the
13 park and I proceeded --

14 Q. Well, let's not go through the whole day.

15 A. Yeh. Yeh.

16 Q. But how did you feel when you came here?

17 A. Oh, I felt pretty tense.

18 Q. Pretty tense?

19 A. Pretty tense. I had a pain here, a pain in the chest.

20 Q. Yes.

21 And did you go to a doctor?

22 A. Yes.

23 Q. And the doctor prescribed medication?

24 A. Yes.

25 Q. And are those the pills that you took yesterday?

- 1 A. I've got them now.
- 2 Q. Pardon?
- 3 A. I have them now.
- 4 Q. Yes, those are the pills the doctor prescribed?
- 5 A. Oh, I had -- I had other pills. I had nerve pills.
- 6 Q. Yes, and you took some of those yesterday?
- 7 A. Yes.
- 8 Q. And did you take one of those this morning?
- 9 A. The pressure pills?
- 10 Q. The nerve pills?
- 11 A. Yeh, I took one.
- 12 Q. Thank you. Now you mentioned that your schooling, your early
13 schooling was down in Shubenacadie?
- 14 A. Yeh, I.R.S.
- 15 Q. I'm sorry.
- 16 A. I.R.S.
- 17 Q. And what does that stand for?
- 18 A. Indian Residential School.
- 19 Q. Now this school at Shubenacadie was as you say, a residential
20 school. Is it the case that only Indians attended that school?
- 21 A. Yes.
- 22 Q. And you were taken from Membertou down to Shubenacadie to attend?
- 23 A. Yes.
- 24 Q. And the language of instruction was English?
- 25 A. English.

- 1 Q. And Indian children from all over the Maritimes were taken
2 to that school?
- 3 A. Yes, from New Brunswick, Shubie, Eskasoni, Barra Head,
4 Truro, Sydney.
- 5 Q. Okay, and that school has now been discontinued?
- 6 A. Yeh, it closed down. It closed down in 1968 I guess.
- 7 Q. And is it the case that Roman Catholic Nuns taught in that
8 school?
- 9 A. Yes, Roman Catholic Nuns, Priests, Brothers, and Councillors.
- 10 Q. And what happened to your Micmac--your Micmac language during
11 that time?
- 12 A. I lost it.
- 13 Q. Were you allowed to speak Micmac around the Residential School?
- 14 A. It was prohibited.
- 15 Q. Even amongst Indian children?
- 16 A. Yes, unless -- unless -- unless a newcomer comes in and he wants
17 encouragement or something and he's speaking Micmac, he's allowed
18 for that -- for that short period of time anyway just -- just
19 to get him settled and that's it.
- 20 Q. A short period of time?
- 21 A. Yeh.
- 22 Q. Are you talking a couple of days or a couple of weeks?
- 23 A. Yeh, a couple of days.
- 24 Q. A couple of days. And what impact has that had on your
25 ability to speak Micmac today?

- 1 A. Pardon me?
- 2 Q. Has that had some impact on your ability today to speak Micmac?
- 3 A. Yeh. Yeh.
- 4 Q. Do you consider yourself fluent in Micmac?
- 5 A. No. No.
- 6 Q. What's your language of preference? Which do you prefer to
- 7 talk?
- 8 A. I prefer to talk English.
- 9 Q. Okay. Can you help us out as to who made the decision for
- 10 you to attend that Residential School?
- 11 A. I -- But I can understand most of the Micmac.
- 12 Q. Yes.
- 13 A. You know, but I couldn't speak it fluently say.
- 14 Q. Yes. I'm wondering how you -- how the decision was made for
- 15 you to go to that school, was it made by you, your mother --
- 16 I think your father was deceased at this point, was he?
- 17 A. Yeh, my father. My mother was a house cleaner.
- 18 Q. Or was it by an Indian Agent?
- 19 A. Probably. Probably by an Indian Agent.
- 20 Q. And at this time there was an Indian Agency in Eskasoni?
- 21 A. Yes.
- 22 Q. Making decisions in relation to children like yourself?
- 23 A. Probably.
- 24 Q. All right, and your mother, what did she do for employment?
- 25 A. She was a housekeeper.

- 1 Q. Where?
- 2 A. For the merchants.
- 3 Q. For the merchants?
- 4 A. Mrs. Lunch --
- 5 Q. Well, we don't have to worry about the names. What sort of
6 people was she a housekeeper for?
- 7 A. Merchants.
- 8 Q. Businessmen?
- 9 A. Yeh, businessmen.
- 10 Q. Professionals?
- 11 A. Yes.
- 12 Q. In Sydney?
- 13 A. Yes, in Sydney.
- 14 Q. Not Indians?
- 15 A. No.
- 16 Q. So she worked off the Reserve cleaning houses?
- 17 A. Yes.
- 18 Q. Now we've heard reference to when you came back from the
19 Residential School attending the Membertou day school on the
20 Membertou Reserve. And is it fair to say that that's
21 referred to as a day school as opposed to the Residential
22 School in Shubenacadie as you went the day and you came home
23 at night?
- 24 A. Yeh. Yeh. Yeh, in the day school.
- 25 Q. Okay. From there you went to St. Anthony Daniel, and if I

1 understand correctly you ended up quitting school after about
2 grade five?

3 A. Yes.

4 Q. How did you feel attending school at St. Anthony Daniel?

5 A. I felt disoriented.

6 Q. Yes.

7 A. Disoriented.

8 Q. Did you also feel some sense of embarrassment about the time
9 that you were in grade five because you were bigger and much
10 older than the other kids in the class?

11 A. Yes.

12 Q. In grade five how old would you have been?

13 A. I'd say around, oh, fifteen.

14 Q. And in grade five most of the other kids would be around eleven?

15 A. Yeh. Yeh, but when I was in -- when I was in Shubie I -- I
16 passed all my grades when I was in Shubie. I passed all
17 my grades.

18 Q. When you were with the other Indian kids you --

19 A. Yes.

20 Q. --you did all right?

21 A. Yes.

22 Q. Okay. Now let me take you to the incident that involved
23 John Pratico at the circus in the summer. You've indicated that
24 you suggested to Mr. Pratico that it might not be a good
25 idea if he went back in the park because the other kids might

- 1 | not feel the same way that you did?
- 2 | A. Yes.
- 3 | Q. How did you feel?
- 4 | A. Pardon me?
- 5 | Q. How did you feel when you said -- when you were referring to
- 6 | the fact that the other kids might not feel the same way as
- 7 | you? How was it that you felt?
- 8 | A. Oh, I felt -- I felt okay because I had no -- I had no bearings
- 9 | of harming him.
- 10 | Q. Okay. Did you say anything to him about whether he had anything
- 11 | to fear from you or not?
- 12 | A. Yeh, I told him -- Yeh, I told John, "You have nothing -- nothing
- 13 | to fear from me".
- 14 | Q. I see.
- 15 | A. You can just go out and tell the truth.
- 16 | Q. So is it fair to say that you told John that he had nothing
- 17 | to worry about from you?
- 18 | A. That's right.
- 19 | Q. But it might not be a good idea to go to the park because some
- 20 | of the other Indian kids might not feel the same way?
- 21 | A. That's right.
- 22 | Q. Yeh, and he was a bit of a friend of yours at this time?
- 23 | A. A bit of a friend, yeh.
- 24 | Q. Okay. Now is it the case that the members of the Sydney Police
- 25 | force would sometimes refer to you as "Chief"?

- 1 A. Chief?
- 2 Q. Yes, when in speaking to you?
- 3 A. Chief? No.
- 4 Q. No?
- 5 A. All they called me was Artie.
- 6 Q. Mostly it was Artie?
- 7 A. Artie.
- 8 Q. Okay. Now you've been asked some questions about Detective
9 Sergeant John MacIntyre and you've been interviewed by him
10 on several occasions?
- 11 A. Okay.
- 12 Q. Can you tell us something about John MacIntyre's style of
13 conducting interviews?
- 14 A. Well, first of all -- Well, first of all, about John MacIntyre
15 in '71 -- John MacIntyre is a God fearing man, a law abiding
16 citizen, and he takes a lot of pride in his career as a
17 detective and a lot of pride. He maintains stability and law
18 and order in the City of Sydney. He'd keep it that way. He'd see to
19 it-- he'd keep it that way. But as for solving cases in '71 --
20 As for solving a case in '71, Mr. MacIntyre couldn't solve a jigsaw
21 puzzle even if they were instructed, even if they were
22 instructed. He should have went to the R.C.M.P.
- 23 Q. All right. My question to you really though was about his style
24 when he interviews you to try and get a statement from you?
- 25 A. Well, yes.

1 Q. Can you tell us about that?

2 A. Well, he has his pipe --

3 Q. Pardon?

4 A. He has his pipe.

5 Q. Okay.

6 A. He has his pipe and he takes his time. He don't -- He doesn't --

7 He don't -- He doesn't lose his temper, he uses it.

8 Q. What do you mean by that?

9 A. He -- He uses it in such a way that you're -- you're almost

10 convinced you're going -- you're just going to break. He has

11 that -- He has that effect.

12 Q. He has that effect?

13 A. Yeh. He dominates.

14 Q. When you talk about his pipe that sounds like it's very sort

15 of slow and laid back and gentle?

16 A. Yeh, but after that he gets right into the details -- he

17 gets you.

18 Q. Yeh. Does he raise his voice?

19 A. Yes, at times.

20 Q. When you say, "Uses his temper", does that mean that he

21 displays a strong temper at times?

22 A. Yes.

23 Q. Okay, and is that how he appeared to you when you were being

24 interviewed by him?

25 A. Come again.

1 Q. You're basing this on your experience?

2 A. Yeh.

3 Q. Okay, and can you also tell us about a particular incident
4 involving the Sydney Police and the Chick 'N' Coop or
5 Co-op?

6 A. Yes.

7 Q. Tell us about that.

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SMR

1 A. Well, I sit there -- well, first I left -- left the Keltic
2 Tavern. Went to the Chick 'N' Coop. I ordered --

3 Q. Is that a place in Sydney?

4 A. Yeh, that's on Pitt Street. I ordered -- I ordered a hot
5 chicken sandwich. And a friend of mine, an acquaintance --
6 well, he used to go with one of my nieces. So he came in
7 -- there was a scuffle while I was eating. There was
8 a scuffle next to me there, eh. He was arguing with someone
9 there. So I didn't pay too much -- too much attention till
10 -- till he come over to my table. So --

11 Q. This other individual came to your table who had been over
12 with the scuffle?

13 A. Yeh, they had a scuffle -- yeh, he had a argument with this --
14 two White fellows there. So he come to me. I knew him.

15 Q. The fellow that came over to your table, was he an Indian?

16 A. No, he was a White fellow.

17 Q. Okay, go ahead.

18 A. So I tell him -- I told him, well -- I told him -- I know --
19 What's going on over there? Are you's having an old beef?
20 I says, you's got an old beef over there, you know, -- an
21 old settlement or something that you want to settle. He
22 says yeh. So he sat there -- he sat there for a little
23 while. The first thing you know the police come in --
24 the police come in and the manager -- the manager that owned
25 the place, he pointed -- he pointed -- he pointed the finger

1 at me and he pointed the finger at my friend there. So we
2 got into the police car. I didn't say nothing.

3 Q. Were you involved in this scuffle?

4 A. No, no, I wasn't, no, no. But if he was -- perhaps if he
5 was Micmac I would probably talk to him in Micmac, you know,
6 at that time. Because some -- sometimes police get -- police
7 get aggravated when -- when we talk Micmac when we're picked
8 up.

9 Q. There was no Micmac here?

10 A. No, no Micmac.

11 Q. Okay.

12 A. So we got into the station. So I was a little mad myself.
13 So they searched him -- they searched him. They found a
14 concealed weapon on him. A knife. They found a knife and
15 I was going explain to myself the officer -- he was in
16 his mid-forties -- was going to explain to him. By the time
17 I was going to explain I wasn't involved with this situation,
18 I got it.

19 Q. Punched you?

20 A. Punched me in the stomach and I -- I landed on the bench.
21 Knocked the wind right out of me. It took me -- it took --
22 it took me a while -- it took me a while to get my breath
23 back.

24 Q. Are you saying you tried to explain that you had nothing to
25 do with the scuffle?

1 A. Yes, yes, yes.

2 Q. Okay, anything else happen?

3 A. So I went out -- I was in for drunk in -- I was in for drunk
4 in a public place. They took out my shoe laces and my --
5 my belt.

6 Q. Is this the same time that you're talking about now or is
7 this the second time?

8 A. Pardon me.

9 Q. Are you now telling us about a second incident or is it a
10 continuation of the same?

11 A. Yeh, it's -- it's just -- it's just this story here.

12 Q. The same one?

13 A. Yeh, the Chick 'n' Coop incident.

14 Q. Okay.

15 A. Yeh, the same one.

16 Q. Go ahead.

17 A. So they took me in the cell. So that was it.

18 Q. Okay. And was there another time when you were drinking with
19 some other people by the tennis courts?

20 A. Yeh, that --

21 Q. Tell us what happened that time?

22 A. Oh, we were drinking with a young girl there by the name of
23 Reid. She had to go home early. So she had to go -- she
24 had to go home early anyway. She was a little young, you
25 know. She wanted a few drinks, so no problem, here have a

1 drink. She probably had a pint or something. And she says
2 I got -- I got to get home early. I says all right, you go
3 home. A friend of mine, Pius, he's sort of big -- he's sort
4 -- he's sort of loud. Junior was with me -- sort of loud.
5 I guess -- I guess people from -- from up the street there
6 must have heard Pius or something. So then the cops came.
7 So I started running. I run out -- I ran out of that street
8 so fast my -- I left my shoes. I left my shoes in the road
9 there.

10 Q. You mean they came off you while you were running?

11 A. Pardon me, yeh.

12 Q. Okay.

13 A. I fell in a hole -- I fell in a hole and I hurt my leg there
14 and I was just moaning -- I was moaning -- I was moaning.
15 I fell in a deep hole, too. I was just moaning and moaning.
16 I tried -- I tried -- I tried to hold my breath but the
17 pain was just -- there were cans down there and I seen the
18 light. So they got me. Grabbed me by the scruff of the hair.

19 Q. Who's the they?

20 A. Pardon me.

21 Q. Who's --

22 A. The police -- the City Police.

23 Q. Did you have long hair?

24 A. Yes.

25 Q. Did they ask you to get out of the hole?

1 A. Pardon me.

2 Q. Did they ask you?

3 A. No, they pulled me out of the hole.

4 Q. They just grabbed you by the hair?

5 A. Yeh, literally.

6 Q. And pulled you out?

7 A. Yeh.

8 Q. By the hair?

9 A. By the hair.

10 Q. And then what?

11 A. So I went down the station. Junior and I. I think it was
12 Junior -- Pi -- yeh, Junior. They picked up Junior down --
13 down the Park later on.

14 Q. Okay, is that the end of that one?

15 A. Yeh, so -- so the next day I had to walk -- I had to walk --
16 I had to walk back over there bare feet.

17 Q. You mean when you were released from the lock-out, you had
18 no shoes and --

19 A. Yeh.

20 Q. -- you walked home?

21 A. Yeh, but there are other times -- there were other times the
22 police chased me, they couldn't catch me.

23 Q. That was more usual was it?

24 A. Yeh.

25 Q. Okay.

ARTHUR J. PAUL, by Mr. Wildsmith

1 A. But I -- broke my nose a few times from running. Sometimes
2 my shoulders, my fingers. Bad shape.

3 Q. Those -- those are all my questions.

4 MR. CHAIRMAN:

5 Thank you very much, Mr. Paul. I'm sure you'll be pleased to
6 learn that that's the end of your testimony and I thank you for
7 coming.

8 BY THE WITNESS:

9 I thank the Royal Commission.

10
11 (WITNESS WITHDREW)

12 MR. CHAIRMAN:

13 We'll adjourn for ten minutes.

14 INQUIRY ADJOURNED: 10:41 a.m.

15 INQUIRY RECONVENED: 11:04 a.m.

16 MR. MacDONALD:

17 The next witness, my Lord, will be David Ratchford.

18 MR. CHAIRMAN:

19 I think --

20 MR. MacDONALD:

21 I'm sorry, my Lord. Perhaps before we continue --

22 MR. SPICER:

23 I think, my lords, you remember Mr. Elman yesterday as clarifying
24 the situation of Mr. Christmas and his Preliminary and since then
25 he has come up with a clipping from the Cape Breton Post which

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1 further clarifies that which I think we should perhaps introduce
2 as an exhibit and Mr. Elman, himself, can speak to what, in fact,
3 happened. So I'll just introduce this press clipping and Mr.
4 Elman will further clarify.

5 MR. CHAIRMAN:

6 All right, fine.

7 MR. ELMAN:

8 Just two points. First of all, yesterday I think some people may
9 have misunderstood what I said when I said the object of
10 the exercise appeared to be to get Tommy Christmas --

11 COMMISSIONER EVANS:

12 Could you put the other mike on?

13 MR. ELMAN:

14 Oh, I'm sorry. Yesterday --

15 MR. CHAIRMAN:

16 What is the number of the exhibit -- seventy-two. Yes, Mr. Elman.

17 MR. ELMAN:

18 I made mention that it -- the object of the exercise appeared to
19 be to get Tommy Christmas out of the way prior to the Marshall
20 trial. Some people may have took that to mean that to get him
21 out of town. That's wasn't what was intended.

22 MR. CHAIRMAN:

23 No, I know.

24 MR. ELMAN:

25 Because Tommy Marshall was already out on bail in July and had

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1 | been out until he was picked up in September. So that that wasn't
2 | at issue to get him out of town. It was a matter of getting the
3 | trial out of the way and since -- since he -- he was picked up
4 | on the break and enter and I see now from the report from the
5 | newspaper that I was probably there. Although the other documentation
6 | does not reveal that and I thought that I had not been there for
7 | that break and enter charge. And I looked at the documentation
8 | and -- that we have in book or volume 22. There was no
9 | indication of my being present at the time of the re-election
10 | although the newspaper clipping says that I was there. So
11 | probably a deal had been made, although I don't recall that and
12 | that since he was going to go to the penitentiary on the break
13 | and enter charge, there was no need to continue with the
14 | obstruction charge and thereby we would get it off of the docket
15 | for the next sitting of the Supreme Court which was going to
16 | take place in November and thereby remove it and that -- that
17 | that was what I meant when I said "to get Tommy Christmas out
18 | of the way". It was to get his trial out of the way, not him
19 | personally.

20 | MR. CHAIRMAN:

21 | That's what I understood you to say yesterday but I -- in any
22 | event, you simply ask that this be put in for the record as a
23 | clarification as exhibit seventy-two which refers to the sentencing
24 | of:

25 | Thomas Joseph Christmas, for breaking

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1 into -- for breaking and entering
2 a dwelling house with intent to
 commit indecent assault.

3 That was the charge as I understand it.

4 MR. ELMAN:

5 Yes.

6 MR. CHAIRMAN:

7 Fine, thank you.

8 MR. ELMAN:

9 Thank you.

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