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SDS Case Number 87-312

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

VOLUME XXIV

Held: November 4, 1987

At: St. Andrew's Church Hall
Bentinck Street
Sydney, Nova Scotia

Before: Chief Justice T. A. Hickman, Chairman
Assoc. Chief Justice L. A. Poitras, Commissioner
Hon. G. T. Evans, Commissioner

Counsel: George MacDonald, Q.C., Wylie Spicer, & David Orsborn: Commission Counsel

Clayton Ruby, Ms. Marlys Edwardh, & Ms. Anne S. Derrick: Counsel for Donald Marshall, Jr.

Michael G. Whalley, Q.C.: Counsel for City of Sydney

Ronald N. Pugsley, Q.C., Joel Pink, Q.C.,: Counsel for John F. MacIntyre

Donald C. Murray: Counsel for William Urquhart

Frank L. Elman, Q.C., & David G. Barrett: Counsel for the Donald MacNeil estate

Jamie W. S. Saunders, & Darrel I. Pink: Counsel for Attorney General

James D. Bissell: Counsel for the R.C.M.P.

Al Pringle: Counsel for Correctional Services Canada

William L. Ryan: Counsel for Evers, Green and MacAlpine

Charles Broderick: Counsel for Carroll

S. Bruce Outhouse: Counsel for Wheaton & Scott

Guy LaFosse: Counsel for Davies

Bruce H. Wildsmith, & Graydon Nicholas: Counsel for Union of Nova Scotia Indians

E. Anthony Ross, & Kevin Drolet: Counsel for Oscar N. Seale

E. Anthony Ross, & Jeremy Gay: Counsel for Black United Front

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COURT REPORTER'S CERTIFICATE XX

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

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

2 BY MR. SPICER:

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

11 A. Yes.

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

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

19 Q. Yes.

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

1 up on a hill. They asked for a match. One fellow -- the
2 fellow with the gray hair. He claimed he was a priest. They
3 were from away. They were asking if there were some boot-
4 leggers around." And so I said -- so I paused there for a
5 minute, and I said, "A priest." I told what -- How did the
6 other fellow look like? "Well, sort of tall."
7 Q. The other fellow that --
8 A. Yeh.
9 Q. -- they ran into was kind of tall?
10 A. Yeh, kind of tall. And so he was still there shaking --
11 shaking. I just -- So I paused there for another minute. I
12 told Junior, "Calm down. Calm down." So they were -- One
13 fellow says -- short fellow says, "Are you an Indian?" and
14 Junior says, "Yeh." The other fellow -- He mentioned the other
15 fellow, Sandy -- recognized Sandy and this incident happened,
16 and I told him, "What happened?" He said, "Sandy got it.
17 Sandy got it in the stomach," and he got it in the left arm.
18 Q. Had Junior told you this that evening?
19 A. Yeh. But at that time, he was a little shocked too, eh.
20 Q. Who was? Junior?
21 A. Junior, he was shocked.
22 Q. Yes. Did Junior say anything to you in that conversation, the
23 one that you're just telling us about, about what he was doing
24 in the park that night?
25 A. As far as I'm concerned, I figured he'd be going going -- I

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

ARTHUR J. PAUL, by Mr. Spicer

1 A. Best recollection I can tell you is about how he described the
2 assailant.
3 Q. And what was that description, Artie?
4 A. He had a cloak on.
5 Q. A cloak?
6 A. A cloak. He had white hair, glasses, short, and claimed he was a
7 priest.
8 Q. Did Junior give you all those details that night?
9 A. Not fully.
10 Q. Right.
11 A. Not fully.
12 Q. Just tell us for the moment, how much detail did Junior give
13 you that night about the person that had been attacking him?
14 How much of what you just told me did he tell you that night?
15 Did he tell you he had a cloak, for instance?
16 A. Yeh.
17 Q. Did he tell you that that night?
18 A. Yeh.
19 Q. Okay. What else did he tell you?
20 A. Well, a coat.
21 Q. Coat, okay.
22 A. A coat. A long coat.
23 Q. Did he say anything else about that person that evening?
24 A. No.
25 Q. No?

1 A. He told me he was at the hospital. He was a little shocked to see
2 young Sandford there -- young Seale there -- lying there, and
3 he was a little shocked about that.
4 Q. The other information that you've just given us concerning the
5 description of the man that he had glasses on and all the other
6 things --
7 A. Yeh.
8 Q. -- he indicated, is that all stuff that you've picked up over
9 the years -- that you've learned over the years that that's
10 what Roy Ebsary looked like -- that stuff that you've been
11 told over the years or you've seen?
12 A. Junior -- but Junior described to me.
13 Q. Then Junior described to you a man with a coat?
14 A. Yeh.
15 Q. And on that night, and that's all I want you to tell me for
16 now -- On that night, did he tell you anything more about the
17 man than that he had a coat on?
18 A. No.
19 Q. Did he tell you how tall he was, how short he was, anything
20 like that?
21 A. Oh, yeh, he's short.
22 Q. Yes.
23 A. Was short.
24 Q. What about the other man? Did he say anything to you about the
25 other --

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

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

1 Q. Did you?
2 A. Yeh.
3 Q. What sorts of things would you talk about?
4 A. He was -- He kept talking about the old fellow.
5 Q. And these conversations, Artie, took place before Junior's
6 trial?
7 A. Yes.
8 Q. And did you go and see Junior after he was convicted? Did you go
9 and see him in Dorchester?
10 A. Yeh, I seen him on a few occasions -- Christmas.
11 Q. At Dorchester.
12 A. Twice. Yeh. Twice.
13 Q. And what sorts of things would you talk about?
14 A. Yeh, he still maintained --
15 Q. That he didn't do it?
16 A. Yes.
17 Q. Do you remember -- Did you know -- Around the time of the
18 murder, 1971, did you know John Pratico?
19 A. John Pratico?
20 Q. Yes.
21 A. Yeh, he hanged around with us several occasions.
22 Q. What kind of a kid was he, Artie?
23 A. Tempermental.
24 Q. In what way?
25 A. He was the sort of fellow that's well a reject from the White

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

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

A. Yes.

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

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

Q. You assumed the City Police were intimidating him?

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

Q. Why did you assume that, Artie?

A. Because he wasn't telling the truth.

Q. Yes.

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

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

A. Yeh.

Q. You went to see John at the circus?

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

Q. Yes.

A. I happened to see him.

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

A. No. No.

Q. Okay. When did you see --

1 A. Kept dodging.
2 Q. Sorry?
3 A. Kept dodging me.
4 Q. Yes.
5 A. The way it happened was -- He's as harmless as a doe. So I
6 didn't want to -- I don't want to confront him there so I said
7 I'll wait for him -- I'll for him outside. So I waited for
8 him for about a half hour. So I was waiting. I recognized
9 a shirt he had one. He always wears a white shirt. So I seen
10 him coming out and he was walking pretty fast. I said, "Hey,
11 John!" I said, "John, listen, how did you get into a sitation
12 like this, you know, with the police and Junior and all this?"
13 So he kept walking. He kept walking. He was pretty nervous.
14 He was pretty nervous.
15 Q. Yes.
16 A. So I told John, "Listen, you better get this straightened out
17 because you're going to get Junior in a lot of trouble." He
18 didn't say too much. But I think he sort of said, "I'm scared
19 of the police -- scared of the police." So I said, "Okay.
20 That's all right." But I told John, "Well, I advise you,
21 John, not to go down to the park because the boys probably
22 think different." You know. Well, I don't know if that was
23 a threat or -- But I was hoping he'll tell his story to the
24 R.C.M.P. I was going to tell him, " Tell your story to the
25 R.C.M.P."

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

A. Yeh.

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

A. No.

Q. He wasn't?

A. No.

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

A. Yes.

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

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

Q. And Claire is the sister?

A. Pardon me?

Q. Who is Claire?

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

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

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

Q. Yes.

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

Q. Around '75 or so?

1 A. Around '75. Roddy -- One night Roddy told me, "Jimmy wants to
2 talk to you. He wants to talk to you about something." I
3 didn't care too much for -- of what he was talking about because
4 he was always drinking, you know, he's --
5 Q. Who was?
6 A. Jimmy. Jimmy, yeh.
7 Q. Artie, you never did find out what it was that --
8 A. No.
9 Q. -- Jimmy wanted to talk to you about, did you?
10 A. No. No.
11 Q. You just have a recollection that --
12 A. Yeh.
13 Q. -- he wanted to talk to you about something.
14 A. Yeh.
15 Q. but you never did find out what it was?
16 A. Yeh.
17 Q. Is that right?
18 A. That's right.
19 Q. Yes. Thanks very much, Artie. Mr. Ruby, I think, is going to
20 probably ask you some questions.
21 BY MR. RUBY:
22 Q. Mr. Paul, my name is Clayton Ruby, and I -- You and I have met,
23 I know.
24 A. How are you?
25 Q. And I represent Junior Marshall. There's one area that I really

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

1 seven years ever since the Inquiry came in. I was pretty -- I
2 was under stress. I was on pills for seven years.
3 Q. We understand, I think. There's been a lot of pressure on
4 everyone --
5 A. Yeh. Yeh.
6 Q. -- involved in this particular Inquiry, and I think we appreciate
7 that. I take it you haven't got that difficulty today?
8 A. No.
9 Q. Feeling better today?
10 A. I'm getting better now.
11 Q. Good. Those are all my questions, sir. Would you wait and
12 my friends may have some questions for you.
13 BY MR. J. PINK:
14 Q. Mr. Paul, in light of some of your evidence today -- My name
15 is Joel Pink, and I'm here on behalf of John MacIntyre. I
16 just wanted to go over some of the evidence that you gave
17 yesterday in light of what you have said today. I take it,
18 sir, that you do agree with me that you did hang around the
19 park with Junior Marshall. Is that correct?
20 A. Yes.
21 Q. And while you were in the park, especially on weekends, there
22 was a lot of drinking going on. Is that correct?
23 A. Yeh.
24 Q. Yes or no, sir?
25 A. That's correct.

1 Q. And when you were in the park area, there was in fact pan-
2 handling or bumming going on for money. Is that correct?
3 A. Yeh.
4 Q. Yes or no, sir?
5 A. Yeh, panhandling.
6 Q. Panhandling? And I take it that a lot of people who were in
7 the park would in fact do some panhandling. Is that correct?
8 A. Yeh.
9 Q. Junior Marshall was involved in panhandling.
10 A. Yes, probably.
11 Q. Yourself, you were involved in --
12 A. Yeh.
13 Q. -- panhandling?
14 A. Yeh, well, I worked for Kevin Farrell.
15 Q. I'm sorry?
16 A. I worked for Kevin Farrell at that time.
17 Q. Yes?
18 A. And I had money.
19 Q. Yes. Had you ever done any panhandling for money in the park?
20 A. Myself?
21 Q. Yes.
22 A. Yes.
23 Q. And did you go panhandling for money with Junior Marshall in
24 the park?
25 A. A few times, maybe. Not sure.

1 Q. When you say a few times and you're not sure, --
2 A. Yeh.
3 Q. Did you or did you not --
4 A. Yeh, I did.
5 Q. You did?
6 A. Yeh.
7 Q. And you did that on a few occasions?
8 A. Yeh, a few occasions, yeh.
9 Q. Now, when you were panhandling for money, did you ever grab a
10 hold of a person at the time that you were making the request
11 for money?
12 A. No.
13 Q. Did you see Junior Marshall grab a hold of a person?
14 A. No, sir.
15 Q. Now yesterday, this question was asked of you, and I will repeat
16 you answer. It's at page 4303 of the transcript of the pro-
17 ceedings held on November the 3rd of 1987. Yesterday, Mr. Paul,
18 the question was asked of you by Mr. Spicer at line 24:
19 Q. What's the answer to my question?
20 My question was whether or not you ever seen Junior using force in bumming money from people?
21
22 A. Oh, probably grab somebody -- probably grab someone.
23 A. That's probably.
24 Q. Probably.
25 A. Yeh, but that's not possible.

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

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

3

4 A. No.

5 Q. No, what?

6 A. No, sir.

7 Q. You do not agree with that? And can you tell us why, sir,

8 yesterday you said that, but today you now say something

9 different?

10 A. Yesterday I was a little confused.

11 Q. What were you confused about? Were you confused about the

12 question, sir?

13 A. Yes.

14 Q. Did you not understand the question:

15 Q. My question was whether or not you had seen Junior use any

16 force in bumming money from people?

17 Did you understand that question?

18 A. No.

19 Q. You did not understand that? I take it -- Do you distinguish --

20 Do you know the difference between -- Is there a difference

21 between bumming and panhandling, in your opinion?

22 A. No, there's no difference.

23 Q. There's no difference?

24 A. There's no difference.

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

1 to the park and asking you people to leave, is that correct?
2 A. Yeh.
3 Q. The group that you hanged around with were jsut not Native
4 peeople but they were also White people as well. Is that correct?
5 A. That's correct.
6 Q. And I understand yesterday from your evidence that you were
7 picked up by the police on occasions for being drunk in a
8 public place and you were taken home. Is that correct?
9 A. Yeh, picked up, yes. I got picked up numerous of times and
10 driven home -- get drunk.
11 Q. And you were taken home sometimes?
12 A. Yeh. Yeh, drunk.
13 Q. And sometimes you were placed in the lock-up --
14 A. Yeh, sometimes, yes.
15 Q. Is that correct?
16 A. Sometimes, yes.
17 Q. But on all occasions that you were picked up by the Sydney City
18 Police, you were in fact intoxicated or drunk. Would you
19 agree with that, sir.
20 A. Yeh, intoxicated, yes.
21 Q. You were intoxicated. At any -- What is your age now, Mr. Paul?
22 A. Thirty-six going on thirty-seven.
23 Q. During your thirty-six years, had you ever had any contact
24 with John MacIntyre?
25 A. John MacIntyre?

1 Q. Yes.
2 A. Detective?
3 Q. Yes.
4 A. Yes, a few times.
5 Q. How many times?
6 A. I'd say around three times.
7 Q. And was that in relation to the Marshall investigation or was
8 that in regards to other things?
9 A. No, that's regard to other things.
10 Q. And were you brought in? And were you interrogated or were you
11 asked questions by John MacIntyre?
12 A. The incident?
13 Q. Yes.
14 A. No.
15 Q. No. No. Before. In the regards to these three occasions.
16 A. Yeh.
17 Q. Were you -- You said that you were -- you came in contact with
18 John MacIntyre on three occasions?
19 A. Yeh, break and enter.
20 Q. Yes.
21 A. And possession of microphones.
22 Q. Yes. And were you charged with those things, sir?
23 A. Pardon me?
24 Q. Were you charged?
25 A. Yes, I was charged.

1 Q. So, in fact, you do have a criminal record, is that correct?
2 A. Yes, I have. I do.
3 Q. And I take it, sir -- Did you plead guilty to those charges?
4 A. Yes.
5 Q. Okay. And I take it, sir, that you were in fact guilty of
6 those charges. Is that correct?
7 A. That's correct.
8 Q. Okay. So the record that you have is possession of stolen
9 goods and break and enter. Is that correct?
10 A. Yeh. Petty crime.
11 Q. And what was the other -- What's the petty crime?
12 A. They're all petty crimes.
13 Q. Okay. What was the third petty crime?
14 A. There was another one there to -- I think -- narcotics.
15 Q. Narcotics. And was that possesion of narcotics?
16 A. Let me see. I don't know when that was. It's back in '78. I got
17 two months for it.
18
19
20
21
22
23
24
25

1 Q. Were these three crimes that you pleaded guilty to, I take it
2 they were subsequent or after the stabbing of Sandy Seale. Is
3 that correct?
4 A. That was -- That was before the stabbing.
5 Q. Before the stabbing?
6 A. Before the stabbing.
7 Q. Oh, because Sandy Seale -- the death of Sandy Seale took place
8 back in 1971?
9 A. Oh, no, the times I've -- the times I've met Mr. -- Mr. MacIntyre
10 was -- was twice, a couple of times.
11 Q. Yes.
12 A. But the incident that happened down at the park, no, I was
13 never down there.
14 Q. I just want to straighten out in my own mind, sir, as to the
15 time that you came in contact with John MacIntyre, was that
16 before the stabbing or after the stabbing?
17 A. That was before the stabbing.
18 Q. So it was before Junior Marshall went to gaol?
19 A. Yes.
20 Q. Is that correct?
21 A. Yeh.
22 Q. Are you sure about that or are you unsure because I want to
23 give you --
24 A. I'm sure, yeh.
25 Q. It was before?

1 A. Yeh.
2 Q. And once again the two instances dealt with the possession
3 of stolen property and break and enter?
4 A. Yeh.
5 Q. When was the narcotic's charge?
6 A. That was in '78.
7 Q. Okay. So that was after the stabbing?
8 A. Yeh, that was after the stabbing.
9 Q. So between 1970 -- '71, and 1978, you had no contact with
10 John MacIntyre?
11 A. No.
12 Q. Would you agree with me, sir, that other than these three occasions
13 in which you came in contact with John MacIntyre, that you have
14 had no problems with John MacIntyre?
15 A. I had no problems with John MacIntyre.
16 Q. And, in fact, sir, when you went to Court and you pleaded guilty
17 you knew what the word "guilty" meant. Is that correct?
18 A. That's right.
19 Q. You also made mention to the Commission, Mr. Paul, that you
20 knew John Pratico. Did you see John Pratico in the park after
21 the stabbing, that is, between the time of the stabbing and
22 the time that Junior Marshall was charged?
23 A. No. No, sir.
24 Q. Other than this one occasion when you mentioned meeting John
25 Pratico at the circus had you ever had discussions with John

1 Pratico regarding what took place and what he, in fact, had
2 seen on the night of the stabbing?
3 A. Well, he didn't say too much.
4 Q. Was there general conversation amongst you and your friends
5 in the park about what, in fact, took place from the time of
6 the stabbing until the time that Junior Marshall was charged?
7 A. Well, around the Reserve everybody -- everybody talks -- everybody
8 talks.
9 Q. What about in the park?
10 A. In the park too.
11 Q. And was John Pratico present at any of those discussions?
12 A. No, sir.
13 Q. So he was not there in your presence?
14 A. No.
15 Q. Is that -- Is that what you're saying?
16 A. Yeh, that's the only time I met him was down at the circus.
17 Q. At the circus?
18 A. At the circus.
19 Q. But whether or not John Pratico was in the park from the time
20 of the stabbing until the time that Donald Marshall was charged,
21 you're not able to say. Is that correct?
22 A. That's correct. I was out on Intercolonial Street.
23 MR. J. PINK:
24 Thank you, Mr. Paul. I have no further questions.
25 MR. MURRAY:
No questions on behalf of William Urquhart.

1 MR. ELMAN:

2 No questions on behalf of Donald C. MacNeil.

3 BY MR. SAUNDERS:

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

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

9 Q. Yes.

10 A. Just trafficing.

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

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

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

17 A. A couple of years.

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

20 A. None. Never.

21 Q. Pardon me?

22 A. None.

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

1 A. Jimmy MacNeil's brother.
2 Q. Brother?
3 A. Brother, Roddie.
4 Q. Pardon me?
5 A. Roddie.
6 Q. All right.
7 A. Roddie MacNeil.
8 Q. Thank you. So you heard that on one occasion, sir, that
9 Jimmy wished to talk to you?
10 A. Yes, on one occasion.
11 Q. But you didn't look into that yourself because you knew that
12 Jimmy was always drinking. Is that correct?
13 A. Yes, he was always drinking, yes.
14 Q. He had that reputation?
15 A. Yes.
16 Q. So do I -- do I state it correctly that you didn't place
17 much stock in the idea of following it up with Jimmy because
18 you knew he was a heavy drinker?
19 A. Yes.
20 MR. SAUNDERS:
21 All right. Thanks very much.
22 MR. PRINGLE:
23 No questions on behalf of the R.C.M. Police, My Lord.
24 BY MR. ROSS:
25 Q. Mr. Paul, my name is Anthony Ross and I would like to ask

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

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

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

1 A. Correct.
2 Q. Somebody came up to you and identified Sandy Seale as somebody
3 who could handle a hockey stick?
4 A. Yeh, probably, yeh.
5 Q. Now you say probably. I wasn't there. I want to know the facts
6 from you?
7 A. Yeh. Yeh. Yeh.
8 Q. Pardon me? Are you confused?
9 A. I'll get to it. Well, he always had a smile on his face.
10 I know that. He was pretty -- pretty athletic.
11 Q. Pretty athletic with a smile on his face, but you -- you
12 couldn't know this before because you only met him at the
13 Trinity Hall?
14 A. Yeh. Yeh.
15 Q. Is that correct?
16 A. People told me he was a hockey player.
17 Q. And that's why you went over to speak to him because people
18 told you he was a hockey player?
19 A. Well, he was around like any other -- like any other fellow.
20 Q. I'm becoming a little bit confused, Mr. Paul. I'm just trying
21 to pin down the first time that you met Sandy Seale.
22 MR. CHAIRMAN:
23 I think, you know, I would ask that when this witness asks --
24 answers a question fairly definitively that it -- I would ask
25 Counsel to be gentle.

1 MR. ROSS:

2 Well, I'm trying to be gentle.

3 MR. CHAIRMAN:

4 And I'm not confused with the answer.

5 BY MR. CHAIRMAN:

6 Q. My understanding is, Mr. Paul, and correct me if I'm wrong, that

7 at the Trinity Hall someone introduced you to Sandy Seale?

8 A. Yes.

9 Q. And told you as part of the introduction that Sandy Seale was

10 a skillful hockey player?

11 A. Yes, and athletic.

12 Q. Is that correct?

13 A. Yeh.

14 MR. CHAIRMAN:

15 Is that --

16 MR. ROSS:

17 Absolutely clear, My Lord.

18 MR. CHAIRMAN:

19 All right. Fine.

20 MR. ROSS:

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

22 MR. CHAIRMAN:

23 Well, I'd be glad to.

24 BY MR. ROSS:

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

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

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

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

1 Q. Didn't Junior tell you that he was at a tavern that night?
2 A. No, he didn't tell me.
3 Q. So your understanding is that after he left the Tobin's he
4 went to the dance?
5 A. Yeh.
6 Q. And from the dance there was this incident at the park?
7 A. Yeh.
8 Q. And from there he went to the hospital?
9 A. Yeh.
10 Q. And then came back to the Reserve?
11 A. He came back to the Reserve.
12 MR. ROSS:
13 Okay. Thank you very much. No more questions.
14 THE WITNESS:
15 You're welcome.
16 BY MR. WILDSMITH:
17 Q. Do you and I know each other, Mr. Paul?
18 A. Yes, Bruce.
19 Q. And I'm going to ask you a few questions on behalf of the
20 Union of Nova Scotia Indians. Mr. Paul, you were originally
21 scheduled to give evidence at an earlier date here, were you
22 not?
23 A. Pardon me?
24 Q. You were originally coming here to give evidence a couple of
25 weeks ago?

1 A. Yeh. Yeh.
2 Q. And you came to the hall that morning?
3 A. Yeh, there wasn't -- it wasn't very crowded here. There was only
4 just a few people here -- there was only two.
5 Q. Yes, and what happened?
6 A. Well, I didn't have my -- I didn't have my blood pressure
7 pills. I didn't have them. I thought I had them. I felt --
8 I felt a pain here. I felt a pain and I said I'll have to
9 go and -- I was going to mention to one of those fellows over
10 there to indicate -- to tell them I'm getting sick. So I
11 went out and went across over to George Street there -- not
12 George Street, Charlotte and I proceeded on the way to the
13 park and I proceeded --
14 Q. Well, let's not go through the whole day.
15 A. Yeh. Yeh.
16 Q. But how did you feel when you came here?
17 A. Oh, I felt pretty tense.
18 Q. Pretty tense?
19 A. Pretty tense. I had a pain here, a pain in the chest.
20 Q. Yes.
21 And did you go to a doctor?
22 A. Yes.
23 Q. And the doctor prescribed medication?
24 A. Yes.
25 Q. And are those the pills that you took yesterday?

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

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

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

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

1 understand correctly you ended up quitting school after about
2 grade five?
3 A. Yes.
4 Q. How did you feel attending school at St. Anthony Daniel?
5 A. I felt disoriented.
6 Q. Yes.
7 A. Disoriented.
8 Q. Did you also feel some sense of embarrassment about the time
9 that you were in grade five because you were bigger and much
10 older than the other kids in the class?
11 A. Yes.
12 Q. In grade five how old would you have been?
13 A. I'd say around, oh, fifteen.
14 Q. And in grade five most of the other kids would be around eleven?
15 A. Yeh. Yeh, but when I was in -- when I was in Shubie I -- I
16 passed all my grades when I was in Shubie. I passed all
17 my grades.
18 Q. When you were with the other Indian kids you --
19 A. Yes.
20 Q. --you did all right?
21 A. Yes.
22 Q. Okay. Now let me take you to the incident that involved
23 John Pratico at the circus in the summer. You've indicated that
24 you suggested to Mr. Pratico that it might not be a good
25 idea if he went back in the park because the other kids might

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

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

1 Q. Can you tell us about that?
2 A. Well, he has his pipe --
3 Q. Pardon?
4 A. He has his pipe.
5 Q. Okay.
6 A. He has his pipe and he takes his time. He don't -- He doesn't --
7 He don't -- He doesn't lose his temper, he uses it.
8 Q. What do you mean by that?
9 A. He -- He uses it in such a way that you're -- you're almost
10 convinced you're going -- you're just going to break. He has
11 that -- He has that effect.
12 Q. He has that effect?
13 A. Yeh. He dominates.
14 Q. When you talk about his pipe that sounds like it's very sort
15 of slow and laid back and gentle?
16 A. Yeh, but after that he gets right into the details -- he
17 gets you.
18 Q. Yeh. Does he raise his voice?
19 A. Yes, at times.
20 Q. When you say, "Uses his temper", does that mean that he
21 displays a strong temper at times?
22 A. Yes.
23 Q. Okay, and is that how he appeared to you when you were being
24 interviewed by him?
25 A. Come again.

1 Q. You're basing this on your experience?
2 A. Yeh.
3 Q. Okay, and can you also tell us about a particular incident
4 involving the Sydney Police and the Chick 'N" Coop or
5 Co-op?
6 A. Yes.
7 Q. Tell us about that.
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1 A. Well, I sit there -- well, first I left -- left the Keltic
2 Tavern. Went to the Chick 'N' Coop. I ordered --
3 Q. Is that a place in Sydney?
4 A. Yeh, that's on Pitt Street. I ordered -- I ordered a hot
5 chicken sandwich. And a friend of mine, an aquaintance --
6 well, he used to go with one of my nieces. So he came in
7 -- there was a scuffle while I was eating. There was
8 a scuffle next to me there, eh. He was arguing with someone
9 there. So I didn't pay too much -- too much attention till
10 -- till he come over to my table. So --
11 Q. This other individual came to your table who had been over
12 with the scuffle?
13 A. Yeh, they had a scuffle -- yeh, he had a argument with this --
14 two White fellows there. So he come to me. I knew him.
15 Q. The fellow that came over to your table, was he an Indian?
16 A. No, he was a White fellow.
17 Q. Okay, go ahead.
18 A. So I tell him -- I told him, well -- I told him -- I know --
19 What's going on over there? Are you's having an old beef?
20 I says, you's got an old beef over there, you know, -- an
21 old settlement or something that you want to settle. He
22 says yeh. So he sat there -- he sat there for a little
23 while. The first thing you know the police come in --
24 the police come in and the manager -- the manager that owned
25 the place, he pointed -- he pointed -- he pointed the finger

1 at me and he pointed the finger at my friend there. So we
2 got into the police car. I didn't say nothing.
3 Q. Were you involved in this scuffle?
4 A. No, no, I wasn't, no, no. But if he was -- perhaps if he
5 was Micmac I would probably talk to him in Micmac, you know,
6 at that time. Because some -- sometimes police get -- police
7 get aggravated when -- when we talk Micmac when we're picked
8 up.
9 Q. There was no Micmac here?
10 A. No, no Micmac.
11 Q. Okay.
12 A. So we got into the station. So I was a little mad myself.
13 So they searched him -- they searched him. They found a
14 concealed weapon on him. A knife. They found a knife and
15 I was going explain to myself the officer -- he was in
16 his mid-forties -- was going to explain to him. By the time
17 I was going to explain I wasn't involved with this situation,
18 I got it.
19 Q. Punched you?
20 A. Punched me in the stomach and I -- I landed on the bench.
21 Knocked the wind right out of me. It took me -- it took --
22 it took me a while -- it took me a while to get my breath
23 back.
24 Q. Are you saying you tried to explain that you had nothing to
25 do with the scuffle?

1 A. Yes, yes, yes.
2 Q. Okay, anything else happen?
3 A. So I went out -- I was in for drunk in -- I was in for drunk
4 in a public place. They took out my shoe laces and my --
5 my belt.
6 Q. Is this the same time that you're talking about now or is
7 this the second time?
8 A. Pardon me.
9 Q. Are you now telling us about a second incident or is it a
10 continuation of the same?
11 A. Yeh, it's -- it's just -- it's just this story here.
12 Q. The same one?
13 A. Yeh, the Chick 'n' Coop incident.
14 Q. Okay.
15 A. Yeh, the same one.
16 Q. Go ahead.
17 A. So they took me in the cell. So that was it.
18 Q. Okay. And was there another time when you were drinking with
19 some other people by the tennis courts?
20 A. Yeh, that --
21 Q. Tell us what happened that time?
22 A. Oh, we were drinking with a young girl there by the name of
23 Reid. She had to go home early. So she had to go -- she
24 had to go home early anyway. She was a little young, you
25 know. She wanted a few drinks, so no problem, here have a

1 drink. She probably had a pint or something. And she says
2 I got -- I got to get home early. I says all right, you go
3 home. A friend of mine, Pius, he's sort of big -- he's sort
4 -- he's sort of loud. Junior was with me -- sort of loud.
5 I guess -- I guess people from -- from up the street there
6 must have heard Pius or something. So then the cops came.
7 So I started running. I run out -- I ran out of that street
8 so fast my -- I left my shoes. I left my shoes in the road
9 there.
10 Q. You mean they came off you while you were running?
11 A. Pardon me, yeh.
12 Q. Okay.
13 A. I fell in a hole -- I fell in a hole and I hurt my leg there
14 and I was just moaning -- I was moaning -- I was moaning.
15 I fell in a deep hole, too. I was just moaning and moaning.
16 I tried -- I tried -- I tried to hold my breath but the
17 pain was just -- there were cans down there and I seen the
18 light. So they got me. Grabbed me by the scruff of the hair.
19 Q. Who's the they?
20 A. Pardon me.
21 Q. Who's --
22 A. The police -- the City Police.
23 Q. Did you have long hair?
24 A. Yes.
25 Q. Did they ask you to get out of the hole?

1 A. Pardon me.
2 Q. Did they ask you?
3 A. No, they pulled me out of the hole.
4 Q. They just grabbed you by the hair?
5 A. Yeh, literally.
6 Q. And pulled you out?
7 A. Yeh.
8 Q. By the hair?
9 A. By the hair.
10 Q. And then what?
11 A. So I went down the station. Junior and I. I think it was
12 Junior -- Pi -- yeh, Junior. They picked up Junior down --
13 down the Park later on.
14 Q. Okay, is that the end of that one?
15 A. Yeh, so -- so the next day I had to walk -- I had to walk --
16 I had to walk back over there bare feet.
17 Q. You mean when you were released from the lock-out, you had
18 no shoes and --
19 A. Yeh.
20 Q. -- you walked home?
21 A. Yeh, but there are other times -- there were other times the
22 police chased me, they couldn't catch me.
23 Q. That was more usual was it?
24 A. Yeh.
25 Q. Okay.

1 A. But I -- broke my nose a few times from running. Sometimes
2 my shoulders, my fingers. Bad shape.
3 Q. Those -- those are all my questions.
4 MR. CHAIRMAN:
5 Thank you very much, Mr. Paul. I'm sure you'll be pleased to
6 learn that that's the end of your testimony and I thank you for
7 coming.
8 BY THE WITNESS:
9 I thank the Royal Commission.
10
11 (WITNESS WITHDREW)
12 MR. CHAIRMAN:
13 We'll adjourn for ten minutes.
14 INQUIRY ADJOURNED: 10:41 a.m.
15 INQUIRY RECONVENED: 11:04 a.m.
16 MR. MacDONALD:
17 The next witness, my Lord, will be David Ratchford.
18 MR. CHAIRMAN:
19 I think --
20 MR. MacDONALD:
21 I'm sorry, my Lord. Perhaps before we continue --
22 MR. SPICER:
23 I think, my lords, you remember Mr. Elman yesterday as clarifying
24 the situation of Mr. Christmas and his Preliminary and since then
25 he has come up with a clipping from the Cape Breton Post which

1 further clarifies that which I think we should perhaps introduce
2 as an exhibit and Mr. Elman, himself, can speak to what, in fact,
3 happened. So I'll just introduce this press clipping and Mr.
4 Elman will further clarify.
5 MR. CHAIRMAN:
6 All right, fine.
7 MR. ELMAN:
8 Just two points. First of all, yesterday I think some people may
9 have misunderstood what I said when I said the object of
10 the exercise appeared to be to get Tommy Christmas --
11 COMMISSIONER EVANS:
12 Could you put the other mike on?
13 MR. ELMAN:
14 Oh, I'm sorry. Yesterday --
15 MR. CHAIRMAN:
16 What is the number of the exhibit -- seventy-two. Yes, Mr. Elman.
17 MR. ELMAN:
18 I made mention that it -- the object of the exercise appeared to
19 be to get Tommy Christmas out of the way prior to the Marshall
20 trial. Some people may have took that to mean that to get him
21 out of town. That's wasn't what was intended.
22 MR. CHAIRMAN:
23 No, I know.
24 MR. ELMAN:
25 Because Tommy Marshall was already out on bail in July and had

1 been out until he was picked up in September. So that that wasn't
2 at issue to get him out of town. It was a matter of getting the
3 trial out of the way and since -- since he -- he was picked up
4 on the break and enter and I see now from the report from the
5 newspaper that I was probably there. Although the other documentation
6 does not reveal that and I thought that I had not been there for
7 that break and enter charge. And I looked at the documentation
8 and -- that we have in book or volume 22. There was no
9 indication of my being present at the time of the re-election
10 although the newspaper clipping says that I was there. So
11 probably a deal had been made, although I don't recall that and
12 that since he was going to go to the penitentiary on the break
13 and enter charge, there was no need to continue with the
14 obstruction charge and thereby we would get it off of the docket
15 for the next sitting of the Supreme Court which was going to
16 take place in November and thereby remove it and that -- that
17 that was what I meant when I said "to get Tommy Christmas out
18 of the way". It was to get his trial out of the way, not him
19 personally.
20 MR. CHAIRMAN:
21 That's what I understood you to say yesterday but I -- in any
22 event, you simply ask that this be put in for the record as a
23 clarification as exhibit seventy-two which refers to the sentencing
24 of:
25 Thomas Joseph Christmas, for breaking

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

3 That was the charge as I understand it.

4 MR. ELMAN:

5 Yes.

6 MR. CHAIRMAN:

7 Fine, thank you.

8 MR. ELMAN:

9 Thank you.

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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 weaponary, 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

1973, in which my partner was killed instantly and I was injured very, very seriously.

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?

A. I would say it would have been perhaps within the first six months so that would bring us into about maybe February or early March.

Q. Of 1974?

A. Four, yeh.

Q. Okay. Now, tell the Commissioners about that occurrence.

A. Well, there were a lot of youngsters from the high school attending the club so we formed a branch of the club that trained and worked out at the high school itself. I had heard a number of the kids talking about the Donald Marshall affair. There was one youngster who had befriended Donna who had known Donald Marshall quite, you know, very well. She was a friend. And she had mentioned several times in the presence of Donna that she didn't think that Donald was guilty of this crime.

Q. Do you know the name of that girl?

A. Diane Lewis is her name.

Q. Okay. Go on.

A. I made no connection at all, you know, with any of this thing and Donna or her family at all at that point. I knew there was something bothering her. I -- because she was exceptional. Like I said before, she was an exceptionally quiet person. She kept very, very much to herself. But I attributed that to the fact that people didn't like her because of, you know, because of the fact she wasn't pretty or

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

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

A. Yes, I do sir. Yeh.

Q. Then you still have a clear recollection?

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

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

A. She told me that -- the first thing she said to me, she said, "have you heard about this Donald Marshall situation that Donald Marshall was sent to prison for the killing?" and I said yes. I said I knew about it. When the killing had 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?

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.

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

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

Q. And did Donna tell you that?

A. Yes.

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

A. Yes.

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

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

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

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

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

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

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

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

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

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

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

A. Yes, I am.

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

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

Q. Were you going to tell the proper authorities?

A. Yes, I was.

Q. And who was the proper authority?

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

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

A. Yes, I did.

Q. And did Donna go with you?

A. Yes, she did.

Q. When was that?

A. That was the next morning.

Q. Tell us about that.

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

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?

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

Q. Okay. What happened when you got there?

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

Q. Did you identify her?

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

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

A. Yes.

Q. Did you speak with both?

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

Q. Where would Mr. MacIntyre have been?

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

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

A. I believe he was, yes.

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

A. Yes, I said --

Q. Something to that effect?

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

Q. Okay. And his reply was?

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

Q. Okay. How long were you there?

A. Five minutes.

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

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

Q. Now, what did you do after that?

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

Q. Who was that?

A. His name was Gary Green.

Q. Yes.

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

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

A. Yes.

Q. What took place then?

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

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

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?

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

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

Q. Which individual?

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

BY MR. MURRAY:

Q. I apologize.

A. Okay, thank you.

BY MR. MacDONALD:

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

A. Oh, I see. Okay.

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.
21
22
23
24
25

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 distinquished 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.

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

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

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

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

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

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

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

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

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

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?

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

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

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

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 COMMISSIONEF 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?

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

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.

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?

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

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

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

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

Q. Mr. Urquhart?

A. Yeh.

Q. And did you call Donna Ebsary?

A. I did, yes.

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

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

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 COMMMISSIONER 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.

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

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 thoughout 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.

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

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

of some months --

A. Wait -- wait a second now, I kind of let you get ahead of me. I stated earlier that we had put the demonstration on it was public in May of 1973 and we had opened the school in September of 1973. It was later -- it was sometime between September and November of '73 that I had met Donna. That Donna had come into the -- into the world of our club. Because in 1974 we moved our location from 296 Charlotte Street to 274 Charlotte Street.

Q. Okay, I'll just back up one more time.

A. Okay.

Q. The demonstration that you talked about with members from various clubs --

A. Yes.

Q. -- did that take place at the same time that you were invited to go to the Academy talk about these two sticks tied together and this sort of thing?

A. Oh, no, no that -- that took place after we had established the operation -- it was at that point -- Donna Ebsary was not involved in that demonstration whatsoever. I did not know her at that time.

Q. That's what I understood. What I'm trying to find out is when it is you might have attended Academy to give this lecture about the weapons and things when you met Donna?

A. Yes, right.

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?

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

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.

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.

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

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

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 innocense 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

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

BY MR. RUBY:

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

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

Q. Right.

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

Q. Okay.

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

Q. And where were you standing during the conversation?

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

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

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

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

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?
19
20
21
22
23
24
25

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 transcipt 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

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
I tell you that Pratico came to this house. Often.
13 Often. Often. Often.
14 A. No. I can quote that verbatim.
15 Q. We've never heard that, I don't think. Can you 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 intrumental 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

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

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

Q. Yes.

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

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

A. Yeh.

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

A. Yes.

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

A. Yes.

Q. --on more than one occasion.

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

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

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
a beating on you.
14
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

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 existance was
25 brought to the attention of the prosecutorian authorities of

1 the Province of Nova Scotia prior to Mr. Ebsary's trials?
2 A. Ater 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?

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

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

A. No.

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

A. I'll try. Yes.

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

A. Yes.

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

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

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

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

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

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

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

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

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 lean, 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

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

at the back of the room. He was -- seemed to -- He -- It appeared to me as though he were finishing up some work on his desk.

Q. How long was it before Urquhart approached you to see why you were there?

A. Well, we made eye contact as I was coming in through the door. He seemed to be -- I -- He made have been on his way out of the room for that matter but we seemed to have met -- I met him as I entered into the room.

Q. And after you had eye contact did you walk over and go into his cubicle?

A. No, sir.

Q. What happened? I don't quite understand.

A. We stood facing each other and I stated my business and left. Not moving from the spot that I had -- was standing in.

Q. Now, I just want to get the time because you say that you were in there for five minutes?

A. Yes.

Q. I take it that you introduced yourself.

A. I did introduce myself.

Q. And you -- and could you just -- You said your name was?

A. David Ratchford.

Q. Yes, go ahead.

A. I told him my name was David Ratchford. That I had lived -- I

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?

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

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.

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 reinactment 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 reinactment 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

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

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

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

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

A. I had the audio cassettes.

Q. In 19 --

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

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

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

A. I chroniclized almost every single one of them.

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

A. Yes.

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

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

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

A. Absolutely not, no.

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

A. No.

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

A. Yes.

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.

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 --

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?

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

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?

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?

A. You may suggest that if you like.

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

A. That?

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

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

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

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

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

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

Q. Yes.

MR. MURRAY:

I have no further questions, My Lord.

BY MR. SAUNDERS:

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

A. Yes.

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

A. Yes, sir.

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

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

A. Yes.

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

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

Q. Corporal Carroll, yeh.

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

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

A. Yes.

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

A. I see.

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

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

Q. Did you ever inquire of Constable Green before he was transferred out of the province, "Look, what's happening with this case that you and I have discussed?"?

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.

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?

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?

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

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
new director of CJCB Radio. In
24 1983 by telephone.
25 A. Exactly, but that interview doesn't -- There's nowhere in

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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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.

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 lier.
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 --

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

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

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

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 --

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

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

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

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

1 MacDonald 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

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

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.

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
1974, Donna Ebsary began attending
6 my martial arts studio here in
Sydney.
7
8 A. Yes.
9 Q. We became rather good friends over a
period of time. She had a rather
10 turbulent relationship with her
father. She appeared to get along
11 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
me an amazing story about her father.
15 She said that at the time of the Seale
murder she was home when her father
16 and another guy came home.
17 A. Yes.
18 Q. She stated that her father had blood
on his shirt and a knife in his belt.
19
20 A. Yes.
21 Q. And she saw him wash blood off his
hands and he mentioned stabbing a
22 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

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 --

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

1 of those concepts with the witness.

2 MR. MacDONALD:

3 Yes, My Lord.

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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.

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?

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
to Bill Urquhart, I believe.

7 A. Yes.

8 Q. Did you phone Bill Urquhart?

9 A. No, I did not. I intended. I don't know how that that piece
10 of information got entered that I phoned. No, I don't recall
11 ever phoning them at all first.

12 Q. You've told us today and described quite -- in quite some
13 detail --

14 A. Yes.

15 Q. -- a visit that you had to the Sydney Police?

16 A. Exactly.

17 Q. Does this statement, exhibit 74, change your evidence in
18 that respect in any way? This statement it says that you
19 telephoned?

20 A. This -- what I said today is what I believe today. The
21 telephone call, no. I don't -- I don't know how I could
22 have mixed up -- I may have thought or he may have asked
23 me did I call them and I might have said call instead of
24 visit. But I visited. I didn't call. I know I didn't
25 call them.

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.
A. That's right.
14 Q. Constable Gary Green was a
15 good friend and so I reported it to him.
16 A. That's right.
17 Q. I understood that he also ran
18 into a blank wall with the City Police.
19 A. Yes.
20 Q. In the years following, Donna
21 occasionally brought it up and found it strange that the police
22 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,

there, you know, that nothing had been done. We -- we had assumed that -- that -- that the information that Constable Green passed on to Halifax, we were expecting at any time to hear something about that, you know, very soon after -- after reporting it.

Q. Okay.

> Donna and I discussed the possibility of her father admitting to me that he committed the murder. I got to know him but he never admitted it to me.

Is that accurate up to March of 1982?

A. Up to that point.

Q. That document is then signed by you and Wheaton?

A. Yes.

Q. And there's a third page that contains the name Donna Ebsary, a telephone number --

A. Yes.

Q. And then a -- is that an address for Donna Ebsary?

A. I believe it is, yes.

Q. Would you have had that information to give to Sergeant Wheaton?

A. At that time, I would have. I had a letter from Donna and -- and it would have had that information on it, yes.

Q. Now I want to deal with this one more time because it seems to me to be fairly important.

A. Yes.

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 reaccounted 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?

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

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.

BY MR. MURRAY:

Q. Mr. Ratchford, Donald Murray again.

A. Yes.

Q. In your statement at the bottom of the first page and going over to the second page --

A. Yeh.

Q. --you state that:

> I phoned the City Police and talked to Bill Urquhart, I believe.

A. Yes.

Q. This morning you -- This morning and this afternoon you have stated that you're certain the person you saw --

A. Absolutely.

Q. --at the Sydney City Police was Bill Urquhart?

A. Yes. I want to just tell you one thing about this statement of 1982. It was all totally new. It was all coming up again new. I had my first opportunity in all of that time to start putting back together and start compiling this. I had a lot of other problems throughout those years that I had lost contact with Roy Ebsary in the time that this investigation reopened. I -- I wasn't rehearsed. I wasn't prepared or anything for the -- for the interviews that were to follow and with the way that this thing blossomed and mushroomed and everything else so quickly, it's very possible that I overlooked these details. It's very-- These are -- This is a very sketchy statement. This doesn't

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

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

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
and advised that he had heard of the
24 murder on the radio and wished to see
a member. Ratchford was interviewed...
25 and so on.

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?

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.

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?

A. I don't know who Sergeant MacIntyre talked to about it. I had tried to generate interest in the Police Department first by a letter.

Q. Could it have been Sergeant MacIntyre?

A. Could it have been Sergeant MacIntyre?

Q. Yes.

A. Yes, it could have been.

Q. And was it at the Sydney Police Station that you -- you attended to offer your services or to advise them about the school anyway?

A. I -- I think I dropped off some -- some information on it to their desk.

MR. MacDONALD:

Okay. That's all, My Lord.

MR. CHAIRMAN:

I take it there's no point in starting another witness at this hour.

MR. MacDONALD:

Well, we have witnesses available, My Lord, but we're at your disposal.

MR. CHAIRMAN:

Well, we're prepared to sit, or are we? All right. Democracy in action, we'll start the next witness.

(WITNESS WITHDREW)

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

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.

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 puttering 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 tendancies that you were aware?
24 A. Yes. You mean breaking things, throwing things?
25 Q. Yes.

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 unpredicable?
18 A. Very.
19 Q. I see.
20 A. Did -- He's given his evidence about a sort of a fascination
21 working with knifes. 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

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 --

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.

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

you accurately how long.

Q. And was he drinking at these times?

A. Yes.

Q. Did the police come?

A. Yes.

Q. What happened?

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

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

A. Yes.

Q. Not towards you?

A. No.

Q. Were you scared?

A. Yes.

Q. Were your children scared?

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

Q. You took the children out walking.

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

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

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

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?

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 unannouced 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

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 --

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

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

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?

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

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

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.

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

A. Yes.

Q. Did Jimmy say anything else that you remember?

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

Q. He told him which way to go home?

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

Q. They talked about being chased?

A. Yes.

Q. Did you ask --

A. So --

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

A. No way. I didn't care if the devil was chasing him. As a matter of fact he'd be better off if he was. No I didn't ask him. I didn't question. I didn't speak to him. I didn't see him anymore as a matter of fact that night. He must have went in or went upstairs and went to bed.

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

A. Oh, no.

Q. On any clothing?

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?

A. How do I know he was drinking?

Q. Yes. You just told us a minute ago you didn't see him. He sort of flew by the door.

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

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

A. Pardon me?

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

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

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

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

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

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

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

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

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?

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

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

Q. Did you believe him?

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

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

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

Q. Yes.

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

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

A. He came back Sunday.

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

gmr.

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?

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

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

Sydney Discovery Services
November 4, 1987