

MRS. MARY EBSARY, by Mr. Orsborn

1 | MRS. MARY EBSARY, being called and duly sworn, testified as follows:

2 | BY MR. ORSBORN:

3 | Q. Ms. Ebsary, could we have your full name, please?

4 | A. Mary Ebsary.

5 | Q. Mary Ebsary, and where do you live now?

6 | A. At 46 Mechanic Street.

7 | Q. How long have you lived there?

8 | A. Oh, we've been up there possibly fifteen years.

9 | Q. Fifteen years?

10 | A. Yeh.

11 | Q. And where did you live before that?

12 | A. At 46 -- Oh, 126 rear Argyle Street.

13 | Q. Rear Argyle Street. And are you the wife of Roy Ebsary?

14 | A. Yes.

15 | Q. And do you live with Mr. Ebsary now?

16 | A. No, I don't.

17 | Q. When did you separate from him?

18 | A. Oh, possibly eight years ago.

19 | Q. And how long did you live together as man and wife?

20 | A. Well, up to then, oh, probably twenty-eight, twenty-nine years.

21 | Q. So you lived with him for twenty-eight or twenty-nine years?

22 | A. Yeh.

23 | Q. Up to 1979?

24 | A. Yes.

25 | Q. Would that be about right? And do I understand that you have

MRS. MARY EBSARY, by Mr. Orsborn

1 | two children?

2 | A. Yes.

3 | Q. Greg and Donna?

4 | A. Donna.

5 | Q. And what are their ages now?

6 | A. Greg is thirty-four and Donna is thirty.

7 | Q. And you've testified a number of times in the proceedings
8 | involving Roy Ebsary, have you not?

9 | A. Yes, I have.

10 | Q. I'd like to ask you a few questions, if I may, Mrs. Ebsary,
11 | about Roy and his temperament and his disposition and I'm
12 | thinking particularly of the years 1971 and perhaps a little
13 | bit before 1971. How would you describe his temperament in
14 | 1970 and 1971?

15 | A. When he was sober, Roy was a quiet person who spent a lot of
16 | his time probably reading, but when he was drinking he was the
17 | other side of Doctor Jekyll.

18 | Q. Yes.

19 | A. He -- He had a very bad disposition.

20 | Q. And what were his drinking habits?

21 | A. His drinking habits were at that time most erratic. He'd --
22 | He'd some nights come home from work drunk and more nights -
23 | he'd confine his drinking to the weekend.

24 | Q. Yes.

25 | A. And those were hectic times with him. He -- He had a bad, bad
temper.

MRS. MARY EBSARY, by Mr. Orsborn

1 Q. And what about when he was not working?

2 A. When he was -- wasn't working he spent time out around
3 the garden putting with shrubs and different things.
4 And periodically he'd go off with some people -- boys --
5 men and he'd spend the day or the day and a night at the
6 taverns drinking.

7 Q. Did he have any kind of temper?

8 A. Who Roy?

9 Q. Yes.

10 A. Roy was all temper.

11 Q. Was he?

12 A. Yes.

13 Q. How did he show that?

14 A. Well, if it was a dull day and you said it would maybe get
15 fine, that would be the cause of a storm if it wasn't
16 said the way he liked it said. He was very quick to jump
17 at just anything. Anything at all.

18 Q. When you say that he'd jump at anything would he jump
19 physically or with words.

20 A. No. Verbally.

21 Q. Verbally?

22 A. Yes.

23 Q. Did he have any violent tendencies that you were aware?

24 A. Yes. You mean breaking things, throwing things?

25 Q. Yes.

MRS. MARY EBSARY, by Mr. Orsborn

- 1 A. Yes.
- 2 Q. How would they be triggered?
- 3 A. I don't know. Possibly the things that were going through
4 his mind. At least -- That's the only -- only way that
5 I can describe that. He'd be sitting in a pensive mood and
6 then quite suddenly he'd jump up probably and throw a cup or
7 his dinner or anything across the room and from then he'd
8 go on a tear and he'd break anything he had -- get his
9 hands on. And in the meantime he'd be screaming and yelling
10 and --
- 11 Q. Did he ever hit you?
- 12 A. No, he didn't.
- 13 Q. Did he ever hit the children?
- 14 A. No.
- 15 Q. What's --
- 16 A. There is no accounting for his moods really.
- 17 Q. Are you telling us that he was unpredictable?
- 18 A. Very.
- 19 Q. I see.
- 20 A. Did -- He's given his evidence about a sort of a fascination
21 working with knives. Did you see that?
- 22 A. Well, I think probably -- Probably.
- 23 Q. Did you see his working with knives? His fascination with
24 knives?
- 25 A. He was always fascinated with knives but then he did a lot of

MRS. MARY EBSARY, by Mr. Orsborn

1 work in kitchens, cooking and things and suppose -- I don't
2 know if his fascination stemmed from that or whether it
3 went back further. Now, years back I don't recall him
4 having knives as much as when he went to work at the hotels.
5 Then it seemed that he was constantly with knives.

6 Q. Yes. Would he bring home knives from work?

7 A. Oh, yes. He'd bring them home. He'd sharpen them and bring
8 them back and then probably if there was knives discarded at
9 the hotel he'd take those and bring them home rather than
10 throw them out.

11 Q. And you'd see him with these knives?

12 A. Oh, yes.

13 Q. Do you know when he last worked?

14 A. Probably around -- around 1950. Probably '52. He was
15 in his '50s when he retired -- gave up work.

16 Q. So for a number of years prior to 1971 he had not been
17 working?

18 A. No.

19 Q. And after he gave up work did he -- was he still interested
20 in knives?

21 A. Yes.

22 Q. Would he carry one around with him?

23 A. He carried a pocket knife with him.

24 Q. Okay. Now, when you say a pocket knife what do you mean?

25 Do you mean a knife that folds up? Or --

MRS. MARY EBSARY, by Mr. Orsborn

1 | A. Yes.

2 | Q. -- just a small knife with an open blade?

3 | A. No. One that folded.

4 | Q. One that folded.

5 | A. But then again he did have several knives that he used
6 | in the garden and they were straight knives probably --
7 | oh, just six, seven inch. Seven inch.

8 | Q. Total length or blade?

9 | A. Yes.

10 | Q. I'm sorry. Would --

11 | A. The size of an ordinary kitchen knife.

12 | Q. I see.

13 | A. He'd have those in his pockets when he'd be out around the
14 | gardens. Well, then probably if he decided he wasn't going
15 | to come in but go to town he'd have those in his pockets
16 | when he went.

17 | Q. How would he carry an open knife in his pocket? Did it
18 | rip his clothes carrying a knife around?

19 | A. Often I told him he should be careful the way he sat down.
20 | He put them in his back pocket. Those straight knives.

21 | Q. Did he damage his clothing or his pockets with the knives?

22 | A. No, He put the handle down first and then the blade would
23 | be stuck up straight in his back pocket.

24 | Q. Could you see the blade sticking up?

25 | A. Oh, yes.

MRS. MARY EBSARY, by Mr. Orsborn

1 Q. In his back pocket?

2 A. Oh, yes.

3 Q. I see. And in his later years and when I say later I mean
4 69, 70, 71, would you see him going out with a knife sticking
5 out of his back pocket?

6 A. Well, if I -- In the year '70, '71 and even prior to that.
7 Yes, he constantly carried a knife with him.

8 Q. Did you ever ask him why?

9 A. No. I never ever asked Roy anything. I very rarely ever
10 spoke to him if I could help it.

11 Q. I see. Did you have any occasion to request the assistance
12 of the police because of Roy?

13 A. Probably twice.

14 Q. Yes.

15 A. I did.

16 Q. Can you recall what those instances were?

17 A. Yes. For being very very violent in the house.

18 Q. Two occasions being violent in the house? Was this before
19 1971 --

20 A. Yes.

21 Q. -- or after?

22 A. No, before.

23 Q. Were they long before?

24 A. Not too long. I couldn't tell you accurately. Put a year's
25 time there. A year's grace. I don't know. I couldn't tell

MRS. MARY EBSARY, by Mr. Orsborn

1 you accurately how long.

2 Q. And was he drinking at these times?

3 A. Yes.

4 Q. Did the police come?

5 A. Yes.

6 Q. What happened?

7 A. Well, they wouldn't do anything. I think one policeman
8 asked me who was paying the rent and I said he is. Well,
9 they -- I don't even know who the gentlemen were. The said
10 we couldn't take him out of the house because that's his
11 home and he can do as he please in it and that was all there
12 was. They just left but --

13 Q. Was this violence directed towards things in the house?

14 A. Yes.

15 Q. Not towards you?

16 A. No.

17 Q. Were you scared?

18 A. Yes.

19 Q. Were your children scared?

20 A. Yes. After they came I took the children and took them --
21 took them out walking.

22 Q. You took the children out walking.

23 A. Hoping he'd simmer down in the meantime.

24 Q. I see. And you remember that you had the police come to
25 your house twice?

MRS. MARY EBSARY, by Mr. Orsborn

1 | A. Yes.

2 | Q. I see. Do you remember if you called the police with respect
3 | to a Mr. Tratnik?

4 | A. Oh, yes. I did that.

5 | Q. Would this then be a third time that you called the police?

6 | A. Well, --

7 | Q. Was this in addition to the --

8 | A. Yes. I'm sorry. I didn't mean to leave that out.

9 | Q. Okay. No, I understand.

10 | A. I thought you were referring to the violence around the
11 | house.

12 | Q. Yes.

13 | A. Yes, I did call them to pick him up because he was carrying
14 | the knife on him and he had intended to do some harm or
15 | something to Tony Tratnik and I didn't want that to happen.

16 | Q. Yes. I think we've had evidence that Mr. Tratnik was the
17 | gentleman that he worked with and something had happened that
18 | he wasn't happy about.

19 | A. He worked -- He worked with Tony at the hotel. Tony was
20 | his chef at the time. And there was a disturbance of some
21 | kind in the kitchen. I don't know what it was. And Roy
22 | has this thing that he was going to get Tony for it. So
23 | he was quite drunk when he came home and he just grabbed this
24 | long sandwich knife out of the drawer. It was quite a thing
25 | I think. And he took off out through the door cursing that

MRS. MARY EBSARY, by Mr. Orsborn

1 he was going to go down and get Tony. So I called the
2 police and I'm not sure if I called Tony and I -- to tell
3 him that if he came to the door not to answer the door.
4 I'm not sure of that -- about calling Tony but I thought I
5 had.

6 Q. I think our evidence so far indicates that occurred in April
7 of 1970 and as a result of his going with a knife he was
8 charged, I think, with carrying the knife. Was that the
9 time?

10 A. Yes.

11 Q. Okay. Did you believe that he was going to hurt Tony?

12 A. I can't say that I believed or disbelieved it but I wasn't
13 going to take any chances due to his drunken state.

14 Q. Had you ever seen him violent towards another person?

15 A. No, I hadn't.

16 Q. Did you had occasion to observe him in relationships with
17 people other than your own family and was he friendly with
18 people? Was he quick with other people? Did he show other
19 people his temper?

20 A. He never showed any violence or animosity or anything towards
21 outside people. As a matter of fact people often complimented
22 me for having such a nice person.

23 Q. I see. Was he in the habit of bring company home?

24 A. Always. Anytime. Always.

25 Q. Men? Women? Boys? Girls?

MRS. MARY EBSARY, by Mr. Orsborn

- 1 | A. No women.
- 2 | Q. No women?
- 3 | A. No.
- 4 | Q. Okay. They'd be drinking buddies of his?
- 5 | A. Yes.
- 6 | Q. Okay. Would he feed them?
- 7 | A. Yes.
- 8 | Q. Or would ask you to feed them?
- 9 | A. Occasionally he would ask me to feed them. Not to often.
- 10 | Q. Did these people arrive unannounced with Roy?
- 11 | A. Oh, yes.
- 12 | Q. Late at night?
- 13 | A. Yeh, any hour.
- 14 | Q. Any hour. And would he let you know that they were coming?
- 15 | A. No.
- 16 | Q. So if he showed up with one or two people or three people
- 17 | at eleven or twelve o'clock at night, that wouldn't be --
- 18 | A. Unusual?
- 19 | Q. Yes.
- 20 | A. No.
- 21 | Q. Did Roy ever express to you any feelings that he may have
- 22 | had towards Indians?
- 23 | A. I think Roy's feelings towards Indians were the same as his
- 24 | feelings towards any other person. He was not bigoted towards
- 25 | any race. That is as far as I know. I've never ever heard him

MRS. MARY EBSARY, by Mr. Orsborn

1 express anything about them one way or the other.

2 Q. About Blacks?

3 A. No.

4 Q. Did you ever hear him use the word "Blackie"?

5 A. No.

6 Q. Did you ever hear him use the word "Nigger"?

7 A. No.

8 Q. Mr. Ratchford has testified to this Commission --

9 A. There was one day a lady came to my door and I think she
10 was selling flowers. He referred to her as an Indian woman
11 had come to the door today. That way. I think if he
12 was referring to a coloured person he would refer to them
13 as that.

14 Q. I see.

15 A. A coloured person. I don't think he ever to my knowledge ever
16 used the word "Nigger", "Blackie" or anything like that.
17 He definitely wasn't racial. Now, that's to my -- just
18 my way of thinking because I've never ever heard him say
19 anything about those people.

20 Q. You said that you spoke with Roy as little as possible. Now
21 was this over --

22 A. As little as possible.

23 Q. Was this over the full 20 to 29 years or in the later stage
24 of it?

25 A. No. No. Probably over the last 20 years.

MRS. MARY EBSARY, by Mr. Orsborn

1 Q. Okay.

2 A. 20 -- 20. Yeh, possibly over the last 20 years.

3 Q. So would he then have talked to his friends and to other
4 people more than he would talk to you?

5 A. Oh, yes. He never got a chance to talk to me.

6 Q. Did you ever hear him -- Well, did he walk around town a lot?

7 A. I beg your pardon?

8 Q. Did he walk a lot.

9 A. He did -- He did all his walking, yes.

10 Q. Did he own a --

11 A. He walked quite a lot.

12 Q. Did he own car?

13 A. No. We didn't own a car because we couldn't afford one.

14 Q. Did you get any sense that he was -- he was known around town?
15 Was he a popular chap?

16 A. Well, I thought probably people knew him around town because
17 he did a lot of drinking and in to the taverns and he knew
18 an awful lot of people around town.

19 Q. Did you ever go out to the taverns with him?

20 A. No way. No, sir.

21 Q. Did he ever tell you that he'd been mugged or robbed or accosted?

22 A. Oh, yes. On several occasions.

23 Q. Several occasions?

24 A. Coming through the park. He didn't get any sympathy either.
25 I told him to take the long way around and --

MRS. MARY EBSARY, by Mr. Orsborn

- 1 Q. What did he tell you --
- 2 A. -- not to come through the park.
- 3 Q. What did he tell you had happened?
- 4 A. Well, he told me at one time that somebody had jumped him
5 and taken all his money and another time another person had
6 jumped him and rolled him over a bank. He didn't show any
7 signs of that mind you. But that somebody had rolled him
8 over a bank and took his cigarettes and demanded his cash.
- 9 Q. Did you believe him?
- 10 A. Not entirely.
- 11 Q. Why not?
- 12 A. Well, he didn't show any evidence that he had been roughed up
13 or anymore than his feathers might have been ruffled.
- 14 Q. Do you know when these occasions happened?
- 15 A. At night probably around ten, eleven -- coming home.
- 16 Q. Do you know when they happened in relation to say May of 1971?
- 17 A. Not accurately on time. No, but I do know that they did
18 occur prior to that.
- 19 Q. Yes. Would it be say a year before or ten years before?
- 20 A. Oh, -- Well, it wouldn't be ten years. It probably be more
21 like a year and a half, two years. Year and a half.
- 22 Q. Yes. Did he ever say he was going to go to the police and
23 complain?
- 24 A. No.
- 25 Q. Do you know if when he was accosted on those occasions if he

MRS. MARY EBSARY, by Mr. Orsborn

1 | was carrying a knife or not?

2 | A. I couldn't answer that accurately. There's a possibility that
3 | he might have had his pocket knife on him but I wouldn't say
4 | with a certainty.

5 | Q. And did he indicate to you after these attempts that he'd
6 | make sure that that didn't happen again or he'd defend himself
7 | the next time?

8 | A. He didn't say that to me. Now, whether he -- he had it
9 | in his mind or he vowed to somebody else but to me he didn't.

10 | Q. You may have said this and I may have missed it. You said
11 | at one time that he used to carry a pocket knife and there
12 | were other times he'd carry a knife with the blade sticking
13 | out of his back pocket.

14 | A. Oh, this pocket knife -- there was always a pocket knife
15 | irregardless of a knife. There was a pocket knife. That
16 | was part of his dress. You know, put your money in your
17 | pocket and your pocket knife. But when he was out around
18 | the garden digging or whatever and he was using those knives. He'd ta
19 | the knife and stick the handle down in his back pocket and just
20 | go or if he was doing anything he'd stick the knife in
21 | his pocket and he'd just go with the knife in his pocket.

22 | Q. Now, when you say just go, you mean go out in the garden or
23 | go around town?

24 | A. Oh, yeh. He'd go down town or where ever he had it in his
25 | mind to go. He'd go and take the knife plus his pocket knife

MRS. MARY EBSARY, by Mr. Orsborn

- 1 with him.
- 2 Q. So on occasion he would be walking around town with his
- 3 pocket knife --
- 4 A. Yes.
- 5 Q. -- and another knife?
- 6 A. Yes.
- 7 Q. From your knowledge of Roy how do you think he would respond
- 8 to a request for money? If somebody walked up to him in
- 9 the park and --
- 10 A. He'd give it to them.
- 11 Q. Would he?
- 12 A. Oh, yes. Or he'd keep the price of one beer and give
- 13 them the rest of it.
- 14 Q. What makes you think that he'd give it to him?
- 15 A. Because Roy was like that. He was generous to a fault.
- 16 No matter what -- I've seen him take his watch off and give
- 17 it to a fellow that was leaving the house. If the fellow
- 18 said; "I like that watch." "Here, have it."
- 19 Q. I'd like to talk with you for a few moments Mrs. Ebsary about
- 20 the night of May 28th, 29, 1971. Do you remember that night
- 21 still?
- 22 A. No, not as clear on it as Dave is but to my recollection, I
- 23 can -- I can remember them coming in.
- 24 Q. Do you remember Roy going out that out that day?
- 25 A. Do I remember him going out?

MRS. MARY EBSARY, by Mr. Orsborn

1 Q. Yes.

2 A. Yes.

3 Q. When he left?

4 A. Yes.

5 Q. Do you know when he went out?

6 A. Do I know when he went out?

7 Q. Yeh.

8 A. He left sometime before supper. I would say possibly some time
9 between five and six.

10 Q. Do you know where he was going?

11 A. No. I saw Jimmy coming in the garden.

12 Q. Jimmy?

13 A. Mr. MacNeil coming in the garden and Roy went to meet him
14 and the two of them just took off.

15 Q. Do you remember how he was dressed?

16 A. He -- He had on his -- I'm not even sure if it was his
17 blue coat he had on thrown over his shoulders.

18 Q. But he was out in the garden, Jimmy MacNeil came and then
19 he went on with Jimmy?

20 A. Yeh.

21 Q. Did he come back into the house before he left?

22 A. He must have came in and got his coat and just took off
23 with Jimmy.

24 Q. Do you know if he had a knife with him when he left.

25 A. Well, he would have had the knife he was using in the garden

MRS. MARY EBSARY, by Mr. Orsborn

1 plus his pocket knife.

2 Q. So he would have had the knife from the garden plus the
3 pocket knife?

4 A. His pocket knife.

5 Q. Do you know what his physical condition was at that time?

6 A. It was fairly good. Fairly good.

7 Q. What about his mental condition?

8 A. That I couldn't account for.

9 Q. When did you see him next?

10 A. Oh, possibly -- I'm not too accurate on the time. It could
11 have been after eleven o'clock or it could be just up
12 close to twelve -- or twelve o'clock.

13 Q. Do you know if he had been drinking before he left the house?

14 A. No. He hadn't.

15 Q. Okay. Can you tell us what you remember of when he came home?

16 A. When they came -- he came home it's like I said it was after
17 eleven probably close to twelve and he rushed in to the kitchen.
18 Jimmy was trailing him. I didn't pay to much attention to
19 him until Jimmy started going on about Roy saving his life and
20 he was a good fellow tonight and you did a good thing tonight
21 and you saved my life.

22 Q. He was talking to Roy was he?

23 A. He wasn't talking to anybody. He was just -- stood up against-
24 with his back against the wall and talking. He wasn't talking
25 to anybody in particular. And I wasn't paying that much attentio

MRS. MARY EBSARY, by Mr. Orsborn

1 | to him. I was watching the news or something on television
2 | and I just let him --

3 | Q. Did you know Jimmy MacNeil?

4 | A. Did I know him?

5 | Q. Yes.

6 | A. Not over well. Not over well, no.

7 | Q. The -- These comments are rather surprising comments I would
8 | think. Is there any reason you didn't pay any attention
9 | to him?

10 | A. You asked me if I knew Jimmy MacNeil. I didn't know Jimmy
11 | MacNeil, no. I know that he worked for a couple of days
12 | down at the Wandlyn Motel where I worked. He was bringing out
13 | garbage and things like that. And it seemed that Jimmy
14 | wasn't --how would I put it. He wasn't over bright but
15 | still he wasn't stupid. Well, I hadn't -- he left then
16 | after two days down there and I hadn't seen him anymore
17 | until he came home that night with Roy.

18 | Q. The -- These comments that he made -- Roy saved my life and
19 | did a good job or whatever. Did it make you curious?

20 | A. No.

21 | Q. Why not?

22 | A. I don't know because anything that Roy did never aroused
23 | my curiosity. Never. I didn't put anything past him. Or
24 | anything that happened. I just wasn't interested. He could
25 | come, he could go, he could do as he pleased. I just didn't care.

MRS. MARY EBSARY, by Mr. Orsborn

1 Q. Is it fair to say, Mrs. Ebsary, that at this time even though
2 you were under the same roof but you were living sort of
3 separate lives?

4 A. Yes.

5 Q. Did Jimmy say anything else that you remember?

6 A. No. I know Roy came out of the kitchen then and he was
7 quite annoyed at Jimmy and he told him to get out and go
8 home. And he told him with way to go.

9 Q. He told him which way to go home?

10 A. Oh, yes. And he said if you go that way the fellows that
11 are chasing us won't catch you.

12 Q. They talked about being chased?

13 A. Yes.

14 Q. Did you ask --

15 A. So --

16 Q. Did you ask him if anybody was chasing him?

17 A. No way. I didn't care if the devil was chasing him.

18 As a matter of fact he'd be better off if he was. No I didn't
19 ask him. I didn't question. I didn't speak to him. I didn't
20 see him anymore as a matter of fact that night. He must
21 have went in or went upstairs and went to bed.

22 Q. Do you remember anything about his appearance and attitude
23 when he came in? Number one did you see any blood anywhere?

24 A. Oh, no.

25 Q. On any clothing?

MRS. MARY EBSARY, by Mr. Orsborn

1 | A. No. Actually I didn't see him. Anymore than I just
2 | saw him past the doorway and go in the kitchen. I didn't
3 | see him after that. He went upstairs and went to bed. I
4 | guess he went upstairs. I don't know.

5 | Q. What about the clothing that he would have worn that night?
6 | His coat, his shirt or anything --

7 | A. He would have taken the coat off and hung it up in the
8 | hallway. He would have went upstairs to his quarters and
9 | taken off his clothes and went to bed. Well, now if he
10 | did throw a shirt or anything in the laundry that was blood-stained
11 | it wouldn't mean anything to me. Because where he was
12 | working at the hotel all the time he had blood-stains all
13 | over his shirts and dry blood-stains on his shirts that
14 | were washed and the blood-stains wouldn't come out even
15 | after being washed. It didn't mean anything to me. So I --
16 | if I did they wouldn't have --

17 | Q. It didn't register?

18 | A. No, it wouldn't register.

19 | Q. Was Donna with you that night?

20 | A. She was with me for a while in the living room. Right up
21 | until the time Roy came home she was with me. I think she
22 | was sitting on floor playing with the cat if I recollect right.
23 | And I knew her father was drinking when he came in so I told
24 | her to hustle off to bed.

25 | Q. How did you know he was drinking?

MRS. MARY EBSARY, by Mr. Orsborn

1 A. How do I know he was drinking?

2 Q. Yes. You just told us a minute ago you didn't see him.

3 He sort of flew by the door.

4 A. Oh, I could tell if Roy was drinking. If he passed the
5 liquor store on the way home and didn't go in. I could tell
6 he had a drink. I could tell by his walk. The way he carried
7 himself.

8 Q. Now, when you say had a drink, do you mean drunk?

9 A. Pardon me?

10 Q. When you say you could tell that he had drink, do you just
11 mean like one drink or you could tell if he was drunk?

12 A. I could tell if he had a half a dozen drinks. Put it that way.
13 And I could definitely tell if he was steamed right up.
14 He didn't stagger but I could tell by his walk and his attitude.
15 The way he carried himself as to how drunk he was.

16 Q. Do you remember this night how drunk he was?

17 A. Yeh, well, I'd say he was pretty drunk.

18 Q. Pretty drunk. You told us before that particularly when
19 he was drinking he would be unpredictable.

20 A. Very unpredictable. That's why I never spoke to him when
21 he was drinking.

22 Q. Okay. From what you remember of how drunk he was that night
23 would you be able to tell if he was in fact in the unpredictable
24 mood that night?

25 A. He -- It wouldn't have taken anything to arouse him. To make him

MRS. MARY EBSARY, by Mr. Orsborn

1 | pretty annoyed that night.

2 | Q. Now, I'm sorry, I stopped you. You were talking about Donna.

3 | A. Yes, Donna was in the living room and I told her to go off to
4 | bed, so since then I've discovered she didn't go off to bed.

5 | Q. Since then you've discovered?

6 | A. Yes.

7 | Q. So as far as you knew Donna had left the living room and gone
8 | to bed?

9 | A. Had gone to bed, yes. I always knew her nosiness would get
10 | her in trouble.

11 | Q. Was she -- You say "nosy", was she curious?

12 | A. Oh, very.

13 | Q. Was she?

14 | A. She wanted to know everything.

15 | Q. And did she usually find out?

16 | A. Oh, yes.

17 | Q. Did Jimmy MacNeil stay around very long?

18 | A. I beg your pardon?

19 | Q. Did Jimmy MacNeil stay around very long that night?

20 | A. Oh, no, no. I would say that Jimmy MacNeil wasn't at my house
21 | fifteen minutes, twenty at the very most, no more.

22 | Q. Do you know if he had been drinking?

23 | A. Yes, Jimmy had been drinking. Jimmy's face was florid and
24 | he was slurring. Yes, he had been drinking.

25 | Q. Did Jimmy have anything to say to you at this time?

MRS. MARY EBSARY, by Mr. Orsborn

1 A. No. Jimmy wasn't talking to anybody. He was just talking.

2 Q. Did you hear any conversation that night that spoke of being
3 robbed or attacked?

4 A. No. The only -- The only thing I assumed that night was that
5 somebody was chasing them. That's all.

6 Q. Did you hear any reference at all to a Nigger?

7 A. No.

8 Q. Any reference to an Indian?

9 A. No.

10 Q. Or a Black?

11 A. No.

12 Q. When did you learn that something had happened in the park
13 that night?

14 A. I don't remember accurately if it was the next day or the
15 following day. I believe it was the next day though that I --
16 I think -- I don't know if I heard it on the radio or saw it
17 on the television news --

18 Q. Yes.

19 A. --that the young man had been stabbed in the park.

20 Q. Yes.

21 A. And then I went back to the night when those two were rushing
22 home and I still don't remember now if it was that day or
23 the following day that I asked Roy if he knew anything about
24 it, if they were down around the park and if they knew anything
25 about it, and he said -- I think he said that they were coming

MRS. MARY EBSARY, by Mr. Orsborn

1 through the park. He told me, no, he didn't know anything
2 about it.

3 Q. Did you believe him?

4 A. I didn't believe that he didn't know anything about it. I --
5 I had it in the back of my mind that he had seen something or
6 that he knew something, but still he persisted that he didn't
7 know or didn't know anything about it.

8 Q. What put that in your mind that he had seen something?

9 A. Well, the way they -- they had rushed in like this and knowing
10 that they'd be around the park -- that they were down around
11 the park.

12 Q. Yes.

13 A. It was just a "maggot" that was there that wouldn't go away.

14 Q. Okay. Did Jimmy MacNeil come back to your house after the --
15 that night?

16 A. He came back Sunday.

17 Q. I think -- If I remember correctly I think it was Roy when
18 he testified here had said that -- it might have been Jimmy
19 MacNeil that said that he had been in bed for a day or two and
20 Jimmy MacNeil came back a couple of days later and got him
21 up out of bed?

22

23

24

25

gmk.

MRS. MARY EBSARY, by Mr. Orsborn

- 1 A. He came back Sunday I think it was.
- 2 Q. Do you remember if Roy had stayed in bed a day or two after
3 that incident?
- 4 A. Well, that wasn't unusual for Roy.
- 5 Q. It wasn't unusual?
- 6 A. Oh, god, no. He'd stay in bed for a couple of days now.
- 7 Q. Would that be because he had been drinking or just he wanted
8 to stay in bed?
- 9 A. No, he probably was drinking and just -- just sleeping off
10 god-awful hang over or something.
- 11 Q. Okay. What do you remember of Jimmy MacNeil coming back
12 that Sunday?
- 13 A. Yes, I think he did. I think Jimmy -- I don't know if he
14 was with Jimmy or -- I don't even know if it was that Sunday.
15 Time doesn't mean anything to me now. I'm just talking generally.
16 I know that Jimmy came back and I think his brother and his
17 father was with him, but whether that was that Sunday or
18 whether it was a few days afterwards now, I'm not too clear.
19 And I know they were drinking in the living room, the whole lot
20 of them. Because when I left to go out, I think Jimmy MacNeil's
21 father was laying down on the chesterfield.
- 22 Q. Yes.
- 23 A. And I departed. I went and left them.
- 24 Q. Did you have any discussion with Jimmy or Roy at that time
25 about the incident?

MRS. MARY EBSARY, by Mr. Orsborn

1 | A. No.

2 | Q. Do you remember if you knew then that Mr. Seale had died?

3 | A. Oh, yes, I knew then that he had died.

4 | Q. After Jimmy MacNeil left the house that day, did you have any
5 | further contact with him?

6 | A. With Jimmy?

7 | Q. Yes.

8 | A. Yes. I know that he was going to come back to the house again.
9 | I knew that he was coming back again and I told Gregory to go
10 | up and get him at his house.

11 | Q. And Gregory is your son?

12 | A. My son. And bring him down to the hotel to me. And I think
13 | that was possibly around supper time.

14 | Q. But -- do you know roughly when this was?

15 | A. It was after -- I think it was after that Sunday. I'm not
16 | even too sure. I'm just not sure of dates.

17 | Q. Thank you.

18 | A. But yes, I saw him after that.

19 | Q. Why did you send for him?

20 | A. I wanted him to stay the hell away from the house. I didn't
21 | want him drinking, him and Roy out drinking any more. So I
22 | told him. And I think I told him that "If you don't stay
23 | away from Roy, you're going to get yourself in trouble. Look
24 | what happened down the park last night. That boy was killed
25 | and if you fellows don't watch yourselves, the same thing is

MRS. MARY EBSARY, by Mr. Orsborn

1 going to happen to you."

2 Q. Okay, now you -- You say that you called for Jimmy because --
3 because Roy was drinking?

4 A. Yes.

5 Q. Were you attempting to get Roy to stop drinking?

6 A. I wanted him to stay off the liquor, yes.

7 Q. Was there anything in particular that made you want to get him
8 to stop drinking at this point?

9 A. Yes, because he was bumming too much money off me and I couldn't
10 afford to give it to him.

11 Q. Okay. Was he drinking with anybody else other than Jimmy at
12 the time?

13 A. Not at the time, no.

14 Q. Okay.

15 A. Jimmy happened to be his present buddy.

16 Q. Did the incident in the park have anything to do with your
17 telling Jimmy MacNeil not to come around again?

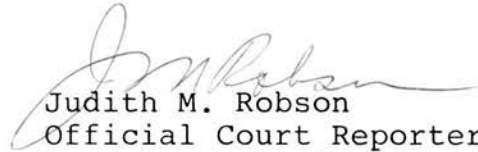
18 A. It might have. I don't know. Maybe I was using a scare tactic.

19 Q. Did the -- It's been suggested that the reason that you told
20 Jimmy MacNeil not to come around again was because you somehow
21 believed that he and Roy had been tangled up in this incident
22 and you wanted to close the door on this incident.

23 A. No, no. I never believed first or last that they were tangled
24 up in that incident. I believed that they knew about it, that
25 they had seen something going on down there. It never crossed

COURT REPORTER'S CERTIFICATE

I, Judith M. Robson, an Official Court Reporter, do certify that the transcript of evidence hereto annexed is a true and accurate transcript of the Royal Commission on the Donald Marshall, Jr., Prosecution as held on the 4th day of November, A.D., 1987, at Sydney, in the County of Cape Breton, Province of Nova Scotia, taken by way of recording and reduced to typewritten copy.


Judith M. Robson
Official Court Reporter
Registered Professional Reporter