

RG 44
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ROYAL COMMISSION ON THE
DONALD MARSHALL, JR., PROSECUTION

VOLUME XXV

Held: November 5, 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

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INDEX - VOLUME XXV

Mrs. Mary Ebsary

By Mr. Orsborn	4565
By Mr. Ruby	4604
By Mr. J. Pink	4610
By Mr. Ross	4620

Greg Ebsary

By Mr. MacDonald	4622
By Mr. Ruby	4666
By Mr. J. Pink	4675
By Mr. Saunders	4680
By Mr. Ross	4681

Simon J. Khattar, Q.C.

By Mr. MacDonald	4683
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COURT REPORTER'S CERTIFICATE	YY
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INQUIRY RECONVENED AT 9:40 o'clock in the forenoon on Thursday, the 5th day of November, A.D., 1987, at Sydney, County of Cape Breton, Province of Nova Scotia.

1 MRS. MARY EBSARY, resumes testimony, as follows:

2 BY MR. ORSBORN:

3 Q. Mrs. Ebsary, just before we finished yesterday, we spoke
4 about your difficulties with Roy and your suggestion to him
5 that he should stop his drinking. I'd just like to confirm
6 with you that -- With respect to your discussions with Jimmy
7 MacNeil and your telling him to stay away, would you be able
8 to indicate to us whether your telling him to stay away was
9 on account of the -- what you thought was some trouble in the
10 park, or was it on account of Roy's drinking and his
11 activities?

12 A. Well, I guess it was a little of both.

13 Q. Yes. And did you put any kind of an ultimatum to Roy that he
14 should stop his drinking?

15 A. Yes, I did.

16 Q. What did you put to him?

17 A. That he'd either have to stop drinking or leave.

18 Q. Yes. Was he working at the time?

19 A. I don't think so.

20 Q. Were you working?

21 A. Yes.

22 Q. Yes. You were the breadwinner so to speak?

23 A. Yes.

24 Q. I see. And you told us he in fact did stay home and cut out
25 his drinking to some extent after you told him this?

1 A. Yes, he did.

2 Q. Been some suggestion that following this he became somewhat of
3 a hermit or a recluse, is that so?

4 A. Well, you couldn't call him a hermit or a recluse. He just
5 stayed home. He didn't frequent the taverns or go down around
6 the town anymore.

7 Q. Right.

8 A. But he did go out around the yard and, he was around the house
9 and --

10 Q. Did he still bring people back to the house?

11 A. Not during that time, no.

12 Q. Okay. How long did that time last?

13 A. Not too long.

14 Q. How long is that?

15 A. Oh, probably a month -- couple of months.

16 Q. Okay. Did he retain his interest in his knives?

17 A. Yes.

18 Q. In what respect?

19 A. Well, he'd keep honing them and putting them away and taking
20 new ones or -- just playing with them.

21 Q. Still use them out in the garden?

22 A. Yes.

23 Q. At any time following the incident, did Roy tell you or mem-
24 bers of your family, to your knowledge, that you should say
25 nothing about the incident?

1 | A. Never. He never even discussed it, and when I asked him about
2 | it, he denied knowing anything about it; so that -- No, he
3 | never did.

4 | Q. You heard some testimony yesterday from Mr. Ratchford who
5 | suggested that Donna had told him that following the incident,
6 | certainly Donna and perhaps other members of the family were
7 | living in terror of Roy.

8 | A. No, that's not true. We never lived in terror, not as he
9 | described it, no.

10 | Q. How would you describe it?

11 | A. Tense. The atmosphere was tense, but then it always was a bit
12 | tense when Roy was around, but, no, not in terror, no.

13 | Q. Did you follow the trial of Mr. Marshall?

14 | A. No, I didn't.

15 | Q. Did you have any occasion to discuss the trial at all with
16 | Roy while it was going on?

17 | A. No, I didn't.

18 | Q. Following the trial, were you contacted by the Sydney police?

19 | A. Sometime -- I don't know if it was after the trial or during
20 | the trial. I was, yes.

21 | Q. And do you remember now being contacted by them?

22 | A. Oh, yes.

23 | Q. Could you tell us what you remember, please?

24 | A. I was taken down to the police station. Is that what you call
25 | it?

MRS. MARY EBSARY, by Mr. Orsborn

- 1 Q. Yes. Were you called first?
- 2 A. No. No. The -- Two people came to the hotel where I was
3 working --
- 4 Q. Came to you about that?
- 5 A. -- and requested that I go with them.
- 6 Q. Were they policemen?
- 7 A. I presumed they were.
- 8 Q. In uniform?
- 9 A. I don't remember now if they were in they in uniform or plain
10 clothes, but it seems that they were in plain clothes.
- 11 Q. I see. Did they identify themselves as policemen?
- 12 A. Yes, they did. They didn't tell me what they wanted just that
13 I was needed to go down there.
- 14 Q. Yes.
- 15 A. So I went with them, and --
- 16 Q. Did you have any indication at all of what they wanted?
- 17 A. No, I didn't. They wouldn't say. I asked them and they said
18 it would be discussed with me when I got there.
- 19 Q. I see. You wre working at the time then, were you ?
- 20 A. Yes, I was.
- 21 Q. I see. Go on, please. What did they --
- 22 A. So I -- They took me down to this police station, and they
23 took me into this room, and there was two gentlemen there.
- 24 Q. The two gentlemen that were there were not the same two that
25 picked you up?

MRS. MARY EBSARY, by Mr. Orsborn

- 1 A. No.
- 2 Q. Did you know the two gentlemen that met you there?
- 3 A. No, I don't. One man introduced himself as Mr. MacIntyre.
- 4 Q. Yes.
- 5 A. And the other gentleman was standing up at the end of the table,
6 and he was only there possibly -- I'd say three or four minutes
7 when he left.
- 8 Q. Okay. What time of the day was this?
- 9 A. This was in the night.
- 10 Q. Okay. And what happened when you arrived?
- 11 A. Well, Mr. MacIntyre was speaking with me.
- 12 Q. Yes.
- 13 A. And he asked me diferent questions, which I answered for him.
- 14 Q. Yes.
- 15 A. And I can't tell you any more than that. He asked me about the
16 incident in the park, and I told what I figured I knew, which
17 wasn't too much.
- 18 Q. Were you surprised that they were bringing up this incident?
- 19 A. No, not really.
- 20 Q. Okay. I'd like to show you a statement, Mrs. Ebsary and ask
21 you if you can identify that for us. This is a -- the original
22 of a statement, a copy of which appears in Volume 16 at
23 page 183, and the typewritten version is at Volume 14 at
24 page 14. Mrs. Ebsary, is that your signature --
- 25 A. Yes, it is.

MRS. MARY EBSARY, by Mr. Orsborn

1 Q. -- on the bottom of the -- of each page of that?

2 A. This is mine. And that's mine. Oh, yes, that's mine.

3 Q. Your signature appears on those three pages?

4 A. Yes, that's mine.

5 Q. Can you recall signing that statement, Mrs. Ebsary?

6 A. No, I don't, but it is my signature.

7 Q. It is your signature?

8 A. Yes.

9 MR. ORSBORN:

10 I'd like to introduce the statement as an exhibit, My Lord.

11 Exhibit No. 75, My Lord.

12 BY MR. ORSBORN:

13 Q. We do have a typed version of that. This is a clean copy,
14 which may be easier for you to read. The statement,
15 Mrs. Ebsary, indicates that it was started at 8:45 p.m.
16 and finished at 9:07 p.m., which is approximately twenty-
17 two minutes. Do you have any idea now of how long you were
18 at the police station?

19 A. It seemed that I was there much longer --

20 Q. Yes.

21 A. -- than twenty-two minutes but not being questioned all that
22 time.

23 Q. Were you in the company of --

24 A. I think I spent some of that time alone -- just sitting there
25 alone.

MRS. MARY EBSARY, by Mr. Orsborn

1 Q. Yes. Did you see any other members of your family down there?

2 A. No, I didn't.

3 Q. Did you see Jimmy MacNeil down there?

4 A. No, I didn't.

5 Q. When you were introduced to the two police officers, you said
6 one was Sergeant MacIntyre, do I take it -- Do you not recall
7 the name of the other policeman that was there?

8 A. No, he was a tall gentleman.

9 Q. Tall gentleman?

10 A. Yes.

11 Q. And --

12 A. And he left shortly after I arrived.

13 Q. Did he speak to you at all?

14 A. Not that I remember. No.

15 Q. Was there anybody else that spoke to you besides Sergeant
16 MacIntyre?

17 A. No.

18 Q. Were you given any indication that there had been information
19 given to the police about Roy Ebsary?

20 A. No.

21 Q. I see. And you say you were asked about the incident in the
22 park?

23 A. Yes.

24 Q. I'd like just to review a couple of items in your statement,
25 Mrs. Ebsary, and I'm reading from Volume 14 at page 14, which

MRS. MARY EBSARY, by Mr. Orsborn

1 I believe you have in front of you. You were asked about a
2 conversation with Jim, and you say you don't know his second
3 name.

4 A. Well, at that time, I wasn't too sure of his name.

5 Q. Okay.

6 A. At that period in time.

7 Q. When you say that period in time, you're talking -- this is
8 November, now, of 1971.

9 A. Yes.

10 Q. Did you know him back in May as Jimmy MacNeil or just as Jimmy?

11 A. Just as Jimmy.

12 Q. I see. And you indicate that you had a conversation with him
13 in your car --

14 A. Yes.

15 Q. -- on Kings Road in front of the Wandlyn Motel. And you say:

16 It was about six weeks ago.

17 That would put it roughly at about October -- early October.

18 The incident itself happened back in May. Do you know if it
19 was that late that you in fact told Jimmy to stay away from
20 your husband?

21 A. Oh, I don't know. It could be. I don't remember accurately,
22 no.

23 Q. I see. Would it be fair to say that your memory in November,
24 1971, about this would be better than it is now?

25 A. My memory is absolutely nothing right now. I've forgotten most

1 of it.

2 Q. You're not able to tell us now whether you in fact spoke to
3 Jimmy MacNeil shortly after the event or two or three or four
4 months after?

5 A. No.

6 Q. I see.

7 A. Not accurately, no.

8 Q. You were asked then about the conversation, and you say:

9 The conversation is about this boy,
10 Jim and my husband being attacked
that night coming home by the park.

11 A. Yes.

12 Q. Jim thought maybe the same two, the
13 Marshall boy and the Seale boy.

14 Do you remember how you found out that they were attacked in
15 the park?

16 A. They said later on, not right that night or probably not that
17 week that they were attacked coming home or somebody attacked
18 them coming home through the park that night.

19 Q. Do you remember if it was Roy or Jimmy told you that?

20 A. No, I think probably it was Roy that told me that.

21 Q. I see. Did he tell you anything else other than that they had
22 been attacked?

23 A. No.

24 Q. On the second page of that statement, Mrs. Ebsary, you say,
25 about in the middle of that page:

1 I sent for him . . .

2 This is -- You're speaking of Jimmy MacNeil.

3 . . . and told him to stay away
4 from my house. And it was at this
5 time the conversation about the
6 Seale boy came up.

6 A. Yes.

7 Q. I'm sorry. On the second page, Mrs. Ebsary -- page over. It's
8 about in the middle of that big paragraph in the page there.
9 You're talking about having sent for Jimmy MacNeil, and you
10 say:

11 I sent for him and told him to
12 stay away from my house. And it
13 was at this time the conversation
14 about the Seale boy came up.

14 Do you remember having any conversation with Jimmy about the
15 Seale boy?

16 A. No. The conversation about the young Seale boy didn't come
17 up as it's written here. I referred to the Seale boy -- not
18 the Seale boy. I referred to this as an incident that happened
19 in the park --

20 Q. Yes.

21 A. -- about this boy being killed, but the Seale boy himself was
22 not discussed.

23 Q. With either Roy or Jimmy MacNeil?

24 A. Oh, I don't know what they discussed.

25 Q. No, no, but with you. I'm sorry. You didn't discuss the Seale

- 1 boy with either Roy or --
- 2 A. No, I didn't, but I did discuss the affair --
- 3 Q. Yes.
- 4 A. -- with Jimmy.
- 5 Q. You discussed it with Jimmy?
- 6 A. Yes. This is when I told him to stay away from my house.
- 7 Q. Okay. And do you know when you spoke to Jimmy if you -- Roy
- 8 had already told you that they had been attacked in the park
- 9 that night?
- 10 A. No. He could have, yes.
- 11 Q. I see. The use of the term, "the Seale boy," then, was this
- 12 something that you were suggesting to Sergeant MacIntyre, or
- 13 was he in any way helping you with your statement?
- 14 A. No. Sergeant MacIntyre wasn't suggesting anything to me.
- 15 Q. Okay.
- 16 A. He was just letting me say what I had to say.
- 17 Q. Was it a question and answer approach that he was taking with
- 18 you?
- 19 A. Yes.
- 20 Q. And do you know if he -- you talked to him for any length of
- 21 time before he started to write?
- 22 A. Pardon me?
- 23 Q. Do you know if you talked to Sergeant MacIntyre for any time
- 24 before he actually started to take notes?
- 25 A. No. It seemed that he was jotting down things as I was talking.

MRS. MARY EBSARY, by Mr. Orsborn

1 Q. I see. You say again in this paragraph, Mrs. Ebsary:

2 I don't think Jim or my husband
3 would have anything to do with
4 that. Roy only weighs about
5 115 pounds.

6 A. That 115 pounds there was just 115 pounds. I could say you
7 weighed 110 this morning, but, yes, I remember saying that.

8 Q. I won't ask you how much you thing the Police Chief weighs.

9 A. And at the time, I honestly believe that it was true. I didn't
10 think that Roy would have anything to do with something like
11 that.

12 Q. You told us yesterday that he was unpredictable and --

13 A. Right. Right.

14 Q. -- particularly so when he was drunk.

15 A. Yes, right.

16 Q. And he could act very quickly. Given that, do I understand
17 that you still felt that he would not have anything to do with
18 this?

19 A. Yes.

20 Q. Why is that?

21 A. Well, I didn't think that he would actually attack another boy.

22 Q. Yes.

23 A. He'd probably try to talk to them and persuade them not to do
24 whatever they had in their mind to do or --

25 Q. I don't see any reference in this statement to what Jimmy

MacNeil said when he came back to your house that night, these comments

MRS. MARY EBSARY, by Mr. Orsborn

1 like, "Roy saved my life," or "Roy did a good job." Do you
2 remember if you in fact told Sergeant MacIntyre about that --
3 those statements of Jimmy?

4 A. No.

5 Q. You didn't tell him?

6 A. If I didn't, I don't know why I told him -- didn't tell him.

7 Q. Yes.

8 A. I don't know.

9 Q. Okay.

10 A. I don't know if this -- No. This statement would've been
11 taken after that.

12 Q. Oh, yes, this statement was --

13 A. Yes. No, I have no idea. Yeh.

14 Q. Do you know whether or not you were asked what Roy or Jim
15 were wearing on that night? Do you --

16 A. No.

17 Q. -- remember being asked that?

18 A. No.

19 Q. Do you remember --

20 A. The only reason I could think of not telling him about that is
21 that I just didn't think it was important.

22 Q. Okay. Do you remember being asked whether or not Roy ever
23 carried a knife?

24 A. No, I don't remember that either.

25 Q. Do you remember being asked whether or not you had seen him

1 with a knife that night -- seen him washing a knife?

2 A. No. That wasn't asked.

3 Q. That wasn't asked?

4 A. No.

5 Q. At the time that you talked with Sergeant MacIntyre, were you
6 aware in any way that Jimmy MacNeil had, earlier that evening,
7 given the police a statement?

8 A. No.

9 Q. Did you talk to Jimmy MacNeil at all after the date of this
10 visit to the police station?

11 A. Not to my recollection, no.

12 Q. Now, you've indicated that you were taken to the police station
13 from work and you didn't see any other member of your family down
14 at the police station. Do you know where Donna was that
15 evening?

16 A. Donna was at home.

17 Q. She was at home?

18 A. Yes.

19 Q. How did you get to the police -- I'm sorry. How did you get
20 home?

21 A. From the police station?

22 Q. Yes.

23 A. I half imagine it would be policemen that drove me home.

24 Q. Okay. Do you know if Donna was home when you got there?

25 A. No, Donna was at the police station parked -- She was in a car

MRS. MARY EBSARY, by Mr. Orsborn

1 outside the door.

2 Q. Right. You didn't know she was there?

3 A. No.

4 Q. I see. Did you talk to her when you -- when she got home?

5 A. Briefly.

6 Q. Did she make any --

7 A. No.

8 Q. mention of the incident or having been at the police station?

9 A. No.

10 Q. Would you be able to describe for us at that time the relation-
11 ship between Donna and Roy?

12 A. They -- Donna's relationship with her father was fairly good.

13 Q. Yes.

14 A. They didn't quarrel or --

15 Q. Yes.

16 A. It's sort of hard to explain her -- the situation with him, but
17 she got along all right with her father.

18 Q. Okay. Did you know that Roy was at the police station that
19 same night that you were there?

20 A. No, I didn't.

21 Q. Did he ever ask you about whether or not you had been at the
22 police station?

23 A. No.

24 Q. Was there any discussion at all among the family in the next
25 days, weeks, months --

- 1 A. There was never any discussion with Roy about the incident.
- 2 Q. Yes.
- 3 A. On several occasions, I approached him about what he had seen
4 coming through the park, and he persisted that he saw nothing.
- 5 Q. Was this before he went to the -- before you went to the
6 police station?
- 7 A. This was before he went and after he went.
- 8 Q. Yes. Now, when he insisted that he had seen nothing but at
9 the same time -- Do I understand you to say that you were aware
10 that they had nevertheless been attacked?
- 11 A. Pardon me?
- 12 Q. Do I understand that you still -- you knew that they had been
13 attacked?
- 14 A. I only knew what they had told me -- not they, him.
- 15 Q. Yes.
- 16 A. I only knew what he had told me.
- 17 Q. When he related to you that he had seen nothing. Did you take
18 that to mean about being attacked or about the stabbing?
- 19 A. About the stabbing.
- 20 Q. I see.
- 21 A. I took this attack bit in a very -- very lightly because he had
22 claimed before that he had been attacked coming through the
23 park.
- 24 Q. I see. Were you aware that shortly following your visit to the
25 police station, Roy took a lie detector test?

- 1 A. I wasn't aware that he had taken the lie detector test until
2 he returned home that evening. I know the two gentlemen came
3 to the door looking for him.
- 4 Q. Yes.
- 5 A. And he left with him -- with them, and when he returned, he told
6 me that he had been at the Wandlyn Motel and that he had taken
7 a lie detector test and that -- He was sort of boastful about
8 it because he said, "I told you all along that I didn't know
9 anything about that incident," and he said, "The police have
10 now cleared me and told me that I was telling the truth; so
11 I'm innocent."
- 12 Q. And was the matter raised again between you and Roy after that?
- 13 A. No.
- 14 Q. Now, after the lie detector test, are you able to describe what
15 Roy's habits were? Did he continue his --
- 16 A. Well, he stayed home --
- 17 Q. -- staying at home?
- 18 A. -- for a while --
- 19 Q. Yes.
- 20 A. -- sort of simmering down like and did some reading. Then
21 occasionally, he'd go out and go to the tavern and have some
22 drinks, but he wasn't as violent as he was previously.
- 23 Q. Yes.
- 24 A. He'd probably come home and go to sleep.
- 25 Q. Did you ever wonder why that had happened? Could you suggest to

1 as why he wasn't as violent?

2 A. No.

3 Q. Was he drinking less?

4 A. I would say.

5 Q. What was his health like?

6 A. Good.

7 Q. Up until 1982, were you ever contacted again by the police?

8 A. No.

9 Q. Or the R.C.M.P.

10 A. I don't think I had anything really -- I wasn't contacted any
11 more until Sergeant Wheaton came to my home.

12 Q. Now, just stepping back a bit. Did Donna ever discuss the
13 incident --

14 A. Donna never ever discussed the incident with me.

15 Q. Yes. When did she leave home?

16 A. Oh, golly, Donna left home possibly nine years ago.

17 Q. Around -- In the late '70's then?

18 A. Yes.

19 Q. 1978, '79?

20 A. Yeh, around there.

21 Q. And until she left home, are you able to describe her relation-
22 ship with her father?

23 A. It was fair. She was spending more time down at the martial
24 arts school --

25 Q. Yes.

MRS. MARY EBSARY, by Mr. Orsborn

- 1 A. -- then and going to school.
- 2 Q. Yes.
- 3 A. She was spending more time there then than she was spending
4 home.
- 5 Q. Yes.
- 6 A. So that her relationship with her father would have to be good
7 because she wasn't seeing him that much.
- 8 Q. Did you have any knowledge of Donna's contacts with the police
9 in 1973, 1974?
- 10 A. No. No, none.
- 11 Q. And do I understand that you and Roy yourself separated in 1979?
- 12 A. Yes.
- 13 Q. And I also understand the next involvement that you had with
14 the matter was in 1982 when you were visited by the R.C.M.P.?
15 Is that correct?
- 16 A. That's right.
- 17 Q. Were you surprised when they came to see you?
- 18 A. Very.
- 19 Q. Were you in any way --
- 20 A. I thought they were salesmen, and I told them I didn't want any.
- 21 Q. What did you think they were selling?
- 22 A. God only knows. Vacuum cleaners maybe?
- 23 Q. They weren't in uniform, I take it?
- 24 A. No.
- 25 Q. Are you able to describe for us that first contact with the

1 R.C.M.P.?

2 A. Yes, they identified themselves, and they asked if they could
3 come in and speak with me for a while.

4 Q. Yes.

5 A. I said, "Yes," and they came in and sat down and then they
6 brought up this subject. They wanted to know how much -- Well,
7 how much did I remember about it?

8 Q. Yes.

9 A. Well, the conversation just went on from there, and we just
10 talked.

11 Q. Yes. Did they give you any indication that there was -- the whole
12 re-investigation was back on again?

13 A. No, they -- Yes, they did. They said that they were
14 re-investigating or re-opening the trial or the case or what-
15 ever the thing may be.

16 Q. Right.

17 A. And that they would just like to talk with me about it. So we
18 had a conversation and they left, and then they came back again.
19 I can't tell you when. Probably a few days, a week.

20 Q. Yes. The first time that they came, did you see them alone?

21 A. Oh, yes.

22 Q. There's a statement in the file, Mrs. Ebsary. That's at
23 page 16 in the same Volume that you have in front of you, a
24 typewritten copy of a statement provided to the R.C.M.P.

25 A. Yeh.

1 Q. And there is a second statement a little later.

2 A. Yeh, I talked to them alone in the living room for a while.

3 Q. Is this on their first visit?

4 A. Yes.

5 Q. Okay.

6 A. And then I called Gregory out into the living room with me.

7 Q. Yes.

8 A. And we just sat there talking.

9 Q. You were living on Mechanic Street at this time, were you?

10 A. Yes, we were.

11 Q. And do you remember giving the R.C.M.P. a statement on that
12 first visit?

13 A. No, we didn't have a statement or anything on that first visit.
14 We just more or less talked.

15 Q. Yes.

16 A. I can't tell you how often they came back before I actually
17 gave them a written statement. It wasn't that long.

18 Q. Did they -- the two of them or Sergeant Wheaton visit your
19 house on a number of occasions?

20 A. Oh, yes.

21 Q. Yes. I think I read somewhere that Sergeant Wheaton sort of
22 developed a rapport with you sitting over your kitchen table
23 having a cup of tea, is that so?

24 A. We had many cups of tea together.

25 Q. I see. And you started to feel comfortable with him?

MRS. MARY EBSARY, by Mr. Orsborn

1 A. Oh, yes.

2 Q. The statement that appears on page 16, Mrs. Ebsary, was, I
3 believe, taken on 4th of March, 1982, and under the names of
4 both yourself and --

5 A. And Greg.

6 Q. -- Gregory -- A couple of points again I'd like to bring to
7 your attention.

8 A. Right.

9 Q. In the second full paragraph, the first sentence, is says:

10 I can tell nothing of the murder
11 nor can Greg.

12 A. Yes.

13 Q. Again there's no reference to these comments of Jimmy MacNeil's,
14 such as, " Roy saved my life."

15 A. This was with Harry Wheaton, wasn't it?

16 Q. Yes.

17 A. Yes. There's nothing here about that on this first statement,
18 but probably it would turn up in one of the other statements.
19 I don't know.

20

21

22

23

24

25

MRS. MARY EBSARY, by Mr. Orsborn

1 Q. Yes, it does show up in the second -- It does show up in the
2 second statement?

3 A. I don't really know. Like I said that Harry Wheaton and --
4 and the other gentleman that was with him, we were just talking.

5 Q. Okay.

6 A. There was no questions --leading questions or anything. We were
7 just talking about the case being reopened.

8 Q. Yes. Were you reluctant to talk to them first?

9 A. No.

10 Q. You say at the end of that first statement, Mrs. Ebsary:

11 In regards to this murder, we cannot
12 say if he did it or he didn't do it,
13 but we certainly feel he is capable
of it...

14 A. Yes, at that time. Now the years had gone by and all this knife bit
15 had come up and there had been an attack on another man who
16 was at his house.

17 Q. Yes.

18 A. We felt then that, yes, he was capable of probably performing
19 that act.

20 Q. And were you saying to Sergeant Wheaton that we feel that he
21 was -- in 1971 he was capable of it?

22 A. Possibly.

23 Q. And was it at the time of this statement that you turned over
24 a number of knives to Sergeant Wheaton? The bottom of the
25 second last paragraph, it says: "Today we have turned over

MRS. MARY EBSARY, by Mr. Orsborn

1 a number of knives".

2 A. Yes. Well, actually it wasn't a case of turning them over.

3 Harry was talking about the knives that Roy had had and he'd
4 asked us if there was any of those knives left in the house.
5 And I think Gregory said, "Yes, there's a basket of the old
6 knives downstairs in the basement".

7 Q. Right.

8 A. And he asked if he could see them. "Sure, if you want them,
9 they're there". "Go ahead, take them".

10 Q. Okay. I'd just like to ask you a little bit about the history
11 of those knives because this is now 1982, and do I understand
12 that they were in a basket downstairs in the basement? Your
13 answer is yes?

14 A. Oh, yes. I'm sorry. Yes.

15 Q. Can you tell us how those knives had come to be in that --

16 A. Container?

17 Q. --basket, where they had come from?

18 A. Well, they came from our house on Argyle Street.

19 Q. Your house on Argyle Street?

20 A. Yes.

21 Q. When did you leave Argyle Street?

22 A. Oh, about fifteen years ago.

23 Q. 19 -- What's that in '72?

24 A. Around there.

25 Q. Okay, and had these knives been in use in your house on Argyle

MRS. MARY EBSARY, by Mr. Orsborn

- 1 Street?
- 2 A. They -- Some of them had been, yes, more than weren't being
3 used. Some of the smaller knives had been used.
- 4 Q. Yes. How had they been used?
- 5 A. Well, they were used in the garden for cutting or they were
6 used for screwdrivers or different things.
- 7 Q. Would they be washed?
- 8 A. Oh, yes.
- 9 Q. Would you wash them or would Roy look after them?
- 10 A. Pardon me?
- 11 Q. I said would you wash them or would Roy be looking after these
12 knives?
- 13 A. Not particularly, no. They were just thrown in an extra drawer
14 a they were taken out and used for different things but they
15 would be thrown in the sink and then washed and thrown back in
16 the drawer again.
- 17 Q. Now when you moved to Mechanic Street were these knives used
18 at all?
- 19 A. They were all put in a container and taken with us.
- 20 Q. Yes, and were they put in this peach basket when you went to
21 Mechanic Street?
- 22 A. No, they were in a drawer in the dining room.
- 23 Q. Yes.
- 24 A. They were in the kitchen for a while and then they were taken
25 from that and put into the dining room.

MRS. MARY EBSARY, by Mr. Orsborn

- 1 Q. From the kitchen for a while where on Mechanic Street?
- 2 A. In -- Pardon me?
- 3 Q. In the kitchen on Mechanic Street or Argyle Street?
- 4 A. Yes. No, in -- on Mechanic Street.
- 5 Q. All right, and were they used?
- 6 A. They were used for various things, yes, and then they were
- 7 taken and put into the living room -- dining room.
- 8 Q. Yes.
- 9 A. In the dining room.
- 10 Q. Yes.
- 11 A. In a drawer in there. Well, then they were for -- golly, the
- 12 longest while they weren't being used. Well, we were renovating
- 13 in there and those knives were just taken and put into this --
- 14 this basket.
- 15 Q. Right.
- 16 A. And put downstairs away from the children?
- 17 Q. Right. So you had kept these knives even after -- even after
- 18 you and Roy separated you --
- 19 A. We had -- They weren't kept as such. They were just put down
- 20 there and forgotten about.
- 21 Q. Okay.
- 22 A. You're lucky they weren't thrown away.
- 23 Q. Now do you know if they had all gone this route sort of from
- 24 the kitchen into the dining room or were some of them
- 25 collected elsewhere in the house?

MRS. MARY EBSARY, by Mr. Orsborn

1 A. Oh, more of them were collected. Like after Roy had left he
2 had a lot of those -- not a lot, say three -- maybe three
3 or four of them that he used for paper opener -- letter
4 openers or -- I don't know what -- He used them for different
5 things in his -- upstairs. So those were taken as well and put
6 with those knives and put into the basement.

7 Q. Did you relate the history of these knives to Sergeant Wheaton
8 as you've told us today?

9 A. We talked about them.

10 Q. Yes, but did you tell him how they had been used and where
11 they had been --

12 A. Yeh, the same as I'm -- I'm trying to explain to you now, the
13 same with -- with Mr. Wheaton.

14 Q. Okay. Just if I could touch on a couple of points, Ms. Ebsary,
15 in your second statement to Sergeant Wheaton -- And I'll come
16 back to the knives in a moment. This is found on page 17 of
17 volume 16. I'm sorry, it's the next page over.

18 A. Page 18.

19 Q. Page 17. I'm sorry.

20 A. Oh.

21 Q. And I think in this statement you do relate some of the
22 conversation that Jimmy MacNeil had when -- when you came
23 home that night?

24 A. Yeh.

25 Q. I'd like to draw your attention particularly to the third

1 paragraph.

2 A. Okay.

3 Q. When you -- When you say:

4 I recall I called the Sydney Police on
5 numerous occasions.

6 A. Well, that numerous occasions was possibly three times.

7 Q. Yes. That was my question because I think yesterday we spoke
8 of, I think, three times?

9 A. Yes.

10 Q. And did you tell Sergeant Wheaton three times or did you tell
11 him numerous occasions?

12 A. No, I -- I probably said numerous times.

13 Q. And in the third line of that paragraph you say:

14 The Sydney Police were well aware of
15 Roy as I turned him in in 1970.

16 A. Yes.

17 Q. Other than the fact that you'd turned him in in 1970, did you
18 have any reason for thinking that the police were well aware of
19 Roy?

20 A. I'm not too accurate about that. I think that -- that apart
21 from the fact that I had turned him in for carrying a knife,
22 I was of the opinion that Roy had been picked up several times
23 for being drunk and possibly disorderly.

24 Q. I see.

25 A. Now I don't -- I'm not too accurate about that either but that

MRS. MARY EBSARY, by Mr. Orsborn

1 | was in my mind when I gave this statement to --

2 | Q. You believe he had been picked up prior to 1971?

3 | A. Yes, for being drunk, so that they would know him.

4 | Q. You don't know how you remember that, do you?

5 | A. Well, on one occasion (Oh, it was many years ago.) I had him
6 | picked up myself for -- for quarreling with an old gentleman
7 | that we were renting a house from or renting an apartment from.

8 | Q. Yes.

9 | A. That was the first time he was picked up.

10 | Q. Was he picked up at the house?

11 | A. Yes.

12 | Q. And was this one of the times you related yesterday when you
13 | said he was called -- you called the police twice to your
14 | house?

15 | A. Yes.

16 | Q. This is one of them, and when was that?

17 | A. Oh, golly, that'd be back in 1950.

18 | Q. Okay.

19 | A. Or probably before that.

20 | Q. Yes.

21 | A. But that was the first time anyway.

22 | Q. But other than that and the incident with Mr. Tratnik and the
23 | other time that you --

24 | A. There was several nights that Roy did not come home and although
25 | he didn't tell me I had an idea or felt that he had spent the

MRS. MARY EBSARY, by Mr. Orsborn

1 night in the lock-up.

2 Q. Okay.

3 A. Yes, now, what were you saying?

4 Q. You also say in that -- in that statement, the bottom paragraph,
5 the fourth line when you're asked about how long you were at
6 the Sydney Police Station in November and you say:

7 This is not so.

8 When you talk about the twenty-two minutes:

9 This is not so. I was interviewed
10 for at least two hours.

10

11 A. Eight forty-five to nine zero seven. I don't know what time they
12 came to the hotel and picked me up but I think it was around --
13 it must have been around ten o'clock or possibly shortly before
14 ten.

15 Q. When you were picked up?

16 A. At the hotel. When the gentlemen came to pick me up at the
17 hotel and brought me down to the police station.

18 Q. Before ten?

19 A. It would be either before ten or ten because I know I was
20 finished work at ten o'clock and I wasn't finished when they
21 came looking for me. And it was twelve o'clock that night
22 when I got home, but now I wasn't being interviewed all that
23 time.

24 Q. Yes, but the -- the starting time then of the statement,
25 eight forty-five, is it possible that you were picked up an

MRS. MARY EBSARY, by Mr. Orsborn

- 1 hour and a quarter or an hour and a half before you finished
2 work?
- 3 A. Possibly, yes.
- 4 Q. Okay, and I think you've indicated too that for some time you
5 were sitting alone?
- 6 A. Yes. Now being in -- being down at the police station and
7 looking back at it, I suppose being half terrified of it,
8 wondering what the hell was going on --
- 9 Q. Yes.
- 10 A. --time could have meant -- one minute could have meant ten
11 hours.
- 12 Q. But it's your -- your evidence to us that --
- 13 A. But I know Sergeant MacIntyre didn't interview me that long
14 because I was there alone for a while.
- 15 Q. Okay. There's a -- There's a reference in here to Roy taking
16 an ax one night and completely chopping up your furniture?
- 17 A. Right.
- 18 Q. Do you remember that?
- 19 A. Yes. He had fun.
- 20 Q. He completely chopped up your furniture?
- 21 A. Oh, yes.
- 22 Q. How did you get new furniture?
- 23 A. We didn't for a while.
- 24 Q. What brought that on?
- 25 A. I don't know, probably something that was going through his

MRS. MARY EBSARY, by Mr. Orsborn

1 mind or -- I have no idea. Who knows what goes on in people's
2 minds.

3 Q. A couple of final questions, Ms. Ebsary, if you wouldn't
4 mind turning to page 18 of the book in front of you. Do you
5 remember completing an affidavit in 1982? This is -- This
6 piece of paper is an affidavit and it has your signature,
7 I believe, on the third page of it?

8 A. Yes. Yes.

9 Q. Do you remember how the information in that came to be put
10 together? Do you remember talking to a Mr. Aronson?

11 A. No, I don't remember talking to Mr. Aronson.

12 Q. Okay. Do you remember signing this affidavit?

13 A. That's my signature.

14 Q. Do you remember going to a lawyer's office or having a lawyer
15 come to your house to speak about the matter?

16 A. No.

17 Q. You have no -- no recollection at all?

18 A. No. No.

19 Q. Do you remember getting any papers in the mail to look at
20 and sign?

21 A. No.

22 Q. Let me ask you about a couple of things in here, particular
23 on page --

24 A. Okay. Go ahead.

25 Q. --particularly on page two in paragraph number eight. You

1 | say that:

2 | On March 4, 1982, my son Gregory and
3 | I gave the said Sergeant Wheaton ten
4 | knives which had been in the possession
5 | and control of the said Roy Newman
6 | Ebsary during the time period which
7 | included May 28th, 1971.

8 | That phrase "possession and control", is that a phrase that you
9 | would use?

10 | A. No, I would probably say that they were in his possession. I
11 | don't recognize this -- this at all.

12 | Q. Let me show you a picture of some knives, Mrs. Ebsary, and ask
13 | if you --

14 | A. It's a possibility that I could have been talking to this
15 | person.

16 | Q. Do you know if you've ever seen a picture like that before?

17 | A. Yes, I do. Yes, I have seen a picture like that.

18 | Q. Are you able to describe what you see in that picture for us?

19 | A. Yes, there's a -- there's a variety of steak knives, there's
20 | two kitchen knives and there's a sandwich knife and --

21 | Q. And do you recognize the knives?

22 | A. Yes, I do.

23 | Q. And what can you tell us about them?

24 | A. That they were the knives that -- that we had given to
25 | Sergeant Wheaton.

26 | Q. Okay. I ask that the picture be identified as an Exhibit.

27 | Exhibit number 76. Now does that picture in any way refresh

MRS. MARY EBSARY, by Mr. Orsborn

1 | your memory with respect to this affidavit --

2 | A. No.

3 | Q. It doesn't?

4 | A. No. Although like I'm saying, I'm not denying that I could
5 | have talked to this person, but I have no recollection of it.

6 | Q. Okay. Let me just read you paragraph nine or paragraph eight
7 | for us:

8 | That produced herewith and marked
9 | Exhibit B is a photograph of the
 said knives.

10 | Did you ever see any other photographs other than the one that
11 | I've just showed you of the knives --

12 | A. I've seen several photographs of them but they -- they were
13 | the same knives but just different photographs.

14 | Q. You say in paragraph nine or the affidavit says that:

15 | I would be surprised if the said Roy
16 | Newman Ebsary were not carrying one
17 | of the knives depicted in Exhibit B
18 | herein and I note that the knife marked
 with X on Exhibit B herein was a
 particular favourite of the said
 Roy Newman Ebsary.

19 | Do you remember being shown a picture and asked to identify
20 | a knife as a favourite of Roy's?

21 | A. No, unless it was showed to me at one of the hearings.

22 | Q. Yes.

23 | A. I think that was the only time I really identified --

24 | Q. Are you able to indicate from that picture that you have there
25 | whether there is a knife that you recognize there as being

MRS. MARY EBSARY, by Mr. Orsborn

1 a particular favourite of Roy's?

2 A. Yes.

3 Q. Could you point it out for us please.

4 A. It would be possible -- This one here.

5 Q. Looking at the picture with the base of the knives towards the
6 bottom of the picture, Mrs. Ebsary is pointing out the -- the
7 knife to the right on the top column --

8 A. And this is a similar twin to it.

9 Q. And again looking at the picture with the base of the knives
10 pointing to the bottom --

11 A. So it would be --

12 Q. The left hand knife on the bottom column?

13 A. Yes.

14 Q. Perhaps if you wouldn't mind, Mrs. Ebsary, you could -- perhaps
15 if you wouldn't mind just circling the two knives that you
16 pointed out to us as being particular favourites. I'm interested
17 in the use of the word "favourite". When you say Roy had
18 a favourite knife what does that mean to you?

19 A. Because I think -- I'm not positive now but I think those
20 two particular ones he had sharpened them on both sides.

21 Q. Yes. Would he use these knives more than others?

22 A. Yes.

23 Q. And how would he use them?

24 A. A variety -- Every little thing. It's hard to describe just
25 exactly what he'd use them for.

MRS. MARY EBSARY, by Mr. Orsborn

1 Q. It might help if the witness was shown and help with all of
2 us if the witness was shown Exhibit 24, 26, and 27, the
3 actual knives that we had in evidence. Mrs. Ebsary, these
4 are the knives, I believe, shown in that picture.

5 A. Yuk.

6 Q. Would you be able to show us the two knives that you have
7 circled on the -- on the photograph?

8 A. Yes, those two are here.

9 Q. These two?

10 A. Yes.

11 Q. The knives marked with -- one is Exhibit 24 of the Commission
12 and another one which has a red tag on it marked with Exhibit
13 R.4 (C).

14 MR. CHAIRMAN:

15 R?

16 MR. ORSBORN:

17 Yes, My Lord, Exhibit R.4 (C).

18 BY MR. ORSBORN:

19 Q. You mentioned yesterday, Ms. Ebsary, that on occasion Roy would
20 go out with the knife sticking out of his back pocket?

21 A. Yes.

22 Q. Do you know if you ever saw him going out with knives such as
23 those stuck in his back pocket?

24 A. Similar to those or it could have been possibly one of those
25 but I don't -- I don't know. I don't think it was. I never

MRS. MARY EBSARY, by Mr. Orsborn

1 identified those knives as "the knife".

2 Q. No, I understand that.

3 A. But it would be a knife, yes, similar to that. Would you take
4 those off the table please. Yuk!

5 Q. Would that be then the type of knife that he would use out in
6 the garden?

7 A. Yes.

8 Q. And would they be used in the garden following 1971, do you
9 remember?

10 A. Oh, I imagine they would, yes.

11 Q. Yes, and would they be the knives that you would have in the
12 kitchen drawer after 1971?

13 A. Yes.

14 Q. Would they be washed?

15 A. Oh, heavens, yes. We weren't using those. Yuk!

16 Q. You weren't using them?

17 A. No.

18 Q. Would you still have occasion to wash them or clean them up?

19 A. I would wash them yes after Roy had them cutting different
20 things, not food, but cutting different things with --
21 probably wood or using them for tape or --

22 Q. And those two knives that you showed us would be among the
23 knives that would be used for those activities?

24 A. Yes.

25 MR. ORSBORN:

Thank you for answering my questions, Ms. Ebsary. My friend may

MRS. MARY EBSARY, by Mr. Orsborn

1 | have some questions for you.

2 | COMMISSIONER POITRAS:

3 | Mr. Orsborn, just paragraph nine of that exhibit. That's what the
4 | affidavit was --

5 | MR. ORSBORN:

6 | Yes, My Lord.

7 | COMMISSIONER POITRAS:

8 | Cover that with the witness.

9 | BY MR. ORSBORN:

10 | Q. Paragraph nine of the affidavit, Mrs. Ebsary, said that:

11 | I would not be surprised if he were
12 | carrying one of the knives depicted
13 | in Exhibit B and note that the knife
14 | marked with an "X" on Exhibit B herein
15 | was a particular favourite of the said
16 | Roy Newman Ebsary.

17 | Now there is an "X" mentioned there and you've identified two
18 | knives from the picture there. Would one of the two knives
19 | that you've mentioned there be the favourite that you -- is
20 | referred to in paragraph number nine?

21 | A. Well, it could be but I couldn't pinpoint which one it was.

22 | Q. Which one of those two?

23 | A. No.

24 | Q. Okay, and your evidence is that this was a favourite knife of
25 | his because of the manner in which it was honed?

26 | A. Yes, honed. Yes.

27 | Q. And did he use it more than -- one of those two more than other

MRS. MARY EBSARY, by Mr. Orsborn

1 | knives?

2 | A. Yes.

3 | Q. Okay. When you were asked to pick out a favourite did you--
4 | were you shown the actual knives or just the picture?

5 | A. No, I was shown the actual knives at the time.

6 | Q. At the time. And did you have the picture at the same time
7 | as the knives?

8 | A. No, I saw the picture after that.

9 | Q. I see. Do you -- Do you remember placing an "X" on a picture
10 | such as you've done this morning?

11 | A. Vaguely.

12 | Q. Vaguely, and you believe that it might have been at one of the
13 | hearings?

14 | A. Yeh.

15 | MR. ORSBORN:

16 | I see. Okay.

17 | BY COMMISSIONER EVANS:

18 | Q. Was Roy the type of person who would defend himself if he
19 | were attacked?

20 | A. Not -- Not violently, no. I think he'd probably try to
21 | reason with a person before he would resort to any violence.

22 | Q. The other question I wish to ask you, did David Ratchford
23 | visit your home frequently?

24 | A. He didn't visit our home on Argyle Street but he did visit
25 | our home on Mechanic Street.

MRS. MARY EBSARY, by Mr. Ruby

1 | COMMISSIONER EVANS:

2 | Thank you.

3 | MR. RUBY:

4 | Thank you, My Lords. Before I commence you might wish to note
5 | that today is November 5, 1987, and it is sixteen years to the
6 | day that Mr. Marshall was convicted of murder and sentenced to
7 | life imprisonment.

8 | BY MR. RUBY:

9 | Q. Ms. Ebsary, the 1971 statement that you've been referred to at
10 | page 14 and 15 of the volume you have I think, I take it that
11 | that statement was an attempt by you to tell the truth to the
12 | best of your memory at that time to Detective MacIntyre.

13 | Is that correct?

14 | A. Right. Yes.

15 | Q. And you said that you were there for longer than the twenty-two
16 | minutes indicated. How long would the questioning have lasted?

17 | A. The questioning itself, sir, didn't last that long.

18 | Q. Can you estimate it for me? Like you said your estimate of time
19 | is not good so I'm keeping that in mind.

20 | A. No, it isn't.

21 | Q. What's your best estimate?

22 | A. I don't know. Probably twenty minutes, twenty-five minutes.
23 | It wasn't a long question period.

24 | Q. Let me tell you one of the things that troubles me about this
25 | statement?

MRS. MARY EBSARY, by Mr. Ruby

1 A. Yes.

2 Q. You're there because you know that the police are investigating
3 whether or not Roy Ebsary was involved with the killing of
4 Sandy Seale. You know that when you go in. It was a violent
5 stabbing and you know that too, right? You're nodding your
6 head yes?

7 A. Yes. Yes.

8 Q. Okay, I have to make sure you say it verbally so they mark
9 it down.

10 A. Right.

11 Q. So you know those things?

12 A. Yes.

13 Q. But when I go through this statement --

14 A. Yeh.

15 Q. -- I can't understand why you wouldn't have told Sergeant
16 MacIntyre given that context, for example, that Roy loved
17 knives. You don't mention his love of knives at all and you
18 don't mention that he carries knives regularly although you
19 knew that all the time?

20 A. Right.

21 Q. And yet it would seem to be relevant to its -- the questions
22 you're put -- put to, the issue at hand. Can you explain to
23 me why you wouldn't mention those things?

24 A. Well, possibly because I hadn't been asked.

25 Q. Do you remember whether you did say those things? I'm wondering

MRS. MARY EBSARY, by Mr. Ruby

- 1 | whether you really did and they're just not marked down on
2 | the statement?
- 3 | A. Say which things?
- 4 | Q. Tell them about Roy's love of knives and the fact that he'd
5 | carried knives?
- 6 | A. Oh, I imagine if I told them they would have marked there
7 | or he would have recorded them. He was writing as I was
8 | talking to him.
- 9 | Q. And one would think that he would record that if you said
10 | it?
- 11 | A. Certainly. If it's not there I probably didn't say it.
- 12 | Q. Is it possible that you did say it and that it's just not
13 | recorded here because it would seem to be central to your
14 | concern, important information, you agree?
- 15 | A. Oh, it is.
- 16 | Q. But it doesn't appear on these documents and I'm wondering
17 | whether or not you said it and he didn't mark it down?
- 18 | A. Well, I'd have no idea.
- 19 | Q. You can't recall now?
- 20 | A. No.
- 21 | Q. And similarly you knew in 1971 that in 1970, about a year
22 | previously he'd been involved in a similar kind of stabbing
23 | attempt with the cook, correct?
- 24 | A. Right.
- 25 | Q. Surely you would have told them that at that time? You wouldn't

MRS. MARY EBSARY, by Mr. Ruby

1 | have kept that back.

2 | A. I don't know why I would have told them that.

3 | Q. Well, wouldn't the fact that he'd --

4 | A. Why?

5 | Q. --been involved in an attempt to stab someone with a knife
6 | a year previously be central to your mind?

7 | A. Mr. MacIntyre was asking me some questions which I answered
8 | to the best of my ability and my knowledge. I didn't go
9 | into any -- any detail of what had happened a year ago or
10 | six months or ten years ago. I wasn't asked. It never
11 | occurred to me to bring the subjects up.

12 | Q. So you were never --

13 | A. And if you were in my state of mind at the time you wouldn't
14 | have either.

15 | Q. No, I entirely understand that. So what you're saying that
16 | is that at the end of the other day is on this issue is that
17 | you had information that would have been relevant to this
18 | issue --

19 | A. If I had --

20 | Q. -- but that you -- Hear my question.

21 | A. Yeh.

22 | Q. You had information, the carrying of the knives, the love of
23 | knives, the previous knife attack, attempted knife attack, but
24 | you were never asked questions that would bring that information
25 | out?

MRS. MARY EBSARY, by Mr. Ruby

- 1 A. No.
- 2 Q. No. Mr. Urquhart is mentioned as being the person who is
3 a witness on that statement.
- 4 A. Pardon me?
- 5 Q. Mr. Urquhart is down on page 15 as the witness to that
6 statement?
- 7 A. Yes.
- 8 Q. Was he there throughout?
- 9 A. Mr. Urquhart was there, yes.
- 10 Q. Was he there throughout or was he only there for a short period
11 of time?
- 12 A. Was he there throughout the questioning?
- 13 Q. Yes.
- 14 A. Yes, he was.
- 15 Q. Okay. Take a look at page 17 of that same volume, in the
16 last paragraph, the fourth line of that paragraph. It
17 starts, "This is not so", page 17. Have you got that there,
18 the last paragraph.
- 19 A. I don't have a page 17. I have a page 15, 14. Probably I'm
20 on the wrong --
- 21 Q. It's okay. We'll find it. I'm just right --
- 22 A. Okay.
- 23 Q. "This is not so".

24
25

MR.

MRS. MARY EBSARY, by Mr. Ruby

1 | A. Okay.

2 | Q. You say there:

3 | I also noticed Sergeant Urquhart
4 | was supposed to be present.
5 | There was a man there for about
6 | five minutes and he left.

7 | A. That's right.

8 | Q. Was that Urquhart who left after about five minutes?

9 | A. I wouldn't know Mr. Urquhart if he told me he was somebody
10 | else.

11 | Q. All right. Then what were you referring to when you said
12 | "there was a man there for five minutes and he left"?

13 | A. Yes.

14 | Q. What were you referring to?

15 | A. I was referring to the other gentleman that was there with
16 | Mr. MacIntyre when I arrived.

17 | Q. Okay, so when it says "Sergeant William Urquhart was the
18 | witness", you don't know the man's name who was there?

19 | A. No, I don't.

20 | Q. But in any event the man who was there with MacIntyre was
21 | only there for five minutes?

22 | A. That's right.

23 | Q. Thank you. The other question I have is this: When was it,
24 | if you can tell me, that you first suspected that Roy Ebsary
25 | had killed Mr. Seale?

26 | A. After I had talked with Mr. Wheaton.

MRS. MARY EBSARY, by Mr. Ruby, by Mr. J. Pink

1 | Q. In 1982?

2 | A. Right.

3 | Q. Thank you, ma'am, those are my questions.

4 | BY MR. J. PINK:

5 | Q. Mrs. Ebsary, my name is Joel Pink and I am one of the lawyers
6 | for John MacIntyre.

7 | A. Yes, sir.

8 | Q. And I have a few questions, ma'am, that I would like to ask
9 | you. Now you've told the Commission that back on November
10 | the 15th of 1971, that you were picked up at your place
11 | of employment and asked to come down to the police station.
12 | Prior to going down to the police station, had you ever met
13 | Sergeant John Urquhart --

14 | A. Not that --

15 | Q. -- I mean, Sergeant John MacIntyre?

16 | A. Not to my knowledge, sir.

17 | Q. And these two police officers were different police officers
18 | than the ones that you met when you arrived at the station?

19 | A. Yes, they were.

20 | Q. And you were not informed, as I understand it, as to why you
21 | were wanted down at the police station when you -- until you
22 | arrived?

23 | A. That's right.

24 | Q. What was explained to you by Sergeant John MacIntyre upon
25 | your arrival as to why they wanted you there?

MRS. MARY EBSARY, by Mr. J. Pink

1 A. I am not too certain now.

2 Q. To the best of your recollection, could --

3 A. Yes, I think he --

4 Q. -- you inform me please?

5 A. He told me there had been this incident or - in the Park.

6 And he would like to ask me a few questions about where Roy

7 -- where Roy had been or something to that effect. But

8 anyway he wanted to ask me a few questions.

9 Q. Were you aware that when you were asked to come down on
10 November the 15th, 1971, that there may have been some
11 evidence that may have implicated your husband at that time?

12 A. No, no.

13 Q. And is it fair to say then that the actual questioning of
14 yourself could have taken place over twenty to twenty-three
15 or twenty-five minutes?

16 A. It could.

17 Q. You've had an opportunity to read your statement at page 14
18 and 15, have you not?

19 A. Right.

20 Q. And would you agree with me, ma'am, that what you said in there
21 is, in fact, what you've told Sergeant MacIntyre on November
22 the 15th, of 1971?

23 A. I would say.

24 Q. Right, and there was no mention made of knives at that time?

25 A. No, there wasn't.

MRS. MARY EBSARY, by Mr. J. Pink

1 Q. It could have been very well have been that you never brought
2 the subject up or the subject was never asked of you, is that
3 correct?

4 A. That's right.

5 Q. And as -- in regards to the conversation that you had or what
6 Jimmy MacNeil said to you upon arrival -- said as he came
7 into the door of your house back on the night in question,
8 that was never mentioned either?

9 A. No.

10 Q. And I take it, ma'am, that at that particular time when you
11 gave the statement to John MacIntyre, you just didn't feel
12 that it was important, is that correct?

13 A. I certainly didn't.

14 Q. And on page 15 of the statement, Mrs. Ebsary, where it says
15 that:

16 Was there any discussion about this
17 affair by Jimmy or your husband?

18 And your answer "no", I take it from that you meant there
19 was no discussion about any stabbing in the Park?

20 A. That's right.

21 Q. Essentially what you did, as I understand it, you basically
22 answered the questions that were posed to you by Sergeant
23 MacIntyre at the time?

24 A. Yes.

25 Q. Now dealing with this incident of the knife whereby you did

MRS. MARY EBSARY, by Mr. J. Pink

1 in fact, call the police, back in 1970, where you husband was
2 going after the chef at the Isle Royale, do you know whether
3 or not John MacIntyre was, in fact, involved in that
4 investigation?

5 A. I wouldn't know, sir.

6 Q. Your husband was eventually charged and sentenced for that
7 particular offense, was he not?

8 A. I don't know if he was sentenced or just fined. I don't --
9 I don't --

10 Q. Okay, but he was charged and he went through the criminal
11 courts?

12 A. Yes.

13 Q. Okay, now other than your husband being picked up for being
14 drunk, is that basically what you meant when you said to
15 the R. C. M. P. that he was "known to the Sydney City Police"?

16 A. Yes.

17 Q. And whether or not John MacIntyre had had any previous dealings
18 with your husband, you have no idea?

19 A. I have no idea, no.

20 Q. Now on the night that Jimmy MacNeil and your husband came
21 home and your daughter was initially sitting on the floor and
22 I understand you were watching television at the time?

23 A. Right.

24 Q. And then you told your daughter to go to bed?

25 A. Yes.

MRS. MARY EBSARY, by Mr. J. Pink

1 Q. From that day to this very day, have you ever had any
2 discussions between yourself and Donna as to what she saw
3 on that particular night?

4 A. Never.

5 Q. What was the relationship between Donna and yourself?

6 A. Wonderful.

7 Q. Would she confide in you?

8 A. Yes.

9 Q. So if there was anything that was bothering her between her
10 father and herself, she would discuss that with you?

11 A. I -- this incident with her father and this knife business,
12 I don't think she would discuss that with me because she
13 wouldn't want to have me upset.

14 Q. Yes.

15 A. But other things, yes, she'd -- anything that was bothering her
16 or things she wanted to know, yes, she'd come to me.

17 Q. There's been evidence of a statement that your daughter made
18 to David Ratchet -- Ratchford about her seeing your husband
19 washing blood off of a knife in the kitchen?

20 A. Yes.

21 Q. If I remember correctly, she was at the top of the stairs
22 or somewhere --

23 A. No, she -- she was at the bottom of the stairs peeping
24 around the door.

25 Q. So I take it that you could peep around the door and look

MRS. MARY EBSARY, by Mr. J. Pink

1 | into the kitchen?

2 | A. Yes, right.

3 | Q. But she never discussed that with you?

4 | A. Never.

5 | Q. Now had -- do you use the word recluse?

6 | A. Recluse.

7 | Q. Yes.

8 | A. It's not a word I would use, no.

9 | Q. Okay, if you look at page 16 in the statement to the R. C. M. P.
10 | it says there, Mrs. Ebsary, "that after the murder", this is
11 | the third paragraph:

12 | After the murder and him taking
13 | the polygraph, Roy became a
 recluse.

14 | Is that your word?

15 | A. That's not my word, no. It's probably a suggestive word from
16 | -- probably someone I was talking to.

17 | Q. Did you ever hear your son Greg use that type of word?

18 | A. He could have.

19 | Q. During this interview with Sergeant MacIntyre back on November
20 | the 15th, 1971, was everything cordial between you and him?

21 | A. You mean Mr. MacIntyre and I?

22 | Q. Yes, and yourself?

23 | A. Oh, yes, yes.

24 | Q. There was no pressure brought upon you to say anything that
25 | you didn't want to say?

MRS. MARY EBSARY, by Mr. J. Pink

- 1 | A. No.
- 2 | Q. How much time had you spent with Staff Sergeant Harry
3 | Wheaton?
- 4 | A. Well, quite a lot of time.
- 5 | Q. Yes, on how -- on how many occasions would he have visited
6 | you? Can you give me an approximate amount?
- 7 | A. I would say that Mr. Wheaton visited me ten, fifteen times.
- 8 | Q. Okay, and prior to you giving him the statement that is shown
9 | on page 16 of -- that's exhibit -- volume number 14. On
10 | how many occasions would he have visited you prior to that?
11 | That was taken on March the 4th, of 1982.
- 12 | A. I have no idea. It would have been a number of times. I'd
13 | say a half a dozen times.
- 14 | Q. And prior to giving his statement -- this statement on the
15 | March the 4th, 1982, had you ever mentioned to Staff
16 | Sergeant Wheaton about this comment that Jimmy MacNeil made
17 | upon his entry into your home that --
- 18 | A. I probably did.
- 19 | Q. And yet there's no mention made of it in that particular
20 | statement?
- 21 | A. Well, probably I didn't tell him that. I don't know. I
22 | can't remember.
- 23 | Q. I appreciate that. And I take it that prior to the taking
24 | of that statement on March the 4th, of 1982, that you and
25 | Staff Sergeant Wheaton had discussed your husband's habits

MRS. MARY EBSARY, by Mr. J. Pink

1 with knives?

2 A. Yes.

3 Q. But it was not until that particular day that you turned --
4 that he requested and you turned over the knives to him?

5 A. Right.

6 Q. And I just want to clarify this point once again, Mrs. Ebsary,
7 on page 17 of volume or exhibit number 14, when you say in
8 the last paragraph:

9 I was interviewed for at least
10 two hours.

11 By that you mean that you were at the police station --

12 A. That I was possibly there for two hours. Not interviewed for
13 two hours.

14 Q. Okay.

15 A. Words do have a way of getting mixed up, don't they.

16 Q. I appreciate that. This interview that you had with Sergeant
17 MacIntyre, where did it take place?

18 A. At the police station.

19 Q. Can you -- do you remember where in the police station it
20 took place?

21 A. I think it was on Bentinck Street.

22 Q. Yeh, but, you know, in what part of the police station? Was
23 it in an office?

24 A. Yes.

25 Q. You remember what type of office it was in? Was it a boardroom

MRS. MARY EBSARY, by Mr. J. Pink

- 1 | or was it a cubicle or --
- 2 | A. No, it was just a small room.
- 3 | Q. Yeh, and do you remember how many chairs were in that room
- 4 | or anything like that?
- 5 | A. I do, two.
- 6 | Q. There were two chairs. And was Sergeant MacIntyre standing --
- 7 | sitting behind the desk?
- 8 | A. Sergeant MacIntyre was sitting like in front of the desk
- 9 | there and I was sitting over here by the door.
- 10 | Q. And where was the other police officer?
- 11 | A. He was standing at the end of the table or desk.
- 12 | Q. And I wasn't quite sure, in light of the questioning, you've
- 13 | mentioned that a police officer left approximately five
- 14 | minutes after being there. Would you --
- 15 | A. I -- I don't know if he was a police officer. I don't know
- 16 | who he was. It was just a gentleman in plain clothes --
- 17 | Q. Right.
- 18 | A. -- that was standing at the end of the desk who left about
- 19 | oh, three, four minutes after I arrived.
- 20 | Q. And did he ever come back?
- 21 | A. No.
- 22 | Q. Now do you remember signing your statement?
- 23 | A. No, I don't, but that is my signature.
- 24 | Q. Okay, because if I'm not mistaken when you look at that
- 25 | exhibit, Mrs. Ebsary, there appears to be the -- a

MRS. MARY EBSARY, by Mr. J. Pink

1 signature. (Do you have the original? The last one;
2 that's it) When you look at exhibit number 75, Mrs.
3 Ebsary, your signature appears at the bottom of every page,
4 is that correct -- bottom of two pages and the top of the
5 third page?

6 A. Yes.

7 Q. Is that correct?

8 A. Right, yes.

9 Q. And you also see the signature of Sergeant John MacIntyre, is
10 that correct?

11 A. Yes.

12 Q. And there also appears to be the signature of Sergeant
13 William Urquhart?

14 A. Yes.

15 Q. Did you see him apply his signature to this particular page?

16 A. No, I didn't.

17 Q. Could he, in fact, have been there and applied his signature
18 at the time that you applied your signature?

19 A. Oh, it's possible, yes.

20 Q. You just don't remember today?

21 A. I just don't remember.

22 Q. That's fine, thank you very much. I have no further
23 questions.

24 MR. MURRAY:

25 No questions on behalf of William Urquhart.

MRS. MARY EBSARY, by Mr. J. Pink, by Mr. Ross

1 MR. BARRETT:

2 No questions, my Lord.

3 MR. SAUNDERS:

4 I have no questions.

5 MR. PRINGLE:

6 No questions, my Lord.

7 MR. ROSS:

8 Unfortunately, my Lord, a couple of questions.

9 BY MR. ROSS:

10 Q. Mrs. Ebsary, my name is Anthony Ross and I just want to ask
11 you a couple of questions about the knives which were shown
12 to you by Mr. Orsborn. Tell me, these knives would have been
13 used and reused many times within the household, wouldn't
14 they?

15 A. Yes.

16 Q. And you would have used them from time to time?

17 A. Yes.

18 Q. And other members of the family would have used them from time
19 to time?

20 A. Yes.

21 Q. And Roy would use them from time to time?

22 A. Roy would use them all the time.

23 Q. Is that right. They would be washed many times?

24 A. Yes.

25 Q. And sometimes used around in the earth outside?

MRS. MARY EBSARY, by Mr. Ross

1 A. Yes.

2 Q. And this was -- and this would go on between 1971 until they
3 were put away in that basket?

4 A. Right.

5 Q. Thank you very kindly. That's the extent of my questions.
6 Thank you, Mrs. Ebsary.

7 MR. ROSS:

8 Did I do good, my Lord.

9 COMMISSIONER EVANS:

10 I don't count very well, but I -- it was quite adequate.

11 MR. ROSS:

12 Thank you.

13 MR. CHAIRMAN:

14 That's all, thank you very much.

15 BY THE WITNESS:

16 Thank you.

17
18 (WITNESS WITHDREW)

19 MR. CHAIRMAN:

20 Rise for ten minutes.

21 INQUIRY ADJOURNED: 10:52 a.m.

22 INQUIRY RECONVENED: 11:11 a.m.

23 MR. MacDONALD:

24 Greg Ebsary will be the next witness.

25