

DAVID RATCHFORD, by Mr. MacDonald

1 DAVID RATCHFORD, being called and duly sworn, testified as follows:

2 BY MR. MacDONALD:

3 Q. Your name is David Ratchford?

4 A. Yes, sir.

5 Q. Where do you live, Mr. Ratchford?

6 A. I live in Scarborough, Ontario.

7 Q. And can I ask you to just speak up because we have some  
8 problems around here hearing -- people in the back of the  
9 room. Now how long have you lived in Ontario?

10 A. I've been there for two years.

11 Q. And prior to that you lived in Sydney?

12 A. Yes, sir.

13 Q. And how long had you lived in Sydney?

14 A. I lived in Sydney most of my life.

15 Q. How old are you now?

16 A. I'm thirty-eight.

17 Q. What is your occupation?

18 A. I'm a writer and I'm a professional actor.

19 Q. You -- were you born in Sydney?

20 A. Yes, sir.

21 Q. And grew up here?

22 A. Yes, sir.

23 Q. Okay, what schools did you attend?

24 A. I first attended Sacred Heart School in the northend of the  
25 City. My family moved when I was young to Ashby. I attended

1 Constantine School there as well as Park Junior High, Sydney  
2 Academy, University College of Cape Breton.

3 Q. When you were growing up in Sydney, did you have any experiences  
4 or any friends who were Indians?

5 A. Yes, sir, I did.

6 Q. Okay, Black?

7 A. Yes, I did, sir.

8 Q. Were there, when you were growing up, any gangs roaming the  
9 streets of Sydney?

10 A. Yes, sir, there were -- there were groups. I wouldn't  
11 exactly call them gangs but, you know, there were groups  
12 for -- representing various areas in the City.

13 Q. Representing areas?

14 A. Yeh, for example, I lived in Ashby during my formable years  
15 and there were groups of kids who hung around from the  
16 neighbourhoods. They wouldn't exactly be gangs as far as  
17 I was concerned. But that sort of a thing, you know.

18 Q. Were there gangs broken down along racial lines?

19 A. Not to my knowledge, there wasn't.

20 Q. Did you personally used to date Indian girls?

21 A. I had -- I had friends that were females that were Indians,  
22 yes, I did.

23 Q. And Blacks?

24 A. Yes, I did, too, yeh.

25 Q. Did you in your experience ever notice differential type of

1 treatment being afforded to members of the Indian group or  
2 the Black group?

3 A. I would say that it existed. It existed in school level.

4 Q. In what way?

5 A. I think that the Indian population that attended school in  
6 Sydney was treated differently than the White kids that  
7 went to school.

8 Q. How did that manifest itself?

9 A. It actually manifested itself in the approach that various  
10 teachers, not all, but some teachers would take with handling  
11 the Indian students in class. I knew the language barrier  
12 was -- must have been a tremendous difficulty for them growing  
13 up speaking Micmac and not really learning English until they  
14 came in contact with the school situation. I knew it because  
15 my own friends that I had that were Indians told me that was  
16 their -- one of their biggest problems was just trying to  
17 figure and understand the ways, you know, the ways of the  
18 English languages etcetera. So I -- we noticed. We noticed  
19 that there was a difference in the way that they were being  
20 treated by some of the teachers in school at the time I  
21 was going to school there.

22 Q. I don't still understand though how they were treated  
23 differently. Were they more abrupt with them or --

24 A. Well, for example, I -- I think because of the -- the cultural  
25 barriers between the White population and the Indian population

1 | there. At that time there didn't seem to be any attempt  
2 | on the part of the administration, the school administration,  
3 | to afforge some kind of a program to -- to take Indian  
4 | students into. I mean they were coming into a culture  
5 | that was foreign to them and in coming into that situation,  
6 | they had a heck of a time dealing with it. Consequently they  
7 | didn't understand. I knew -- I knew when they were doing  
8 | various problems in math class and english class. They  
9 | would read sentences, I knew they had no concept what the  
10 | sentences meant for example. Consequently instead of the  
11 | teacher recognizing the fact that there was a problem because  
12 | of -- of interpretation, they would -- they would, you know,  
13 | lay it on to that particular student. She would, you know,  
14 | she would chastise him or be very sarcastic to that  
15 | individual, you know.

16 | Q. Did you used to attend dances?

17 | A. I -- not often but I did attend them, yes.

18 | Q. At the dances, did you notice any grouping of -- of persons  
19 | at the dance along racial lines?

20 | A. When I was going to school at Sydney Academy, the Indian  
21 | students that attended the Academy there weren't that many,  
22 | but they didn't -- they didn't really come around to many  
23 | of the social functions that were held and when they did,  
24 | they usually stayed together.

25 | Q. About dances other than at the Academy? The Academy was the



1 high school, was it?

2 A. Yes.

3 Q. Dances at places like the St. Joseph's Church and other  
4 churches, did you used to attend those?

5 A. Well, I did. But I used to play. I played guitar and --

6 Q. Oh, you were a member of the band?

7 A. Yes.

8 Q. Okay.

9 A. And from the stage, yes, I could observe a lot of things that  
10 were happening down there. And you know, I would see quite,  
11 you know, a pretty cross-cut of ethnics.

12 Q. Notice any difference in treatment being afforded by the  
13 police to -- to Whites as compared to Indians or Blacks?

14 A. No, I didn't. I didn't notice any difference at all.

15 Q. Now you at one time ran a school dealing with martial arts  
16 in Sydney, is that correct?

17 A. Yes, that is.

18 Q. And that school was located in -- on Charlotte Street?

19 A. Yes.

20 Q. And just generally, Mr. Ratchford, what would that school  
21 being doing, what -- what was being taught there?

22 A. Well, it was my intention in 1973 to open -- to open a school  
23 that would -- would cater to a broad range of activities.  
24 Gymnastics actually was my speciality. I had a friend who  
25 was in one branch of martial arts. I had another friend who

1 taught Judo at the Y. M. C. A. And I had another friend of  
2 mine who worked in Sydney at that time who taught a sword  
3 technic. And I thought -- what my idea was was to bring  
4 together a variations of many different styles and things.  
5 Even music; I even had plans for music and dance and things  
6 like that to bring them together and have a sort of a  
7 free school type thing with a number of different things  
8 that people could take advantage of and this is what the --  
9 this is what the operation was designed to do.

10 Q. And the range of people who would attend your school, what  
11 age levels would you be covering?

12 A. We covered -- we covered the entire spectrum from five years  
13 old to sixty-five.

14 Q. Okay, are you yourself skilled in any of those martial arts?

15 A. I have trained and practiced the martial arts for many, many  
16 years, yes.

17 Q. Now during your time at running that school, you did come  
18 into contact with Donna Ebsary, is that correct?

19 A. Yes, I did.

20 Q. Could you tell the Commissioners how that came about please?

21 A. In 1973 I had arranged for an exhibition of all -- as many  
22 different martial arts styles as possible and I asked other  
23 owners of schools of that type if they would come in and  
24 give an exhibition of their styles and systems and that  
25 sort of thing. And we put that on at Sydney Academy on May

1 28th of 1973. That would have been the first time there would  
2 have been actually a public exhibition of that sort of  
3 thing in the City. And it went over very well. There was  
4 quite a wave of interest in that sort of thing back in the  
5 '70's. And along with that wave of interest also came the  
6 -- the weaponry, the nunchucko sticks.

7 Q. The who?

8 A. The nunchucko, those are an Okiwanan weapon that were used  
9 centuries ago. They're fashioned of two sticks that were  
10 joined together by a chain or in those days it was horse hair  
11 that was made into a braid that attached them. But they  
12 were -- and kids were -- had access to those weapons in  
13 Sydney and it was becoming a bit of a problem for the  
14 police and it was becoming a problem across the country.  
15 There was some mention of trouble that children had gotten  
16 into using these and other Oriental-type weapons. The  
17 Principal of Sydney Academy was Bob Chafe. He asked me  
18 if I would like to go to the Academy to talk to the students  
19 on the dangers of things like that and practicing without  
20 proper instruction, this sort of thing. And in the meantime  
21 I would be promoting the school to the students that would  
22 be interested in that sort of thing there. So I did. I  
23 went to the Academy and I had a number of students attend  
24 the session that I held after school. And one of the  
25 stu -- and one of those students was Donna Ebsary. She

1 was in that crowd.

2 Q. And as a result of that -- of her attending that, did you  
3 and she have a conversation or get a relationship going?

4 A. After the -- after the -- after the lecture series was  
5 finished and the little demonstration that we put on there,  
6 she was one of the few students who remained behind after  
7 everyone left to ask specific questions and to talk to us.  
8 And she indicated to me at that time that she was quite  
9 enthusiastic about her Judo program. She had been studying  
10 Judo at the Y. M. C. A.. for some time and that she wanted  
11 to expand her knowledge or broaden her knowledge on that -  
12 on that subject. And she asked me if she could attend or  
13 come down and watch some classes. Well, at that time I  
14 wasn't teaching anything myself. I had a couple of other  
15 fellows hired to -- to teach programs in martial arts and  
16 I just strictly concentrated on the administration of the  
17 operation.

18 Q. Okay, but did she come down to the school?

19 A. Yes, she did.

20 Q. And what happened after that?

21 A. She came down and apparently what she saw, she liked. And  
22 I think she -- she told me that she was going to -- to talk  
23 to her mother about joining the club and if it was all right  
24 with her parents, that she would -- that she would start  
25 attending classes there.

1 Q. Did she join the club?

2 A. Yes, she did.

3 Q. Did she become an avid member of your club?

4 A. She became a very avid member of the club, yes.

5 Q. How often would she attend?

6 A. She -- she at first would attend her scheduled classes which  
7 would be, I think, three times a week on starting; but her  
8 enthusiasm and her interest grew and developed so rapidly  
9 that after awhile she was there all the time. She was there  
10 every day.

11 Q. And was she studying this -- studying the martial arts, was  
12 she actually learning?

13 A. Oh, she had an incredible fascinating interest in the martial  
14 arts. She was a very clever individual. She was the most  
15 clever individual I had ever met. What I mean by that is  
16 she had a way of retaining information. I don't think I'm  
17 qualified to say the girl was -- had a total recall memory  
18 or that she was a genius, but she certainly in -- you know,  
19 impressed me, you know, beyond my wildest dreams. She was a  
20 very, very, very intelligent youngster.

21 Q. Did you and she develop a relatively close relationship?

22 A. Yes, we did.

23 Q. How would you describe your relationship?

24 A. Well, I would -- I would certainly have to say that Donna  
25 struck me as a very introverted person when I met her. It

1 took me quite a while really to get -- to get to know her.  
2 I didn't -- she didn't talk very much. She -- I know --  
3 I observed this myself from the stage of the Academy that  
4 she was shunned by her fellow classmates to a certain degree.  
5 And I think the reason for that is and my her own admission  
6 later on she told me, she said well, you know, I'm not  
7 exactly a beauty queen. I'm -- you know, she was short and  
8 she wasn't really pretty but I used to -- I had told her  
9 many times that, you know, beauty is in the eyes of the  
10 beholder and her beauty was inside, not outside.

11 Q. Was it a relationship like brother/sister?

12 A. It was -- it was -- it was -- it was a very deep friendship.  
13 Donna came very close to -- to me and my children. And I had  
14 -- In my own life, I was having problems with my married  
15 life. And Donna helped with the affairs of the operation  
16 and she also helped to look after the children and after  
17 a while I came to rely on her for almost everything.

18 Q. The affairs of the operation you're talking about the school?

19 A. Yes, sir.

20 Q. She started to keep the books?

21 A. Yes, she did.

22 Q. Did she start to schedule classes and do other sorts of things  
23 like that?

24 A. Yes, yes she did, yeh. She took care of almost every facet  
25 of the operation at one certain point.

1 Q. And did she assist in looking after your children?

2 A. Yes, she did.

3 Q. Did you tend to confide in her, tell her the sort of problems  
4 you were going through personally?

5 A. She knew because she was exposed to the situation.

6 Q. Okay, but more than that, would you confide in her?

7 A. No, I wouldn't. I wouldn't confide simply because she was  
8 a youngster and I'd never unloaded my problems as an adult  
9 on -- onto her as a child that way. I didn't have to; she  
10 knew anyway.

11 Q. How many children did you have?

12 A. Two.

13 Q. What ages?

14 A. One is nineteen now and the other is seventeen. At that time  
15 they would have been six or five and -- five and three, yeh.  
16 Six and four or five and three, one or the other.

17 Q. Now there was an occasion occurred when Donna Ebsary confided  
18 in you, is that correct?

19 A. Yes, there was.

20 Q. Yeh, and can you tell the Commissioners when that occurred?

21 A. Well, Donna became involved with the operation in 1973. We  
22 had opened in September. May I insert something else here  
23 that might help you to understand why I was a little aloofed  
24 of the -- of the operation. I had a -- I was involved in  
25 a very serious accident in September, on September 9th of

1 1973, in which my partner was killed instantly and I was  
2 injured very, very seriously.  
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DAVID RATCHFORD, by Mr. MacDonald

1 Q. That required you to be hospitalized?

2 A. Yes.

3 Q. And to undergo several operations?

4 A. At least four. Yeh.

5 Q. What period -- Over what period of time would that have  
6 taken place?

7 A. 1973 to about 1977. So my career had ended -- basically  
8 ended in 1973 in September. My own -- In as far as ever --  
9 having ever hoped to have personally achieved any tremendous  
10 success in that field, I knew it was over.

11 Q. Now, the time you went to the Sydney Academy and ran in to  
12 Donna, was that prior to your accident?

13 A. Yes, it was.

14 Q. So she would have been a member of your club at that time?

15 A. Yes.

16 Q. And was it after the accident or perhaps as a result of it  
17 that she started to take over some of your administrative  
18 duties?

19 A. Yes, I would say so. Yes.

20 Q. Are you able to pinpoint in any way the time when she would  
21 have come to you and told you the story that you're  
22 going to relate in a moment?

23 A. Yes. I think I can fairly accurately come to within--you know, at  
24 least within the season anyway.

25 Q. Okay. When would it have been?

DAVID RATCHFORD, by Mr. MacDonald

- 1 A. I would say it would have been perhaps within the first  
2 six months so that would bring us into about maybe February  
3 or early March.
- 4 Q. Of 1974?
- 5 A. Four, yeh.
- 6 Q. Okay. Now, tell the Commissioners about that occurrence.
- 7 A. Well, there were a lot of youngsters from the high school  
8 attending the club so we formed a branch of the club that  
9 trained and worked out at the high school itself. I had  
10 heard a number of the kids talking about the Donald Marshall  
11 affair. There was one youngster who had befriended Donna  
12 who had known Donald Marshall quite, you know, very well.  
13 She was a friend. And she had mentioned several times  
14 in the presence of Donna that she didn't think that Donald  
15 was guilty of this crime.
- 16 Q. Do you know the name of that girl?
- 17 A. Diane Lewis is her name.
- 18 Q. Okay. Go on.
- 19 A. I made no connection at all, you know, with any of this  
20 thing and Donna or her family at all at that point. I  
21 knew there was something bothering her. I -- because she  
22 was exceptional. Like I said before, she was an exceptionally  
23 quiet person. She kept very, very much to herself. But I  
24 attributed that to the fact that people didn't like her  
25 because of, you know, because of the fact she wasn't pretty or

DAVID RATCHFORD, by Mr. MacDonald

1 because she wasn't extroverted or in to many of the school  
2 activities and things that, you know. So anyway as time  
3 carried on I noticed that there was -- It seemed to me  
4 there was something very peculiar or very particular that  
5 seemed to be -- I knew it certainly wasn't normal. I knew  
6 that. And one day she came to me after a class and she said  
7 that she wanted to speak to me in private, that she had  
8 something that was bothering her very very badly. I said  
9 okay. I said, "maybe you'd rather talk to my wife. Maybe  
10 -- something that maybe she should be talking to you about."  
11 And she said no. She said she wanted to talk to me. So anyway  
12 I cleaned out the place and she sat down and she started  
13 to tell me about the events of May 29, 1971.

14 Q. Now, do you have recollection today of that discussion with  
15 Donna?

16 A. Yes, I do sir. Yeh.

17 Q. Then you still have a clear recollection?

18 A. I still have a very very clear recollection. It was the  
19 most devastating news I've ever heard.

20 Q. Okay. Well, tell us what she said?

21 A. She told me that -- the first thing she said to me, she said,  
22 "have you heard about this Donald Marshall situation that  
23 Donald Marshall was sent to prison for the killing?" and  
24 I said yes. I said I knew about it. When the killing had  
25 actually taken place I was travelling a bit. I was studying

1 metallurgical tech. at the time. And so I was travelling  
2 quite a bit. And I wasn't very -- wasn't zeroed in to it.  
3 so I didn't know much about the details and I told her that.  
4 I said I was aware of it but I didn't know much about it.  
5 She said, "you know there's been a lot of talk that it wasn't  
6 him that did it." I said, "Oh, is that a fact!" And she  
7 said, "Well, she said it's not only a fact. She said it's the  
8 truth." And she said, "because I know who did kill Sanford Seale."  
9 and I looked at her. I knew that she was sincere and I  
10 said, "Oh." And she said, "It was my father." And I sat there  
11 what seemed to me like -- like, long minutes but it was  
12 only seconds. I didn't know what to say. I didn't know  
13 how -- I knew she was afraid of him cause she --

14 Q. Afraid of?

15 A. Of her father. I knew she was afraid of her father.

16 Q. How did you know that?

17 A. Because of the things that she used to tell me about -- She  
18 was a very confined person. She wasn't permitted much freedom  
19 and she blamed that on her father. At this point in time  
20 she was about 16 and she still wasn't permitted to do very  
21 much on her own. And outside of attending her classes at  
22 the school she was -- she was very much under her -- the  
23 control of her father's will.

24 Q. But she told you that she knew who did it. She knew her  
25 -- it was her father. Now, what else did she say?

DAVID RATCHFORD, by Mr. MacDonald

1 A. I -- Well, -- Then I certainly, you know, I wanted her  
2 to justify why she would make this statement first of all.  
3 Was it just bitterness she had against him for that or what.  
4 So I asked her. I said, "What makes you say that? Why do  
5 you say that?" And she said to me that in 1971 she was about,  
6 oh, I don't know maybe 12 perhaps, that she was home with  
7 her mother on that evening and that they had been watching  
8 television in the -- from the description she gave me of the  
9 house (They lived in an apartment house near Argyle Street.)  
10 that they were sitting in the living room watching T.V.  
11 She pointed out to me that because of the -- It was getting on.  
12 It was late in the night and they had assumed, because of the  
13 hour, that when he arrived home, meaning Roy Ebsary, that  
14 he would probably be drunk. So Donna's mother was preparing  
15 to sent her off to bed or was in the process of sending her  
16 to bed when Mr. Ebsary and Jimmy MacNeil came in through  
17 the front door. This is what she's telling me now.

18 Q. Yeh.

19 A. She said they came in through the front door. And she told  
20 me that the fellow that she didn't know -- She didn't know --  
21 She didn't know Jimmy MacNeil by name at that time. She  
22 said that Jimmy MacNeil preceeded her father in through the  
23 front door and exclaimed, "Roy saved my life tonight!" I think  
24 indicating it to Donna's mother. I think so. At which time  
25 Donna said that she was then told to go to bed.

DAVID RATCHFORD, by Mr. MacDonald

1 Q. By whom?

2 A. By her mother. She told me that instead of going to bed that  
3 she had actually gone as far as the stairwell and leaned over  
4 the stairwell and observed her father in the kitchen washing  
5 what she thought was blood from the end of a knife. She  
6 said her father made knives. Her father loved knives and  
7 that he made his own. He had them all over the place. And that  
8 Jimmy MacNeil was in the kitchen saying thank you or thanking  
9 Roy for -- for having saved his life and the old fellow, Ebsary,  
10 told him to shut up. And she said that was it. She said  
11 shortly after that MacNeil left. Nobody would -- asked any  
12 questions of Roy that night.

13 Q. Just let me interrupt you for one moment.

14 A. Yeh. Okay.

15 Q. You said, I thought you did, that Donna didn't know  
16 Jimmy MacNeil's name at that time. What time are you talking  
17 about?

18 A. At the time of the stabbing in 1971.

19 Q. But when she was telling you the story --

20 A. By the time she told me the story I -- she was -- she knew  
21 him by name at that point. Yes.

22 Q. Okay. Did she tell you anything else? Did she tell you  
23 what -- anything else that took place that night or the  
24 next day?

25 A. Yes, she told me that they didn't know what -- what was

1 |       happening. They had no idea what was going on at all. It  
2 |       wasn't until the next day that they had heard on the radio  
3 |       that there was a stabbing in the park. There had been a  
4 |       stabbing in the park and I think it was later on that day that  
5 |       the young Seale lad died. And that her father had then  
6 |       issued the decree that if anybody opened their mouth, they  
7 |       would be subject to his wrath of justice and they lived in  
8 |       terror and fear of that man until -- I know that I can tell  
9 |       you with all sincerity that when Donna confessed this thing  
10 |      to me that immediately, and I mean immediately after that, an  
11 |      entire change took place in her personality. She became  
12 |      more extroverted. She became more self-assured. It -- There  
13 |      was just a marvellous change in her whole demeanour.

14 | Q. You mean that night? Or the subsequent over the course of time?

15 | A. Well, I -- over the course of, you know, of time that we  
16 |      continued on together after that.

17 | Q. Now, let me just go back for a moment. Did you say that  
18 |      she reported to you that the day following the event that  
19 |      her father had told her and others in the family that they  
20 |      were not to talk about this? Is that what you just told me?

21 | A. Yes, that's what I told you. Yeh.

22 | Q. Now, was it that she told all members of the family?

23 | A. I -- She never clarified to me as to what members of the family  
24 |      that he had indicated that he didn't want them to open their  
25 |      mouth about this killing. Jimmy MacNeil, apparently, according  
    to Donna

DAVID RATCHFORD, by Mr. MacDonald

1 had showed up at the house that day and informed Roy that  
2 the boy had died. And at which time Jimmy MacNeil was told  
3 to get the hell out and never come back around there again.

4 Q. And did Donna tell you that?

5 A. Yes.

6 Q. Did Donna tell you that at least she was told by her father  
7 not to talk about this?

8 A. Yes.

9 Q. Did she tell you what time this event took place on the  
10 night of May 28th?

11 A. She said it was -- She said it was sometime shortly after  
12 midnight that he came home.

13 Q. All right. Anything else she told you that night or the  
14 day she was confessing to you?

15 A. She said that -- that after that her father became quite a  
16 bit of a recluse. That he didn't wander like he had done  
17 previous to that event in '71, that he became quite a homebody  
18 in that because -- and it became much easier to control him.  
19 Mrs. Ebsary was able to at least if not control -- nobody  
20 controlled Roy Ebsary. I can tell you that. But at least  
21 she had some powers of persuasion to keep him around the  
22 house as opposed to allowing him to roam the streets.

23 Q. How was Donna the night she was telling this to you? Was  
24 she calm? Was she --

25 A. Oh, no. She was extremely upset. She was extremely upset.



DAVID RATCHFORD, by Mr. MacDonald

1 She was crying and she was shaking. She was shaking badly.  
2 She was very very nervous and upset when she was relating  
3 this story to me. And after she had told me this story, she  
4 became very afraid that I was going to tell. She didn't  
5 want me to tell anyone because she was afraid -- What she  
6 was afraid of most was that because her father seemed to  
7 live such a charmed life that no one would believe -- believe  
8 her -- believe us in the first place and that if it ever got  
9 back to him that he would cause some harm to her or her  
10 mother. And that was her greatest concern. She had a  
11 tremendous amount of love for her brother, Greg and her  
12 mother. They were on her mind all the time. And I told  
13 her that the mere fact that she told me what happened that  
14 I was under both a legal and a moral obligation to try to  
15 do something, you know, to tell somebody about this. And  
16 she was -- she was very very afraid. She was very scared to  
17 want to talk to anyone about this event whatsoever.

18 Q. How long would this discussion have taken with Donna that  
19 night?

20 A. I talked to her for several hours that night to try to both  
21 calm her down and convince her that, you know, we had to do  
22 something and I used her as an example. I said, you know,  
23 "he's a youngster not much older than you and he's going to  
24 spend the rest of his life in gaol for a crime that your  
25 father may have committed." I said, "if capital punishment had

DAVID RATCHFORD, by Mr. MacDonald

1 |       been in vogue an that point in time," I said, "maybe they  
2 |       would hang him."

3 | Q. Did he -- When you say "he" you're talking about Junior Marshall?

4 | A. Yes, I am.

5 | Q. Well, what was the -- at the end of the night how -- what  
6 |       was resolved?

7 | A. She resigned herself to trust me. I told her that I wouldn't  
8 |       let any harm come to her first. I said no one, you know,  
9 |       that -- I promised her that no one would hurt her over it.  
10 |       And I also promised her that I wouldn't tell anybody except  
11 |       the proper authorities about this. I wouldn't make it  
12 |       gossip issue or anything like that which I didn't.

13 | Q. Were you going to tell the proper authorities?

14 | A. Yes, I was.

15 | Q. And who was the proper authority?

16 | A. The proper authority as far as I was concerned at that point  
17 |       in time was the Sydney Police Department.

18 | Q. Now, did you in fact approach the Sydney Police Department?

19 | A. Yes, I did.

20 | Q. And did Donna go with you?

21 | A. Yes, she did.

22 | Q. When was that?

23 | A. That was the next morning.

24 | Q. Tell us about that.

25 | A. She was still quite hyper and it was approximately I'd say

DAVID RATCHFORD, by Mr. MacDonald

1 mid-morning when -- It wasn't quite mid-morning as a matter  
2 of fact. I'll tell you why in a minute. We walked down to  
3 Sydney Police Headquarters and went in.

4 Q. Where was the Police Headquarters then?

5 A. It's in the same location -- Oh, I don't -- I think it's in  
6 the same location as it is today. Below the Civic Centre  
7 on the Esplanade.

8 Q. Okay. It's in the building on the Esplanade?

9 A. Yes.

10 Q. As opposed to the one that used to be on Bentinck Street?

11 A. Exactly.

12 Q. Okay.

13 A. Yeh. I asked the person in charge at the desk if I could  
14 see the detectives. I asked specifically for the detectives.  
15 And he directed me to where they were. When I walked in the  
16 office, both Inspector MacIntyre and his assistant Mr. Urquhart  
17 were there.

18 Q. Now, did you know these people?

19 A. No, I did not.

20 Q. So how do you know their names now?

21 A. Well, I did -- I knew them -- I knew who they were then but  
22 I didn't know them.

23 Q. Okay. But you knew who they were?

24 A. Yes.

25 Q. You knew what Mr. MacIntyre looked like?

DAVID RATCHFORD, by Mr. MacDonald

1 A. I knew what he looked like and I knew what Mr. Urquhart looked  
2 like as well.

3 Q. Okay. What happened when you got there?

4 A. I introduced myself and told them that I had brought this  
5 girl to the station with some information on --

6 Q. Did you identify her?

7 A. I don't know. I don't know if I said this is Donna Ebsary or  
8 if I said I brought this person. I'm not really -- I can't  
9 qualify, you know, whether I identified her in person or not.  
10 I said that I brought this person with some information that  
11 may help you with the Donald Marshall case. According to  
12 her, her father is responsible for the -- Yes, they would  
13 have been aware of the name because I remember that there  
14 was -- Donna had told me that her father had been taken in for  
15 questioning at the time and I brought the name up. Ebsary.  
16 And they said -- Mr. Urquhart had suggested to me that he  
17 had already been in for questioning and that the case was  
18 closed and that they had what they considered to be the  
19 man who was responsible for that killing safely behind bars.  
20 I said Well, -- I said, "you should listen to her story." I said,  
21 "she's got a very interesting story to tell." But they wouldn't  
22 grant me or her the time to -- to say anything and we left.  
23 We left the police station.

24 Q. Now, let me go back. You said there were two people in the  
25 room, Mr. MacIntyre and Mr. Urquhart?

1 A. Yes.

2 Q. Did you speak with both?

3 A. No, I only spoke with Mr. Urquhart.

4 Q. Where would Mr. MacIntyre have been?

5 A. He was inside of a cubicle behind Mr. Urquhart and he was  
6 coming out. He was walking toward us and listening to  
7 what we had to say.

8 Q. Was he in a position to hear what was being said?

9 A. I believe he was, yes.

10 Q. Now, you said to Mr. Urquhart, "you should hear what this  
11 girl has to say?"

12 A. Yes, I said --

13 Q. Something to that effect?

14 A. I said you -- I said, "she has something I think you should hear."  
15 and they --

16 Q. Okay. And his reply was?

17 A. That they didn't want to hear anything she had to say. That  
18 the case was closed. As simple as that.

19 Q. Okay. How long were you there?

20 A. Five minutes.

21 Q. What -- How would you describe the tone or the manner that you  
22 were treated by Mr. Urquhart?

23 A. Very official. I mean he wasn't rude to me or anything like that  
24 but he just plainly stated that, you know, that they had their  
25 man and that was it.

DAVID RATCHFORD, by Mr. MacDonald

1 Q. Now, what did you do after that?

2 A. I left with Donna. Donna became very very uptight after that  
3 experience. She was quite nervous and she didn't know what  
4 was going to happen next. She was very -- She was sure at  
5 this point that her father would definitely hear about what  
6 had -- about what we had done and she was very afraid. So  
7 when I went back I -- I went back to the -- to my office and  
8 I thought a moment and at that time I had a friend who was  
9 in the R.C.M.P. He --

10 Q. Who was that?

11 A. His name was Gary Green.

12 Q. Yes.

13 A. Gary was with the G.I.S. at the time and I called the  
14 dispatcher at R.C.M.P. in Sydney and asked her if she could  
15 contact him and send him down to see me, which she did. And  
16 he did come down within an hour and a half or two hours or  
17 so.

18 Q. And when he came to see you, was Donna with you?

19 A. Yes.

20 Q. What took place then?

21 A. I had her retell to him what she had told to me the night  
22 before and I told to him our experience at the Sydney Police  
23 Department and asked him if there was anything that he --  
24 perhaps he could do to maybe persuade them to have another look  
25 at her, you know.

DAVID RATCHFORD, by Mr. MacDonald

1 Q. Now, did Donna tell Constable Green the same story she had  
2 told you?

3 A. Exactly and he believed her immediately.

4 Q. How do you know that?

5 A. Because he told me. He said, "I believe her, Dave." You know he's  
6 indicating to me, "Yes, I think she's telling the truth." That  
7 prompted him then to go immediately down to the Sydney  
8 Police Department himself.

9 Q. Do you -- Did you go with him?

10 A. No, I did not.

11 Q. So how do you know he went to the Sydney Police?

12 A. Because he -- Because he came back shortly afterwards. Oh,  
13 within -- gosh he was only gone maybe 20 or 25 minutes and  
14 then he came back and said sorry that they would -- had  
15 not allowed him access to any records or anything to do with  
16 the case.

17 Q. Did he say what he attempted to do at the police station?

18 A. He asked them if he could have a look at files related to  
19 the Donald Marshall case.

20 Q. Did he say who he was speaking with?

21 A. He probably did but I can't remember which of the two gentlemen  
22 he said he had spoken to.

23 Q. And what did he say was the result of his request?

24 A. He said he was denied that request and then he told me that  
25 he -- that he legally didn't have any right to have access to

DAVID RATCHFORD, by Mr. MacDonald

- 1 files, that they could have -- they could deny him. It  
2 wasn't unusual. And he said the only thing I can do at this  
3 point, he said, is pass on the information that Donna has  
4 told me to my superiors in Halifax.
- 5 Q. And did he tell you he was going to do that?
- 6 A. He told me he was going to do that, yes.
- 7 Q. Did he ever tell you whether he did it?
- 8 A. Yes, he did. He told me that he had done it.
- 9 Q. Now, having struck out twice did you go for strike three?
- 10 A. No, I did not. No, that was it.
- 11 Q. Did you contact the Crown Prosecutor?
- 12 A. No.
- 13 Q. Did you contact the lawyers who represented Mr. Marshall at  
14 trial?
- 15 A. No, I didn't. I contacted absolutely no one concerned with  
16 the case.
- 17 Q. Why not?
- 18 A. Because I thought at that point then my obligation as far  
19 as attempting to have her case heard was over. After passing  
20 -- I passed -- passed it on to the R.C.M.P. and he passed  
21 it on to Halifax. I was very sure that it would not be long before  
22 there would be some action taken on the issue and I prepared  
23 myself to wait to see what was going to happen as a result  
24 of Green's passing of this information over.
- 25 Q. Would you have expected to be contacted yourself by the R.C.M.P.?



DAVID RATCHFORD, by Mr. MacDonald

- 1 A. Absolutely. Yes, I was expecting to be contacted any day.
- 2 Q. Okay. Now, this was in the spring of 1974?
- 3 A. Yes.
- 4 Q. That you can recall?
- 5 A. Yes.
- 6 Q. Were subsequently contacted by the R.C.M.P?
- 7 A. I was not.
- 8 Q. At any time?
- 9 A. I wasn't contacted until 1981.
- 10 Q. Okay. We'll come to that in a minute. You said you were going  
11 to come back to this point. Your approach to the Sydney Police  
12 you said is about mid-morning and then you said, "no, it was  
13 earlier than that and I'll come back to that." What did you  
14 want to come back to?
- 15 A. Oh, because it was mid-morning when Mr. Green -- when Constable  
16 Green showed up at my place to hear what had happened.
- 17 Q. It was early in the morning that you --
- 18 A. Yes. Cause the whole thing was over basically I think  
19 before lunch time.
- 20 Q. Subsequent to that you developed a relationship with  
21 Roy Ebsary? Is that correct?
- 22 A. Yes, that's true.
- 23 Q. Why is that?
- 24 A. After the events of that day. After we had realized that it  
25 was out of our control and -- the things Donna had told me

DAVID RATCHFORD, by Mr. MacDonald

1 about her father. Now, the things she had told me about  
2 her father were not all negative. She had a tremendous amount  
3 of respect for her father. She had a tremendous amount of  
4 fear of her father as well but she told me of her father's  
5 naval career. She was very proud of her father's naval career.  
6 And she was very interested in having me meet both her  
7 father and her mother. She was hoping that that would  
8 transpire at some point. I was very interested personally  
9 in meeting Roy Newman Ebsary. I had never met a killer  
10 before and I thought that maybe if, you know, in time that  
11 I might -- Excuse me but I don't want to sound belligerent  
12 but there's a couple of the people on this panel here who  
13 seem to be analysing me as though I were putting on a soap  
14 opera here or something and I'm being distracted by one  
15 individual and I wish he'd stop doing that.

16 Q. Which individual?

17 A. That man with the grey suit here and the glasses and the  
18 beard.

19 BY MR. MURRAY:

20 Q. I apologize.

21 A. Okay, thank you.

22 BY MR. MacDONALD:

23 Q. That's and let's identify him. It's Mr. Murray and he's the  
24 solicitor for Mr. Urquhart.

25 A. Oh, I see. Okay.

DAVID RATCHFORD, by Mr. MacDonald

1 Q. Why don't you just look at me and we'll perhaps try and  
2 avoid him?

3 A. All right. Sure.

4 Q. Now, you were saying that you wanted to met Roy --

5 A. I wanted to met Roy Ebsary, yes. I was very interested in  
6 meeting the man. And I can't remember exactly when my first  
7 meeting with that family was. It wasn't much longer after  
8 that that I was invited to dinner, I think it was, yes and  
9 I got to meet him. I was very facinated by him.

10 Q. Okay. Now, how would you describe him generally from your  
11 meetings with him?

12 A. It took a long time to form an opinion on him because I knew  
13 so little about him and I wasn't in any position to conclude  
14 whether the things he was telling me were true or false. I know  
15 at the time only -- I conclude. On observation I could see  
16 that the man was deeply interested and had a very well read  
17 knowledge of existentialism -- the history of war and also  
18 he was quite a geneologist as well tracing his own family  
19 back to the time of the Saracens, and Richard the Third  
20 and everybody else.

DAVID RATCHFORD, by Mr. MacDonald

1 Q. Did he used to dress in any particular manner?

2 A. He -- He used to like to wear his medals. He had a number  
3 of medals that he had told me he won in various conflicts  
4 during the wars, and he liked to on occasion dress up with  
5 his coat over his shoulders. He fancied himself quite a  
6 dignitary. He was quite a chivalrous.

7 Q. Pardon me?

8 A. I said chivalry was very much alive with this man, you know. He  
9 had -- He had that air of -- a certain air of -- there was a  
10 certain distinguished air that he tried to put forward all the  
11 time, you know, and I -- I was fascinated by that and amused  
12 at the same time.

13 Q. Okay. Had you ever -- Having met him did you -- had you ever  
14 seen him before without knowing who he was?

15 A. No, I had never seen him before.

16 Q. He wasn't the person who was a character on the streets or  
17 anything like that of Sydney as far as you knew?

18 A. No. No, absolutely not.

19 Q. You ultimately got to see him quite frequently and took stories  
20 from him and interviewed him and so on. Is that correct?

21 A. That is correct.

22 Q. And did you not ultimately also enter an agreement with him  
23 that you would write a book on his life?

24 A. I would write both a book and a screen play based upon the  
25 events of his life, yes.

DAVID RATCHFORD, by Mr. MacDonald

1 Q. And when in the point of time did that occur, Mr. Ratchford?

2 A. We had -- We actually had signed the agreement in 1983 -- or --  
3 '83, yes, while he was incarcerated at the County Correctional  
4 Institute.

5 Q. And he was in gaol for what reason at that time?

6 A. Possession of a concealed weapon.

7 Q. Was that the Mugridge --

8 A. No, it was not. It was the concealed weapon that he -- It was  
9 the incident involving going to his -- the house of his -- of  
10 his former wife.

11 Q. Oh, okay.

12 A. Yes.

13 Q. All right. Over the course of time as you interviewed and  
14 discussed the matters with Roy Ebsary did he ever tell you or  
15 talk to you about the event of the night that Sandy Seale was  
16 stabbed?

17 A. I never attempted to probe Mr. Ebsary about the events of --  
18 the events of 1971, the night that -- that Sandy Seale was  
19 killed. I never made any real attempt. I never outrightly  
20 asked him if he had done this. What I was doing was I was  
21 allowing Roy -- I was first of all, learning from him. I was  
22 absorbing from him all of the various aspects of the man, when  
23 he was happy and when he was sad, how he would present himself  
24 in his various emotional states, learned from him the  
25 things that he wanted to tell me. He had a great deal to tell

1 me about his career. He loved -- He loved an audience and he  
2 loved to talk and he -- he enjoyed telling me the stories about  
3 his exploits on the Balt-Rover and the -- and the encounter  
4 with the Bismark when he sailed on the Rodney and things like  
5 this, and I -- I listened to him. And I listened to him for  
6 a long time and I had, you know -- I had become, you know,  
7 quite -- quite close to him because he confided it to me and  
8 I was waiting -- I thought that a time would eventually come  
9 when he would voluntarily tell me about this because he -- in  
10 Roy's opinion he lived a very charmed life, that he was  
11 a special individual destined for something great and being of  
12 the Ebsary lineage that he was he -- there was quite a history  
13 of -- of bravery in his family and that his father had been  
14 decorated in the field and that he had relatives that were  
15 also military heros and that the Ebsary clan was buried all  
16 over the world.

17 Q. Did he reach a point in time when he did volunteer to you what  
18 happened on the night Seale was stabbed?

19 A. I had accumulated an awful lot of information on Roy's personal  
20 life and then in 1983 when he was incarcerated I asked him if  
21 he would -- once I had -- I talked to him about signing the  
22 contract and prior to signing it I asked -- I told him, I said  
23 that if we do enter into this agreement that I will expect  
24 you to tell me the truth about your life, that you will tell  
25 me everything about your life and tell me the truth and we

1 will chronologize it that way and he agreed to that and signed  
2 the contract. After he was released from gaol I had scheduled  
3 a meeting with him and I took a witness with me.

4 Q. Who was that?

5 A. That was Peter Cotter, a reporter for C.J.C.B. radio.

6 Q. Yes.

7 A. Peter came with me and we went to visit him in the evening and  
8 Roy reaccounted for us on tape -- We taped him and he taped us  
9 and his reaccounting of the -- of the stabbing in the park.

10 Q. You were taping him on an audio, were you?

11 A. Audio tape, yes.

12 Q. And do you recall what he told you?

13 A. Yes, I do.

14 Q. What did he tell you?

15 A. He told us that he had been drinking that night. It was his--  
16 It was his -- His birthday was coming up and that he had gotten  
17 two bottles of wine for his birthday and that he shared those  
18 two bottles of wine with James MacNeil, Sr., and he spent some  
19 time with the -- the old man. When he decided that he was going  
20 to go home that MacNeil's younger -- young son, Jimmy MacNeil  
21 would accompany him home. He said they walked along George  
22 Street. I'm not exactly sure what -- I know they lived in the  
23 northend of the City somewhere but I'm not exactly sure as to  
24 what area there, but in any event they did walk south on  
25 George Street to the -- I'm trying to thing of the name of the

1 | tavern that used to be sitting on George Street and Falmouth.

2 | Q. The State Tavern.

3 | A. The State Tavern. Jimmy MacNeil apparently had business  
4 | there and they stopped there momentarily. Ebsary told me that  
5 | he did not actually go inside of the tavern and that he stayed  
6 | outside and Jimmy MacNeil went in. Whoever MacNeil was looking  
7 | for inside of the tavern, that they weren't there. He then --  
8 | He said they left there and he makes a claim that Marshall and  
9 | Seale were in the tavern that night, but I highly doubt that.

10 | Q. That's what he told you?

11 | A. That's what he told me.

12 | Q. Okay.

13 | A. But that's another story that I might be able to shed some  
14 | light on later. But anyway in his first reaccounting of the  
15 | story he never did make any mention that -- that Donald Marshall  
16 | or Sandy Seale were at -- were at the State Tavern. It wouldn't  
17 | make any sense as they were only seventeen years old anyway.  
18 | But anyway he said they proceeded down George Street to the  
19 | park and crossed over to Wentworth Park over the tracks and  
20 | down the foot path. He said that there were a number of youths  
21 | hanging around the park there laying under the tree just at the--  
22 | at the foot of the tracks on the east side of Wentworth Park.  
23 | And he said that they were drinking and everything else and  
24 | laying around and that a kid who he later identified as  
25 | Sandy Seale approached him and asked him if he had any



1 cigarettes and he said he had none, that he had run out, and  
2 they kept going along. He said they reached Crescent Street  
3 and had turned west. Crescent Street runs, I suppose, in a  
4 west -- southwesterly -- or westerly direction, yes, on  
5 Crescent Street. The street was very dark and that they could  
6 hear somebody running up behind them and when they turn  
7 around that the two boys were on top of them just like that.  
8 He said that one was a young Negro boy and one was an Indian.  
9 He said the Indian boy grabbed Jimmy MacNeil and turned him  
10 around and pushed him down on the sidewalk or to the side of  
11 the road. Jimmy MacNeil was facing away from Roy Ebsary and  
12 his assailant, attacker, whatever, and that the Negro chap  
13 that approached him had said, "I want everything you got in  
14 your pockets or I'm going to beat you up". Roy said that he  
15 had -- he was wearing his coat over his shoulders and that he  
16 was dressed in the manner that was later -- it was later  
17 attributed to by Donald Marshall. He said he reached into  
18 his pocket and he pulled out some change that he had there. He  
19 said a key, and I think he said a ring. He said he reached  
20 in his other pocket and he said, "I could feel"--He said,  
21 "My knife was there". He said it was only a pocket knife.  
22 He said, "About that long".

23 Q. By "that long", you're showing us about three, four inches?

24 A. Yes, I'm showing you about three or four inches. As a matter  
25 of fact I -- in interviewing him, I said, "Roy, was it about

DAVID RATCHFORD, by Mr. MacDonald

1 three or four inches?". He said, "Yes, three or four inches".  
2 He said he had -- He said, "I opened the knife in my pocket".  
3 And he said, "Before he knew what hit him", he said, "I stabbed  
4 him". And he indicated to me that he had stabbed him this  
5 way like this.

6 Q. "This way", you're coming out straight from your body towards --

7 A. He had the coat draped over his shoulders because I asked him  
8 how wasn't it combersome, you know, for you to, you know, to  
9 execute that. He said, "It was easy to open the knife". He  
10 said, "As an experienced old seaman he could do that with his  
11 thumb". And that the coat draped over his shoulders in this  
12 fashion and that it was just a matter of taking it out and  
13 swinging it back and then driving it forward in this way and  
14 indicating that he may have lifted up slightly. Then he said  
15 to me, he said, "He was wearing a jacket". And he said, "He  
16 didn't think that he had penetrated into the body". He said,  
17 "Had I known I was going to kill the bastard, I wouldn't have  
18 done it". There is his exact words. That's a quote from  
19 him. And he said that he had stabbed him. He said he wasn't  
20 aware that he had killed him or that he had fatally stabbed  
21 him. He said as far as he was concerned the knife blade  
22 couldn't have possibly done the damage. Anyway he said that  
23 the Seale boy doubled over, and he said, and turned around  
24 and ran in the opposite direction. He said, "He turned around  
25 toward Marshall and Seale or Marshall and MacNeil who--Marshall

1 | had MacNeil on the ground in a sort of -- a semi-kneeling  
2 | position with the right arm indicating that -- the right arm --  
3 | no, the left arm was around the throat and that he had  
4 | him in sort of a lock position like this with MacNeil down".  
5 | He says that when MacNeil testifies that he had saw the  
6 | stabbing, he said, "It was impossible". He said, "He wasn't  
7 | even looking in that direction". He went over with his knife  
8 | and in order to release Marshall's arm from MacNeil that he  
9 | gave Marshall a slash in the arm to let him go. And he said,  
10 | "Marshall let him go right away and took off in the same  
11 | direction that Sandy Seale had run in and they disappeared  
12 | into the darkness". Indicating that Sandy Seale and Marshall  
13 | both went the same direction and then suddenly disappeared into  
14 | the night. He said that Jimmy MacNeil was crying and that he  
15 | was upset and everything else and Roy told him to, you know,  
16 | straighten up and ship up in the -- in the Ebsary fashion that he  
17 | would do that. They got up and he said, "Come on, we'll go  
18 | home and have a drink".

19 | Q. Now he related that to you. Where did that interview take place?

20 | A. That particular interview took place in his apartment on  
21 | Falmouth Street.

22 | Q. Did he tell you the same story or basically the same story on  
23 | other occasions?

24 | A. Yes, he had told me -- I as a matter of fact had interviewed him  
25 | in many states, he was drunk, sober, in gaol, out of gaol, and

DAVID RATCHFORD, by Mr. MacDonald

- 1 | when he was in the hospital I interviewed him and asked him  
2 | to reaccount it for me every time and he never varied his story  
3 | one single iota anytime I ever interviewed him on the story.
- 4 | Q. We've had introduced here as an Exhibit and we have shown a  
5 | video tape?
- 6 | A. Yes.
- 7 | Q. That you're in?
- 8 | A. Yeh.
- 9 | Q. And we've filed as an Exhibit the transcript of what was said  
10 | on that tape?
- 11 | A. Right.
- 12 | Q. Do you recall the incident when that was made?
- 13 | A. Yes.
- 14 | Q. Tell us about that?
- 15 | A. He wasn't -- He was -- I forget what he was in gaol for at that  
16 | time, but he had-just recently had gotten released and I had  
17 | signed a deal with a motion picture company in Halifax, Nova  
18 | Scotia for the motion picture -- to produce the motion picture  
19 | and --
- 20 | Q. Motion picture on what?
- 21 | A. On the book that I had written on the events of Roy Ebsary's  
22 | life up to and including this killing.
- 23 | Q. Okay.
- 24 | A. I wanted to have a live video transcript of the -- of this  
25 | particular incident because since it was a -- the most sensitive

DAVID RATCHFORD, by Mr. MacDonald

1 | issue in his life and the only one that certainly would have  
2 | any credibility and would be able to be proved one way or  
3 | the other, I wanted to have a video tape record of this and that  
4 | is why I made the video tape. That's the reason I made the  
5 | video tape.

6 | Q. Who was present when it was made?

7 | A. Myself, a chap by the name of Christopher Abbass whose family  
8 | is in the photography business and that this was his  
9 | specialty and I had employed his talent to handle the camera  
10 | work and then I had given some hasty instructions to a young  
11 | gentleman by the name of Mark MacEachern in how to set-up and  
12 | handle lighting for this -- for this event because it was a  
13 | very spontaneous thing. I didn't forewarn Mr. Ebsary that I  
14 | was coming. I didn't plan this in advance or anything else.  
15 | I had merely showed up at his door hoping that he was going to  
16 | be straight, that he was going to be sober, and he's going to  
17 | be willing to do this.

18 | Q. Was he all of those three things?

19 | A. He was all of the above, yes.

20 | Q. Okay. Mr. Ebsary has testified here that really what he was  
21 | doing on that occasion was putting on an act and acting out  
22 | a script that you had prepared. What do you say to that?

23 | A. Well, he's wrong, of course. There was no prepared dialogue  
24 | or material. I -- I simply ad-libbed. It was totally ad-libbed  
25 | stuff and it was based on everything that I had asked him when

1 I had previously interviewed him on -- on a cassette tape  
2 and I just asked him for a visual demonstration of what had  
3 taken place that night.

4 Q. His visual demonstration on the tape of stabbing Mr. Seale --

5 A. Yeh.

6 Q. --how would that compare to what he had told you before?

7 A. It seems to work out perfectly.

8 Q. At any time did Roy Ebsary ever tell you anything other than  
9 that he had stabbed Seale in the stomach with his pocket  
10 knife?

11 A. Yeh -- Well, no, he's never denied doing that. He's introduced  
12 characters and created some pretty colourful events, you know,  
13 surrounding the whole thing that, I think, were, you know, just  
14 fabrications of his senile mind.

15 Q. But in all cases has he told you that he, in fact, did hit  
16 Seale in the stomach with an open pocket knife?

17 A. Yeh, he's never denied that to me at all.

18 Q. And at any time did he ever tell you anything about Donald  
19 Marshall other than that he had slashed Marshall and Marshall  
20 got up and ran away?

21 A. No, he did not. No.

22 Q. Did you actually write your book that you talked about?

23 A. Yes, I did.

24 Q. And has it ever been published?

25 A. I -- I nearly had it published and then I made a decision not

DAVID RATCHFORD, by Mr. MacDonald

1 | to bother with it.

2 | Q. And it is in final form, it's in publishable form?

3 | A. Yes, it is in the last --yeh, prior to publishing, yes.

4 | Q. Did you ever see Roy Ebsary in a violent mood?

5 | A. Yes, I have.

6 | Q. Was he -- Has he ever been violent to you?

7 | A. Yes, he has. Yes.

8 | Q. Would you just describe the circumstances when that occurred?

9 | A. In May of 1972 -- I think it was '72.

10 | Q. Seventy?

11 | A. Yeh.

12 | Q. May of '70?

13 | A. Seventy-two. Now just a moment now. I'll have to think about  
14 | that for a minute because I'm just trying to remember, you know,  
15 | exactly when -- you know, when this particular event took place.

16 | Q. Where was he living?

17 | A. He was living on Falmouth Street.

18 | Q. Okay. Now I think the evidence is that he moved from Mechanic  
19 | to Falmouth in the mid-'70's or late '70's?

20 | A. That's right. It was -- It was around -- I think it was May  
21 | of 1981. I had gone -- I was running for office in the local  
22 | aldermanic elections in the City at that time. I was working  
23 | at Sydney Academy. And -- Yes, now I'm sure of it. And I  
24 | was canvassing the neighbourhoods in Ward one --

25 | Q. What period of time did you work in Sydney Academy?

DAVID RATCHFORD, by Mr. MacDonald

1 | A. I worked in Sydney Academy for one -- in 19 -- from January  
2 | of 1981 to June of 1981.

3 | Q. Okay, so it would be in 1981 then?

4 | A. Absolutely.

5 | Q. Okay. All right. You were canvassing the neighbourhood.

6 | A. Yeh, and I had lost -- I hadn't seen Roy for quite some time.  
7 | I had gone through some dramatic changes in my own personal  
8 | life and I had left for a short time. I was away. And things  
9 | were changing in my life so I had lost contact with him and  
10 | I had lost contact with the Ebsary family because Donna had left  
11 | a number of -- a couple of years before that for -- for college.  
12 | I was canvassing Falmouth Street and accidentally ran across  
13 | Roy. He answered the door when I knocked on the door of his  
14 | apartment. And it was like, "Hello, how are you doing?",  
15 | and "It's nice to see you again". And it was at this point in  
16 | time that I -- it was -- that I decided that I would now start  
17 | compiling and putting together all of the information that I  
18 | had gathered up in the years that I had known Ebsary from '74  
19 | to '70 -- It was about '78 when I basically lost touch with  
20 | the family because I think it was about that time Donna left.  
21 | And it dawned on me at that point that this was a project  
22 | that I had started that I had let go and that I should get  
23 | involved with again and since the case -- I should also  
24 | indicate that the R.C.M.P. had already contacted me about the  
25 | case and that the case was now becoming quite an issue. I knew



DAVID RATCHFORD, by Mr. MacDonald

1 | that I had information and I knew that I had the opportunity  
2 | to continue with Ebsary and to get the final -- the final  
3 | story -- the final chapter, you know, the climax as it were.  
4 | And I had talked to him about continuing with the interview  
5 | process and it was -- and he had agreed, and then again like  
6 | I told you I had signed the contract with him when he was  
7 | incarcerated. I started to interview him. So that was --  
8 | So that was around -- Yeh, that was in May, early May.  
9 | Then as the events of the -- of the case started to heighten  
10 | and the media become more entrenched in the thing, MacLean's  
11 | Magazine called me I think it was in late May maybe or early  
12 | June. They wanted to do a feature on the thing -- on the  
13 | situation and asked me if I would care to, you know, make  
14 | any comment or whatever. I wasn't prepared at that time to  
15 | really give them much and I had told them that, and that I didn't  
16 | want to really do anything to jeopardize my relationship with  
17 | him at that point because I was coming very close to having him  
18 | tell me exactly what had happened, and he -- or they, in fact,  
19 | did publish a picture of me in MacLean's and they had -- there  
20 | was a statement in MacLean's something to the effect that --  
21 | "Case closed", you know, that I'd got the goods on him.  
22 | Indicating that, more or less that I knew what was going on.  
23 | Someone had showed that article to Roy and on a day that I had  
24 | scheduled with him -- I used to schedule my days with Roy  
25 | Ebsary to interview him hoping that that would inspire him to

DAVID RATCHFORD, by Mr. MacDonald

1 stay as straight as possible. I went down to see him and I  
2 took my friend Peter Cotter with me to visit him and when we  
3 went to his door the place was in darkness and he answered the  
4 door and I could see immediately that he was -- his eyes were  
5 quite dilated. I knew that he had done -- I had seen him do  
6 drugs many times, pills and different kinds of uppers and  
7 things like that and liquor, drink. And he was pretty wound  
8 up and he invited us in and I sat down in his living room on  
9 the chesterfield.

10 Q. Was it still dark in there?

11 A. It was quite dark in there, yes. There was only -- I think  
12 there was only one lamp on giving off about forty watts.

13 Q. Was Peter Cotter with him?

14 A. Yes, he was. Peter sat to my left and I sat on the chesterfield  
15 against a wall and the old fellow seemed to be quite nervous.  
16 He was pacing back and forth and he told me that the R.C.M.P.  
17 had been in and had taken everything -- all his papers and  
18 tapes and weapons and things that he had in there and had taken  
19 everything out of there. And he started to -- Then he started  
20 saying to me, he said, "What are you trying to do to me"?  
21 And I said, "What are you talking about"? "I don't understand".  
22 And he turned around and he had a crudely fashioned knife.  
23 It was a knife that had been broke. It had been honed, you know,  
24 on a grindstone. And he wheeled around -- He had the motions  
25 of a cat. And he wheeled around and in a second flash he had

DAVID RATCHFORD, by Mr. MacDonald

1 the point of that knife to my throat and my head pushed back  
2 against the wall like this.

3 Q. How old would he be then?

4 A. I was what, thirty --

5 Q. How old would he be?

6 A. Oh, how old would he be at that point in time? He was seventy --  
7 I think he was 72 or 73.

8 COMMISSIONER POITRAS:

9 What year would this have been?

10 MR. MacDONALD:

11 I think, My Lord, we'll be able to establish that because of -- of  
12 the date. I think it's in '82, and that the -- the R.C.M.P. were  
13 involved and a search warrant had been issued and they had taken the  
14 stuff out of Mr. Ebsary's house.

15 COMMISSIONER EVANS:

16 We seem to have gone from one episode to another. He was running  
17 for office in May, 1981 --

18 MR. MacDONALD:

19 Yes, I was going to come back and try to clear up on the dates,  
20 My Lord, but I wanted to get the incident and then we'll come back  
21 and we can clear up the dates.

22 BY MR. MacDONALD:

23 Q. So this -- this man of -- in his '70's --

24 A. Right.

25 Q. --was able before you could move to have a knife at your throat?

DAVID RATCHFORD, by Mr. MacDonald

1 | A. Exactly. I didn't know -- I didn't know what to expect. I  
2 | wasn't ready for that at all.

3 | Q. What took place after that?

4 | A. He said I -- He said I should -- You know, "I got a mind to," he  
5 | said, you know, "stake you to the wall." And I told him, I  
6 | said, "Roy," I said, "What's wrong?" He said, "Do you think  
7 | I'm stupid?", he said, you know, "I read the article that  
8 | MacLean's put out." He said, "What are you trying to do to  
9 | me?" I said, "I had nothing to do with that." I said, "In  
10 | fact I told them," I said, "I didn't really want to give them  
11 | a statement or a story until I had concluded my -- my research  
12 | with you." I was very -- I was terrified, of course. I was  
13 | -- I was scared to death. And he was -- he had this knife on  
14 | me. He wasn't going to let me move. I basically pleaded with  
15 | him to reconsider killing me because that -- if he did, that  
16 | I was his only opportunity to have someone write a very  
17 | objective book on his career; that if he in fact killed me,  
18 | that then he would be really painted as the "bad'guy", and  
19 | I could see Peter Cotter in my left eye -- out of my left  
20 | eye and Peter had a tape recorder sitting on his lap. He was  
21 | coiling his hand around the tape recorder indicating that I  
22 | had expected he was going to get up to clobber the old guy if  
23 | he was going to make a move but shortly after that the old  
24 | man relaxed himself and decided that he wasn't going to kill  
25 | me after all.

1 Q. Now let me try and clear up some dates here because --

2 A. Yeh.

3 Q. -- it is confusing.

4 A. It is. It's confusing to me too. Yeh, I don't -- Let me see.

5 I -- I had -- There was so many dramatic events. Like I was  
6 also working for the school board at that time and I was very  
7 mysteriously laid off my job and I was laid off during the  
8 time that the case was just reopening and my name was becoming  
9 involved and synonymous with certain elements of the case and  
10 I was very tied in so my -- you know, time was taking on, you  
11 know, different proportions for me because some times it was  
12 speeding up. As I was waiting for decisions on things that  
13 were happening to myself, it seemed to be drawing out so much  
14 longer so I can -- I am getting confused. I know. I am.

15 Q. Let me try and help.

16 A. Okay.

17 Q. The case was opening up, you've said a couple of times. Now are  
18 you talking about the Donald Marshall, Junior, case?

19 A. Yes, I am talking about that.

20 Q. And by "opening up", what do you mean by that?

21 A. Okay. Well, in 198 --

22 Q. You don't have to use dates. You just tell me what you mean  
23 by "opening up".

24 A. Oh, well, I was working at Sydney Academy. The first time  
25 I knew that there was any indication this case was going to

DAVID RATCHFORD, by Mr. MacDonald

1 reopen was I was working at Sydney Academy as a disciplinary  
2 councillor there. I was visited by two R.C.M.P. officers.

3 Q. And who were they?

4 A. Harry Wheaton and I believe the other gentleman was Carroll.

5 Q. Okay, now just -- Excuse me for a moment. You started work in  
6 the Sydney Academy, I think you said in a January. Is that  
7 correct?

8 A. Yes, I started right after Christmas.

9 Q. The first of January?

10 A. Yes.

11 Q. Now when they approached you, did they indicate that they  
12 were looking at the Donald Marshall, Junior, case?

13 A. Yes, they did. They indicated that to me.

14 Q. Now I think the evidence will establish that Corporal Carroll  
15 and Sergeant Wheaton became involved in that process in 1982.

16 A. Okay, it was 1982 then.

17 Q. Okay, so when you said before that you were at the Sydney  
18 Academy from January to June of 1981, could it have been  
19 from January to June of 1982?

20 A. It was from January to June of 1982. That was -- That was an  
21 error on my part.

22 Q. Okay, I'll come back to that. Now you've also told us that  
23 you were running for Alderman. Was that during the period of  
24 time you were working at the Sydney Academy?

25 A. Yes, it was.

DAVID RATCHFORD, by Mr. MacDonald

1 Q. And did you only work at Sydney Academy for a six-month  
2 period?

3 A. Yes, I did.

4 Q. So that would be January - June, 1982?

5 A. Exactly.

6 Q. Now, the incident that you've related that took place with  
7 Ebsary where he had the knife --

8 A. Yes.

9 Q. -- at your throat, --

10 A. Yes.

11 Q. -- was that during the time you were working at Sydney Academy?

12 A. Yes. Yes.

13 MR. MacDONALD:

14 Is that it, My Lord?

15 COMMISSIONER POITRAS:

16 Yes, that brings us to 1982 then, of course.

17 BY MR. MacDONALD:

18 Q. Now then, contact from --

19 BY COMMISSIONER POITRAS:

20 Q. There's just one small thing. I think that you said that you  
21 happened to knock at his door -- Ebsary's door in 1981 or '82.  
22 Let us say 1982.

23 A. Yes.

24 Q. Is that the time when Cotter was with you, or was that another  
25 time?

DAVID RATCHFORD, by Mr. MacDonald

1 A. What, when I was canvassing in -- for --

2 Q. Yes.

3 A. That was '82, and that was -- No, I was alone.

4 Q. But what happened at that particular time. I don't think we  
5 have that.

6 A. I see. Well, I -- Like I say, I was canvassing, and he answered  
7 the door and invited me in and we more or less re-established --  
8 That was the point where I re-established my old connection  
9 with him from the '70's, and we had -- You know, he had  
10 invited me to come down to see him again on that same evening.  
11 I gave him a poster, and he put it up in his window, and I  
12 came to see him again that evening.

13 BY Mr. MacDonald:

14 Q. And re-established contact?

15 A. Yes.

16 Q. Started the process of interviewing again?

17 A. Yes.

18 Q. And it was during the -- that course of doing your interviews,  
19 that you and Cotter attended the house one night?

20 A. Yes, that's right.

21 Q. And that would've been still in 1982?

22 A. Yes. Yes.

23 Q. When you were contacted by Carroll and Wheaton, do you recall  
24 that?

25 A. Yes, I remember that day, yes.



1 Q. And what do you recall being -- about that conversation?

2 A. I remember that they had come right in through the front of  
3 the Academy and directly into my office because my office was  
4 right at the front door, and they identified them -- who they  
5 were -- themselves and what they were there for -- that they  
6 were there to investigate the circumstances around the murder  
7 and the allegations that another man may have been responsible  
8 and that -- They asked me if I was the person who had gone to  
9 the police in 1981 with Donna Ebsary. I answered to the  
10 affirmative. They asked me if I had passed that information  
11 on then to Gary Green. I again answered in the affirmative.  
12 They asked me if I would be willing to cooperate with them in  
13 any further meetings. I said, "Yes," and that was it.

14 Q. Okay. Now, you just said you were asked if you were the guy  
15 who went with Donna Ebsary to the police in 1981.

16 A. In 1974, I think.

17 Q. Yeh. Did you take from their comments that they were aware  
18 of the -- that Green had approached the police in 1974?

19 A. They made it quite clear to me that they had been investigating  
20 that case for some time prior to it coming to public light.

21 Q. And how did they make that clear?

22 A. And -- Because they said -- I can remember that -- I can't  
23 remember if it was Wheaton or it was Carroll who said to me --  
24 They said, "I guess you've been wondering where we've been  
25 all this time. It's been quite a while hasn't it?" And I

1 | said, "Yes, it has." And they said, "Well, we'd like to  
2 | assure you," he said, "that we have been spending a consider-  
3 | able amount of time in the last number of years looking into  
4 | this situation." And I said, "Really?" and I expressed my  
5 | happiness that, you know, that they were doing that in fact,  
6 | yeh.

7 | Q. Did you give any statements to the R.C.M.P., and by that, I  
8 | mean a written statement?

9 | A. We talked briefly at the school. I was invited up to R.C.M.P.  
10 | headquarters where I was asked if I could identify any of the  
11 | articles that they had on hand. I was asked also if I would  
12 | be willing to call Donna Ebsary in Boston, Massachusetts, where  
13 | she was attending college, and talk to her on the phone while  
14 | they -- I believe what they were going to do is tape the con-  
15 | versation and ask her about -- and have her confirm that she  
16 | did attend with me the meeting with Mr. Urquhart and --

17 | Q. Mr. Urquhart?

18 | A. Yeh.

19 | Q. And did you call Donna Ebsary?

20 | A. I did, yes.

21 | Q. From the R.C.M.P. office?

22 | A. I first of all indicated to them that it would -- you know,  
23 | because -- It would be very strange -- that she might be --  
24 | She would certainly be wondering why suddenly after all this  
25 | time I would be calling her on the phone and bringing up this

DAVID RATCHFORD, by Mr. MacDonald

1 issue and that, you know, she may not be willing, which she  
2 wasn't. She wasn't very willing to talk at all.

3 Q. But did you call her?

4 A. Yes.

5 Q. Do you know if that conversation was taped?

6 A. I don't know if it -- I can't swear that it was or it wasn't.

7 Q. Was it made from the R.C.M.P. offices?

8 A. Yes, it was.

9 Q. Were the other officers -- Were the officers listening on  
10 another phone?

11 A. Yes, they were.

12 Q. And during that conversation did Donna relate the same thing  
13 as she had told you?

14 A. She was very reluctant -- didn't want to talk about it at all,  
15 and basically, I had to, you know, make the statement and see  
16 if she would answer to the negative or the affirmative, and  
17 there were times when she was quite incoherent about it. She  
18 seemed to lack any interest -- didn't want to talking about  
19 it whatsoever.

20 BY COMMISSIONER POITRAS:

21 Q. And was Donna aware that the R.C.M.P. were listening in?

22 A. I don't -- No, she was not.

23 MR. CHAIRMAN:

24 We'll adjourn until two.

25 INQUIRY ADJOURNED: 12:31 p.m.

DAVID RATCHFORD, by Mr. MacDonald

1 INQUIRY RECONVENED: 2:08 p.m.

2 BY MR. MacDONALD:

3 Q. Mr. Ratchford, just before we broke we were talking about  
4 the contact that was made to you by the R.C.M.P. and I think  
5 we fixed that as early in 1982?

6 A. Yes.

7 Q. Were you able -- did you determine how they knew your name,  
8 how they managed to get in touch with you?

9 A. Yes, I -- I determined that.

10 Q. And how did they manage?

11 A. They -- they got that information from the information that  
12 Constable Green had given to --

13 MR. MacDONALD:

14 They can't hear Mr. Ratchford in the back of the room.

15 BY MR. MacDONALD:

16 Q. Can you say that again?

17 A. Yes, they had gathered that information from the report that  
18 Constable Gary Green had passed on to Halifax.

19 Q. Were you able to determine if the -- if the R. C. M. P.  
20 Constables, Carroll and Wheaton, had they already been in  
21 touch with Donna Ebsary?

22 A. I -- I can't say for certain but I don't think that they  
23 were. I don't think they were. I just had that impression  
24 that that contact that I made with her on their advice to  
25 call her from the R. C. M. P. Detachment was the first

DAVID RATCHFORD, by Mr. MacDonald

1 | contact that they would have had with her.

2 | Q. After that contact that you made with Donna by telephone, did  
3 | you have any other communication with the R. C. M. P.?

4 | A. For the period of a couple of days after the initial contact  
5 | with the them, I had some brief contact with them. I had  
6 | met with Corporal Carroll, I think, on one other occasion  
7 | when I -- I just went out with him in his car and talked  
8 | to him while he was driving.

9 | Q. Talked about what?

10 | A. Just about my involvement at that time with Donna and I think  
11 | my impressions of Mr. Ebsary during that time. And that was  
12 | it.

13 | Q. No other contact since then?

14 | A. No.

15 | Q. Now I want to just take a moment to deal with dates again  
16 | because I want to try and get some idea of chronology.

17 | A. Okay.

18 | Q. The date that you said you had the meeting with Donna and  
19 | then contacted the Sydney Police and the R. C. M. P., you  
20 | said that was '74 and you related that to the accident that  
21 | you had. Are you firm on the date of the accident?

22 | A. I was injured on September 9th, 1973.

23 | Q. And after you were injured or before you were injured, Donna  
24 | was a member of your club, is that correct?

25 | A. Well, she had been to the club she -- I don't think at that

1 point in time she was actually a member and the reason for  
2 that is is because see I had actually opened the -- the  
3 facility in September of 1973 . I said earlier that we had  
4 put on an exhibition or a demonstration at Sydney Academy  
5 with -- with members of many different clubs from -- from  
6 the Province. And I -- I was -- part of the reason why  
7 I did that was to raise the money to -- to renovate the  
8 -- the premises that I was going to operate out of and  
9 to introduce this to the people of the area. I didn't  
10 actually open it for business until early September of 1973  
11 and then after that then I started a sort of public  
12 relations campaign where we toured the schools, such as  
13 the Academy, and also we made presentations to the various  
14 police departments throughout the area as well.

15 Q. Okay, now September '83 you're -- you're firm that's the  
16 date you opened the club?

17 A. Yeh, '73 the club opened.

18 Q. '73, sorry. So September of '73 is when the club opened up,  
19 what date did you have your accident?

20 A. September 9th, of '73.

21 Q. So the same month?

22 A. The same month, yes.

23 Q. So you opened the club before your accident?

24 A. Yes, prior to it, yes.

25 Q. Okay.

DAVID RATCHFORD, by Mr. MacDonald

- 1 | A. I had only been open for business, I guess, less than -- less  
2 | than a full month.
- 3 | Q. And after you had your accident I understood you were  
4 | hospitalized for some time?
- 5 | A. For a considerable period of time. I -- I made several --  
6 | I was back and forth to the hospital from 1973 and I -- I  
7 | had one final operation on my right leg in 1975.
- 8 | Q. Now during the time -- after the accident were you in  
9 | the hospital for a period of time right after the accident?
- 10 | A. Yes, I was.
- 11 | Q. How long do you --
- 12 | A. It was several weeks. I just can't exactly remember. I was  
13 | semi-conscious quite a bit of the time as well.
- 14 | Q. So you wouldn't be doing obviously your P. R. work and stuff  
15 | to get your club going then?
- 16 | A. No, I wasn't.
- 17 | Q. So when were you able to start that?
- 18 | A. I actually started promotion -- my wife had -- had begun  
19 | this for me while I was gone. While I was hospitalized and  
20 | while I was sick, they were helping to establish the  
21 | operation.
- 22 | Q. When were you able to?
- 23 | A. It wouldn't have been until September, October, November and  
24 | December -- it wouldn't have been -- been until -- another  
25 | event took place as well that -- that circumvented my

DAVID RATCHFORD, by Mr. MacDonald

1 attempt to get the operation going. And at that time a girl  
2 that I was going with had a very serious car accident and  
3 she had that on February 14th of 1974 and I was released  
4 from the hospital on the very same day that she had this  
5 accident that she was critically injured in.

6 Q. So until that time you hadn't been able to do your P. R.  
7 work itself?

8 A. Exactly.

9 Q. So it's after February '74 --

10 A. Exactly, that I was actually able to begin myself. I was --  
11 I still wasn't able to do very much and I did very little  
12 more than just act in an administrative capacity and did  
13 some -- you know -- some instruction mostly verbal.

14 Q. Okay, so can I suggest to you then that your attendance at  
15 the Sydney Academy at the request of the Principal --

16 A. Yes.

17 Q. -- at which time you meet Donna Ebsary, could not have taken  
18 place in '73?

19 A. No, it couldn't -- it couldn't have.

20 Q. So it took place sometime in '74?

21 A. Yes.

22 Q. Or at least early '74?

23 A. Early, yeh.

24 Q. What I'm trying to do is fix the time that she would have  
25 confided in you. That I take it would have taken a period



DAVID RATCHFORD, by Mr. MacDonald

- 1 of some months --
- 2 A. Wait -- wait a second now, I kind of let you get ahead of me.
- 3 I stated earlier that we had put the demonstration on it was
- 4 public in May of 1973 and we had opened the school in
- 5 September of 1973. It was later -- it was sometime between
- 6 September and November of '73 that I had met Donna. That
- 7 Donna had come into the -- into the world of our club.
- 8 Because in 1974 we moved our location from 296 Charlotte
- 9 Street to 274 Charlotte Street.
- 10 Q. Okay, I'll just back up one more time.
- 11 A. Okay.
- 12 Q. The demonstration that you talked about with members from
- 13 various clubs --
- 14 A. Yes.
- 15 Q. -- did that take place at the same time that you were
- 16 invited to go to the Academy talk about these two sticks
- 17 tied together and this sort of thing?
- 18 A. Oh, no, no that -- that took place after we had established
- 19 the operation -- it was at that point -- Donna Ebsary was
- 20 not involved in that demonstration whatsoever. I did not
- 21 know her at that time.
- 22 Q. That's what I understood. What I'm trying to find out is
- 23 when it is you might have attended Academy to give this
- 24 lecture about the weapons and things when you met Donna?
- 25 A. Yes, right.

DAVID RATCHFORD, by Mr. MacDonald

1 Q. And I'm merely suggesting to you and if I'm wrong tell me.

2 A. Yeh.

3 Q. That that was after you had your club established?

4 A. Yes.

5 Q. And that that therefore couldn't have been in '73 --

6 A. It was in '73.

7 Q. It was?

8 A. Yes.

9 Q. Okay.

10 A. Oh, I understand what you're saying. Was I hospital --  
11 you're -- you're trying to establish --

12 Q. Yes.

13 A. -- whether I was well enough to be able to do that. Yes, sir.  
14 I did actually go there while at a period when I was released  
15 before the end of September of '73. I spent a few weeks in  
16 the hospital. Once my condition had -- was satisfactory  
17 enough to release me, I was kind of pushing that issue. I  
18 wanted to get out. And they saw no reason to keep me and  
19 I was out and in an interim period of time perhaps in, I  
20 think, it -- I think it was later September of '73 or  
21 early in October '73 that I had made the trip to the high  
22 school.

23 COMMISSIONER POITRAS:

24 Q. But had you not met Donna Ebsary prior to your accident of  
25 September 9th, 1973?

DAVID RATCHFORD, by Mr. MacDonald

1 A. No, I had not.

2 Q. Oh, okay.

3 BY MR. MacDONALD:

4 Q. You told us that the visit to the police --

5 A. Yes.

6 Q. -- would have been in '74?

7 A. Yes, it was.

8 Q. Are you satisfied with that?

9 A. I'm quite satisfied with --

10 Q. It couldn't -- it wouldn't be '75, it wouldn't be '76?

11 A. No, it wouldn't be. No.

12 Q. Then do I understand that after your visits to the police --

13 A. Yes.

14 Q. -- you then started to interview Roy Ebsary about his  
15 life generally?

16 A. Yes.

17 Q. And that that continued on your relationship with him, Donna  
18 and the family until around '78?

19 A. Yes, that's correct.

20 Q. But during that period of time you had no discussion at all  
21 about the Marshall killing?

22 A. Absolutely none with them at all.

23 Q. The Seale killing, I'm sorry.

24 A. Yes.

25 Q. Then, in 1982 after you were contacted by Carroll, you

DAVID RATCHFORD, by Mr. MacDonald

1 re-established contact with Ebsary, am I correct in that or  
2 did that take place before?

3 A. That -- that was -- that almost co -- that was quite a  
4 coincidence as a matter of fact because my re-establishing  
5 my -- my relationship with Roy Ebsary was taking place in  
6 spite of that. It just seemed to coincide with my plan to  
7 -- to get in touch with him.

8 Q. It was around the same time?

9 A. Yes, it was around --

10 Q. It would be '82 approximately?

11 A. Yes, yes it would.

12 Q. And you had -- you had not had any discussions with Ebsary  
13 prior to that time about what happened on the night that  
14 Seale was killed?

15 A. No, I did not.

16 Q. So your interviews with him, your taping and your video-  
17 taping and so on took place after 1982?

18 A. From '82 onwards, yes.

19 Q. And the video-tape is dated on the front of it?

20 A. Yes.

21 Q. September 1984?

22 A. Yes.

23 Q. And it was after -- it says after he was given a re-trial or  
24 a new trial?

25 A. Yes.

DAVID RATCHFORD, by Mr. MacDonald

- 1 Q. But your taping -- the audio taping took place prior to that?
- 2 A. Yes, yes. I wrote -- I wrote the date right on the -- on the
- 3 cassette tape. As a matter of fact, the day I recorded it
- 4 I wrote the date and the time on the tape.
- 5 Q. On the cassette?
- 6 A. On the cassette --
- 7 Q. Audio?
- 8 A. -- audio, yes.
- 9 Q. Okay, and I have -- I have had transcribed, I don't propose
- 10 to file it, but the tape -- you're talking about the tape
- 11 you sent to me?
- 12 A. I'm talking about the tape I sent to -- that's a copy of
- 13 the tape by the way, that I sent to you.
- 14 Q. Yes, and it -- it is reported to have been taped at the County
- 15 Correctional Institute on February the 17th of 1983?
- 16 A. That's 1983.
- 17 Q. Yes?
- 18 A. That probably is because I used the tape. Probably on the
- 19 flip side of that tape I had another recording that I had
- 20 made. I was using cassettes and doubling them up. I had
- 21 so many of them.
- 22 Q. As you told me this morning, your first taping with him took
- 23 place at his home or his apartment as opposed to the Correctiona
- 24 Institute is --
- 25 A. That's true.

DAVID RATCHFORD, by Mr. MacDonald

1 Q. You taped him at the Correctional Institute --

2 A. I -- yes.

3 Q. -- but you first taped him at home?

4 A. The tape that you have from the Correctional Institute is  
5 the best and the clearest reaccounting of -- of the events  
6 of that day.

7 Q. Thank you. At any time did you interview any of the other  
8 key players of this thing? Did you ever interview Pratico?

9 A. No, I -- I did not interview personally anybody else involved  
10 in the case. My partner -- I had brought in an individual to  
11 assist me with the preparation of the manuscript. A man by  
12 the name of Raymond Dolomont. He knew some of those characters  
13 personally and he had interviewed several -- he had interviewed  
14 Chant, and Pratico. He attempted to interview Jimmy MacNeil  
15 but was denied access and he also told me that he went to  
16 see John MacIntyre as well.

17 Q. But you yourself didn't have anything --

18 A. I --

19 Q. -- any of those people?

20 A. No, I had no contact with them whatsoever.

21 Q. Did you believe Donna when she told you what she saw?

22 A. Yes.

23 Q. And did you believe Roy Ebsary when he told you what he did?

24 A. Yes.

25 Q. Did you ever direct your attention to this question, if Donna

DAVID RATCHFORD, by Mr. MacDonald, by Mr. Ruby

1 was telling you what she saw and you believed it and Roy Ebsary  
2 was telling you what he did and you believed it, did you ever  
3 ask yourself how did Marshall ever get convicted of this?

4 A. Certainly, I did. I've asked myself that questions many,  
5 many times.

6 Q. And you never spoke to Mr. Marshall?

7 A. I -- no, I've never -- I've never spoke to Mr. Marshall about  
8 it, no.

9 MR. MacDONALD:

10 That's all I have, my Lord.

11 BY MR. RUBY:

12 Q. Mr. Ratchford, my name is Clayton Ruby and I represent Mr.  
13 Marshall, Junior.

14 A. Yes.

15 Q. A few questions for you if I may.

16 A. Okay.

17 Q. First of all from your conversations with Donna Ebsary, are  
18 you able to tell us whether she knew that there had been an  
19 investigation of her father and Mr. MacNeil in 1971?

20 A. Yes.

21 Q. She knew about that?

22 A. Yes, she -- she -- knew that they had taken her father in  
23 for questioning relating to that incident, yes.

24 Q. And did she tell you anything about anything that was said  
25 around that time of that investigation that would indicate

DAVID RATCHFORD, by Mr. Ruby

1           whether or not to her knowledge her father had been involved  
2           or not? Was anything said around the time of the investigation  
3           that would indicate that?

4           A. Was there anything said by her, do you mean.

5           Q. By others to her that would enable you to be able to tell us  
6           from what she told you whether she -- anything was said that  
7           would incriminate her father around that time? Was there  
8           any discussion of the events in the family that sort of thing?

9           A. I -- I'm sorry, sir, I don't want to sound ignorant but I --  
10          I seem -- I don't seem to understand exactly what you're  
11          zeroing in on.

12          Q. I guess it's clear to say that I've asked clearer questions  
13          in my life. Let me try this one again.

14          A. Yeh.

15          Q. In 1971 there's an investigation goes on, and you talk with  
16          her later, 1974 and on?

17          A. Yes.

18          Q. When her father's healed her innocence and it's clear to you  
19          that she knew in 1971 that there had been that investigation?

20          A. Yes.

21          Q. Did she have any role to play in it? Was there any  
22          conversations in 1971 so far as you know that would -- about  
23          in a family for example, about whether he did it or not?

24          A. The -- it was obvious to me, of course, that at least she  
25          was aware that her father was guilty of the crime. She had



1 indicated to me that her father had indicated to them, meaning  
2 the family, that he didn't want any more noise about that  
3 incident whatsoever. He didn't want anybody to open their  
4 mouth about it or anything like that. That Jimmy MacNeil  
5 had been chased away from the house and told never to come  
6 back near the place. And -- and basically that was it.  
7 That on that they -- they just lived with it and they lived  
8 in the fear that he was going -- that -- that if they had  
9 said anything that he would -- he would do something, you  
10 know, drastic to one -- one of them.

11 Q. Okay, and you mentioned that after the murder from Donna  
12 Ebsary's point of view, I don't think you saw this yourself,  
13 there was an increase in her mother's powers of persuasion  
14 to keep him home and to control him?

15 A. Well, not knowing -- I only know of his exploits from what --  
16 prior to 1971 from what I -- I -- I understood from Donna.  
17 Donna indicated to me that after that incident -- incident  
18 took place and that they had moved from their home on  
19 Argyle or near Argyle to their new address in Ashby, that  
20 Roy Ebsary had become somewhat of a recluse. That he stayed  
21 around home. That it was -- it seemed to be his own wish  
22 to do that but because of his deciding to do this it was  
23 much easier to keep a handle on his activities, I guess,  
24 is basically what --

25 Q. All right, I understand it better now. Thank you. In 1974

DAVID RATCHFORD, by Mr. Ruby

1 | you and Donna go to the Sydney Police?

2 | A. Yes.

3 | Q. And you see there Mr. MacIntyre and Mr. Urquhart?

4 | A. Yes.

5 | Q. Let me take you to that again because I want to see if I can  
6 | get some more detail of what occurred at that time. You're  
7 | standing at a counter and Officer Urquhart is right  
8 | opposite you?

9 | A. We had entered the police station through the doors on the  
10 | harbour side and I asked who ever was in charge at the desk  
11 | if we could see them. We were pointed in the direction of  
12 | their office.

13 | Q. You asked for both of them?

14 | A. Yes.

15 | Q. Okay, you were pointed to the office?

16 | A. And we proceeded through the gate & down the hall. And as I  
17 | was -- we entered into the office Inspector Urquhart was in  
18 | there. I saw him first and Inspector MacIntyre was, I  
19 | believe, he was inside of a cubicle, a small office in back.  
20 | And then I --

21 | Q. I'm not clear on the design of this. Would you --

22 | MR. RUBY:

23 | And I'm questioning your Lordships are also not clear. I think I  
24 | would like to get an idea of what that looks like.

25 |

DAVID RATCHFORD, by Mr. Ruby

1 BY MR. RUBY:

2 Q. I'll ask you to make a little sketch of the room and the cubicle  
3 so I'll get an idea of where they are in relation to each  
4 other. Can you do that for me?

5 A. This would be the hallway -- this would be the hallway leading  
6 from the foyer or where the Desk Sergeant would be. There's  
7 a gate here. We passed through the gate and proceeded down  
8 this hallway walking southward in the building until we came  
9 to an office doorway here.

10 Q. Right.

11 A. We are standing here, like this, looking west into the building  
12 this way. And at the far end of the room that we were in  
13 there were several -- I think there was two or three small  
14 offices like this. And I think the middle office -- I think  
15 it may have been the middle, it was either the middle or the  
16 end office here --

17 Q. Okay.

18 A. -- that Inspector MacIntyre was standing in about here while  
19 Mr. Urquhart was probably standing about here.

20 Q. And where were you standing during the conversation?

21 A. We were standing here when I -- I was standing here when I  
22 spotted them and then I walked directly to him and stood  
23 in front of him like this.

24 Q. Okay. Let's just mark this diagram a bit. Mark desk -- front  
25 desk over here at the front desk where you entered.

DAVID RATCHFORD, by Mr. Ruby

1 A. Yes.

2 Q. Put "U" by this man who is Urquhart. Mark Dave in for yourself.

3 A. Yes, and U-R-Q-U- --

4 Q. H-A-R-T. And MacIntyre, put MacIntyre -- M-A-C. Could you  
5 also mark an arrow here showing west so we'll have the  
6 direction.

7 MR. RUBY:

8 Might that be entered as an exhibit and I'm going to ask a few  
9 further questions.

10 BY MR. RUBY:

11 Q. How far would you have been from Officer Urquhart when you're  
12 closest to him, approximately?

13 A. Oh, I couldn't have been any more than three feet.

14 Q. Okay, were you seated or standing through this conversation?

15 A. I was standing -- standing.

16 Q. He didn't offer to have you taken into an office and have you  
17 sit down?

18 A. No, I was -- I was a little nervous anyway and I -- standing  
19 felt much better for me.

20 Q. Okay, how far away is Officer MacIntyre from you?

21 A. Oh, MacIntyre must have been I'd say any where from six to  
22 eight feet behind him.

23 Q. All right, and is he facing towards you and listening to  
24 the conversation?

25 A. At -- from my recollection I don't think he knew of my

1 presence there or why I was there. He didn't -- he seemed  
2 to be tied up with something on a desk and then as I was  
3 speaking to Inspector Urquhart, he seemed to then turn and  
4 come toward us. I do not remember if he spoke at all at  
5 any point in time.

6 Q. Would you mark here with an arrow the motion that MacIntyre  
7 made to come toward you, so we'll know where he was standing?

8 A. Okay, from this point he proceeded to about maybe two and  
9 a half to three feet behind Mr. Urquhart.

10 Q. Okay, could you just put a little arrow there so it shows  
11 motion?

12 A. Yeh.

13 Q. You got a line but make it an arrow.

14 A. Okay.

15 Q. Good. So he'd be two to three feet behind Urquhart?

16 A. Yes.

17 Q. And he'd be standing looking at the two of you, I take it,  
18 from this diagram?

19 A. Yeh, basically, he would be look -- be looking over Mr.  
20 Urquhart's shoulder toward me.

21 Q. Thank you.

22 I want to get as much detail as I can about this conversation.  
23 You say it took about five minutes all in all?

24 A. About five minutes. Yes, sir.  
25

DAVID RATCHFORD, by Mr. Ruby

1 | MR. CHAIRMAN:

2 | Before you continue, in answer to an earlier question, Mr.  
3 | Ratchford said when he arrived at the police station, he asked  
4 | to see them. Who are the them?

5 | BY MR. RUBY:

6 | Q. Who are the them that you asked for and how did you ask for  
7 | them?

8 | A. I could -- I asked to see the Detectives. I knew who they  
9 | were. I knew who they were by name and I asked to see the  
10 | Detectives, Inspector Urquhart and Inspector MacIntyre.

11 | Q. And you asked for them by name?

12 | A. Yes, I did, because I knew who they were.

13 | Q. You knew they were on the case?

14 | A. Yes.

15 | Q. All right.

16 | MR. CHAIRMAN:

17 | Okay, thank you.

18 | BY MR. RUBY:

19 | Q. What was the first thing you said. Can you recall as best  
20 | you can?

21 | A. Yes, I think I can. I -- first of all I introduced myself  
22 | to him and I told him that I had -- that I ran the school  
23 | around the corner on Charlotte Street. And that I had with  
24 | me a girl who -- who I think could shed some light on the  
25 | circumstances surrounding the death of Sandy Seale. And I

DAVID RATCHFORD, by Mr. Ruby

1 | remember that Mr. Urquhart suggested to me that, you know,  
2 | that there had been several other people had come forward  
3 | and he said the case was closed. And I said, "This girl  
4 | has what I think to be very important information that may,  
5 | you know, give you some new insight." And I want to say that  
6 | I don't -- I can't recall whether or not I introduced Donna  
7 | Ebsary to them or whether I did not introduce her to them,  
8 | I can't remember. What I was more interested at that point  
9 | is hoping to establish an audience with them. Which I did  
10 | not do.

11 | Q. Okay, so he said the case is closed and did you just turn on  
12 | your heel and leave at that point?

13 | A. Yes, sir, we did. Yeh, we left.

14 | Q. That troubles me somewhat. Because it seems to me that  
15 | logically one would have said at that point said, "Wait a  
16 | minute, you don't understand. This woman saw the bloody  
17 | knife used in the murder". Wouldn't you have done something  
18 | like that before you just turned your heel and go away?

DAVID RATCHFORD, by Mr. Ruby

1 | A. Well, what I said was to him -- was I said that this girl  
2 | claims that her father is responsible for this killing. And  
3 | it seemed to be to late. It just didn't seem to make much  
4 | difference. You know, like I said, I became so frustrated  
5 | so quickly, you know, upon that that, you know, I didn't  
6 | see any point. I knew that they didn't want to hear about  
7 | it so we left.

8 | Q. Was the name Ebsary mentioned at all in the conversation with  
9 | them?

10 | A. Again I have to say that I can not recall ever bringing his  
11 | name up to them at all.

12 | Q. Okay. Were any notes taken or were note books out?

13 | A. No, there was not.

14 | Q. Of the five minute conversation how much of it would Sergeant  
15 | MacIntyre have been up close for as opposed to being back  
16 | at the door of the office?

17 | A. About -- I'd say about 75 percent of it.

18 | Q. Okay. And that would be the last 75 percent?

19 | A. Yes.

20 | Q. I'll move on to another area, if I may. One of the things  
21 | that's of interest to me in the transcript that we've been  
22 | provided with and I don't intend to put it all in evidence  
23 | because I don't think it's very helpful in it's entirety but  
24 | there's a period here where Ebsary is in a discussion with  
25 | a -- you know, he's in a bad mood with the news director of



DAVID RATCHFORD, by Mr. Ruby

1 C.J.C.B. radio.

2 Q. Yes.

3 A. And he says something that's new to me at least and I want  
4 to know what you can help us about it. If you've ever heard  
5 it before.

6 A. Yes.

7 Q. In the middle of page five of this transcript near the bottom  
8 about four-fifths the way down.

9 A. Yes.

10 Q. Mr. Ebsary is speaking and in the middle of that paragraph he  
11 says

12 Now, I'm fucking fed up with this. Listen. Didn't  
13 I tell you that Pratico came to this house. Often.  
Often. Often. Often.

14 A. No. I can quote that verbatim.

15 Q. We've never heard that, I don't think. Can you help me  
16 about that?

17 A. Well, first of all that interview was not conducted with me.  
18 During our course of research with Mr. Ebsary, Peter Cotter  
19 who had been instrumental in helping me assemble some of the  
20 criteria material received a telephone call at the radio station  
21 one day from Mr. Ebsary. One of the other employees of  
22 C.J.C.B. radio actually spoke to Mr. Ebsary. I don't know  
23 which one --

24 Q. Let me interrupt for a second. I don't want all the history  
25 of it all but had you heard the story about Pratico being

DAVID RATCHFORD, by Mr. Ruby

1 at his home before? Had you explored it with him? Was it  
2 true? Did he admit that it was true or claim it was false?  
3 Do you know anything about it?

4 A. We did ask Ebsary what he meant by that and that he said that  
5 Pratico had come to his house at different times, I suppose,  
6 drinking and things like that, you know.

7 Q. Yes.

8 A. Whether he actually did or not, again, it's -- I'm not --

9 Q. No, I'm not suggesting to you that Mr. Ebsary and his  
10 account of what took place should be accepted.

11 A. Yeh.

12 Q. I just want to know if you knew about what is written here?

13 A. Yes.

14 Q. I think, and you confirmed it with him at least --

15 A. Yes.

16 Q. --on more than one occasion.

17 A. Yes. Because the tape was made at the radio station and  
18 Peter took a copy of the tape to me to listen. He said  
19 listen to this and we listened to it and it was --

20 Q. Okay. This leads me to the next area I want to deal with which  
21 was what you said and I want to invite you to reconsider it.  
22 You said that as far as you were concerned Mr. Ebsary never  
23 varied his story one iota but just looking at the first tape,  
24 for example, that -- the oral tape of February 17, 1973 at  
25 page 4. In that tape Ebsary says

DAVID RATCHFORD, by Mr. Ruby

1 I hit him...

2 That's Marshall.

3 ...in the shoulder.

4 A. Yes.

5 Q. That's not what he told us and that's not what he's told  
6 on a number of different occasions. And then again he says

7 I gave him a rip in the shoulder.

8 A. Yes.

9 Q. And again that's quite different from the description he's  
10 given here and at other places. And then in addition just  
11 again to touch on it. On page three here Ebsary is quoted  
12 as saying

13 So they said; Well, we're going to rob you and put  
14 a beating on you.

15 A. Yes.

16 Q. But he's told quite different stories regarding what was  
17 said on that on a number of occasions. So would you agree  
18 with me in the light of just those two examples that Mr.  
19 Ebsary's version of what happened is varied quite significantly  
20 over the period of time.

21 A. I might be able to offer an explanation. I think that from  
22 the time that Roy Ebsary wanted -- He wanted very badly to  
23 gain some kind of notoriety before his death. To join the  
24 ranks of the Ebsary clan that have gone down in infamy and  
25 when I approached him with the idea of a book and a possible

DAVID RATCHFORD, by Mr. Ruby

1 | screenplay based upon the events of his life he was  
2 | so very very enthusiastic about that. But as time dragged  
3 | by and as he -- the pressure was on him and the various events  
4 | started to unfold, I think he became so disenchanted with  
5 | it that, you know, he started to -- his sense of observation,  
6 | his sense of recollection, whether deliberately or not,  
7 | started to become quite distorted.

8 | Q. He either became confused or became more willing to embellish  
9 | one or the other?

10 | A. Exactly.

11 | Q. All right. These tapes -- your video tape and the oral tapes  
12 | that we've been given copies of, were they put in the hands  
13 | of the prosecutors for the various trials of Mr. Ebsary?

14 | A. Oh, I have no idea. I didn't even know that you were in  
15 | possession of any of my stuff. The video tape was made  
16 | for only one purpose and one purpose alone and that was to  
17 | back up and substantiate the screenplay, the events that  
18 | took place and the people who took that video tape from  
19 | me had no business taking it whatsoever. They don't own  
20 | and they don't --

21 | Q. I don't want to get into a civil dispute. Let me ask you  
22 | this. The video tape that you took --

23 | A. Yes.

24 | Q. -- did you take any steps to see that it's existence was  
25 | brought to the attention of the prosecutorial authorities of

1 | the Province of Nova Scotia prior to Mr. Ebsary's trials?

2 | A. After I completed the video tape I invited members of the  
3 | press -- some members of the press plus I believe I invited  
4 | some policemen to come and have a look at the video tape  
5 | at my home and a number of people did show up but beyond  
6 | that point no one has -- would ever requested it or wanted  
7 | anything to do with it.

8 | Q. Were there news stories that resulted from that press conference  
9 | you had?

10 | A. Other than the fact they thought it was a fantastic piece  
11 | of video tape and that was it.

12 | Q. But did anyone write anything about it or print anything or  
13 | in the news reports?

14 | A. Not that I -- Not that I have any knowledge of, no.

15 | Q. What police came to see the video?

16 | A. I can't recall. I do believe that a couple of members of  
17 | the Sydney Police Department did come to see the video  
18 | but I can't remember which ones came because I was there and  
19 | the door, you know, they came into my studio and -- and there  
20 | was a number there and I'm sure that there was a couple that  
21 | came in.

22 | Q. And just to assist my friend, Mr. Pink, who will have a chance  
23 | at you later in a moment. I take it that none of these  
24 | men were MacIntyre or Urquhart that came to look at the  
25 | video?

DAVID RATCHFORD, by Mr. Ruby

1 A. No, sir. They were not.

2 Q. (See? Helpful?)

3 BY MR. CHAIRMAN:

4 Q. Was the actual tape shown Mr. Ratchford?

5 A. Pardon me?

6 Q. The -- Your -- The tape was shown. The film was shown  
7 was it?

8 A. The film that I had made in Mr. Ebsary's apartment I had  
9 shown that in it's entirety.

10 Q. To?

11 A. A number of people who I had invited to come to see it.

12 Q. And anyone from the television media?

13 A. I had invited -- Some of the people I had invited were  
14 Michael Rothray from C.B.C. I had invited Barry Morrison  
15 from C.J.C.B. I had invited Peter Cotter who was my friend  
16 anyway. I had invited -- I'm just trying to think of  
17 who else. Those names stand out in my mind. I'm not going  
18 -- I'm not going to search my soul for other names but  
19 I may possibly --

20 Q. No, I'm not interested in the names. But following the  
21 viewing and listening, did you say none of this was carried  
22 on the electronic media?

23 A. Absolutely.

24 BY MR. RUBY:

25 Q. The oral tapes that we've been given copies of -- or transcripts

DAVID RATCHFORD, by Mr. Ruby

1 of, were they drawn by you to the attention of any of  
2 the prosecuting authorities or the press or the police?

3 A. No.

4 Q. My colleague who ordinarily represents the Union of Nova  
5 Scotia Indians is absent today and I'm going to -- I suspect  
6 with great ineptitude -- attempt to deal with some of the  
7 issues he ordinarily deals with. Would you help me out  
8 on the issue of relations between the Indian and the  
9 White communities as you grew up in 1970.

10 A. I'll try. Yes.

11 Q. We've heard for example that Whites as well as Indian  
12 people -- youngsters would go -- would be drinking. Drinking  
13 under age or often just drinking too much. And  
14 that sometimes both groups would have -- be charged and  
15 sometimes they'd be taken home by the police.

16 A. Yes.

17 Q. But we've heard that Indian youth were more likely to be  
18 charged than were White youth. Not that it was one way all  
19 the way but that's more likely. What's your observation  
20 on that?

21 A. Again, my -- I can say that I know that there was discrimination  
22 existed in the -- at the school level but then discrimination  
23 existed not only against the Indians but against any class  
24 of students who were the -- At the high school level for  
25 example, the Academy has always had a reputation of having a

1 "clique". The upper echelon of society had a "clique" --  
2 they -- that stuck together. The big names in the community.  
3 The big business men -- their kids. They seemed to enjoy  
4 all of the, you know, the extra-curricular benefits of the  
5 school. One of the things that I remember most about those  
6 days is that it was those kids who got the jobs down at the  
7 Keltic Lodge and the rest of us packed groceries around  
8 town. Beyond that point --

9 Q. Would Indian youth have been at the bottom of this totem  
10 pole?

11 A. There would -- Yeh, I suppose they would be. Yes. I think  
12 that they -- is -- I grew up -- My father was a steel-worker  
13 so I certainly didn't fit into that -- into that realm  
14 or scope of high-society. So I felt -- often felt myself  
15 a little prejudiced, I suppose, against because, you know,  
16 that, you know, I couldn't afford to be flying around, you  
17 know, in that fashion.

18 Q. Sure. Can you give me any examples of what you'd call  
19 discrimination against Indians that you saw so we'll have  
20 something concrete. If you can do it. You may not be able  
21 to. Can you assist me?

22 A. Generally I can say that....that the Indian kids that went  
23 to school with me needed to be helped and needed extra help  
24 because of the language barrier and the customs barrier and  
25 things like that. Now, those things were obvious to me as a



DAVID RATCHFORD, by Mr. Ruby, by Mr. J. Pink

1 student. Now, surely to God they must have been obvious  
2 to the teachers who were supposed to be professionals at their  
3 trade and they wouldn't -- they didn't seem to want to  
4 extend themselves to give them help. That if was inevitable  
5 that they will all quit school before they ever graduate  
6 anyhow so what's the -- what was the difference and they did.

7 Q. That was the reasoning process, was it?

8 A. Yes. Now, -- yeh. Okay.

9 MR. RUBY:

10 Those are my questions, My Lord.

11 Thank you very much for your patience sir.

12 BY MR. J. PINK:

13 Q. Mr. Ratchford, my name is Joel Pink and I'm here on behalf  
14 of Chief MacIntyre. Prior to going to the police station  
15 in 1974 had you had any prior contacts with the -- at that  
16 time Sergeant Detective MacIntyre or Inspector Urquhart?

17 A. No, sir. No.

18 Q. So you -- when you went to the station did not know who  
19 these two gentlemen were?

20 A. I -- I knew who they were because I lived in the community  
21 and I read the newspapers and I had seen them in the course  
22 of their duties as a kid and they were pointed out. I was  
23 aware who these gentlemen were and I knew what they looked like.  
24 Yes, I did.

25 Q. Now, when you entered the police station in 1974 and you

DAVID RATCHFORD, by Mr. J. Pink

- 1 | went in to the detective division, you're telling the  
2 | Commission that both, in your opinion, Inspector Urquhart  
3 | and John MacIntyre were present?
- 4 | A. Yes, that's what I'm telling you.
- 5 | Q. Were both of these policemen in plain clothes at the time?  
6 | Do you remember that?
- 7 | A. Yes, I think they were. Yes.
- 8 | Q. Would you be surprised to learn, sir, that John MacIntyre  
9 | became Deputy Chief of Police in 1973 and thereafter after  
10 | his appointment was always in uniform?
- 11 | A. No, I wouldn't be surprised to hear that.
- 12 | Q. So therefore sir, could you be mistaken about the fact that  
13 | John MacIntyre was that second police officer that you came  
14 | in contact with in the detective division?
- 15 | A. No, sir. I couldn't be mistaken.
- 16 | Q. You're not mistaken. Yet you're sure that they were in  
17 | plain clothes?
- 18 | A. No, sir. I didn't say I was sure they were plain clothes  
19 | but I -- I am sure that it was both of those gentlemen.
- 20 | Q. Now, are you as sure that both of those police officers  
21 | were in fact Urquhart and MacIntyre as you are as to whether  
22 | or not Donna Ebsary in fact accompanied you to the police  
23 | station?
- 24 | A. Yes, I am.
- 25 | Q. Would you be surprised to hear sir, that on two occasions while

DAVID RATCHFORD, by Mr. J. Pink

1 under oath and I expect we'll hear the same thing again  
2 that Donna Ebsary has denied ever accompanying you to  
3 the Sydney City Police?

4 A. Yes, I'm aware that she has denied that, yes.

5 Q. Now, she must be mistaken or you're mistaken. Would you  
6 agree with that?

7 A. I would say that she is mistaken, yes.

8 Q. Now, when you walked in to the police station you were only  
9 there for approximately five minutes, as I understand your  
10 evidence?

11 A. Yes, about five minutes.

12 Q. Now, is that five minutes from the time that you entered the  
13 police station until you left the police station or was that  
14 five minutes the time that you were in the detective office?

15 A. That was the length of time of the audience with them.

16 Q. Okay. Now, you went in to the detective office and I take  
17 it that you saw Inspector Urquhart sitting at his desk.

18 A. No.

19 Q. Is that correct?

20 A. No, I did not, sir.

21 Q. Where was he sir?

22 A. He was standing in that position that I have indicated on  
23 the drawing.

24 Q. And John MacIntyre was in his cubicle at that time?

25 A. I never said it was his cubicle. I said he was in a cubicle

DAVID RATCHFORD, by Mr. J. Pink

- 1 | at the back of the room. He was -- seemed to -- He -- It  
2 | appeared to me as though he were finishing up some work  
3 | on his desk.
- 4 | Q. How long was it before Urquhart approached you to see why  
5 | you were there?
- 6 | A. Well, we made eye contact as I was coming in through the  
7 | door. He seemed to be -- I -- He made have been on his  
8 | way out of the room for that matter but we seemed to have  
9 | met -- I met him as I entered into the room.
- 10 | Q. And after you had eye contact did you walk over and go  
11 | into his cubicle?
- 12 | A. No, sir.
- 13 | Q. What happened? I don't quite understand.
- 14 | A. We stood facing each other and I stated my business and  
15 | left. Not moving from the spot that I had -- was standing  
16 | in.
- 17 | Q. Now, I just want to get the time because you say that you  
18 | were in there for five minutes?
- 19 | A. Yes.
- 20 | Q. I take it that you introduced yourself.
- 21 | A. I did introduce myself.
- 22 | Q. And you -- and could you just -- You said your name was?
- 23 | A. David Ratchford.
- 24 | Q. Yes, go ahead.
- 25 | A. I told him my name was David Ratchford. That I had lived -- I

DAVID RATCHFORD, by Mr. J. Pink

1 | was the owner of the school around the corner and that I was  
2 | here with some information relating to the Sandy Seale killing  
3 | that they might be interested in hearing. He indicated to  
4 | me or said back to me, you know, we've heard more stories  
5 | about that case. He said the case is closed. And I said  
6 | I have a girl here who claims that her father may have  
7 | been responsible for this killing. And they said the  
8 | case is closed. And we don't want to hear any more about  
9 | it and that's it and --

10 | Q. And you say that that took you five minutes?

11 | A. That's what I'm saying, yes.

12 | Q. Where in that conversation did you see John MacIntyre coming  
13 | from the other end of the office?

14 | A. I pretty well spotted him as soon as I came in to the room.  
15 | I could see him in the back-ground in the office but Mr.  
16 | Urguhart was forward. He was --

17 | Q. As to whether or not then MacIntyre overheard any of this  
18 | conversation you're not able to say?

19 | A. That's what I said earlier. I said that he -- the --He  
20 | probably would have heard the last maybe the last three  
21 | minutes of the total five minutes. 75 percent. He -- It  
22 | is also quite possible he may not have understood what the  
23 | conversation boiled down to.

24 | Q. So it may very well be then that John MacIntyre didn't even  
25 | know why you were there?

DAVID RATCHFORD, by Mr. J. Pink

1 A. There's that -- That's a very strong possibility sir, yes.

2 Q. Tell me sir when you went to the Sydney City Police on this  
3 day in 1974, were you aware that Roy Ebsary's name had already  
4 been given to them back in 1971?

5 A. Yes.

6 Q. Were you aware that Roy Ebsary in fact had denied to them  
7 of ever being involved with Sandy Seale?

8 A. Yes.

9 Q. Were you aware at the time that you went in to the detachment  
10 that the Sydney City Police had in fact turned the matter  
11 over to the R.C.M.P. for investigation?

12 A. No.

13 Q. Were you aware that you went in to see him in 1974 that  
14 Mr. Ebsary had undergone a polygraph and in fact passed  
15 that polygraph?

16 A. Yes.

17 Q. I think you would have to agree with me sir that when you  
18 attended the Sydney City Police you were not up to date  
19 on the state of the investigation being carried out by  
20 even the Sydney City Police or the R.C.M.P. at that time?

21 A. Absolutely. I was not up to date on any of that at all.

22 Q. And you have not personal knowledge of the case from your  
23 own observations?

24 A. Absolutely. At that point, none.

25 Q. Yeh. Now, did you follow the Marshall case when it was

DAVID RATCHFORD, by Mr.J. Pink

1 reported in the newspapers?

2 A. Back in '71 prior --?

3 Q. Yes.

4 A. Occasionally I did. I didn't follow it with any great  
5 interest because I was travelling a lot. I wasn't in the  
6 area for a great deal of it.

7 Q. I take it you knew, sir, that at that time the late Moe  
8 Rosenblum and Simon Khattar were his two defense counsel?

9 A. Yes, I knew that.

10 Q. And you knew that it was these two gentlemen that were  
11 retained to try and assist Donald Marshall?

12 A. Yes, sir. I knew that.

13 Q. In light of what you said about: it appeared that the Sydney  
14 City Police were not interested and then you turn the matter  
15 over to Mr. Green of the R.C.M.P. did you ever think to go  
16 and talk to the defense counsel about this new piece of  
17 evidence that you had?

18 A. No, sir. I do not -- never thought about it whatsoever.

19 Q. And in fact at no time sir did you ever contact the late  
20 Moe Rosenblum or Simon Khattar to tell them about this  
21 new piece of evidence that you had?

22 A. No, I never did.

23 Q. Now, as I understand from your evidence Mr. Ratchford that  
24 you knew that things were pretty strained between Donna  
25 Ebsary and her father.

DAVID RATCHFORD, by Mr. J. Pink

1 A. Yes, sir.

2 Q And in fact as I understand your evidence that it took approximately  
3 almost four years for her to come forward because of her  
4 fear for her father? Is that correct?

5 A. That is correct.

6 Q. Was it because of the information that you received from  
7 Donna Ebsary that you became so interested in her father  
8 Roy Ebsary about his history and about his background?

9 A. Yes, sir. It is.

10 Q. When you started out talking to Roy Ebsary was it to eventually  
11 get a statement from him in regard to what happened that  
12 night in the park between Sandy Seale, Donald Marshall and  
13 Mr. MacNeil and himself?

14 A. Yes, sir. That's exactly what my intent was.

15 Q. So I take it in order to do this sir that you had to  
16 develop a rapport with Roy Ebsary?

17 A. Yes, sir. I did have to do that.

18 Q. And you did this, as I understand your evidence, by visiting  
19 him on numerous occasions?

20 A. Yes, sir.

21 Q. Did you ever go out drinking with him?

22 A. No, sir. I did never -- never when drinking with him.

23 Q. Did you know that Roy Ebsary was usually drunk by noon time?

24 A. No, sir. I didn't know it at that time.

25 Q. Now, you spent quite a bit of time with Roy Ebsary, as I understand



1 | your evidence, correct?

2 | A. Correct.

3 | Q. During the taking of this statement or these interviews  
4 | which I understand was in 19 -- what 83?

5 | A. Yes, sir.

6 | Q. And that at the time that you had this video tape of him  
7 | doing the reenactment of what took place --

8 | A. Yes.

9 | Q. -- Did you ever turn any of these video and/or audio and/or  
10 | video tapes over to the R.C.M. Police?

11 | A. No, sir. I turned nothing over to anybody.

12 | Q Why was that Mr. Ratchford? Here you were trying to do  
13 | your investigation of what happened that night in the park.  
14 | You had the statement from Donna Ebsary as to what took  
15 | place and now it appears that you have a confession from  
16 | Roy Ebsary and you have a reenactment by Roy Ebsary. Why  
17 | wouldn't you take this bit of evidence and turn it over  
18 | to the proper authorities for them to do if possible another  
19 | investigation or do something?

20 | A. At the time that Roy Ebsary confessed to this crime and by  
21 | the time that I had video taped him it was well established  
22 | that Roy Ebsary was guilty of the crime. The efforts that  
23 | I had made to bring this to the attention were merely to  
24 | invite the media to see and listen to the various attempts  
25 | that I had made to chroniclize the events of this thing. When

1 he was incarcerated at the Cape Breton County Correctional  
2 Institute I had to go through the -- through Jim MacKillop  
3 the warden of the gaol and, as I understand it, it had  
4 to be -- permission had to be granted us from the Attorney  
5 General's office even to visit him. So they were aware  
6 that we were conducting this research. If they wanted the  
7 information it certainly was available to anybody that  
8 wanted it. At any time they wanted to obtain it they could  
9 have come a gotten it.

10 Q. Tell me, sir, when you did these interviews with Roy Ebsary  
11 were you more interested in your book and possible screen-play  
12 than you were in seeing that Donald Marshall was in fact  
13 released?

14 A. No, sir. I was more interested in seeing that Donald  
15 Marshall was released than I was in releasing a screen-play.

16 Q. Yet sir at no time prior to the 1984 re-investigation by  
17 the R.C.M.P. -- I'm sorry. '82 re-investigation of -- So  
18 you had these tapes following the 1982 re-investigation. I  
19 want to get my dates straight.

20 A. I had the audio cassettes.

21 Q. In 19 --

22 A. I had the audio cassettes in 1982. One of the audio cassettes  
23 that I made with him where we talked about the killing was  
24 so inaudible that I had to reschedule it again. That second  
25 tape is the one that I submitted to Mr. MacDonald that was clear

DAVID RATCHFORD, by Mr. J. Pink

1 that it could be transcribed. The video tape wasn't made  
2 until September of '84 and by that time Ebsary had already  
3 been convicted at least once.

4 Q. Tell me sir: at any time in 1982 did you make notes of these  
5 interviews that in fact you were having with Roy Ebsary?

6 A. I chroniclized almost every single one of them.

7 Q. Yeh. So in addition to the tapes you had your notes as to  
8 what in fact he said.

9 A. Yes.

10 Q. And did you ever turn those over to the R.C.M. Police?

11 A. No, sir. I didn't turn them over. They knew I had this  
12 stuff and if they wanted it they could have had access to  
13 it at any time.

14 Q. At no time did you voluntarily give it to them?

15 A. Absolutely not, no.

16 Q. Now, did you make any notes of the conversaiton you had with  
17 Donna Ebsary in 1974?

18 A. No.

19 Q. So after that initial contact with Donna Ebsary and the  
20 contact with both the R.C.M.P and the City Police the  
21 next time you were asked to recall this was approximately eight  
22 years later in 1982?

23 A. Yes.

DAVID RATCHFORD, by Mr. J. Pink

1 Q. And you're going strictly from recollection as to what she in  
2 fact told you as a result of you not having any notes?

3 A. That's correct. Yes.

4 Q. From the information that you gained from Roy Ebsary, did you  
5 formulate any opinion as to whether or not him and his  
6 colleague, Mr. MacNeil, were in fact being robbed at the time  
7 of this incident?

8 A. He always maintained the fact that the two youngsters approached  
9 him -- approached them with the intent to get money from them,  
10 yes.

11 Q. You told the Commission lawyer, Mr. MacDonald this morning  
12 that basically, Roy Ebsary's story was basically the same,  
13 but he sometimes in relating the story to you colored some  
14 of the events.

15 A. Yes.

16 Q. Is that correct?

17 A. That's correct.

18 Q. And could you explain to me what you mean by colored the  
19 events?

20 A. Okay. Like I said, I isolated my work into three different  
21 time frames. I would deliberately interview him when he was  
22 drunk. I often interviewed him when he was in a very hostile  
23 mood over something -- some issue. I interviewed him when he  
24 was quite calm, and I also interviewed him after he had spent time  
25 in goal where he had no contact with drugs or alcohol, and I

1 compared his story of the re-accounting of the killing. On  
2 three occasions that the three re-accounts were nothing short  
3 of identical. Then something strange happened after he went  
4 to goal to serve time for the concealed weapons charge. He  
5 met in goal a character by the name of Irving Cameron. Cameron  
6 had convinced Roy that he in fact was also in the park the  
7 night of the killing. He told Mr. Ebsary that he had one of  
8 the knives involved in the confrontation. He also told  
9 Mr. Ebsary that Donald Marshall and Sandy Seale both had knives  
10 that night and that they had gotten rid of them and that he had  
11 found one of those knives. He told Ebsary that he wanted to  
12 speak to me about it. I discussed it with my cohort, Peter  
13 Cotter. We decided to let the issue go, but on the next  
14 occasion we had to visit Mr. Ebsary at the County Correctional  
15 Institute, there was a note and a drawing passed to me from  
16 Irving Cameron. The note suggested that he was prepared to  
17 tell all he knew about the Billy Sweet suicide at the County  
18 Correctional Institute at that time.

19 Q. I don't want to get into that part.

20 I want to get into the fact of --

21 As a result of this information about Irving Cameron, did you  
22 ever interview Irving Cameron?

23 A. No, sir, I did not.

24 Q. Okay. You also made mention that you knew a person by the  
25 name of Raymond Dolimont.

DAVID RATCHFORD, by Mr. J. Pink

- 1 | A. Yes, sir.
- 2 | Q. And I understand that he was a partner of yours?
- 3 | A. Yes, sir. Yes.
- 4 | Q. What type of partnership did you have with Raymond Dolimont?
- 5 | A. I had reached a point with the assembling of the material for  
6 | the book with Mr. Peter Cotter to a point that by 1983,  
7 | Mr. Cotter decided that because he may put himself in a con-  
8 | flict of interest position, as he was a reporter for CJCB  
9 | Radio, covering much of the events of this case, that he felt  
10 | it would be better to remove himself completely from further  
11 | assistance to me. Then I asked Raymond Dolimont to -- if  
12 | he would be interested in assisting me in assembling the  
13 | manuscript.
- 14 | Q. And tell me did Raymond Dolimont, to your knowledge, sir, do  
15 | any interviews?
- 16 | A. Yes, sir, he claimed that -- Yes, he did some interviews.
- 17 | Q. And were these interviews also put on tape?
- 18 | A. Ray was not the type to use the tape recorder as much as he was  
19 | to write down the information.
- 20 | Q. My question to you sir, Were there any tapes made of any of  
21 | these conversations?
- 22 | A. He made no tape with Maynard Chant. He made none with -- No,  
23 | he made no cassette tapes of any with any of those people.
- 24 | Q. Did he ever turn over to you any notes?
- 25 | A. Yes.

1 Q. Where are those notes of the interviews that he had with the  
2 people that he interviewed for your book?

3 A. I think that material is probably either still with him or it  
4 might be among the reams and reams of stuff that I have put  
5 away on this thing.

6 Q. Now, this interview with Raymond -- the interviews of Raymond  
7 Dolimont -- When would that have been? In 1983?

8 A. Yes.

9 Q. Now, was there a reason when you called Donna Ebsary when the  
10 R.C.M.P. were present, why you would not tell her that the  
11 R.C.M.P. were there and what they were doing and the fact  
12 that they were listening on the telephone?

13 A. Yes, they requested that I didn't tell her.

14 Q. As I understand your evidence, she didn't say anything during  
15 this particular conversation?

16 A. She neither confirmed nor denied much of the conversation.

17 Q. She did give them enough information where they felt they  
18 would definitely have to subpoena her at some point? And as  
19 I understand it, sir, back in 1970 through 1972, would it be  
20 fair to say, sir, that you knew what was going on, basically,  
21 around the city of Sydney in the downtown area and the problems  
22 that the Native people were having or the Micmacs were having?

23 A. No, it would not be fair to say that I knew the problems the  
24 Micmac people were having.

25 Q. Do I understand you correct, sir, that you did see a -- the

1 | relationship between the Micmac Indians and the Sydney Police?

2 | A. I don't think that I ever mentioned that I saw a relationship  
3 | between the Micmac and the --

4 | Q. No, I'm just asking you, did you ever see any?

5 | A. Oh, no. No.

6 | Q. But you were not aware of any problems between the Sydney City  
7 | Police and the Native people?

8 | A. I wasn't aware of any extraneous hassles that they would have  
9 | that the rest of us didn't have growing up around here.

10 | Q. Now, the book that you were writing --

11 | A. Yes.

12 | Q. I take it, sir, that you still have the manuscript for that  
13 | book.

14 | A. I have it right here.

15 | Q. Yes. And tell me, sir, at any time, did you check out any of the  
16 | information prior deciding to have the book published?

17 | A. Yes, sir, we did.

18 | Q. And can you tell me, sir, -- I'm kind of interested in this  
19 | point. At any time were you able to check out whether or not  
20 | Mr. Ebsary did have anything to do with the sinking of the  
21 | Bismark?

22 | A. Yes, sir. We were able to establish that he didn't.

23 | Q. Yes. How did you establish that, sir?

24 | A. We called the British Ministry of Defence in England, and  
25 | we gave them his number -- his --



DAVID RATCHFORD, by Mr. J. Pink

1 MR. CHAIRMAN:

2 Service number.

3 BY THE WITNESS:

4 A. Service number. Yes, we gave them his service number. We also  
5 discovered that a lot of the information that we requested from  
6 both the Canadian military and the British, as well as the  
7 American, was still considered classified information because  
8 Mr. Ebsary had, you know, told us about events that had taken  
9 place during his naval career that were -- that we considered  
10 to be worth investigating but couldn't get really any answers  
11 from them.

12 MR. J. PINK:

13 Q. That's all. Thank you very much, sir.

14 BY COMMISSIONER POITRAS:

15 Q. Did you establish from his service number that he had been a  
16 member of the Royal Navy?

17 A. I had -- The only thing I had ever established was that he was  
18 a crewman of the Merchant Fleets.

19 Q. The Merchant Marines?

20 A. Yes.

21 BY MR. CHAIRMAN:

22 Q. You didn't establish that he was a member of the Royal Navy?

23 A. Of the Royal Navy, no.

24 Q. Did you inquire as to how he would have a service number if he  
25 was in the Merchant Navy?

DAVID RATCHFORD, by Mr. J. Pink, by Mr. Murray

1 A. He gave me his service number. I --

2 Q. But was there -- Were --

3 A. I have his discharge papers.

4 MR. CHAIRMAN:

5 We have them in evidence, don't we? The Royal Navy.

6 BY THE WITNESS:

7 A. Oh, well, like I say, I mean, I had -- I didn't have them in  
8 my possession. I mean, if he was in the Royal Navy, I cer-  
9 tainly wasn't aware of what branch of the Navy. All we ever  
10 dealt with was the fact that he was in the Merchant Marines.  
11 He sailed on the S.S. Wabana. I don't know if that's  
12 the Royal -- you know. As far as I know that was a Merchant  
13 vessel.

14 BY MR. MURRAY:

15 Q. Mr. Ratchford, my name is Donald Murray. I am here represent-  
16 ing William Urquhart. Just a very few questions. You -- I  
17 take it you were impressed in 1974 with the recollection  
18 Donna Ebsary had of the events in 1971?

19 A. Yes, she had a very clear recollection of what happened.

20 Q. And you in turn, you say, have a very clear recollection of  
21 what she had to say that night because you were so aghast at  
22 what she had to say?

23 A. Yes.

24 Q. And is it your recollection, according to your direct testimony  
25 here this morning, that when Mr. MacNeil and Mr. Ebsary came in

DAVID RATCHFORD, by Mr. Murray

1 the door, that Donna Ebsary heard, "Roy saved my life tonight."?

2 A. Yes.

3 Q. That is your recollection?

4 A. That is my recollection.

5 Q. And if I suggested to you that on several occasions Donna Ebsary  
6 has denied that that's what James MacNeil said, would she be  
7 mistaken or are you possibly mistaken, sir?

8 A. I'm not surprised that she would say that, but I am saying that -  
9 I would say that she is mistaken. Definitely.

10 Q. You would not say she is?

11 A. I would say that she is mistaken.

12 Q. You would say that she is?

13 A. Yeh.

14 Q. At that time -- You testified this morning that Roy Ebsary and  
15 James MacNeil got to the Ebsary home after midnight?

16 A. Yes.

17 Q. And that's what Donna Ebsary told you in 1974?

18 A. Yes.

19 Q. She has testified on numerous occasions, and I trust this will  
20 come into evidence, that she is not able to place the time  
21 between ten at night and midnight, but it happened somewhere  
22 between that time.

23 A. Yeh.

24 Q. Your recollection is that she says after midnight. Are you  
25 mistaken, or could she be mistaken?

DAVID RATCHFORD, by Mr. Murray

1 A. Well, she could be mistaken.

2 Q. In your meeting with Mr. Urquhart, you said he spoke very  
3 plainly to you?

4 A. Yes, sir.

5 Q. He was not rude?

6 A. No, he was not.

7 Q. I suggest that he was attempting to be courteous, but he gave  
8 you the impression that you were one in a number of people  
9 that had come to talk to him about the case?

10 A. Yes, sir. That's exactly what I felt.

11 Q. You also mentioned this morning that after having your dis-  
12 cussion with Donna Ebsary, you wanted to go meet Mr. Ebsary?

13 A. Not right away. I wasn't that enthusiastic about meeting him.

14 Q. Yes.

15 A. It was -- I started to develop the interest because I started  
16 to talk to Donna a little bit more about him, and she would  
17 tell me more about his background and things like that. Then  
18 I reached a point where I was quite interested in meeting them,  
19 yes.

20 Q. And as far as your knowledge goes of the events in 1971, at the  
21 time you first met Mr. Ebsary, all you knew is what Donna  
22 Ebsary had told you?

23 A. Absolutely.

24 Q. So I suggest to you, sir, that it was an assumption on your  
25 part before you met Mr. Ebsary that he was the killer?

DAVID RATCHFORD, by Mr. Murray, by Mr. Saunders

1 A. You may suggest that if you like.

2 Q. Would you agree with that, sir, that it was an assumption you  
3 made?

4 A. That?

5 Q. That Roy Ebsary was the killer at that point?

6 A. I assumed that Donna Ebsary was telling me the truth. How's  
7 that?

8 Q. And Donna Ebsary had told you not that he was the killer but  
9 that he was somehow involved. He may have had the knife.

10 A. That she -- She told me that she had seen her father washing  
11 blood from the knife at the kitchen sink.

12 Q. And as to whether he was the killer of Sandy Seale or not, she  
13 had not been there to see that?

14 A. She told me that the next day they heard the boy had died.

15 Q. Yes.

16 MR. MURRAY:

17 I have no further questions, My Lord.

18 BY MR. SAUNDERS:

19 Q. Mr. Ratchford, my name is Saunders, and I have some questions  
20 on behalf of the Attorney General's Department.

21 A. Yes.

22 Q. Two areas, Mr. Ratchford. The first is with respect to your  
23 discussions with R.C.M.P. Constable Green in 1974.

24 A. Yes, sir.

25 Q. You said on direct that after making this disclosure; that is,

1 | you and Donna Ebsary to Constable Green, and going to the  
2 | Sydney Police Station, he told you that all he could now do  
3 | was report to his superiors in Halifax?

4 | A. Yes.

5 | Q. And did in fact Constable Green tell you that he had done so?

6 | A. I cannot honestly recollect after that whether he had actually  
7 | said to me, "I called the R.C.M.P. and told them in Halifax  
8 | what had happened," but that on that same day that he indicated  
9 | to me that that was his next motion -- that he was going to do  
10 | that and -- By the time that I had met Mr. -- or Corporal I  
11 | think he was, Carroll.

12 | Q. Corporal Carroll, yeh.

13 | A. That in fact that Gary must've passed on the information because  
14 | he told me that. They had contacted me as a result of the  
15 | information that Mr. Green passed on to them in Halifax.

16 | Q. Yes. And Corporal Carroll stated that to you specifically?

17 | A. Yes.

18 | Q. I'm wondering -- We're advised that Constable Green was trans-  
19 | ferred out of Nova Scotia in the '70's to Ottawa and --

20 | A. I see.

21 | Q. -- he's there. He was a friend of yours, sir?

22 | A. Yes, he -- We were very good friends, yes.

23 | Q. Did you ever inquire of Constable Green before he was trans-  
24 | ferred out of the province, "Look, what's happening with this  
25 | case that you and I have discussed?"?

DAVID RATCHFORD, by Mr. Saunders

- 1 A. No.
- 2 Q. You never did?
- 3 A. No, we did not.
- 4 Q. Secondary, Mr. Ratchford, that I wish to question you on is the  
5 video tape that you made of Mr. Ebsary.
- 6 A. Yes, sir.
- 7 Q. Right. Can you specify exactly when it was that you made that  
8 tape? That visual tape?
- 9 A. I think it was September 12th or 14th of '84.
- 10 Q. 1984?
- 11 A. Of '84, yes.
- 12 Q. Yes? And I'm curious, sir, when it was that you put the show-  
13 ing of that video tape on for members of the media?
- 14 A. I think it was within seventy-two hours after we had made the --
- 15 Q. Of the making of the tape?
- 16 A. Yes.
- 17 Q. All right. And -- I take it -- It's obvious that you were  
18 interested in the various trials that Mr. Ebsary was going  
19 through in Sydney?
- 20 A. I had --
- 21 Q. In fact, he went through three trials.
- 22 A. I had attended several with him, yes.
- 23 Q. The -- One in 1983, another one in 1984, and the third one in  
24 1985?
- 25 A. Yeh.

- 1 Q. Correct?
- 2 A. Yes.
- 3 Q. Yes. And Mr. Edwards was the prosecutor at all three Ebsary  
4 trials -- Frank Edwards?
- 5 A. Yes.
- 6 Q. You knew that was the senior Crown in Cape Breton?
- 7 A. Yes.
- 8 Q. And did you know that Luke Wintermans was acting on behalf of  
9 Mr. Ebsary in those trials?
- 10 A. I was very aware of that, yes.
- 11 Q. Did you invite Mr. Edwards to your home to view the video tape  
12 that you made of Mr. Ebsary?
- 13 A. No, but I did invite Mr. Winterman. I believe Mr. Winterman  
14 saw the tape.
- 15 Q. But Mr. Edwards wasn't there?
- 16 A. Mr. Edwards wasn't there.
- 17 Q. No. In fact, is it not the case, sir, that no prosecuting  
18 officer ever viewed that video tape that you made of Mr. Ebsary?
- 19 A. I don't know if they did or not.
- 20 Q. To your knowledge, has anyone ever seen your video tape, who's  
21 a prosecuting officer?
- 22 A. Up to this -- I would suspect that by this time, I think several  
23 have.
- 24 Q. But during the trial of 1983, 1984, 1985, do you have any basis  
25 for suggesting that any prosecuting officers saw that videotape



- 1 | that you made of Mr. Ebsary?
- 2 | A. Several days after, I screened the video for the invited
- 3 | guests.
- 4 | Q. Yes.
- 5 | A. I had heard through the grapevine that Mr. Edwards was aware
- 6 | of the tape's existence, and I should expect that he was going
- 7 | to be asking for it, which he --
- 8 | Q. Who told you that?
- 9 | A. I was told that by a number of people. I think Mr. Cotter was
- 10 | the first person to suggest that to me.
- 11 | Q. Do you have any personal knowledge, sir, that Mr. Edwards was
- 12 | aware of those videos?
- 13 | A. I have no personal knowledge, no.
- 14 | Q. All right. Mr. Cotter still in the area?
- 15 | A. Yes, he is.
- 16 | Q. Now, the next area I'd like to question you on is with respect
- 17 | to your interviews of Mr. Ebsary at the Cape Breton Correctional
- 18 | Centre.
- 19 | A. Okay.
- 20 | Q. Right. Now, I've been provided with a copy of the transcript
- 21 | from those tapes. Did you make a typed transcript of the audio
- 22 | tapes yourself, Mr. Ratchford?
- 23 | A. Of every one of them I have typed --
- 24 | Q. All right.
- 25 | A. Yes. And I brought them to Sydney as well.

1 Q. All right. This has not been marked as an exhibit, but one of  
2 the transcripts of an interview has the heading -- This is  
3 on page 6 of what I've been given by Commission Counsel, and  
4 it bears the date December 16, 1982. Was that the first time,  
5 sir, that you had any interview of Mr. Ebsary at the Cape  
6 Breton Correctional Centre?

7 A. No, I can't answer that honestly by saying yes or no. It's one  
8 of them.

9 Q. All right. Were there only two occasions that you taped what  
10 he had to say to you at the Correctional Centre?

11 A. No, sir. I taped him on more than two occasions.

12 Q. That's all?

13 A. No, I taped him on more than two occasions at the Correctional  
14 Institute.

15 Q. Because what we've been provided -- As I said, the first one  
16 was dated December 16, '82.

17 A. Yeh.

18 Q. I think I'm right in that.

19 A. Yes.

20 Q. And the second one is dated February 17, 1983.

21 A. Well, how would you people know that because nobody's ever  
22 seen all the cassette tapes I have on the case.

23 Q. You have more cassettes than you've provided to Commission  
24 Counsel?

25 A. Oh, I have a whole bag full of them, yes.

DAVID RATCHFORD, by Mr. Saunders

- 1 Q. I see. Well, tell me, sir, when was it that you first inter-  
2 viewed Mr. Ebsary at the Correctional Centre or can you say?
- 3 A. Well, I can't -- I don't want to make a -- commit myself to  
4 say exactly which was the date, but I made the first interview  
5 or taped interview because I have it on paper that I can confirm  
6 it if you -- I can give it to you at some other point in  
7 time, and you can look at it yourself, and you'll have your  
8 answer.
- 9 Q. Did you interview him after February 17, 1983?
- 10 A. Yes.
- 11 Q. Did you know that the Reference was going on before the Nova  
12 Scotia Court of Appeal in December of 1982?
- 13 A. Did I know of the Reference?
- 14 Q. Yes. And that's the argument with respect with respect to  
15 Mr. Marshall's case.
- 16 A. Oh, yes.
- 17 Q. It was going on --
- 18 A. Of course.
- 19 Q. -- before the Nova Scotia Court of Appeal in December of 1982?
- 20 A. Yes, sir, I was aware --
- 21 Q. And did you know that when you were interviewing Mr. Ebsary  
22 on December 16, 1982?
- 23 A. There had been so many appeals and re-appeals and etcetera and  
24 so forth. Now, what particular appeal -- What are you talking  
25 about here now, the appeal before the province?

DAVID RATCHFORD, by Mr. Saunders

1 Q. This was the case in the first week of December of 1982 before  
2 the Court of Appeal in Halifax --

3 A. Yes.

4 Q. -- with respect to Junior Marshall's case.

5 A. And it was -- I guess at that point, he was still in a half-way  
6 house or --

7 Q. Correct.

8 A. Yes.

9 Q. In Halifax.

10 A. Yes, I was aware of that, yes.

11 Q. You were aware of that Reference --

12 A. I was aware --

13 Q. -- and that it was being heard before the Court of Appeal --

14 A. Yeh.

15 Q. -- at that time?

16 A. Yeh.

17 Q. Yes. And you knew that when you interviewed Mr. Ebsary at  
18 the Correctional Centre on the 16th of December, 1982?

19 A. Yes, I knew that.

20 Q. All right. And the argument; that is, the final argument of  
21 Counsel was made before the Court of Appeal in the month of  
22 February, 1983. Did you know that when you interviewed  
23 Mr. Ebsary at the Correctional Centre on February 17, --

24 A. Yeh.

25 Q. -- 1983?

DAVID RATCHFORD, by Mr. Saunders

1 A. I was aware of all of all --

2 Q. Yes?

3 A. -- of that, yes.

4 Q. All right. Tell me, sir, did you ever pass on to Mr. Edwards,  
5 the Crown Prosecutor, the fact that you had a whole bunch of  
6 audio tapes of interviews that you'd made with Mr. Ebsary?

7 A. Oh, I'm sure that Mr. Edwards was quite aware of what I was  
8 up to and what I was doing.

9 Q. Why do you say that, sir?

10 A. Because, as I said before, my name had been associated for  
11 some time with Ebsary. The public was quite aware through  
12 interviews that I had done on television and on the radio and  
13 in magazines and everything else that I was quite, you know,  
14 close to that issue, and --

15 Q. What led you to conclude that Mr. Edwards would be aware that  
16 you had audio tapes of interviews with Mr. Ebsary made at the  
17 goal?

18 A. Well, let's put it this way. The only way we got permission  
19 to go into the Correctional Institute to have -- to do that  
20 sort of work was to get permission from the A.G.'s Office.

21 Q. Who did you contact at the A.G.'s Office?

22 A. We contacted nobody. We --

23 Q. How did you get into the correctional facility?

24 A. We had gotten in through the permission of Mr. Jim MacKillop.

25 Q. Yes. And what did you tell him you were doing?

1 A. We told him exactly what we were doing, that we were writing  
2 a book on Mr. Ebsary's life and that we wanted to conduct  
3 interviews with him, and he said that he would have to get per-  
4 mission. He --

5 Q. Did you tell Mr. MacKillop that you wished to interview  
6 Mr. Ebsary and that you would be making tapes of those  
7 interviews?

8 A. Yes, we did. And when --

9 Q. Did you put that request in writing to Mr. MacKillop?

10 A. I don't know if we did or not. I know that we did it verbally  
11 and that we did get the clearance eventually because we  
12 did it.

13 Q. And did you get the clearance verbally from Mr. MacKillop?

14 A. Yes.

15 Q. And you still have this batch or bunch of tapes that confirm  
16 the interviews you had with Mr. Ebsary?

17 A. They're at my home in Toronto, yes.

18 MR. SAUNDERS:

19 Those are my questions, thank you.

20 THE WITNESS:

21 Okay.

22 BY MR. ROSS:

23 Q. Mr. Ratchford, my name is Anthony Ross, and I'd like to ask you  
24 a few questions. You indicated that you compared three accounts  
25 given by Roy Ebsary and that you were satisfied that they were

DAVID RATCHFORD, by Mr. Ross

1 identical. Do you recall telling that to Mr. Pink?

2 A. Yes, I recall telling that to Mr. Pink, yeh.

3 Q. Yeh. Now, we've got a transcript of three sessions. It appear  
4 one of them is just 1983.

5 A. Yeh.

6 Q. One is February 17, 1983 and the third is December 16, 1982.  
7 Are these the three that are identical in your view?

8 A. If they -- Yes they must be if they're the ones I submitted.

9 Q. These are the three that were submitted, and these are the  
10 three just -- which you are satisfied is identical?

11 A. I only submitted one interview to this Commission with  
12 Mr. Ebsary re-accounting the events of the park. I don't know  
13 where you got the other two.

14 Q. Well, can't slow down. Then perhaps we'll just go quick.  
15 It's a handout that was given by the Commission Counsel. The  
16 first is an interview by David Ratchford, County Correctional  
17 Institute, February 17, 1983.

18 A. Yeh.

19 Q. And it runs for about five pages.

20 A. Yeh.

21 Q. And then on the sixth page, there's -- Sorry. On the fifth  
22 page, there's something in bold print.

23 Roy Ebsary in a bad mood with  
24 new director of CJCB Radic. In  
1983 by telephone.

25 A. Exactly, but that interview doesn't -- There's nowhere in

DAVID RATCHFORD, by Mr. Ross

1 that interview where he re-accounts that. That was just --  
2 I sent that for simply to illustrate the various situations  
3 that we found ourself in with Mr. Ebsary when he decided to  
4 be -- when he decided he wasn't going to cooperate or -- and  
5 when he was upset. It was -- We sent that -- I sent that tape  
6 merely to illustrate to you people at this Inquiry what I was  
7 facing, you know, at various times when he was hostile.

8 Q. Sure, I understand.

9 A. Yeh.

10 Q. However, as far as the date is concerned, the best you can say  
11 is that I'm in -- with the director of CJCB Radio by telephone.  
12 You didn't date it any closer than just 1983?

13 A. No, whatever -- I have -- I don't know what I typed on that  
14 paper that I sent you. I believe I have written on the tape  
15 the day that I made the tape. I'm sure that I had supplied  
16 that information with the cassette because I know I typed up  
17 a number of inserts to go with that tape when I mailed it to  
18 you people.

19 MR. MacDONALD:

20 Perhaps, My Lord, if I can just assist my friend. The tape was  
21 sent to me by Mr. Ratchford as he's indicated in response to my  
22 request if he had an audio tape dealing with Mr. Ebsary's accounts  
23 of the night in question since we already had the video. He told  
24 me he had all kinds, and I said, "Well, would you send me one  
25 down?" I've advised Counsel that we had invited anyone who wanted



1 to to come and listen to the tape and had it transcribed  
2 exactly what's on the tape and had it circulated around.  
3 Now, perhaps I should've filed this as exhibit. I don't  
4 know. It's been referred to so many times now maybe we'll  
5 have to just for the record, but it's only that. Mr. Ratchford,  
6 at my request -- I said, "Send me an audio one as well," since  
7 we had the video, and that's where it comes from. And what's  
8 on the sheets of paper that my friend is referring to is  
9 exactly what's on the tape with -- There are notations that  
10 this is Roy Ebsary in a bad mood, these sort of things. That's  
11 what Mr. Ratchford taped on the tape. That's a transcript of  
12 what is on the tape.

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DAVID RATCHFORD, by Mr. Ross

1 | MR. ROSS:

2 | I accept in full what my learned friend has to say. I did not  
3 | suspect it was anything other than what was on the tape, but I  
4 | would just like to ask my -- ask the witness whether or not in his  
5 | taping he wasn't any more careful than just saying sometime in  
6 | 1983. That could be January, December, any time in 1983.

7 | BY MR. ROSS:

8 | Q. Is this the way you conducted the interviews generally?

9 | A. I -- I take -- I dated each interview, yes.

10 | Q. I see. Now do you recall -- do you recall when you visited  
11 | Ebsary first after the -- the -- the weapons charge involving  
12 | his wife?

13 | A. Do I -- Do I recall when I visited him at the County Correctional  
14 | Institute?

15 | Q. Yes.

16 | A. After he was convicted?

17 | Q. Yes, after that yes.

18 | A. Yes.

19 | Q. Do you recall what year?

20 | A. What year that was?

21 | Q. Yeh.

22 | A. That was -- Let me see now. I suspect that was in 1983. I --

23 | Q. In '83?

24 | A. Yes.

25 | Q. That's the point -- But in December of 1982 as I read one of these

1 interviews on page six you said to Ebsary, "Oh, yeh, yeh, I know  
2 that". And Ebsary continues, "Yeh, right, but that's the knife  
3 and that's about the size of it". "That one and the other one  
4 is the same size and it's almost an identical knife". So that  
5 Marshall and Seale were carrying almost identical knives that  
6 night?

7 A. Yeh.

8 Q. Now as I recall your testimony you indicated that it was after  
9 Ebsary was in the lock-up and met Cameron --

10 A. Yeh. Yeh.

11 Q. --that you came up with this other knife theory?

12 A. Yes.

13 Q. But as I look at the transcript it appears as though this other  
14 knife theory had been alive and well prior to this meeting?

15 A. Well, we got something crossed up there because that was not.

16 Q. Pardon me?

17 A. We obviously have made a mistake in time here because that is  
18 not the case.

19 Q. I see. So this tape which was dated December 16, 1982, it might  
20 have been wrongly dated?

21 A. No -- Yes, it might have been wrongly dated insofar as I may  
22 have had that as an extra cassette at the bottom of my case,  
23 reached in and grabbed it and shoved it in the machine so  
24 I could get this piece of information down. It may have been  
25 something I recorded over.

DAVID RATCHFORD, by Mr. Ross

1 Q. I see. And then --

2 A. Sir, I just want to clarify to you that that information regarding  
3 Irving Cameron and those knives didn't mean anything to me. I --  
4 I -- I disregarded that information because after the second time  
5 I told you that Irving Cameron had passed a letter indicating  
6 that he would be interested in talking to me about that case  
7 and also about this other incident that had taken place in  
8 the County Correct -- We had brought that up with Mr. MacKillop  
9 the Warden who suggested to us to stay away from him, that he  
10 was a dangerous offender and that he was a habitual liar.

11 Q. That might -- That might very much be so but I wasn't getting  
12 into the merits of what Irving Cameron might have told you. I  
13 was testing what you said and the bench marks that you used.  
14 You see, you had indicated that it was after Cameron was in gaol  
15 with Ebsary --

16 A. Yes.

17 Q. --that the theory of the multiple knives came to be and I was  
18 just trying to demonstrate that your own transcript is contrary  
19 to what you said?

20 A. My own transcript is not contrary to that at all.

21 Q. Well, I won't be argumentative. I will just indicate that that  
22 was on your transcript dated December, 1982.

23 A. Yeh, well, somebody typed that transcript up and took a date off  
24 it that my not have been congruent to the taping of that interview,  
25 that's all. It's as simple as --

DAVID RATCHFORD, by Mr. Ross

1 Q. Pardon?

2 A. It's as simple as that.

3 Q. I see. Now the other thing here --

4 BY COMMISSIONER EVANS:

5 Q. One moment please. Is the date on the outside of the -- on the  
6 cassette itself?

7 A. Is the?

8 Q. The date that he's referring to, is that on the --

9 A. Yes, it's written in ink.

10 Q. On the cassette?

11 A. I would suspect --

12 Q. It's not as part of the tape? In other words, you don't start  
13 the tape saying this is October the 18th?

14 A. Oh, no, I don't. I don't, no. No--absolutely, yeh.

15 BY MR. ROSS:

16 Q. Well, of the three transcripts I've dealt with the one dated  
17 December 16, 1982, and I've addressed the one which is just  
18 dated 1983?

19 A. Yes.

20 Q. Now in the one dated February 17, 1983, there is mention about  
21 Marshall and Seale being in the State Tavern?

22 A. Yeh.

23 Q. That this was information given to you?

24 A. That's right.

25 Q. And I think one of the Counsel asked you whether or not you

DAVID RATCHFORD, by Mr. Ross

1 |       believed the stories that were given to you by Roy Ebsary and  
2 |       you said, "Yes"?

3 | A.   Yeh.

4 | Q.   Did you check to see whether or not Marshall and Seale, in  
5 |       fact, were at any tavern that night, the 28th of May, 1971?

6 | A.   I didn't have to do that because I knew that -- that they were  
7 |       not.

8 | Q.   You knew they were not?

9 | A.   Yes.

10 | Q.   So he told you something and you believed it -- you didn't  
11 |       check it because you knew it was wrong?

12 | A.   Now, you're just playing games with my head now, sir. I know  
13 |       exactly what I said.

14 | MR. CHAIRMAN:

15 | That's not what the -- My recollection of that particular answer  
16 | this morning was that -- that Roy Ebsary had told this witness  
17 | that Mr. -- that Sandy Seale and Donald Marshall, Jr., were in the  
18 | tavern, but that he didn't believe them because he knew they were  
19 | both under age.

20 | MR. ROSS:

21 | That might be so, My Lord, but what he said -- Well, anyway I'm  
22 | not going to argue -- argue that point. I will just continue.

23 | BY MR. ROSS:

24 | Q.   Further on in the same interview and the same page there's  
25 |       reference to Irving Cameron being at the tavern. Did you know

DAVID RATCHFORD, by Mr. Ross

1 Irving Cameron's age?

2 A. I didn't even know Irving Cameron.

3 Q. I see. Well, did you believe that portion?

4 A. No, not at all. That's why I tried to tell you, I disregarded  
5 that portion of that because I knew that that doesn't -- didn't  
6 fit at all whatsoever.

7 Q. Sure, and on page two when there's reference to somebody chasing  
8 Irving out of the park, did you believe that also?

9 A. No.

10 Q. Well, perhaps you could help me with some background information?

11 A. Okay.

12 Q. You went to school here in Sydney?

13 A. Yes, I did.

14 Q. Did you know Sandy Seale?

15 A. No, sir, I did not know Sandy Seale. I knew Sandy Seale's  
16 brother, he was a friend of mine.

17 Q. You knew his brother?

18 A. Yes, I did.

19 Q. Did you go to school with his brother?

20 A. His brother was slightly ahead of me in school, but yes, I knew  
21 him.

22 Q. Yes. Did you know anything about a fracas or some kind of  
23 problem at the Sydney Academy involving Sandy Seale?

24 A. No. I didn't know Sandy Seale.

25 Q. And you didn't give this information to anybody about a fracas

DAVID RATCHFORD, by Mr. Ross

- 1 | that's involving Sandy Seale?
- 2 | A. About, pardon me, a what?
- 3 | Q. A fracas. That's a fight, a problem.
- 4 | A. A fight? About Sandy Seale being involved in anything at the--
- 5 | I didn't even know the youngster. I didn't know anything about
- 6 | him.
- 7 | Q. So you did not give this information to anybody?
- 8 | A. Give what information?
- 9 | Q. Information about a fracas involving Sandy Seale at the Academy?
- 10 | A. Of course not.
- 11 | Q. Thank you kindly. As far as Donna is concerned -- You indicated
- 12 | that Donna had very good -- I think your words were that she
- 13 | had a phenomenal recall? Was that your words?
- 14 | A. Yes, it is my words.
- 15 | Q. And with the phenomenal recall she should be able to say the
- 16 | same story over and over again?
- 17 | A. I would say she should be able to.
- 18 | Q. And as a matter of fact do you classify yourself as having
- 19 | a phenomenal recall?
- 20 | A. No, I don't.
- 21 | Q. So that as far as the events of May, 1971, is concerned --
- 22 | A. Yeh.
- 23 | Q. --which relate to Sandy Seale --
- 24 | A. Right.
- 25 | Q. --and Junior Marshall and Roy Ebsary --



DAVID RATCHFORD, by Mr. Ross

1 A. Yeh.

2 Q. --you'd agree with me that Donna's recall would be substantially  
3 more reliable than your own?

4 A. You'll get a chance to answer that when you talk to her yourself?

5 Q. Yes, but wouldn't you agree with me that her recall would be  
6 substantially better than your own?

7 MR. MacDONALD:

8 He wasn't there, My Lord. How could he possibly say he recalled  
9 anything.

10 MR. ROSS:

11 That is exactly my point, My Lord, because at what --

12 MR. MacDONALD:

13 Why don't you just make your point?

14 MR. ROSS:

15 Well if you'd let me finish. When asked by Mr. Murray about  
16 statements made by Donna Ebsary, this witness was pointed out that  
17 she was mistaken and he could not say she was mistaken unless he  
18 had facts to back that up and that's exactly what I'm getting at.

19 COMMISSIONER EVANS:

20 I don't understand what you're getting at. All he says is that she  
21 had good recall, he believed, on the facts that happened that night.  
22 She told them to him and that he remembers what she told him. If  
23 she had subsequently denied it he says that she's wrong.

24 MR. ROSS:

25 That her denial is inconsistent with what she told him, that could

DAVID RATCHFORD, by Mr. Ross

1 | be the answer but not that she is wrong as to the facts because  
2 | he's in no position to determine this.

3 | COMMISSIONER EVANS:

4 | The logic escapes me.

5 | MR. ROSS:

6 | Pardon me, My Lord.

7 | COMMISSIONER EVANS:

8 | I say the logic of your argument escapes me and it must be my  
9 | fault.

10 | MR. ROSS:

11 | Maybe, My Lord.

12 | BY MR. ROSS:

13 | Q. Now, Mr. Ratchford, you attended at the Ebsary residence on  
14 | rear Argyle Street?

15 | A. Pardon me?

16 | Q. Did you attend at the Ebsary residence at rear Argyle Street?

17 | A. No, I never knew the Ebsary family when they lived on rear  
18 | Argyle Street.

19 | Q. In your research with respect to this book did you ever speak  
20 | to Mrs. Ebsary about any restrictions that Mr. Ebsary had  
21 | imposed on her with respect to recounting the evidence -- the  
22 | events of May the 28th?

23 | A. No.

24 | Q. And recognizing that you were going to be writing a book I  
25 | take it that you'd have checked as much information as could

DAVID RATCHFORD, by Mr. Ross

1 | be easily checked?

2 | A. I did my best.

3 | Q. Well, my understanding is that Sandy Seale died on Saturday  
4 | night and the stabbing incident occurred Friday night?

5 | A. Absolutely.

6 | Q. You indicated that your understanding was that Jimmy MacNeil  
7 | showed up the next day and told Roy that the boy had died. Did  
8 | you check this to realize it could not be the next day, the  
9 | day after the stabbing?

10 | A. I -- That -- The only way I knew that Jimmy MacNeil showed up  
11 | at the Ebsary home after the stabbing was what -- is what I  
12 | learned from Donna herself. I have no -- I have no way of  
13 | knowing whether or not he knew, in fact, that the boy had died  
14 | or whether -- or what was going on.

15 | Q. Okay.

16 | BY COMMISSIONER EVANS:

17 | Q. Your evidence was that it was on Saturday night after midnight --  
18 | Friday night after midnight which would be Saturday.

19 | A. That would be Saturday, but --

20 | Q. And the next day is Sunday?

21 | A. The next day is Sunday.

22 | MR. ROSS:

23 | With respect, My Lord -- Well, anyway, go ahead.

24 | THE WITNESS:

25 | I don't understand your problem, sir, and I don't know what you're

DAVID RATCHFORD, by Mr. Ross

1 | asking me really.

2 | BY MR. ROSS:

3 | Q. Now in part of your evidence you indicated that Mr. Ebsary as  
4 | you understood him, he loved an audience and he loved to talk?

5 | A. Yeh.

6 | Q. Could it be or were you satisfied that he was just not putting  
7 | on a show for you and telling you anything you wanted to hear?

8 | A. In regards to what?

9 | Q. In regards to the entire stories that he was giving you from  
10 | time to time?

11 | A. Oh, I -- I never -- I never took his story at face value the  
12 | first time he -- I never made any conclusions until I heard  
13 | him reaccount it a number of times in different states of  
14 | sobriety.

15 | Q. Now you indicate -- You told us about a knife incident in  
16 | 1982 when Ebsary held you up against the wall with a knife at  
17 | your throat?

18 | A. Yes, sir.

19 | Q. Did you report this to the police?

20 | A. I was -- After that incident had taken place I had reaccounted  
21 | some of -- of that night to Mr. Ebsary's son on an occasion that  
22 | I had to meet him when he was driving the cab and we had just --  
23 | had been talking and I told him, you know, that I had a close  
24 | call. Shortly after that I had a call from the Sydney Police  
25 | Department. I believe it was a man by the name of Ambrose

DAVID RATCHFORD, by Mr. Ross

1 MacDonalld had called me and asked me if I would come into  
2 the station to see him. He read to me an account that was  
3 given to him, I assume, by Greg Ebsary of the incident that  
4 I had. He wanted me to sign a statement that, in fact, that  
5 I was prepared to lay charges against Ebsary for that of which  
6 I was not prepared to do that at all.

7 Q. I see. Now tell me, in your discussions with Roy Ebsary, did he  
8 ever mention the name Sarson to you?

9 A. Mitchell Sarson, yes.

10 Q. I see. Did he indicate to you any discussion he would have  
11 had with Sarson about this incident?

12 A. Run that by me again, sir, I --

13 Q. Did he indicate to you any discussion that he (Roy Ebsary)  
14 might have had with Sarson? Did you ask him if he discussed  
15 this incident with Sarson?

16 A. I -- I -- I learned that Mitchell Sarson had overheard Roy  
17 Ebsary discussing the killing with someone else and that  
18 Mitchell Sarson was the individual who reported this to  
19 Donald Marshall's girlfriend is the way that I understand that  
20 particular -- Mitchell Sarson was a character. He -- I believe  
21 he had stayed with Mr. Ebsary for some time. I think he was  
22 a part of the -- of a scheme that Mr. Ebsary had going on  
23 with another gentleman from Pictou by the name of Mingo Sweeney  
24 in which these two men had launched on an ambitious program  
25 by which they were going to train young men in the art of

DAVID RATCHFORD, by Mr. Ross

1 | chivalry. They were going to make soldiers in other words  
2 | (How is that?) out of these guys.

3 | Q. But this person that Ebsary is speaking to when Mitchell Sarson  
4 | overheard the conversation, did you ever identify this  
5 | individual?

6 | A. I may have it in my records some place but I can't --

7 | Q. You can't recall right now?

8 | A. No.

9 | Q. Recognizing the extent of your involvement in this Ebsary matter  
10 | were you ever called to give testimony in any proceedings  
11 | whatsoever before now?

12 | A. Once I was. Yes, I was.

13 | Q. And was that at the -- at a Discovery?

14 | A. That was at the County Court House. It was the trial in which  
15 | I think -- Yeh, one of the final trials in which Roy Ebsary  
16 | was finally convicted of the -- of the killing in which he  
17 | was -- The trial in which he was sentenced to the five years.  
18 | Yes, I was called to the stand at that particular trial.

19 | MR. ROSS:

20 | Thank you very much.

21 | MR. MacDONALD:

22 | No, there's nothing, My Lord.

23 | MR. CHAIRMAN:

24 | Thank you, Mr. Ratchford. We'll have a ten minute recess.  
25 |

DAVID RATCHFORD, by Mr. MacDonald

1 INQUIRY ADJOURNED AT: 3:50 p.m., AND RECONVENED AT: 4:09 p.m.

2

3 MR. MacDONALD:

4 Mr. Ratchford please. My Lord, by way of explanation, when

5 Mr. Ratchford left the stand, Counsel for the R.C.M.P. delivered

6 to me a -- the original copy of a statement that had been signed

7 by Mr. Ratchford. This statement is probably in the mass of

8 documents we have in Halifax, but somehow in putting the papers

9 together we overlooked it. I've introduced it as Exhibit 74 and

10 I'd like to put it to Mr. Ratchford and review it with him.

11 BY MR. MacDONALD:

12 Q. Mr. Ratchford, I'm showing you Exhibit 74, sir, which is a

13 document signed by you. When is the first time you've seen

14 that recently?

15 A. Just now or just a little while ago, yeh.

16 Q. Now that is a statement that is signed on page two by you and

17 Harry Wheaton or Sergeant Wheaton?

18 A. Yeh.

19 Q. And it's dated the 29th of March, 1982. Do you have any

20 recollection of giving that statement and signing that

21 statement?

22 A. Yes, I -- I -- Now that I see it, yes, I can remember now.

23 Prior to that I had forgotten all about this. Yeh.

24 Q. Okay. Let me take you through it if we can?

25 A. Yes.

DAVID RATCHFORD, by Mr. MacDonald

1 Q. And have you comment on parts that may vary somewhat from  
2 what you've told us already?

3 A. Yes. Yes, sir.

4 Q. You say:

5                   During the period of approximately  
6                   1974, Donna Ebsary began attending  
7                   my martial arts studio here in  
8                   Sydney.

8 A. Yes.

9 Q.                   We became rather good friends over a  
10                   period of time. She had a rather  
11                   turbulent relationship with her  
12                   father. She appeared to get along  
13                   with her mother.

12 That's consistent with what you've told us?

13 A. Yeh.

14 Q.                   I recall that on one evening she told  
15                   me an amazing story about her father.  
16                   She said that at the time of the Seale  
17                   murder she was home when her father  
18                   and another guy came home.

17 A. Yes.

18 Q.                   She stated that her father had blood  
19                   on his shirt and a knife in his belt.

20 A. Yes.

21 Q.                   And she saw him wash blood off his  
22                   hands and he mentioned stabbing a  
23                   Nigger in the park.

23 A. Yes.

24 Q. Now that's somewhat different than you've related to us today.

25 Could you explain, if you can, the difference? I understood you



DAVID RATCHFORD, by Mr. MacDonald

1 to say that Donna told you that she saw her father washing a  
2 knife underneath the tap and taking blood off the knife --

3 A. Yes.

4 Q. --but there was no mention certainly that he had stabbed anyone  
5 in the park?

6 A. Yes, when I wrote this statement out for --for Mr. Wheaton when  
7 he approached me I -- it was rather -- I rather hastily went  
8 through the thing searching my mind for details etcetera and  
9 so forth.

10 BY COMMISSIONER EVANS:

11 Q. Could we find out -- Is this in your handwriting, the statement,  
12 or just your signature?

13 A. I think that's my handwriting. I'm not sure.

14 Q. Read it then.

15 A. I think that's my handwriting. It might not be. He might have  
16 scribbled that down himself. I don't know. I certainly didn't  
17 write this and this looks like this so maybe he --

18 Q. Well looking --

19 A. --so maybe he took the statement and --

20 Q. --at the context of the statement it would not appear to  
21 have been written by you?

22 A. Yes.

23 Q. It would not appear to have been written by you?

24 A. The statement itself?

25 Q. It looks like something that you dictated to somebody or --

DAVID RATCHFORD, by Mr. MacDonald

1 A. Yes. Basically, yes.

2 BY MR. MacDONALD:

3 Q. Is it -- Is it in your handwriting, the statement, or is it  
4 only your signature that's in your handwriting?

5 A. I think the signature is my handwriting.

6 Q. The second page has your signature?

7 A. The second page.

8 Q. Is that your signature?

9 A. Yes, that's my signature, yes.

10 Q. The handwriting itself is not your handwriting?

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

12 Q. Okay.

13 A. So I was -- So I was going through facts with him on the  
14 issue and --

15 Q. Well, did Donna ever state to you that she saw her father with  
16 blood on his shirt, a knife in his belt and saw him wash blood  
17 off his hands and say that, "I stabbed a Nigger in the park"?

18 A. Yes. Yes, she did make the statement or she did say something  
19 to that effect. Now whether it was exactly that or not, I  
20 don't know. What I'm saying is is that the best of my  
21 recollection at this point was -- is that she said he had come  
22 in and she had seen him wash the blood off the knife under  
23 the sink type thing.

24 COMMISSIONER POITRAS:

25 Off the knife? I think you had better go over each and every one.

DAVID RATCHFORD, by Mr. MacDonald

1 of those concepts with the witness.

2 MR. MacDONALD:

3 Yes, My Lord.

4  
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*DMB*

DAVID RATCHFORD, by Mr. MacDonald

1 | BY MR. MacDONALD:

2 | Q. What you had told us today --

3 | A. Yes.

4 | Q. -- before you saw this statement --

5 | A. Yes.

6 | Q. -- that you had -- Donna had told you that she had seen  
7 | her father wash blood off the knife.

8 | A. Yes.

9 | Q. That's what you told us today?

10 | A. Yes.

11 | Q. And you had told us that you had a very vivid recollection of  
12 | the discussion with Donna --

13 | A. Yes.

14 | Q. -- on that night in question?

15 | A. Yes.

16 | Q. Now, it appears you told Sergeant Wheaton that Donna told  
17 | you that she saw her father with blood on his shirt; do you  
18 | recall Donna telling you that?

19 | A. No, not really, no.

20 | Q. And that he had a knife in his belt; do you remember her  
21 | telling you that?

22 | A. I can't recollect her telling me that at this point, no.

23 | Q. And that she saw him wash blood off his hand; do you remember  
24 | her telling you that?

25 | A. Yes.

DAVID RATCHFORD, by Mr. MacDonald

1 Q. Yes.

2 A. Yes.

3 Q. Was that in addition to washing it off the knife?

4 A. Yes, that -- it was under the tap with the water running.

5 Q. And did she tell you -- you told Sergeant Wheaton that she  
6 said that her father said he had stabbed a "nigger" in the  
7 Park?

8 A. I think I might have misquoted myself when I had probably  
9 meant to refer that to -- to Jimmy MacNeil's statements  
10 saying that Roy had saved his life tonight.

11 Q. Did Donna Ebsary ever tell you that her -- she heard her  
12 father say he had stabbed a "nigger" in the Park?

13 A. I can't recollection at this point whether she did or not.

14 Q. In all your times interviewing Roy Ebsary, all the time you  
15 spent with him --

16 A. Yes.

17 Q. -- did he ever use the phrase "nigger"?

18 A. Yes, he did.

19 Q. Is it a phrase that he would use?

20 A. Yes, it was.

21 Q. It then goes on to say; that is exhibit 74:

22 Donna hated her father but still  
23 had a strange respect for him.

24 A. That's correct.

25 Q. Is that accurate?

DAVID RATCHFORD, by Mr. MacDonald

1 A. Yes, that is accurate.

2 Q. Then you went on to say:

3 I felt that this should be reported  
4 to the police immediately.

5 A. Yes.

6 Q. I phoned the City Police and talked  
7 to Bill Urquhart, I believe.

8 A. Yes.

9 Q. Did you phone Bill Urquhart?

10 A. No, I did not. I intended. I don't know how that that piece  
11 of information got entered that I phoned. No, I don't recall  
12 ever phoning them at all first.

13 Q. You've told us today and described quite -- in quite some  
14 detail --

15 A. Yes.

16 Q. -- a visit that you had to the Sydney Police?

17 A. Exactly.

18 Q. Does this statement, exhibit 74, change your evidence in  
19 that respect in any way? This statement it says that you  
20 telephoned?

21 A. This -- what I said today is what I believe today. The  
22 telephone call, no. I don't -- I don't know how I could  
23 have mixed up -- I may have thought or he may have asked  
24 me did I call them and I might have said call instead of  
25 visit. But I visited. I didn't call. I know I didn't  
call them.

DAVID RATCHFORD, by Mr. MacDonald

1 Q. Would you read this statement before you signed it?

2 A. Yes, I went through it before I -- I must have went through  
3 it or I wouldn't have signed it.

4 Q. Would your recollection in March of 1982 be as good or better  
5 of the event than it is today?

6 A. It was -- I suppose so. It was a few years earlier.

7 Q. And you go on to say "he" that's Urquhart?

8 A. Yes.

9 Q. He says that the case was over  
10 and they were not prepared to  
re-open the case.

11 A. Yes, that's correct.

12 Q. I believed this girl and felt  
13 this was most improper.

14 A. That's right.

15 Q. Constable Gary Green was a  
16 good friend and so I reported  
it to him.

17 A. That's right.

18 Q. I understood that he also ran  
19 into a blank wall with the  
City Police.

20 A. Yes.

21 Q. In the years following, Donna  
22 occasionally brought it up and  
found it strange that the police  
were not doing anything.

23 Did that happen?

24 A. That I -- yes, that did happen occasionally, you know, we  
25 in conversation, you know, it transpired that, you know,

DAVID RATCHFORD, by Mr. MacDonald

1 | there, you know, that nothing had been done. We -- we had  
2 | assumed that -- that -- that the information that Constable  
3 | Green passed on to Halifax, we were expecting at any time  
4 | to hear something about that, you know, very soon after --  
5 | after reporting it.

6 | Q. Okay.

7 | Donna and I discussed the possibility  
8 | of her father admitting to me that he  
9 | committed the murder. I got to know  
him but he never admitted it to me.

10 | Is that accurate up to March of 1982?

11 | A. Up to that point.

12 | Q. That document is then signed by you and Wheaton?

13 | A. Yes.

14 | Q. And there's a third page that contains the name Donna Ebsary,  
15 | a telephone number --

16 | A. Yes.

17 | Q. And then a -- is that an address for Donna Ebsary?

18 | A. I believe it is, yes.

19 | Q. Would you have had that information to give to Sergeant  
20 | Wheaton?

21 | A. At that time, I would have. I had a letter from Donna and  
22 | -- and it would have had that information on it, yes.

23 | Q. Now I want to deal with this one more time because it seems  
24 | to me to be fairly important.

25 | A. Yes.



DAVID RATCHFORD, by Mr. MacDonald, by Mr. J. Pink

1 Q. Your evidence that you gave this morning --

2 A. Yes.

3 Q. -- is that you attended at the Sydney Police Station and you --

4 A. Yes.

5 Q. -- met Sergeant Urquhart --

6 A. Yes.

7 Q. -- and you -- and Chief MacNeil or MacIntyre was in the room?

8 A. Yes.

9 Q. And there's no mention of that visit in this statement to  
10 Wheaton, that's a very hastily transcribed --

11 A. Bit of information, yes.

12 Q. Do you confirm the evidence that you gave this morning that  
13 you indeed did attempt --

14 A. I'm confirming that information, yes.

15 Q. Okay.

16 MR. MacDONALD:

17 That's all I have, my Lords.

18 BY MR. J. PINK:

19 Q. Mr. Ratchford, how was it that this statement of March the  
20 29th, 1982, came about?

21 A. I -- I can't recall how this -- this came about. It was  
22 after -- it was after the -- the R. C. M. P. officers had  
23 visited me at the school, at the high school and -- and it  
24 was one of the few occasions that we actually met together.

25 Q. And was this prior to you commencing your research on the

1 | book of Roy Ebsary?

2 | A. I had started to conduct some -- some research up at that  
3 | time, yes.

4 | Q. Can you give me an -- a date, an approximate date as to when  
5 | you started this research?

6 | A. Well, like I said before, I had -- I had actually started  
7 | the research in those years from '74 to '78.

8 | Q. When did you start the tapes that's what I'm mostly  
9 | interested in?

10 | A. That -- that would have started after 1982. After re-  
11 | establishing the connection with him during the campaign.

12 | Q. So this statement on March the 29th, 1982, was given to  
13 | Sergeant Wheaton prior to you getting this story from Roy  
14 | Ebsary?

15 | A. Yes.

16 | Q. Now during the taking of this statement, do you remember  
17 | whether or not Sergeant Wheaton asked you to him the story  
18 | of what transpired between you and Donna or was it done by  
19 | question and answer?

20 | A. I -- I believe that I had recounted to my best recollection  
21 | certain -- you know, the things that I had remembered about  
22 | it and that I believe then he put some questions to me, yes.

23 | Q. And during the time that he was asking you to recollect, was  
24 | there any pressure being put on you to recollect or did you  
25 | do it to the best of your ability back on March the 29th, of  
1982?

DAVID RATCHFORD, by Mr. J. Pink

1 A. I did it to the best -- there was no pressure put on me at  
2 any time.

3 Q. And I think you will readily agree as I think you already  
4 have --

5 A. Yes.

6 Q. -- that your memory was better back on March the 29th, of  
7 1982, then it is today on November the 4th, of 1987?

8 A. Well, I suppose that's a correct statement.

9 Q. And I think you would have to agree with me, sir, that there  
10 are basically two major contradictions in what you told  
11 Sergeant -- Sergeant Wheaton back on March the 29th, '82,  
12 then your evidence here today?

13 A. I can see that there -- they're documented right here, yes.

14 Q. Right, and as you said, you read it over?

15 A. Yeh.

16 Q. And then you signed it?

17 A. Yes.

18 Q. And as you say that you probably -- am I correct in saying  
19 that you would never have signed anything that wasn't true?

20 A. I would not have signed anything that wasn't true, that's  
21 right.

22 Q. Tell me, I'm sorry, I don't want to interrupt you. Tell me  
23 did Constable Gary Green attend your classes?

24 A. Yes, he did.

25 Q. So I notice on page 2 of the statement that it says "Constable

DAVID RATCHFORD, by Mr. J. Pink

1 Gary Green was attending my classes", and that's crossed out  
2 and a "good friend" is written in over and above it. So  
3 that's true too, is that correct?

4 A. Yeh, that's -- both of -- both of those statements are true  
5 actually.

6 Q. So do you have any idea as to why "attending my classes" was  
7 crossed out and a "good friend" written above?

8 A. I don't know really. Why -- why he would do that. Because  
9 we were -- we were both friends and -- and we both -- and  
10 we worked out together as well.

11 Q. I think you will agree with me that phoning the Sydney City  
12 Police and attending is a major difference?

13 A. It's a totally different --

14 Q. Yeh.

15 A. -- absolutely.

16 Q. So may it -- may I be right, if in fact Donna Ebsary is right,  
17 that she did not, in fact, attend with you at the Sydney City  
18 Police that, in fact, what you did is that, in fact, you did  
19 call and did have discussions with the person you thought to  
20 be William Urquhart.

21 A. The chances of that being the fact rather than other, is --  
22 is in my humble estimation extremely remote.

23 Q. But, sir, that's what you said, in fact, --

24 A. Yes.

25 Q. -- on March the 29th. Do you have any explanation as to why

1 | you would have said in your statement "I phoned the City  
2 | Police and talked to Bill Urquhart, I believe?

3 | A. I have one -- good one, yes. And that there is the fact  
4 | that I -- I read the thing over and read that statement and  
5 | not cognizant of the fact that I had written -- or the word  
6 | phone was written in there as -- as opposed to appeared  
7 | before them or had attended or had gone to him and just  
8 | kept going with the thing and had signed the statement. Now  
9 | I also had assumed that this was information I was giving to  
10 | them to help them. I thought I was going to become a major  
11 | intrigral part of their investigation which I was not.

12 | Q. Well, I may suggest to you another reason is what, in fact,  
13 | you said back on March the 29th, '82, is, in fact, the way  
14 | you remembered it back then, and that's the way -- what, in  
15 | fact, you told them.

16 | A. That is, I said, a possibility that I consider to be a remote  
17 | one but that I will not rule out at all and -- and, you know,  
18 | there's nobody that's infallible, you know, and indeed that  
19 | could be the case, but what I'm telling you today is that as  
20 | far as I'm concerned it is not the case.

21 | Q. And tell me, sir, do you remember how long it was that you  
22 | were in the accompaniment of Sergeant Wheaton in taking this  
23 | statement?

24 | A. No, I can't tell you that.

25 | MR. J. PINK:

All right. Thank you, sir.

DAVID RATCHFORD, by Mr. Murray

1 | BY MR. MURRAY:

2 | Q. Mr. Ratchford, Donald Murray again.

3 | A. Yes.

4 | Q. In your statement at the bottom of the first page and going  
5 | over to the second page --

6 | A. Yeh.

7 | Q. --you state that:

8 | I phoned the City Police and talked to  
9 | Bill Urquhart, I believe.

10 | A. Yes.

11 | Q. This morning you -- This morning and this afternoon you have  
12 | stated that you're certain the person you saw --

13 | A. Absolutely.

14 | Q. --at the Sydney City Police was Bill Urquhart?

15 | A. Yes. I want to just tell you one thing about this statement of  
16 | 1982. It was all totally new. It was all coming up again new.  
17 | I had my first opportunity in all of that time to start putting  
18 | back together and start compiling this. I had a lot of other  
19 | problems throughout those years that I had lost contact with  
20 | Roy Ebsary in the time that this investigation reopened. I --  
21 | I wasn't rehearsed. I wasn't prepared or anything for the --  
22 | for the interviews that were to follow and with the way that  
23 | this thing blossomed and mushroomed and everything else so  
24 | quickly, it's very possible that I overlooked these details. It's very--  
25 | These are -- This is a very sketchy statement. This doesn't

DAVID RATCHFORD, by Mr. Murray

- 1 go into detail on any damn thing. Okay? And I read this  
2 over and in haste said, "That's good enough". Great. That's  
3 the bottom line.
- 4 Q. But in 1982 when as you say you weren't rehearsed you were  
5 uncertain when you gave this statement to the R.C.M.P. that,  
6 in fact, it had been Bill Urquhart that you had spoken with.  
7 That certainty comes later I suggest?
- 8 A. That certainty comes later, exactly.
- 9 Q. You knew that the R.C.M.P. would be using this statement as  
10 part of their investigation?
- 11 A. No, I didn't. I just thought it was just some information that  
12 he wanted to put together regarding -- No, I did not have any  
13 idea that was going to be used in the investigation as per se.  
14 I was prepared to give a much more detailed and lengthy  
15 explanation at another time. When the opportunity came for me  
16 to do that, they only let me take the stand long enough to  
17 give my name and address and that was the end of it.
- 18 Q. Was Corporal Carroll in on this Statement at all?
- 19 A. I don't know.
- 20 Q. You don't recall him being there or you just don't know?
- 21 A. I don't know. Well, he was certainly -- It doesn't have his  
22 name on it. I don't think he was in -- in on that particular  
23 event, you know. I don't think so. But like I said before I  
24 can't remember too much, you know -- The first -- When I saw  
25 the document a little while ago, it's the first time I even

DAVID RATCHFORD, by Mr. Murray, by Mr. Pringle

1 remembered it from -- from the time they had the -- had that  
2 done and I don't have a copy of this.

3 Q. Now that you've seen this statement, do you recall giving another  
4 statement to the R.C.M.P.?

5 A. Another statement?

6 Q. Yes, did you give any other statements to the R.C.M.P., written  
7 statements?

8 A. Most of the stuff that I had dealt with with the R.C.M.P. was  
9 general talk -- general discussion. We discussed this issue  
10 and discussed the various points and they also discussed with me  
11 various things that they had uncovered and the reasons that  
12 they had to suspect and they -- at no time did I ever assume  
13 or think that I was under any formal -- as such as this  
14 particular event here.

15 Q. Did you notice during your conversations with the R.C.M.P.  
16 whether they were making any notes of their conversations with  
17 you?

18 A. Yes, I -- I knew they were making notes. I thought, you know,  
19 that that was -- that was quite normal. It didn't seem --  
20 Yeh.

21 MR. MURRAY:

22 I have no further questions.

23 THE WITNESS:

24 Okay.

25 BY MR. PRINGLE:

Q. You were asked, sir, by Mr. Pink if you knew how this statement



DAVID RATCHFORD, by Mr. Pringle

1 of March 29th, '82, came about and your answer was you didn't  
2 recall?

3 A. I didn't recall, yeh.

4 Q. Perhaps to try and help you refresh your memory, if you could  
5 look at volume 19 at page 86.

6 A. Pardon me?

7 Q. Volume 19 at page 86. It's one of the red Exhibits and the  
8 Clerk will bring it to you.

9 A. In this book here that I have on the desk.

10 Q. No, no. No, no.

11 A. Oh.

12 Q. It'll take a moment. I think some people are looking for it.  
13 Do you have that, Mr. Ratchford?

14 A. What?

15 Q. Page 86 in volume 19, I refer you to paragraph four and that  
16 reads:

17 In relation to Donna Ebsary her name  
18 was brought to my attention on the  
29th of March, 1982.

19 This is Staff Sergeant Wheaton's report.

20 A. Okay.

21 Q. It goes on:

22 Mr. David F. Ratchford of 296 Charlotte  
23 Street, Sydney, contacted this office  
24 and advised that he had heard of the  
murder on the radio and wished to see  
a member. Ratchford was interviewed...

25 and so on.

DAVID RATCHFORD, by Mr. Pringle

1 Does that help you, sir, to refresh your memory of how the  
2 statement of March 29th, '82, came into being?

3 A. I don't recall having called the R.C.M.P. I recall them showing  
4 up at the school where I worked.

5 Q. Yes, and you also recalled in your evidence earlier today that  
6 you thought that they had told you they had got your name  
7 from Gary Green in 1974. Now is it your evidence --

8 A. Yes.

9 Q. Is it your evidence that you did not call Sergeant Wheaton after  
10 hearing about the investigation on the radio station?

11 A. It is -- No, it's not my evidence that I may not -- I may have  
12 called him. I may have. I don't recall giving them a call  
13 on the phone, but it's quite possible maybe I called them and  
14 offered -- and offered my assistance to him, but all I can --  
15 I do remember that they did come to the school where I -- I  
16 was working. That I do remember. Now: "contacted this office  
17 and advised that he heard...and wished to see a member".

18 Q. Yes.

19 A. Like I say, I don't recall having called them first and  
20 offered my services but, you know, it's a possibility that  
21 I did, you know, but the main thing is they did show up at  
22 the high school and we took it from there, yes.

23 Q. Okay, and do you have any recollection about hearing about this  
24 re-investigation on the radio in March of 1982 or February of  
25 1982?

DAVID RATCHFORD, by Mr. Pringle, by Mr. Chairman

1 A. See, I -- I know that I knew in advance of the media that the  
2 investigation was going to reopen because I think that they --  
3 they came to me in advance of the -- of the re-opening of the  
4 investigation because prior to talking to the Constables I had  
5 heard nothing about it in the media and then suddenly -- and  
6 then after I -- had the audience with them at the high school,  
7 then things started to unfold.

8 MR. PRINGLE:

9 Okay. Thank you.

10 MR. ROSS:

11 I have no questions, My Lord.

12 BY MR. CHAIRMAN:

13 Q. Just one question.

14 A. Sure.

15 Q. Had you ever been to the Sydney Police Department before the  
16 occasion you say you went there to report this conversation?

17 A. Back in 1974, you mean?

18 Q. Yes.

19 A. Had I ever been there before?

20 Q. Yes.

21 A. With regards to this --

22 Q. No, no, no, for any reason.

23 A. Oh, no, for -- Well, no, I was never in trouble with the law --

24 Q. Well, I'm not suggesting you were in trouble with the law.

25 A. --myself.

DAVID RATCHFORD, by Mr. Chairman, by Mr. MacDonald

1 Q. No, no, I'm not suggesting that. Have you ever been there since  
2 then?

3 A. Since then?

4 Q. Yes.

5 A. Since 1974, have I ever been to --

6 Q. Have you ever had to go into Sydney to --

7 A. I had to go in to pay traffic tickets and stuff like that, yeh.

8 Q. No, I wasn't suggesting you were in trouble with the law.

9 A. Well, no. Well, at that --

10 Q. I was just -- your design of the interior of the police station.

11 A. Oh, the interior of the building?

12 Q. Yes.

13 A. Yes.

14 Q. I see.

15 MR. CHAIRMAN:

16 All right. That's all. Thank you.

17 MR. MacDONALD:

18 This is only one question arising out of your question, My Lord.

19 BY MR. MacDONALD:

20 Q. Did you attend on Mr. -- on Chief MacIntyre at the Sydney Police  
21 when you were opening your school to -- to seek the police's  
22 co-operation or to offer your services to the police?

23 A. Oh, yes.

24 Q. And did you do that at the Sydney Police Station? Did you meet  
25 Sergeant MacIntyre there for that purpose?

