

ROY A. GOULD, by Mr. Nicholas

1 ROY A GOULD, being recalled and advised still under oath, testified
2 as follows:

3 MR. CHAIRMAN:

4 Mr. Gould, you're already sworn, and the -- and Counsel for the
5 Union of Indians will continue the cross-examination.

6 MR. NICHOLAS:

7 Thank you very much, My Lords. I only have a few questions to
8 Mr. Gould.

9 BY MR. NICHOLAS:

10 Q. Mr. Gould, in your tenure as Chief -- in your term as Chief
11 of the Membertou Indian Reserve for a period of a year and a
12 half, were you at any time approached by either the City
13 Police or representatives of the Attorney General concerning
14 problems that you're experiencing with Indian youth in the
15 City?

16 A. No, never.

17 Q. How about were you ever approached by parents -- non-Indian
18 parents whose daughters were socializing with the Indian young
19 men of your Reserve, were you ever approached about those
20 problems?

21 A. No, I didn't know -- I wasn't familiar if there were any
22 problems.

23 Q. How about in the actual Court process, Mr. Gould, were you as
24 a Chief and leader of your people on the Reserve ever asked
25 what the community's attitude would be to certain Indian

1 offenders when pre-sentence reports were prepared?

2 A. No, I was never approached by any official of any capacity for
3 that.

4 Q. So during the term of one and a half years you acted as Chief
5 no one ever approached you about pre-sentence reports then?

6 A. No, my term was two and a half years and I was never approached
7 in that area.

8 Q. I'm sorry, two and a half, yes. Two and a half, yes.

9 And in your testimony you've also indicated that the Reserve
10 is situated within the limits of the City of Sydney?

11 A. Yes, it is.

12 Q. And were you people asked to participate in the elections of
13 officials within the City?

14 A. Yes, we do.

15 Q. Was it your -- What were -- I should ask, what was your
16 thoughts when you had encountered problems with the police
17 of the city refusing to come and police your Reserve then?

18 A. As explained the problem arose when the City of Sydney were
19 in discussion stages regarding the Municipal services. In
20 1970 they were not familiar or they were not aware whether
21 there was any agreement in place to provide that type of
22 service which is policing services and as a result we had to
23 get a clarification from the R.C.M.P., so for a time
24 there was a problem of policing where the R.C.M.P. had to get
25 a ruling and the City Police had to get their own rulings and

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1 that took a while.

2 Q. Perhaps one final question, in your term as leader of the
3 Indian Government at Reserve level, were there any formal
4 links or communication with the Municipal Government here in
5 Sydney?

6 A. There were a number. Could you be a little more specific?

7 Q. Well, when -- Let's just say when a problem was created, such
8 as, dealing with the policing, the complaints about Indians
9 being in the park drinking and supplying liquor to minors, were
10 those problems ever brought to your attention by City Officials?

11 A. No.

12 Q. So you, yourself, were not aware these problems existed then?

13 A. No. No.

14 Q. I see.

15 MR. NICHOLAS:

16 I have no further questions, My Lords.

17 BY MR. CHAIRMAN:

18 Q. Just rising out of your answer this afternoon, Mr. Gould, you
19 indicate that residents of the Membertou Reserve vote in
20 Municipal elections of the City of Sydney?

21 A. Yes, we do.

22 Q. Are you -- Are you on the jury list?

23 A. I'm not aware of any -- I know up to this point there has
24 never been a Native person on a jury.

25 Q. Has there ever been a Native person to your knowledge a resident

ROY A. GOULD, by Mr. Chairman

1 of -- a Native person resident in the City of Sydney ever
2 summoned to do jury duty?

3 A. No, there hasn't been. As a matter of fact, to my knowledge
4 the voter's list that's contained in the -- in the court houses
5 has never included Native people and if -- if it is now, it's been
6 very recent, so we would never be part of that however they
7 select juries or jurors.

8 MR. CHAIRMAN:

9 Fine. Thank you very much.

10 MR. GOULD:

11 Thank you very much.

12

13

14 (WITNESS WITHDREW)

15

16

17

18 MR. MacDONALD:

19 The next witness, My Lords, is Douglas Wright. He is here, My Lord.

20 They are just bringing him in.

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DOUGLAS WRIGHT, by Mr. MacDonald

1 DOUGLAS WRIGHT, being called and duly sworn, testified as follows:

2 BY MR. MacDONALD:

3 Q. Your name, sir, is Douglas Wright?

4 A. Douglas James Wright. Yes, sir.

5 MR. MacDONALD:

6 I should indicate, My Lords, that Mr. Wright is being called by
7 Commission Counsel at the request of Counsel for Sergeant MacIntyre
8 and to provide, for want of a better phrase, evidence in the
9 nature of character evidence, although I perhaps will deal with
10 some matters other than that with the witness.

11 BY MR. MacDONALD:

12 Q. You, sir, are a resident now, I believe, in is it Halifax or
13 Dartmouth?

14 A. Bedford.

15 Q. Okay, and at the present time you are employed in a security
16 position with a Canadian Corporation?

17 A. Yes, I am under contract, yes.

18 Q. But you have had extensive experience in the R.C.M.P. in
19 Canada and joined the force in 1948 and were with it continually
20 until your retirement in 1982?

21 A. Yes, in my 35th year, yes.

22 Q. I just want to review with you some of the postings you had so
23 that their Lordships will be aware of the extensive experience
24 that you have in policing. You say you joined the force in
25 1948, and in 1955, were the Constable in charge of the Eskasoni

DOUGLAS WRIGHT, by Mr. MacDonald

- 1 Detachment of the R.C.M.P. in Cape Breton?
- 2 A. Yes, I was.
- 3 Q. Is there or was there such a detachment when you retired, a
4 detachment in Eskasoni?
- 5 A. No, it closed a few years after that and it was policed out
6 of Sydney after that.
- 7 Q. Okay. So this was a separate detachment operating out of
8 Eskasoni?
- 9 A. Yes, it was. Yes.
- 10 Q. Was it restricted to policing the -- the Reserve?
- 11 A. No, there was a detachment area besides the Reserve down as far
12 as -- if I can remember the names, Shenacidie, Benacidie,
13 Boisdale, plus the Reserve itself.
- 14 Q. You were Corporal in charge of the Sydney G.I.S. section from
15 1959 to 1962?
- 16 A. Yes, sir, I was.
- 17 Q. Okay. And then you were for three years, from '62 to '65,
18 Staff Sergeant in charge of plain clothed investigative
19 officers in Halifax?
- 20 A. Yes, I was.
- 21 Q. You spent five years in Newfoundland in various capacities
22 and then became a direct-District Inspector of the York Town
23 Division up in Saskatchewan in 1970?
- 24 A. That's right.
- 25 Q. What's the inspector level? Can you just run through the

DOUGLAS WRIGHT, by Mr. MacDonald

1 | heirachy in the R.C.M.P. for me so I'll appreciate where they
2 | fit?

3 | A. They started out then, the Sub-Inspector, Inspector, Superintendent
4 | Chief Superintendent, Assistant Commissioner, Deputy, and
5 | Commissioner.

6 | Q. Thank you. You were District Superintendent of the Prince
7 | Albert Division for four years?

8 | A. Yes, I was.

9 | Q. And then you were Officer in charge of the C.I.B. in Halifax
10 | for a period of what's that, one year?

11 | A. One year, yes, sir.

12 | Q. Chief Superintendent in charge of Nova Scotia for two years?

13 | A. Yes, sir.

14 | Q. And Assistant Commissioner from 1977 until the date of your
15 | retirement?

16 | A. In 1982, yes, sir.

17 | COMMISSIONER EVANS:

18 | In Nova Scotia?

19 | MR. MacDONALD:

20 | Assistant Commissioner in Ottawa, My Lord.

21 | THE WITNESS:

22 | In Ottawa.

23 | MR. MacDONALD:

24 | An Assistant Commissioner of the R.C.M.P.

25 | BY MR. MacDONALD

Q. How many Assistant Commissioners are there?

DOUGLAS WRIGHT, by Mr. MacDonald

1 A. Six.

2 Q. Six?

3 A. Seven.

4 Q. Now as I indicated -- Is it Mr. Wright I should call you now?

5 A. Yes, sir.

6 Q. Thank you. I indicated to the Commissioners that I understand
7 you had some experience with Chief MacIntyre over the --
8 John MacIntyre --

9 A. Yes, I did.

10 Q. --over the years?

11 A. Yes, I did.

12 Q. And would you just like to tell the Commission the types of
13 experiences you've had with him?

14 A. Well, during the period of time, of course, that I was stationed
15 in charge of Sydney G.I.S. from 1959 to 1962, the General
16 Investigation Section, of course, is the section that looks
17 after the Criminal Code in the major investigations throughout
18 Cape Breton Island. It was a sub-division which is -- Cape
19 Breton Island looked after those type of investigations. He
20 at that particular time--him and Norman MacAskill were the
21 two plain clothed policemen on the Sydney City Police force,
22 so consequently we'd be working together very, very frequently
23 on different cases. Basically that type of policing, of course--
24 And we'd be policing the areas very close to the City and
25 their criminals are our criminals and our criminals were their

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1 criminals. So frequently there was daily contact, certainly
2 weekly contact and we'd -- we worked on various investigations
3 together quite closely actually.

4 Q. And that was during the period of time from '62 to '65?

5 A. Those three years. Now --

6 Q. I'm sorry, '59 to '62.

7 A. Sixty-two, yes. Later years when I was a Commanding Officer
8 of Nova Scotia, I had contact with John MacIntyre at that time
9 and, of course, he was Chief at that time, but it would be
10 at the social level where there would be no operational
11 involvement there at all.

12 Q. During your experiences with Sergeant MacIntyre or Chief
13 MacIntyre, I guess, did you have occasion to see him take
14 statements from various witnesses?

15 A. I probably did. Certainly I was present when we questioned
16 various people at various times.

17 Q. Yes.

18 A. Now this is quite a while ago. Whether I took the statement
19 or he took the statement I just forget, but certainly I was
20 present and I can name certain names where we questioned
21 suspects, witnesses, I think of two or three cases. One I
22 know we worked on for oh, about ten days, two weeks continually,
23 where three chaps from Manitoba were down here committing
24 armed robbery, Berney, LeButhier, and Davidson
25 were their names. We certainly questioned them at great length.

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1 Another case was a safe attacker from Toronto that was down
2 here blowing safes with nitroglycerine. His name was Fox,
3 I think, Douglas Charles Fox. Another case was Murdock
4 Deacon, a fellow that was committing arsons, that was another
5 case that we worked on. But again there would always be
6 a weekly contact as they say, but -- I don't recall interviewing
7 witnesses but certainly interviewing suspects by all means, yes.

8 Q. Okay. Well, suspects -- How would you describe his style?

9 Did he have a style?

10 A. Well, he persevered. There was no question about that. You
11 know, John MacIntyre is an investigator in my view and I'm
12 not speaking on part of the force. I'm giving my own personal
13 views, hey.

14 Q. Yeh.

15 A. John MacIntyre in my view as far as an investigator was
16 concerned was a hard working digger. You know, I've often
17 used the phrase that the good investigator succeeds when others
18 fail because he's still working when the others have gone
19 home and gone to bed.

20 Q. Yes.

21 A. And I think he fit that bill very, very well to be quite
22 frank with you, but certainly a very, very diligent
23 investigator. Quite frankly speaking I never saw him do
24 anything in an interrogation that would concern me in the
25 area exceeding his authorities or doing anything that was

DOUGLAS WRIGHT, by Mr. MacDonald

1 | unethical or trying to fabricate anything or anything of
2 | that nature. There was nothing to concern me.

3 | Q. Have you --

4 | A. I guess to best describe him, and you know, it's certainly
5 | my opinion and again, you know, when I left Sydney and went
6 | to Halifax I was in charge of the plain clothed units there
7 | and I know I had to come down occasionally to Cape Breton
8 | on investigations and I would almost think it was a general
9 | feeling that if you wanted to know anything about what was on
10 | the move in the criminal circles in the City of Halifax or
11 | the City of Sydney, Mr. MacIntyre was a pretty good fellow
12 | to get a hold of.

13 | Q. Did you ever have occasion to be present with him when
14 | juveniles are being interviewed or examined?

15 | A. I thought about this this morning, you know, on my way down
16 | here. I don't think I was ever present with him when there
17 | was a juvenile being interviewed.

18 | Q. You've had experience yourself I assume over the years
19 | interviewing juveniles?

20 | A. Oh, yes.

21 | Q. That there is a standard practice to be followed in your
22 | experience when interviewing juveniles and I'm thinking
23 | particularly with respect to having people present with
24 | them?

25 | A. Going back to the days when I was doing actual police work

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1 myself, I don't recall the policy. I do recall this that
2 it certainly was not mandatory that you had to have an adult
3 or their parent present at that particular time.

4 Q. When you were in charge of plain clothed investigative officers
5 in Halifax was there any such policy?

6 A. Not to my knowledge.

7 Q. Was there -- Did you give advice or did you, yourself, follow
8 any practice when interviewing juveniles with respect to having
9 adults present?

10 A. I've had adults present interviewing juveniles, yes, and
11 in particular if it was a more serious matter, hey. I'd have
12 the parent present or one of the parents present.

13 Q. But you don't consider it to be -- and did not at that time,
14 I mean, consider that to be a mandatory thing?

15 A. No, I'm aware of in latter years, of course, force policy
16 did change, but this would be long after I left the police
17 field -- the active police field itself. I don't know when
18 that policy changed. I think the latter '70's or '80, '81.

19 Q. I'm interested in the relationship between the G.I.S.
20 Division and the Sydney Police. I got the impression from
21 you that it was fairly close and that you would work together
22 on various things?

23 A. Yeh. Yeh.

24 Q. Would that depend on the nature of the crime?

25 A. Yeh. A large percentage of the investigations that you'd

1 | be doing in both of those department or branches or sections
2 | would be involving robberies, break and enters, thefts, and
3 | this type of thing, hey. And as I mentioned previously
4 | their criminals were our criminals and our criminals were
5 | their criminals. I think Coxheath was in our area.

6 | Certainly if we had one of these chaps living in Coxheath, he'd
7 | be committing crimes in the City of Sydney and vice versa with
8 | somebody from the city out in Coxheath.

9 | Q. But if they -- If a crime were committed in Sydney, within the
10 | confines of the city, would your section, the G.I.S. section
11 | be involved with the Sydney Police in the conduct of the
12 | investigation?

13 | A. No, no. No, no. No, no.

14 | Q. Was it more than an exchange of information as opposed to
15 | working together to solve crimes?

16 | A. More yes, but again let's use the case that I mentioned there
17 | of Fox, the safe attacker.

18 | Q. He's the safecraker, okay.

19 | A. Yes, and you know, I think there were one or two safe attacks
20 | in the City of Sydney one weekend and we had one some place
21 | else out in our jurisdiction so we worked together. We assumed
22 | that they were all the same. And this would happen fairly
23 | frequently, you know, where you'd have a rash of break and
24 | enters on the weekend or something and you would assume
25 | that it was probably the same individuals and we worked

1 together.

2 Q. Any involvement with the Sydney Police in murder investigations?

3 A. I never had any, no.

4 Q. Have you, yourself, been involved in a murder investigation?

5 A. Yes, four or five.

6 Q. Is there anything else you want to tell us about Sergeant
7 MacIntyre or tell the Commissioners about your opinion of
8 him or his confidence as a police officer?

9 A. No, I always looked upon him as I say, as being extremely
10 competent as far as an investigator was concerned.

11 Q. Now were you, yourself, ever -- have any connection with this
12 so called Marshall affair?

13 A. None whatsoever.

14 Q. You, yourself -- I'm sorry, I take it that your opinion is
15 that Sergeant MacIntyre was a good competent policeman when
16 you knew him?

17 A. Yes.

18 Q. Or when you had experience with him?

19 A. Yes.

20 Q. And you had experience yourself in murder investigations?

21 A. Yes, I did.

22 Q. Now was there a standard practice that you would have told
23 your detectives and your G.I.S. people to follow coming upon
24 the scene of a major -- a major crime, stabbings or murders
25 or this sort of thing?

DOUGLAS WRIGHT, by Mr. MacDonald

1 | A. Oh, yes.

2 | Q. Okay. Could you just tell us what those procedures would
3 | be just generally? I appreciate it may be some time --

4 | A. Oh, hypothetically I suppose -- hypothetically if you found
5 | somebody shot, a clerk in a store, not dead, the first officers
6 | who arrives on the scene, certainly the first consideration
7 | would be to get the person to hospital if the person was still
8 | living. The second consideration, of course, would be to
9 | protect the scene and gather the evidence.

10 | Q. Yes.

11 | A. Both physical -- people, witnesses leave the scene protected,
12 | that type of approach to it.

13 | Q. Yes, and how does one go about securing the scene or
14 | protecting the scene?

15 | A. Well, you rope or tape it off and then leave somebody there.
16 | Somebody should be left there.

17 | Q. Somebody should be left there?

18 | A. A policeman, yes.

19 | Q. Would you consider it --

20 | BY MR. CHAIRMAN:

21 | Q. A policeman?

22 | A. Yes.

23 | BY MR. MacDONALD:

24 | Q. Would you consider it appropriate to obtain names of witnesses?

25 | A. Yes. Oh, yes. Yeh, gather material evidence and evidence from

DOUGLAS WRIGHT, by Mr. MacDonald

1 witnesses and basically that's it.

2 Q. Obtain the names of -- I'm sorry, obtain statements from those
3 witnesses?

4 A. Oh, yes.

5 Q. Would you try and get those as quickly as you can right then
6 or what would you do?

7 A. As quickly as you could but there would certainly be the --
8 be the delay factor. You'd certainly get the names and
9 generally speaking what they knew or what they had to say
10 and follow it up as quickly as possible.

11 Q. What about the involvement of the identification services?

12 A. Yeh, you'd call in your specialized services too at that
13 particular time?

14 Q. What would you want them to do for you?

15 A. Examine the scene. Examine the scene.

16 Q. Would you -- Would they be getting some sort of physical
17 evidence for you, photographs, these sort of things?

18 A. Photographs, yes.

19 BY MR. CHAIRMAN:

20 Q. Fingerprints?

21 A. If there were any area where fingerprints could be found,
22 searching the crime scene itself for anything that might have
23 been dropped or any such things as that, of course, mind you
24 then, if the person is dead, of course, an autopsy and so
25 on and so forth.

DOUGLAS WRIGHT, by Mr. MacDonald

1 BY MR. MacDONALD:

2 Q. When would you carry out the search of the scene?

3 A. Immediately.

4 Q. And would that be while the scene is still protected or
5 secured?

6 A. Oh, yes. Oh, yes.

7 Q. Would you have -- And let's deal with a hypothetical case of
8 a stabbing, would you have equipment of some sort that you
9 would have available to use in your search, metal detectors,
10 and these sort of things?

11 A. Yes, they are available.

12 Q. Are they available in your experience in Sydney? Would those
13 have been available to the Sydney Police if they had requested
14 it from the R.C.M.P.?

15 A. When I was stationed in Sydney in '59 to '62, they were not
16 available here. They were available in Halifax.

17 Q. But if the Sydney Police requested them of you would you get
18 them for them?

19 A. You could, yes. Oh, yes. Oh, yes.

20 Q. What other things would you do?

21 A. Probably many things, but I just can't remember anything else
22 at the moment.

23 Q. If the crime occurred in a -- in an area that's populated --
24 a residential area, would it be appropriate and prudent to
25 interview the various people who live in that area?

1 A. Oh, sure. You'd do a door to door.

2 Q. And would you keep records of those -- the various things you
3 did? Was that your instructions to your staff that if you
4 talked to someone and make a note of it, do you keep it?

5 A. Oh, certainly. A policeman's best friend is his notes.
6 Any policeman who doesn't keep notes is not doing his job
7 in my view.

8 Q. In your view. Thank you. And those are the instructions
9 you would give to your -- the members of your force?

10 A. Yes. Yes.

11 Q. Has it been your experience that the notes kept by the people
12 in the R.C.M.P. and in particular in the G.I.S. section are
13 relatively accurate?

14 A. Yes.

15 Q. Can be relied on?

16 A. Yes.

17 Q. Okay. The purpose of notes I assume is that one can look at
18 them later on and refresh his memory?

19 A. Surely so, yes.

20 Q. Okay. And what about a victim? Would you be interested in
21 obtaining the clothing that the victim had on?

22 A. Oh, yes. Oh, yes.

23 Q. Would you be interested in the murder situation in having
24 a postmortem or an autopsy done?

25 A. Oh, yes.

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1 Q. What sort of information can be obtained in your experience
2 from that procedure?

3 A. Well, when there's a death and there's any indication
4 whatsoever of foul play, then in my view there has to be an
5 autopsy or postmortem. You know, there's many, many things
6 that you can find with an autopsy. Of course, mind you they
7 strike for the cause of death but there's other things,
8 finger nail scrapings, finding hairs and fibers on that person
9 that doesn't belong to that particular person, it belongs
10 to somebody else, this type of thing.

11 Q. Can you get some indication of the dimensions of the weapon
12 from an autopsy?

13 A. Oh, yes. Oh, yes.

14 Q. Would the angle of entry and these sort of things be of
15 interest to the investigator?

16 A. Yes. Yes.

17 Q. And would that be the type of procedure that you would
18 expect to be followed by a competent policeman in 1971?

19 A. Sure.

20 Q. Thank you.

21 COMMISSIONER POITRAS:

22 How about statements from the victim?

23 MR. MacDONALD:

24 I'm sorry, My Lord.

25 COMMISSIONER POITRAS:

How about statements from the victim?

1 BY MR. MacDONALD:

2 Q. His Lordship is asking if you would attempt to obtain statements
3 from the victim on the assumption that the victim is able to
4 give such a statement?

5 A. You should obtain a statement from the victim or talk to the
6 victim and obtain a statement from the victim as quickly
7 as possible and if you can, and of course, mind you, a lot
8 depends on the doctor allowing you to do it.

9 Q. Is it your wish to stay with that victim in the hope that you
10 may be able to get a statement from him?

11 A. Sure.

12 Q. In your experience, Mr. Wright, with the R.C.M.P., have you
13 had any occasion or are you aware of any occasions where the
14 Force was called in to investigate or reinvestigate the work
15 carried out by another police force?

16 A. I can't recall of any cases. There could have been some. I
17 just can't recall them. Certainly lot's -- lot's of cases
18 where we'd reinvestigate our own cases.

19 Q. Yeh. Okay.

20 A. But I can't recall reinvestigating cases of other Police
21 Departments?

22 Q. Okay. Why would you be reinvestigating your own cases?

23 A. For a multitude of reasons. A multitude of reasons.

24 Q. Can you just give me a couple?

25 A. Frequently, you know, two or three years after somebody has

1 | died there'd be an investigation of sudden death and three
2 | or four years after somebody has died somebody comes up with
3 | some information indicating there could have been foul play
4 | at that particular time. I had done two or three of those
5 | myself, different reasons.

6 | Q. In those circumstances would you assign or expect different
7 | officers to be assigned to do the reinvestigation?

8 | A. I've always said that you had to have a different one do
9 | the reinvestigation.

10 | Q. You have to have a different one?

11 | A. I have said that personally.

12 | Q. Yeh. Okay.

13 | A. That was my preference.

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JMR.

1 Q. And do you know if that was the policy followed by the force?

2 A. There was no written policy on it to my knowledge.

3 Q. Whether it was written or not, do you know if that was the
4 practice then followed by the --

5 A. I seen it -- I seen it done both ways.

6 Q. Thank you. You then, as I understand it, cannot recall any
7 particular case where the R. C. M. P. was asked to re-
8 investigate the work of a different force? I'm not saying it
9 didn't happen but you don't have any independant recollection
10 of that?

11 A. No, not off hand.

12 Q. When you were re-investigating, even your own cases, do you
13 approach it as if it's a brand new investigation or do you --

14 A. Personally I -- personally I think that's the only way you
15 can do it.

16 Q. And you would do all the various things that you would have
17 hoped would have been done in the first place?

18 A. That's right.

19 Q. And so if we --

20 A. I can't see you going into a re-investigation with restrictions
21 on what you are re-investigating. You know, if your going
22 to re-investigate something, you re-investigate it. So it's
23 an open -- it's an open door.

24 Q. If you went back to the hypothetical case we just talked
25 about, and you were called in to re-investigate some months

1 after the initial one, would you follow -- try to follow
2 the same type of procedure to the extent you could. I
3 appreciate you couldn't secure the scene but you certainly
4 could do interviews of witnesses. You could talk to the
5 residences and these sort of things?

6 A. Sure.

7 Q. You would expect to do all of that?

8 A. Sure.

9 Q. Okay, have you been asked or had the opportunity to review
10 any of the materials in this particular case?

11 A. No, nothing other what's seen in the newspaper. I discussed
12 it with nobody.

13 Q. In a re-investigation, would you discuss the initial
14 investigation with the police officers who had carried it
15 out?

16 A. I have, you know. And I again, I've done quite a few of
17 them myself in my day and going back quite a few years, yes,
18 you'd discuss it with them. You don't get carried away too
19 much with what they tell you sometimes because you're
20 re-investigating it. You should go into it with an open
21 mind. You would certainly -- certainly discuss it with them,
22 by all means, yes.

23 Q. Would you do that before or after you carried out your own
24 investigation?

25 A. You'd probably have a chat with them before and maybe even

1 during and after, eh.

2 Q. Would you want to review the various statements they would
3 have taken?

4 A. Possibly.

5 Q. Okay, whether you did or not, would you yourself want to
6 interview and take statements from anyone who was a witness
7 or an alleged witness to the crime?

8 A. You probably would or if there was a statement from that
9 person previously you might take that statement and go back
10 and re-interview the person based on that statement?

11 Q. Go back and re-interview based on the statement?

12 A. Yes.

13 Q. But you would have a face-to-face with that witness at sometime?

14 A. Oh, sure.

15 Q. Oh, sure?

16 A. Yeh.

17 Q. Did you have any experience with the use of polygraphs during
18 your career?

19 A. Well, the polygraph was actually just coming in about the time
20 that I left the police field. They were using it. I don't
21 think I ever had a case where we used the polygraph personally.

22 Q. You said "when you left the police field", is there a
23 particular period of time --

24 A. Yeh.

25 Q. -- when you would classify that?

DOUGLAS WRIGHT, by Mr. MacDonald

1 | A. Well, when I left the operation side where I was personally
2 | involved in investigations which would 1965. I did a couple
3 | of investigations after that but --

4 | Q. Whether you've been involved with them yourself or not, do
5 | you -- while you were with the R. C. M. P. you were aware
6 | that they were being used?

7 | A. Oh, sure.

8 | Q. And what was the view of -- your view of them as to their
9 | use as an investigative tool?

10 | A. Well, they're good investigators. There's no question about
11 | it in my mind.

12 | Q. What do you say about their use as an exclusive investigative
13 | aid?

14 | A. As an exclusive investigative aid, what do you mean precisely?

15 | Q. Well, to use the polygraph -- take a polygraph examination of
16 | someone and do no other investigation of any kind?

17 | A. In my opinion, that would be terrible.

18 | Q. Okay, what would you say about using a polygraph to determine
19 | whether someone was telling the truth where you had formed the
20 | opinion that that person was of sub-normal intelligence and
21 | slightly mental?

22 | A. Well, I suppose the polygraph could be used under the
23 | circumstances or the policy whereby the person would consent
24 | to it or the person's guardian or whatever would consent to
25 | it and the results of the polygraph could be taken for what

1 | their worth, I guess.

2 | Q. Okay, now let me put a --

3 | A. It could be used as an aid, yes.

4 | Q. Okay, if you had a -- let me put the facts of this case to
5 | you, Mr. Wright, at a particular point in time and get a
6 | view of what you might have done. And I appreciate it's
7 | hypothetical but this is a case where Donald Marshall,
8 | Junior, was convicted of murder -- a stabbing. And at the
9 | trial there were two eyewitnesses who said they had seen
10 | Junior Marshall stab the victim. Ten days after the trial,
11 | another witness came forth and said that he, in fact, had
12 | been present and had seen the victim stabbed by another
13 | person.

14 | A. Yes.

15 | Q. And the R. C. M. P. was called in within a day or so of that
16 | to carry out a re-investigation. Would you have interviewed
17 | the eyewitnesses at the trial?

18 | A. Would I have interviewed them?

19 | Q. Yes.

20 | A. Quite definitely, yes.

21 | Q. Would you have had a question in your mind how these eye-
22 | witnesses could have seen what they have testified to seeing
23 | when you have someone else saying that they had seen someone
24 | else do the stabbing.

25 | A. Yes.

1 | Q. There would have to be some explanation for that?

2 | A. Yeh, I would think that would be basic myself.

3 | Q. And if you were the officer in charge and were then filing
4 | a report with your superiors and saying you had carried out
5 | a thorough review of the case, I take it, your superiors
6 | would assume that you would have done all those very basic
7 | things?

8 | A. That's difficult to say. Thorough was sometimes a misused
9 | word, too.

10 | Q. If you sent people out to do a re-investigation and they
11 | came back and told you they had done a thorough investigation,
12 | would you take it that they had done all the very basic
13 | things?

14 | A. Well, I would hope that -- they had done at least the basic
15 | things, yes, by all means.

16 | Q. In carrying out a re-investigation, would you expect that the
17 | force that's being re-investigated would turn over their
18 | complete files to you?

19 | A. Most definitely, yes.

20 | Q. Would you give consideration to issuing a subpoena or a
21 | warrant or whatever the technical phrase would be directed
22 | to the other police force to make certain you got the entire
23 | file?

24 | A. Well, I would think -- I would think that before there was
25 | a re-investigation of that nature -- the re-investigation of

1 | that nature would have to be directed from somebody above the
2 | force to start with.

3 | Q. Yes.

4 | A. And I would think that before that direction was given that
5 | there would be the understanding that everything would be
6 | passed over to the force that was doing the re-investigation.
7 | If -- if there was a lack of or a total lack of cooperation
8 | from that force that you're re-investigating or the force
9 | that was responsible for the initial investigation, then I
10 | would think that the proper course would go back through --
11 | would be to go back through whoever issued the directions
12 | to investigate or re-investigate the first instance.

13 | Q. Okay, when you were officer-in-charge, C. I. B. Halifax,
14 | what was C. I. B. -- Criminal Investigation Branch?

15 | A. Yes, it is, yes.

16 | Q. Would that require you to have regular contact with representatives
17 | of the Attorney General's Department?

18 | A. Yes, we used to meet once a week, Thursday morning, I think.

19 | Q. Yes.

20 | A. It's a long time ago. I think it was Thursday morning.

21 | Q. And that would be for what purpose?

22 | A. To discuss current matters. Bring them up-to-date on anything
23 | that was unusual within the Province. Discuss cases of
24 | interest at that particular time. That type of thing.

25 | Q. In the years 1974 and '75, in your position of officer-in-charge,

1 C. I. B. Halifax, was there any occasion that you had or
2 can recall where you were lead to belief that Junior Marshall
3 had been wrongly convicted?

4 A. I don't think -- I don't think the Marshall case was ever
5 discussed or ever came to my attention other than I was
6 aware of the Marshall case. It was never discussed or never
7 was brought to my attention from 1974 to '77 when I was in
8 Halifax.

9 Q. The relationship between the Province and the R. C. M. P.
10 is set out in contractual documents, is that right?

11 A. Right, yeh.

12 Q. What is their -- what was your understanding at the time when
13 you occupied that position in Halifax, as to the role the
14 R. C. M. P. would play in the various parts of the Province
15 in investigation of major crime? What was it?

16 A. Yes. Yeh, the force investigated all criminal matters outside
17 of towns and cities. Fifteen hundred population I think it
18 was for a town -- incorporated a town.

19 Q. Would this be set out in the contract? Or was this a matter
20 of discussion and agreement between the forces?

21 A. There -- there was policy on it. There was policy on it on
22 one hand. It was set out in the contract in the other.

23 Q. And would they be the same?

24 A. Basically the same, yes, the same, yeh.

25 Q. I'm sorry, I interrupted you, anything outside a town of

1 fifteen hundred?

2 A. Yeh, I really haven't answered the question, have I?

3 Q. No.

4 A. The force would be responsible for investigating all criminal
5 matters outside of incorporated towns and cities, okay.

6 Q. Yes.

7 A. I don't know whether it was in the contract or not but certainly i
8 was stated also that in incorporated towns, I believe, the
9 force is responsible for investigating murders and attempted
10 murders, rapes and attempted rapes.

11 Q. You mean in incorporated towns. So that would exclude then --

12 A. That would exclude Sydney.

13 Q. -- Halifax, Sydney, Dartmouth?

14 A. Yes.

15 Q. Other than that, the force would investigate those major crimes,
16 yes?

17 A. I think I'm correct, yes.

18 Q. Did you ever have occasion or experience yourself -- let me
19 phrase that a different way. As between the R. C. M. P.
20 and the Attorney General's Department in the Province, who
21 has the responsibility to decide what if any charges are to
22 be laid in particular cases?

23 A. This comes up for argument occasionally, too.

24 Q. Does it?

25 A. Well, a peace office, of course, can lay a charge.

1 Q. Yes.

2 A. And that's laid right out in the Code, of course,
3 through consultation, of course, with the Crown Prosecutors
4 who, of course, are agents of the Attorney General's Department.

5 Q. Yes. Is that the sort of thing that's come up in discussion
6 on your Thursday morning meetings, for example, as to who has
7 these responsibilities?

8 A. Oh, I had discussions on it before, yes.

9 Q. With and particularly in Nova Scotia with the representatives
10 of the Attorney General's Department?

11 A. I don't know if I ever had discussions with representatives
12 of the Attorney General's Department there or not but it's
13 been discussed over the years at various places, at various
14 levels, I know that.

15 Q. What is the circumstance, if you have a conflict between
16 a police officer and a Crown Prosecutor? One -- the police
17 officer saying, I think, a charge should be laid and the
18 Crown saying none? What's the ultimate resolution of that?

19 A. It's usually resolved at the Attorney General's level.

20 Q. It goes above then both of those people?

21 A. Yes.

22 Q. The Attorney General makes the ultimate decision or at least --

23 A. Or staff.

24 Q. -- staff of the Attorney General? Eugene Cole, was he an
25 officer that you recall during your period of time in Halifax?

- 1 | A. Yes, but I just forget where he was stationed though. But I
2 | remember Cole, yes?
- 3 | Q. It's our understanding and his evidence will be called later,
4 | sir, but that he, in fact, was involved in a re-investigation
5 | or at least a look at the Marshall case in 1975 and that would
6 | be the period of time, I guess, when you were in Halifax?
- 7 | A. Yes.
- 8 | Q. Any knowledge of that?
- 9 | A. No.
- 10 | Q. Would that have been something that you would have directed or
11 | your branch would have directed?
- 12 | A. Not myself personally. That could have happened. If it was
13 | very minimal -- minimal involvement. It could have happened
14 | quite easily and I wouldn't know about it.
- 15 | Q. What --
- 16 | A. Probably wouldn't know about it.
- 17 | Q. How could it --
- 18 | A. The C. I. B. officer at the time would probably be the one
19 | that would be involved in it.
- 20 | Q. C. I. B. officer at the time, but Cole's wouldn't just go do
21 | that on his own, he would be directed to do it from some --
22 | superior?
- 23 | A. From some level, yes.
- 24 | Q. What is the reporting practice at the R. C. M. P. and let me
25 | give you a little background to this. There was a

1 re-investigation carried out in 1971 at the request of the
2 officials in the Attorney General's Department, we understand.
3 A report was prepared by the investigating officer, we have
4 that. The suggestion is that that report was never given to
5 the Attorney General's Department. Is that the sort of thing
6 that could likely happen?

7 A. I wouldn't think so. I wouldn't think so.

8 Q. What was the method of communication between the R. C. M. P.
9 and the A. G.'s Department in your time? If you had as chief
10 or as C. I. B. Chief directed someone to carry out a
11 re-investigation a member of your force, I suppose he would
12 report back to you, is that right?

13 A. That's right, yes.

14 Q. Now how then -- what would be the mechanism for you reporting
15 back to the Attorney General?

16 A. Copies of the report would go back to the A. G.

17 Q. Would they be covering transmittal forms or anything of that
18 nature?

19 A. Oh, yes, in all probability. A summary of what transpired.
20 Hypothetically, a fifteen page report could be reduced to
21 a one page memo with the report attached.

22 Q. Did you know Inspector Marshall -- Al Marshall?

23 A. It's a small world. Him and I joined the force together in
24 1948 in Hamilton, Ontario.

25 Q. Is that right?

1 A. Yeh.

2 Q. Is that right?

3 A. Yeh.

4 Q. And did you have experience with him as he -- as your careers
5 developed through the years?

6 A. We never worked together that much over the years, but I guess
7 he replaced me in charge of Sydney G. I. S. when I left here.

8 Q. Did he?

9 A. And in '62.

10 Q. Your experience with the -- with the force -- promotions within
11 the force, were they based on -- on ability or do you have a --
12 did you have a seniority provision similar to the Sydney Police Force
13 where that was the only thing looked at?

14 A. I don't know what they did in the Sydney City Police. I have
15 always felt that promotion within the force was on ability.

16 Q. Is it on application if they want to -- if a post of
17 inspector comes up, for example, is that something that people
18 apply for or are they selected?

19 A. It wasn't back then but it is now. Going from the N. C.O.
20 rank to the officer rank, you have to qualify.

21 Q. Now?

22 A. That's right, yes.

23 Q. Back there you didn't?

24 A. No, you did not.

25 Q. What did you do then or how did it come about then?

- 1 | A. All of a sudden somebody told you, you were promoted.
- 2 | Q. I see, okay. But it was always your understanding that that
- 3 | was based on ability?
- 4 | A. On merits, yes.
- 5 | Q. Excuse me for just a moment. One of the topics that's been
- 6 | discussed here, Mr. Wright, I'm talking about police
- 7 | investigation as the problem that arises sometimes, I guess,
- 8 | of so-called "tunnel vision". Somebody gets their mind made
- 9 | up and then they just -- they not necessarily build a case to
- 10 | meet it but they ignore things that doesn't fit in with it.
- 11 | Have you ever had experience with that?
- 12 | A. I think everybody has, I believe, at one time or other in
- 13 | their life probably to a degree.
- 14 | Q. What, if any, precautions are used in the or were used in
- 15 | the R. C. M. P., in your experience, to prevent that sort
- 16 | of thing from happening or taking place?
- 17 | A. Oh, I don't think there was any written precautions or
- 18 | written policy but certainly myself personally, I felt that
- 19 | you had to approach any investigation with a wide open mind.
- 20 | Q. Was there some sort of vetting of what you were doing though
- 21 | through -- so that somebody perhaps less close to the
- 22 | investigation could make certain that there wasn't this
- 23 | phenomenon at work?
- 24 | A. Well, we had a -- we had a system above the investigator, of
- 25 | course, where reports, of course, were submitted and

1 | scrutinized by readers and referred to C. I. B. officers or
2 | assistant C. I. B. officers who would write back critical or
3 | otherwise and ask that points be clarified. Ask why this
4 | wasn't done. Why that wasn't done. Basically an audit type
5 | system. The audit type system, I know, is still in effect
6 | today, but it's done a little bit differently today; but
7 | there is an audit function. In other words, it would be
8 | very difficult for anybody at any level performing any
9 | investigation and not have it subject to scrutiny.

10 | Q. When Inspector Marshall was chosen to do the re-investigation
11 | here, his title was H-Divison, Detective Inspector. Now a
12 | Detective Inspector is that someone who would be in charge
13 | of detectives or?

14 | A. That was a position that came into being in the force for
15 | a very short period of time. I'm guessing here, maybe a
16 | year. And that position was then done away with -- it was brought
17 | in and then done away with at a particular time and that
18 | officer position then went, I think, as an assistant C. I. B.
19 | officer or some such a position or a Division Intelligence
20 | officer, I just forget. I'm guessing when I say this, he's
21 | probably the only person in that particular branch or group
22 | or whatever he's calling himself.

23 | Q. Okay, but is it somebody who would have come up with the ranks
24 | or at least have skills, experience as an investigator, as a
25 | detective?

DOUGLAS WRIGHT, by Mr. MacDonald, by Mr. Ruby

1 | A. Yeh, he's probably one of your better or supposedly one of your
2 | better investigators.

3 | Q. One of your better investigators, okay. Now the only other
4 | question I have, you -- you had indicated that you had met
5 | Chief MacIntyre sometime socially after your -- your working
6 | experience with him. At any time have you discussed with
7 | him the various re-investigations that were done by the
8 | R. C. M. P. of the Marshall case?

9 | A. I don't think I have, no.

10 | Q. Thank you. That's all I have, Mr. Wright.

11 | BY MR. RUBY:

12 | Q. Mr. Wright, you said that you were working now for a security
13 | firm?

14 | A. No, when I retired in 1982, I went on as a fulltime employee
15 | with Petro Canada Oil Company. And I looked after -- as a
16 | security advisor for Quebec, Ontario and Eastern Canada.
17 | I've since terminated that and I have a work contract with
18 | them. I'm under contract to Petro Canada but as an individual
19 | not as an employee.

20 | Q. Good. Before I get into the principle area I want to get to
21 | with you. You mentioned to my friends question in response,
22 | that there were weekly meetings with the Attorney General's
23 | office in Halifax and the R. C. M. P. I want to ask you
24 | whether during your time there were any recordings or notes
25 | or minutes kept of those meetings?

1 | A. I don't think there was, no. In fact, I'm certain there wasn't.
2 | Now we're talking about the Attorney General's Department.
3 | Let's just clarify that too. With Senior Solicitor/Criminal,
4 | that's who you had the meeting with.

5 | Q. Okay.

6 | A. And during my time it was Gordon Gale.

7 | Q. And there's no notes kept of that meeting?

8 | A. No. Not notes per se.

9 | Q. What was kept?

10 | A. He might have scratched a note at the edge of file or whatever,
11 | but as I say, there was no meeting notes per se kept.

12 | Q. Now you told us that in your view Detective MacIntyre was
13 | an extremely incompetent -- extremely competent investigator
14 | and I want to put to you some of the things that I'm going to
15 | suggest he did in this investigation. Can you tell me whether
16 | they are in your view the mark of a competent investigator or
17 | the mark of somebody who's not competent? First, with regard
18 | to the scene there were no arrangements made at all for
19 | photographs to be taken of the scene. Is that a mark of a
20 | competent investigator?

21 | A. I would have hoped that photographs would have been taken.

22 | Q. And no measurements were made of the scene and no arrangements
23 | were made for any to be made?

24 | A. Yes.

25 | Q. Is that a mark of a competent investigator?

DOUGLAS WRIGHT, by Mr. Ruby

1 | A. Not in my view.

2 | Q. What was --

3 | A. Unless there were extenuating circumstances, which I'm not
4 | aware of.

5 | Q. And there were no measurements made of any blood markings or
6 | drippings at the scene? No notations of where they might be? Is that
7 | the mark of a competent investigator?

8 | A. Not in my view.

9 | Q. The scene was not secured in any way by ropes or markings off
10 | or anything else as far as we can tell. Is that the mark
11 | of a competent investigator?

12 | A. I wouldn't think so.

13 | Q. And there was no organized search at all directed by the
14 | officer in charge, Sergeant MacIntyre, of that scene?

15 | MR. MURRAY:

16 | Objection. There is no evidence at all that Sergeant MacIntyre
17 | was the overnight detective in charge.

18 | BY MR. RUBY:

19 | Q. We'll step back a little bit. The officer in charge in that
20 | case was Sergeant MacIntyre ultimately, but he didn't come
21 | out that night at all. Is that usual for a senior detective
22 | on the force? Would that be competent?

23 | A. I don't know what the circumstances were whether he was
24 | contacted or what -- what happened. I have no idea.

25 | Q. Assumably --

- 1 | A. But certainly -- certainly if he was called to come out from
2 | the senior at that particular time, I would have thought that
3 | he should have gone, but again, I don't know what the
4 | circumstances were.
- 5 | Q. No samples of blood were taken from the scene. No one
6 | swabbed to take samples for analysis. Is that a sign of a
7 | competent investigator?
- 8 | A. Not in my view.
- 9 | Q. The area was not raked or vacuumed. Competent?
- 10 | A. No, no, I don't --
- 11 | Q. Indeed it appears that the first four officers on the scene
12 | all left together to go to the hospital. As far as we can
13 | tell the scene was unattended. Is that competent?
- 14 | A. I wouldn't think so.
- 15 | Q. It appears that a C. P. I. C. request was made for information
16 | regarding suspects that fit the particular method of this
17 | particular offense, this sort of stabbing. There was no
18 | response from the R. C. M. P. as far as we can tell to that
19 | C. P. I. C. request. But no follow up was made at all. Just
20 | left blank and unanswered. Nobody ever called back and checked
21 | further. Is that competent?
- 22 | A. I don't know if at that particular time whether C. P. I. C.
23 | check would have revealed that type of information. You're
24 | probably talking Crime Index Check are you not?
- 25 | Q. I may have it confused.

1 A. Yeh, I think probably yes, you are.

2 Q. And would you expect that a competent officer to follow up
3 on that?

4 A. It should have been followed up.

5 Q. Make sure you got the answer?

6 A. It should have been followed up, yes.

7 Q. The principal suspect in this case, Donald Marshall, apparently
8 was principal suspect from the morning following the investigation
9 at least in terms of what was communciated to an R. C. M. P.
10 officer by Sergeant MacIntyre at that time, spoke to the
11 officers a number of occasions that night and later but no
12 one bothered to take a statement in writing for two days.
13 Is that competent?

14 A. Just run through that again, please.

15 Q. At nine o'clock the next morning, there's evidence that
16 Sergeant MacIntyre regarded Donald Marshall as a principal
17 suspect. But no one bothers to take a statement from him in writin,
18 although they're talking to him throughout the period
19 for two days. Is that competent?

20 A. Normally -- normally I would suggest there would have been
21 an effort to obtain -- made to obtain a statement, yes.

22 Q. Yeh, right away, right?

23 A. Yes, even though it might be a statement with not too much
24 in it, you know. I've gone quite a while myself without
25 taking statements with an individual because things were

1 changing so fast, but normally, as a safe guard, it's good
2 to take a statement as quickly as possible and get the facts
3 as -- as what would be stated that particular time. It might
4 change later on, yes, but that is a statement, yes.

5 Q. Then apparently no circulation of a description of at least
6 one man, probably two men, that was given by Donald Marshall
7 that night when he was the only person who said he saw the
8 incident. It's not circulated to anyone? No search, knocking
9 on doors in the neighbourhood to see if people know this man.
10 The man lives, in fact, two blocks away. Is that competent?

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DOUGLAS WRIGHT, by Mr. Ruby

1 A. By what you're saying, no. But I don't know the full
2 circumstances.

3 Q. Can you imagine any circumstance where there is one
4 eye witness so far as you know to murder. Only one.
5 And he gives a description of a man who he says did it.
6 That you would in A, circulate that to all the officers
7 in your area who you had control over; and B, knock on
8 doors to see if you could find that person or any trace
9 of him?

10 A. That's what I'm saying. The circumstances, I'm not too
11 clear. I think it was said here previously that there
12 were two other eye witnesses at that particular time who
13 had said that they saw Marshall do it so you're now saying
14 there's -- one other fellow came along later on, of
15 course and --

16 Q. Let's take the first night when all they've got is that
17 Marshall is there and says these two men did it and he
18 describes one of them very carefully.

19 A. Yes.

20 Q. A unique kind of description. "Old man, a short beard,
21 cloak like a priest."

22 A. Yes.

23 Q. Can you imagine any circumstance when that's you're only
24 information when you would not immediately circulate that
25 to all the officers --

DOUGLAS WRIGHT, by Mr. Ruby

- 1 A. Sure.
- 2 Q. --and knock on doors as soon as you could. That night and
3 that morning if you could.
- 4 A. Follow it up, yes.
- 5 Q. Incompetent not to do that, right?
- 6 A. Well, I don't know whether it would be incompetent. It should
7 have been done. It should have been done. That would be
8 my view.
- 9 Q. Would you hire a man who didn't do that?
- 10 A. Well, I think if it was happening with any degree of frequency
11 I'd be looking at the man the second time, yes.
- 12 Q. Sure would. The officer in charge, Sergeant MacIntyre, is
13 aware that identification services, that he doesn't have
14 available to him, are available through the R.C.M.P. He doesn't
15 ask for them to be used. Is that competent?
- 16 A. He would be aware of it. There's no question about that --
- 17 Q. Oh, yes.
- 18 A. -- because undoubtedly he heard of --
- 19 Q. He never asked for help. Doesn't ask for a thing from
20 the R.C.M.P. Is that competent?
- 21 A. It should have been done.
- 22 Q. Is it competent?
- 23 A. I would have to say, no, it isn't but it should have been done,
24 yes.
- 25 Q. There's no request made by Sergeant MacIntyre, as the officer

1 in charge, to have the deceased blood tested for alcohol or
2 drugs? It's a pretty normal thing to do isn't it?

3 A. That's all part and parcel of what we talked about before
4 the autopsy. The post-mortem.

5 Q. Then there's an officer, Sergeant MacIntyre again, who in
6 1971 is told that there's the wrong man involved. Here, as
7 you've been told, that a man comes forward and says that
8 somebody else committed this offense. In the course of
9 investigating that person, the person he now learns is
10 alleged to have committed the offense namely Ebsary in this
11 case, he interviews Ebsary's wife. Would you consider it
12 competent or incompetent never to ask her if there is any
13 history of Mr. Ebsary having knives, carrying knives, owning
14 knives or if there was any previous involvement by Ebsary
15 with -- in assaults with a knife? Would that be competent
16 or incompetent not to ask that question or those questions?

17 A. I think it would be rather basic that those type questions
18 should have been asked or should be asked in circumstances
19 such as that.

20 Q. And particular if there was an assault with a knife a year
21 earlier, would you not think it incompetent for him not
22 to have checked his records to see who was assaulting with
23 knives in that area within the recent past to see if it matched
24 Ebsary?

25 A. Yes, I would think that that would be a normal procedure to follow.

DOUGLAS WRIGHT, by Mr. Ruby, by Mr. Murray

1 Q. And in 1983 Sergeant MacIntyre had become Chief of the Police.

2 And it's in 1983 when the Court of Appeal for Nova Scotia
3 finds that Mr. Marshall is, in fact, wrongly convicted in
4 that investigation that he headed. Would you expect that
5 an honest and competent officer to have directed some kind
6 of internal review in the Sydney Police Department of the
7 practices and procedures followed, some kind of assessment
8 so that future cases would not be handled in the same way.
9 Would you expect that?

10 A. No, the internal management of the Sydney City Police -- As
11 you say in 1983 he would be Chief of Police at the time.

12 Q. That's right.

13 A. So really what you're saying is it's an internal review
14 of the particular case to review. Who? Himself, I guess, because
15 he was the one that handled the investigation in the first
16 place.

17 Q. But would that be the kind of thing for the Chief to do?

18 A. Certainly. I would suggest that you should be looking at
19 it very very closely and insure that things that happened,
20 that shouldn't have happened, don't happen again.

21 Q. That's what an honest officer would do, isn't it?

22 A. I would think so, yes.

23 Q. Thank you, sir.

24 BY MR. MURRAY:

25 Q. Mr. Wright, my name is Donald Murray. I'm appearing on

DOUGLAS WRIGHT, by Mr. Murray

1 behalf of William Urquhart. Mr. Ruby put to you a number
2 of things that ought to be done immediately upon there
3 being a serious offense such as a stabbing, such as the
4 securing of the area, obtaining photographs, that kind of
5 thing, measurements of the scene, taking blood samples. I
6 would expect in a public area that that should be done within
7 three hours of the offense being committed or a reasonable
8 length of time, certainly before eight hours have elapsed.

9 A. It should be done as quickly as possible, yes. It should
10 be one of the first things you do.

11 MR. CHAIRMAN:

12 Mr. Murray, you're appearing as counsel for?

13 MR. MURRAY:

14 William Urquhart.

15 MR. CHAIRMAN:

16 Well, what interest would Mr. Urquhart have in the testimony of
17 this witness?

18 MR. MURRAY:

19 Well, Mr. Pugsley is not here and if you'd rather I stand up
20 and say I'm here on behalf of Mr. MacIntyre who has made an
21 application --

22 MR. CHAIRMAN:

23 Well, it's not a matter of what I would prefer. Under the rules
24 of relevancy I would -- I'm having difficulty seeing where Mr.
25 Urquhart would have any interest in the testimony of this witness.

DOUGLAS WRIGHT, by Mr. Murray

1 Now, if you're appearing on behalf of Mr. MacIntyre, who I
2 understand commission counsel asked through you or Mr. Pugsley
3 that this witness be called, then you would have a right to
4 put questions to this witness on behalf of Mr. MacIntyre but I am
5 not inclined to allow questions put on behalf of Mr. Urquhart.
6 He obviously has no interest in the testimony that's just been
7 given and there may be other counsel present as well whose clients
8 have no interest.

9 MR. MURRAY:

10 May I say that I'm here on behalf of Mr. MacIntyre then?

11 MR. CHAIRMAN:

12 All right. Then you're appearing on behalf of Mr. MacIntyre. So
13 if you're appearing on behalf of Mr. MacIntyre, do you want to
14 go now because this witness is your witness or do you want --

15 MR. MacDONALD:

16 If I may, My Lords, before I put Mr. Wright on I spoke with Mr.
17 Murray and Mr. Bissell because I had the same question. I didn't
18 know who should come last. I think Mr. Bissell said he would
19 prefer to come last and Mr. Wright was --

20 MR. CHAIRMAN:

21 Mr. Bissell requires Mr. Wright even though he is now retired from
22 the Force, it's still a --

23 MR. MacDONALD:

24 I don't try and make those judgements, My Lord. He's already questioned

25 MR. CHAIRMAN:

Well, all right. All right, I'll accept that.

DOUGLAS WRIGHT, by Mr. Murray

1 | MR. MURRAY:

2 | That's appropriate from Mr. MacIntyre's point of view.

3 | MR. CHAIRMAN:

4 | All right. Can we go ahead? Pardon?

5 | MR. MURRAY:

6 | That's appropriate from Mr. MacIntyre's point of view as well,
7 | that the R.C.M.P. finish last.

8 | MR. CHAIRMAN:

9 | All right, well, you go ahead and put any questions you wish to
10 | this witness on behalf of Mr. MacIntyre.

11 | BY MR. MURRAY:

12 | Q. With respect to obtaining an autopsy in a murder case in
13 | 1971, was it invariable that one be obtained or was it a
14 | matter of judgement?

15 | A. It's a matter of judgement and in '71 -- but very much
16 | a must that there be one in circumstances such as that and
17 | as I indicated previously, any indication of foul play
18 | or anything of that nature there would be a post-mortem or
19 | an autopsy.

20 | BY COMMISSIONER EVANS:

21 | Q. But in -- Who makes that decision, is what I'd like to know,
22 | in 1971? Is it the police or is it the examiner?

23 | A. It would be the medical examiner.

24 | Q. The medical examiner.

25 | A. Certainly on the recommendation of the police and I think

DOUGLAS WRIGHT, by Mr. Murray

1 there's been a disagreement or there have been disagreements
2 whereby the medical examiner would disagree with the police --

3 Q. Who wins?

4 A. -- but it's always been resolved.

5 Q. You still didn't answer. Who wins in that situation?

6 A. There would always be the post-mortem. I've never seen
7 a case myself where there's been a post-mortem recommended
8 and not followed through.

9 Q. The police recommended it --

10 A. Yes.

11 Q. -- and the examiner -- now we're talking about Nova Scotia?

12 A. Yes.

13 Q. Thank you.

14 BY MR. MURRAY:

15 Q. During the Inquiry there have been allegations about John
16 MacIntyre and the manner in which he took statements and I
17 understand your evidence in direct to commission counsel
18 was that you had been present for questioning. Had you
19 also been present for the taking of statements?

20 A. There's no question in my mind we took statements but I can't
21 recall him writing down statements and I can't recall myself
22 writing down statements during the time that we were questioning
23 different people but certainly I recall cases where we
24 interrogated people together, so one or the other would
25 have taken statements. I could certainly -- I suppose still

DOUGLAS WRIGHT, by Mr. Murray

1 check and find out who did take the statements, I guess, one
2 or two of those cases but I probably was present when he
3 took statements, yes.

4 Q. And in the course of the interrogations where you were
5 present and that you recall, did you ever see John MacIntyre
6 suggest to the person being interviewed what the evidence
7 should be?

8 A. No.

9 Q. Have you ever had occasion to observe John MacIntyre bully
10 or coerce a witness?

11 A. No.

12 Q. Have you ever had occasion to see John MacIntyre threaten
13 a witness?

14 A. Definitely not, no.

15 Q. There's been evidence before the Commission that this -- it
16 happened in this particular case. In your experience were
17 you ever aware of John MacIntyre inserting things in to
18 statements that the witness had not said?

19 A. I don't recall him ever having actually taken the statements
20 so -- but I've never known John MacIntyre to, to put it this
21 way, color evidence or say things that in reality didn't happen.

22 Q. That was not his ethical way of carrying on?

23 A. Definitely not, no.

24 Q. In the course of your career and one thing that was perhaps
25 left out in inadvertence, you were at the Ingonish Detachment

DOUGLAS WRIGHT, by Mr. Murray

1 between 1957 and 1959?

2 A. Yes, I was.

3 Q. So between 1955 and 1962 you were in Cape Breton continuously
4 in different detachments?

5 A. Yes, I was. I was in Eskasoni from '55 to '57, I guess.
6 Part of that Glace Bay, New Waterford --

7 Q. In 1955 and thereafter until 1962 you had occasion to deal
8 with the Native population in Cape Breton?

9 A. Yes, I did.

10 Q. And you also had occasion to deal with the Native population
11 in Saskatchewan?

12 A. Yes, very much so out there in fact.

13 Q. What is the difference in size of the Native communities
14 in Saskatchewan as opposed to Cape Breton that you were
15 dealing with?

16 A. Oh, Prince Albert subdivision, I suppose, we had sixty,
17 seventy thousand and I'm guessing here, eh, roughly Natives.

18 Q. I see. In your time working with John MacIntyre as an
19 investigator, did you ever have any occasion to note any
20 racial feelings on his part either as to Indians or Blacks?

21 A. I don't recall it ever being discussed that -- I certainly
22 never noticed that, no. I don't recall ever being involved
23 in an investigation with him involving a Native person.

24 Q. The fact that you've been called to this Commission at the
25 request of ourselves on behalf of John MacIntyre, has that

DOUGLAS WRIGHT, by Mr. Murray, by Mr. Saunders

1 affect you testimony in any way today?

2 A. No.

3 MR. MURRAY:

4 I have no further questions.

5 MR. ELMAN:

6 No questions, My Lord.

7 BY MR. SAUNDERS:

8 Q. Mr. Wright, my name is Saunders and I have a couple of
9 questions for you on behalf of the Attorney General's
10 Department. You answered a hypothetical question put to
11 you by my learned friend, Mr. MacDonald, with respect to
12 the likelihood of whether or not a re-investigation report
13 prepared by the R.C.M.P. would have been transmitted to
14 the Attorney General's Department. Just to be clear, I
15 take it you have no personal knowledge, sir, whether or not
16 any investigation report prepared in November of 1971 was
17 ever, in fact, conveyed to the Attorney General's Department
18 by the R.C.M. Police?

19 A. No personal knowledge whatsoever.

20 Q. Thank you. Did I understand you to say, sir, that it was
21 the practice of the R.C.M.P. when transmitting reports
22 of that kind to prepare a condensation which would be
23 appended to the report so that both would, in fact, be
24 transmitted to the department?

25 A. Generally speaking, yes.

DOUGLAS WRIGHT, by Mr. Saunders, by Mr. Ross

1 Q. Would it also by the practice, sir, to have a transmittal
2 memorandum or letter confirming and verifying in writing
3 that those documents had, in fact, been passed?

4 A. Yes.

5 Q. Thank you.

6 BY MR. CHAIRMAN:

7 Q. Would not the transmittal letter -- the summary --

8 A. Be the transmittal letter.

9 Q. That would be the transmittal letter, yes.

10 MR. CHAIRMAN:

11 Now, Mr. Ross.

12 MR. ROSS:

13 Thank you, My Lord.

14 BY MR. ROSS:

15 Q. Mr. Wright, my name is Anthony Ross and I'd like to ask
16 you some questions that as they relate to Oscar Seale. You've
17 got volume 16 handy?

18 A. Yes, I have.

19 Q. Perhaps you could turn to that report, pages 204 to 207.

20 A. I'm an awful mess. I've got to get my glasses.

21 What page do you -- What reference did you want me to look at?

22 Q. It starts on page 204. The number is on the top.

23 A. I have it.

24 Q. Perhaps you can just take a quick look at that report. I'm
25 concerned more about the form than the content right now.

DOUGLAS WRIGHT, by Mr. Ross

1 Would you agree with me that pages 204 to 207 inclusive
2 is a very standard type R.C.M.P. report?

3 A. Yeh, having no reference to the contents, the report
4 itself is fairly standard, yes.

5 Q. Yes? Now, if a re-investigation was, in fact, done by
6 a seasoned and competent investigator, would you agree with
7 me that the statements and conclusions that would be included
8 in his report would be based on his own findings?

9 A. If there were conclusions to the report it wouldn't necessarily
10 need to be confined solely to his own findings and views. It
11 could be confined to portions or all or part of the previous
12 investigation that was done.

13 Q. Sure. But when he says, as in page one, the last sentence
14 of paragraph three there was:

15 ...a thorough review of the case...

16 The word -- The fact that there was reportedly a thorough
17 review; if you the officer, the superior officer, reviewing
18 this report, you'd really rely on the report as being
19 thorough as it claims, wouldn't you?

20 A. Well, as I said previously sometimes the word "thorough"
21 was a little bit of a misused word.

22 Q. I see.

23 A. But when I hear the word "thorough" of course, it's my
24 understanding it was thorough, yes.

25 Q. Yes, my understanding of "thorough" is the standard parlance

DOUGLAS WRIGHT, by Mr. Ross

1 that, I mean, it's very very indepth; it's quite a serious
2 review.

3 A. How thorough is thorough? That's the question I ask sometimes.

4 A. Well, I don't propose to find out if there is a special
5 definition for R.C.M.P. "thorough" however if, in fact,
6 a thorough review was done, something like getting the time
7 of death correct, that would be part of the thorough
8 report, wouldn't it?

9 A. Could you just state that again please? I didn't --

10 Q. Something like reporting on the time of death, that would
11 be part of this thorough report wouldn't it?

12 A. Yes.

13 Q. I see. Again, to suggest that a specific prosecuting officer
14 was present and involved, that would be part of a thorough
15 report also, wouldn't it, if it's stated in the report?

16 A. I would think so, yes.

17 Q. Yeh, well you see the difficulty I'm having here as I
18 look at this report, I look at paragraph three. As I recall
19 the evidence of Judge Matheson, my recollection is that
20 he indicated that Donald C. MacNeil was out of town and he
21 was the person involved with the R.C.M.P. but in the report
22 here the author, Marshall, is suggesting that MacNeil was
23 interviewed by the prosecutor, Donald C. MacNeil. Now, this
24 is not the general standard of R.C.M.P. thoroughness, is it?

25 A. You've got me lost. I'm not with you on what you're saying.

DOUGLAS WRIGHT, by Mr. Ross

- 1 Q. I'm going to tell you, if you look at number three.
- 2 A. Just let me read paragraph three for a minute, will you please?
- 3 Q. Sure. Particularly line number two.
- 4 A. Just a minute. Now, what was your question, again?
- 5 Q. Now, you'll agree with me that that line specifically
- 6 is quite clear that it suggests that there was an interview
- 7 of MacNeil by members of the R.C.M.P. and the prosecuting
- 8 officer, Donald C. MacNeil?
- 9 A. Well, it says:
- 10 McNEIL was interviewed by the
- 11 Sydney City Police and the Prosecuting
- 12 Officer for Cape Breton County, Donald
- 13 C. MacNeil, Q.C., on Monday the 15
- 14 Nov. 71.
- 15 Q. And if, in fact, Donald C. MacNeil was not there you'll
- 16 be really surprised to find that statement in an official R.C.M.P.
- 17 report, wouldn't you?
- 18 A. I would think so.
- 19 Q. Sure. And as far as the conclusions are concerned perhaps
- 20 you can just turn to page 207. Now, this Inspector Marshall
- 21 do you know him quite well?
- 22 A. Yes, I know Marshall quite well.
- 23 Q. And you knew him as a very competent police officer?
- 24 A. Yes.
- 25 Q. And a guy who would do a thorough and detailed review?
- A. Yes.
- Q. So that any statement that he would make in conclusion, there

DOUGLAS WRIGHT, by Mr. Ross, by Mr. Nicholas

1 would be a reasonable basis in your experience then
2 to make these statements, wouldn't it?

3 A. Well, certainly.

4 Q. Sure. So that if he says in his report the conclusions --
5 page 207, paragraph nine, line number two. That:

6 SEALE and MARSHALL entered Wentworth
7 Park shortly before midnight intent on
8 "rolling" someone.

9 He would really have a basis for saying that. You would
10 expect him to have a basis wouldn't you?

11 A. Yeh, there'd have to be something for him to say that, yes.

12 Q. Sure. And if he goes on further to say that:

13 Their attacks were not successful and
14 following the altercation of a violent
15 argument ensued between the two attackers
16 culminating with MARSHALL stabbing
17 SEALE and then inflicting a superficial
18 wound of his own forearm to divert
19 suspicion from himself before he made the
20 pretense of summoning aid for SEALE.

21 You'd really expect that Marshall would be able to defend
22 that statement also, wouldn't you?

23 A. Yes.

24 Q. Sure. Thank you very much. We'll see Mr. Marshall when he comes.

25 MR. ROSS:

Thank you, My Lord.

BY MR. NICHOLAS:

Q. Yes, Mr. Wright, I'm -- My name is Mr. Graydon Nicholas and
I'm representing the Union of Nova Scotia Indians and I just

DOUGLAS WRIGHT, by Mr. Nicholas:

1 have a few questions to you. The first one is, in
2 your various postings in Cape Breton and specifically with
3 Eskasoni, what contact did you have with the Indians in
4 the area?

5 A. I lived on the Reserve, of course, at Eskasoni, so I had
6 daily contact.

7 Q. Did you have any contact with the Indians in Membertou
8 Reserve?

9 A. I suppose I'd get up to Membertou probably once every two
10 to three weeks for various reasons. ... Something happened
11 on the Reserve at Eskasoni whereby you had to interview somebody
12 at Membertou or whatever.

13 Q. And during your time that you were stationed in Eskasoni
14 did you ever receive complaints from the Police Force
15 in Sydney of conduct of Indians when they came to the
16 city?

17 A. Not to my knowledge.

18 Q. Now, in your capacity as the Chief Officer within Nova
19 Scotia, did you have any contacts with the different
20 Indian Reserves in this province?

21 A. Really not other than I used to drop out to Eskasoni maybe
22 once a year for those three years that I was passing through
23 but that was strictly a courtesy call on my behalf by virtue
24 of the fact that I'd been stationed there years ago.

25 Q. So that --

DOUGLAS WRIGHT, by Mr. Nicholas

1 A. I'd just drop out and see Roddy Stevens I think was
2 the Indian Special Constable there and two or three of them.

3 Q. So you received no complaints from any Indian Reserve from
4 this province or from Cape Breton in particular about
5 conduct of policing of Indian Reserves?

6 A. No, although during the time that I was C.O. of the Division
7 I attended, and I'm just trying to scratch my head as to
8 who the meetings were with, but certainly the various
9 Native bands were involved in a couple with respect
10 to implimenting I think what is known as the 3-B --

11 Q. Option 3-B, yes.

12 A. Is it? The Special Constable Indian Program.

13 Q. Yes.

14 A. Which I became quite deeply involved in, of course, later
15 in my service when I was Director of Personnel. I got involved
16 in the training of Native Constables in Regina and so on and
17 so forth but we had meetings on that 3-B concept, yes, when
18 I was C.O. That would be about the extent of my involvement.
19 During the course of those meetings, you know, there could
20 have been general complaints voiced about the need for more
21 Natives policing Natives and so on and so forth but I would
22 have to suggest that would be about the extent of the complaints
23 that were voiced.

24 Q. Now, in your training as a recruit in the R.C.M.P. did you
25 have specific training in dealing with Indians or other ethnic

1 groups?

2 A. No, we didn't at that particular time but within a very
3 few years afterwards, of course, they got into that quite
4 thoroughly eh. But during the time that I went through
5 my basic training in 1948 we did not have any, no.

6 Q. Would you expect that, Mr. Wright, the responsibility of
7 a peace officer to try to control social contact
8 between young men and young women of whatever race?

9 A. Could you enlarge upon it? You're saying a peace officer
10 controlling the social contact between?

11 Q. Say young Indian men and young Indian women or Indian men
12 and non-Indian women?

13 A. Is that part of a police officer's function?

14 Q. Yes.

15 A. Not directly, no.

16 Q. Now, --

17 A. Certainly, now let's carry that just one bit further, you
18 know. In Eskasoni, number one and you know in western Canada
19 of course, I've been involved with the policing of Indian
20 Reserves in Northern Saskatchewan with 30 or 40 detachments
21 and that's really all they do is police the Native people.

22 Q. No.

23 A. And you know --

24 Q. Well, but would you know if a peace officer normally be
25 expected to discourage social contact between Indians and

DOUGLAS WRIGHT, by Mr. Nicholas, by Mr. Chairman

1 non-Indians?

2 A. Oh, I've never seen one that's took that upon himself
3 to discourage it. It never even entered my mind to be
4 quite frank with you.

5 Q. I see.

6 MR. NICHOLAS:

7 I have no further questions, My Lords.

8 BY MR. CHAIRMAN:

9 Q. Just before we leave that, Mr. Wright, you said that
10 when you're in basic -- undergoing basic training there
11 was no particular programs of training to -- with respect
12 to dealing with Native people but later on there were programs?

13 A. Yeh.

14 Q. Could you --

15 A. Yes, when I went through training the only actual training that
16 we had in 1948 with respect to Native people was a review
17 of the Indian Act which was part of one of the Federal
18 Statutes at the particular time and during the review of that
19 I -- there would be very limited discussion concerning the
20 policing of Natives. Today, or when I retired from the Force
21 and the personnel side of the Force came under my jurisdiction
22 we were deeply involved in that aspect of our training centers.
23 For example there's a Native Policing Officer in 1982, an
24 officer of the Force, responsible for Native Policing. He
25 was stationed in headquarters in Ottawa. There was a Native

DOUGLAS WRIGHT, by Mr. Chairman

1 Policing branch with a staff of three or four or whatever.
2 There was a course training standard in depot division,
3 a training center in Regina on the policing of Native people.
4 They've gone into it quite thoroughly. That's been expanded
5 I understand today to the policing of different ethnic groups
6 and so on and so forth.

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DOUGLAS WRIGHT, by Mr. Chairman

1 Q. And you say you were in -- When you were in charge of the
2 Eskasoni Detachment you lived on the Reservation?

3 A. Yes, I did.

4 Q. Was that again an experimental procedure or were you the --
5 Had that detachment been there for years before you --

6 A. Well, it hadn't been there for a number of years. There -- It
7 had been open for about five or six years before I went there
8 and it remained open for oh, five or six years after I left
9 and then it was closed out. It was closed out together with
10 other small detachments like Port Hood and so on to police out
11 of a central area, such as, Inverness I think policed Port
12 Hood and so on and so forth. Maximizing resources is really what
13 it was.

14 Q. Was there a Native Constable in your detachment at that time
15 or a Special Constable in Eskasoni?

16 A. Yes. Yes, there was a Native Special Constable, a Special
17 Constable with the force, not a Native Special Constable
18 in the three "B" program that we're talking about.

19 BY COMMISSIONER EVANS:

20 Q. He was a regular R.C.M.P. officer?

21 A. A regular R.C.M.P. officer within the force as a Special
22 Constable.

23 BY MR. CHAIRMAN:

24 Q. And he too lived on the Reservation?

25 A. He lived on the Reserve too, yes.

DOUGLAS WRIGHT, by Mr. Chairman, by Mr. Bissell

1 Q. And came under -- presumably took his orders or direction
2 from you?

3 A. That's right. Yes.

4 Q. As the officer in charge --

5 A. That's right, yes.

6 Q. Was that an, in your view, an effective way of policing?

7 A. Yes, very good in my view. Very good. Excellent, yes.

8 Q. Did you have a -- What kind of liaison did you have with the
9 Native people living on the Reserve, Eskasoni?

10 A. Well, you had daily contact with them -- the same as you would
11 living in any other community to be quite frank with you. You
12 would attend their dances and my wife was there with me at
13 the particular time. We were a young couple at the time.

14 Q. Sure.

15 A. You'd get involved in the community.

16 Q. The same as you would --

17 A. The same as with any other community, yes.

18 MR. CHAIRMAN:

19 Fine. Mr. Bissell.

20 BY MR. BISSELL:

21 Q. Mr. Wright, I just have a few brief questions for you. You indicated
22 in a response to a question by my learned friend Mr. MacDonald
23 that in your years of active police work you don't recall any
24 particular policy regarding taking statements from juveniles.
25 I'm just curious as to what year (sort of) ends your active

1 career in police work if you could put a year on it?

2 A. Well, 1965 to be quite frank with you when I was made an
3 Inspector in '65 and of course taking statements with respect
4 to juveniles, that policy part would come under the Director
5 of Criminal Opt. in Ottawa and I was the Director on the
6 Edmonton side of the House; so --
7 so I wouldn't see that policy either.

8 Q. Were you aware that on May 8th, 1970, policy instruction
9 issued in "H" Division by R.C.M.P. to its officers and members
10 respecting the taking of statements from juvenile suspects
11 and the contacting of parents prior to that?

12 A. I'm not aware of it now but I probably was aware of it at
13 the time too, but I'm not now. I can't recollect it.

14 Q. Okay. If in your time as a C.I.B. Officer in Nova Scotia,
15 you were asked to reinvestigate a criminal investigation
16 that had been undertaken initially by another Police
17 Department or Police Force other than the R.C.M.P., would you
18 have expected to receive a specific mandate from the Attorney
19 General's Office?

20 A. Certainly. Certainly and, you know, my expectations I suppose
21 would be an open mandate, you know. I can't see -- Unless
22 there's just something small and specific you're trying to
23 clarify, you know, when you reinvestigate something you
24 reinvestigate it and there's an open door to it.

25 Q. But you would expect a specific mandate --

DOUGLAS WRIGHT, by Mr. Bissell

1 A. No, I can't -- I can't say or I can't see where -- where
2 you're called upon to reinvestigate something and told you
3 can interview this person, but don't interview that person
4 and so on.

5 Q. Okay.

6 A. Unless as I say there's something specifically that you're
7 trying to clarify.

8 Q. And would you report back to the Attorney General's Office?

9 A. That would be the natural course in my view.

10 Q. Is that something that might have come up or might come up
11 at one of the Thursday morning meetings, such as, that you held
12 weekly with Mr. Gale.

13 A. Quite -- quite possibly, yes.

14 Q. Those Thursday morning meetings, are those something that are
15 part of Nova Scotia's police history so to speak, something
16 that's been going on for a number of years?

17 A. Well, certainly it was in effect with the C.I.B. Officers
18 before I went there and certainly I carried through with it
19 and the two C.I.B. Officers that worked under me when I was
20 a C.O., I know they carried on with it, and it was an
21 excellent way of doing it quite frankly speaking. It worked
22 very well.

23 MR. BISSELL:

24 Those are all the questions that I have, sir. Thank you.

25 MR. CHAIRMAN:

Mr. MacDonald.

DOUGLAS WRIGHT, by Mr. Bissell

1 | MR. MacDONALD:

2 | Nothing, My Lord.

3 | MR. CHAIRMAN:

4 | Thank you very much, Mr. Wright.

5 | THE WITNESS:

6 | Thank you.

7 |

8 |

9 | (WITNESS WITHDREW)

10 |

11 |

12 | MR. CHAIRMAN:

13 | We'll take a short break.

14 |

15 |

16 | INQUIRY ADJOURNED AT: 3:18 p.m., AND RECONVENED AT: 3:33 p.m.

17 |

18 |

19 | MR. SPICER:

20 | The next witness is David MacNeil.

21 |

22 |

23 |

24 |

25 |

DAVID MacNEIL, by Mr. Spicer

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

2 BY MR. SPICER:

3 Q. Your name is David William MacNeil?

4 A. That's right.

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

6 A. At 218 Victoria Road.

7 Q. In Sydney?

8 A. Yes.

9 Q. You're Jimmy MacNeil's brother?

10 A. That's right.

11 Q. Volume 16 at 174. I'm going to show you a typed version
12 of a statement of Monday, November 15th, 1971, and I think if
13 you flip over to the next page on 175, is that your signature
14 at the bottom?

15 A. Yeh, that's right.

16 Q. And you indeed did give a statement to the Sydney Police
17 Department in November of 1971?

18 A. Yes.

19 Q. Can you tell us the circumstance that gave rise to you giving
20 that statement?

21 A. Well, at the time I hadn't heard anything about it, like
22 a couple of weeks later, and my brother came home from Toronto--

23 Q. Now let me just stop you there, Dave.

24 A. Yeh.

25 Q. Now that's your brother John Joseph MacNeil?

DAVID MacNEIL, by Mr. Spicer

1 A. Yes. Yeh.

2 Q. And he's now dead I gather?

3 A. Yes. Yeh.

4 Q. Okay.

5 A. And he had came home from Toronto and we talked about it
6 and he, you know -- he suggested well, the best thing to do
7 would be to go down and see the police and, you know, make
8 out statements.

9 Q. And what was it that -- What was it that you talked about with
10 your brother?

11 A. Well, about -- about what had happened and, you know -- and that
12 it would be -- the best thing to do is to go down and -- to
13 the Sydney Police and make the statements.

14 Q. And had your brother Jimmy come to you and told you that it
15 was he and Roy Ebsary that were in the park that night?

16 A. Yes. Yeh.

17 Q. And looking at your statement and then looking back to page 171
18 which is the statement of your brother John, you say in your
19 statement that: "About two weeks ago my brother James told me
20 that himself and Roy Ebsary were walking through Wentworth
21 Park", and then if I understand your brother's -- John's
22 statement correctly, he arrived home on the 14th or 15th of
23 November?

24 A. Yes.

25 Q. And then did you discuss what your brother Jimmy had told you

DAVID MacNEIL, by Mr. Spicer

1 | with your brother John, and the three of you decided to go
2 | down to the police station?

3 | A. Yes, that's right.

4 | Q. Is that what happened?

5 | A. Yes, that's right.

6 | Q. But Jimmy had, in fact, told you about it -- told you before
7 | your brother got home, about it?

8 | A. Yeh, well, it was just -- it was just a short time like just
9 | before he had came home that he mentioned -- that's the first
10 | time I heard about it.

11 | Q. And when you say, "before he came home", it's -- your brother
12 | Jimmy mentioned it to you just a short time before your brother
13 | John came home from Toronto?

14 | A. That's right. Yeh.

15 | Q. And when you say in your statement, David, that about two weeks
16 | ago my brother James told me if that were the case that would
17 | have been almost immediately after Junior Marshall was convicted?

18 | A. Yeh, well it's -- Yeh. It's -- I guess about that, yeh.

19 | Q. Okay. Prior to that time, Mr. MacNeil, did -- had your brother
20 | Jimmy said anything to you at all about the incident that
21 | occurred in the park involving Sandy Seale?

22 | A. No, I hadn't -- I hadn't heard anything about it until that
23 | special time there.

24 | Q. And that incident had occurred at the end of May of 1971, so
25 | the whole -- for that whole summer from May of 1971 until

DAVID MacNEIL, by Mr. Spicer

1 November of 1971, Jimmy never said a word to you about it?

2 A. Yeh. That was just the time we went down to make the
3 statement to the police. That's --

4 Q. So the first you heard of it was in the beginning -- around
5 the beginning of November?

6 A. Yeh. Yeh.

7 Q. And was Jimmy living at home at the time?

8 A. Oh, yes. Yeh.

9 Q. All right. Tell us what happened when you went down to the
10 police station?

11 A. Oh, me and my brother John and the other brother Jim went in
12 and we -- we requested to see somebody and my brother requested
13 to see somebody about --

14 Q. Which brother?

15 A. Jim.

16 Q. Jimmy asked to see somebody?

17 A. Yes, in regards to what had happened, eh, and so we took --
18 the detectives took our statements, you know, and --

19 Q. Now do you -- Let me just stop you there for a minute, David.
20 Do you remember who the detective was that took your statement?

21 A. No, no. It was just -- I didn't know -- I don't know the
22 police that well, and, you know, it was just -- it was just
23 detectives I know. That's all I know.

24 Q. Do you remember what the man looked like? Was he a large man,
25 a thin man?

DAVID MacNEIL, by Mr. Spicer

1 | A. He's a fairly, fairly big man, you know, a fair size, I
2 | guess. Yeh.

3 | Q. Could it have been Sergeant MacIntyre?

4 | A. Possibly it could have been, you know. See I couldn't -- I
5 | wouldn't be able to say for sure, but --

6 | Q. Do you remember at the time you were giving your statement,
7 | Mr. MacNeil, whether or not there were one or two police officers
8 | in the room with you?

9 | A. There was -- I believe there was two. There was like two
10 | around, but not -- there wasn't two steady there. It was
11 | just one was in and out sort of thing.

12 | Q. Was there one that was doing the asking of the questions to you?

13 | A. Yeh. Oh, yeh, there was one. Yeh.

14 | Q. And was that always the same officer?

15 | A. Yeh, it was. Yeh.

16 | Q. And can you tell us anything about the interview itself?

17 | A. Well, I just had to put in my own words what -- what had --
18 | what had -- what my brother had told me, you know. Just to
19 | the best of my ability that -- what my brother had told me
20 | to put it into words and that was just what I did. I, you
21 | know, did the best I could.

22 | Q. And you've had -- And you've had an opportunity to review
23 | that statement in the last few minutes, the one that's in
24 | front of you?

25 | A. Yeh. Yeh.

DAVID MacNEIL, by Mr. Spicer

1 Q. And having reviewed it, is that your best recollection of
2 what your brother told you?

3 A. Yeh, that's -- that's -- Now I couldn't -- At the time I
4 made this statement, you know, and that was it and it's
5 not changed any or, you know --

6 Q. Was anything suggested to you by either of the officers that were
7 conducting the interview or did you just tell your story and
8 they wrote down what you said?

9 A. That's basically what it was. I just told them my story
10 and they just wrote it down as I told it to them, you know.

11 Q. Did you have an opportunity to review the statement before you
12 signed it?

13 A. I don't remember if I did read it over or not.

14 Q. Do you remember whether you were given an opportunity to read
15 it over?

16 A. No, I --

17 Q. And whether you were asked if you wanted to read it over?

18 A. No, I don't remember being asked to read it over. I just --
19 They wrote it down and that's about it.

20 Q. Was anything said to you by any of the police officers after
21 you'd completed signing -- after you completed the statement,
22 after you'd signed it?

23 A. Just-- All that was said was just like don't mention anything
24 to anybody about what -- you know, what was said about this
25 today, you know. Just keep it to yourself sort of thing, eh.

DAVID MacNEIL, by Mr. Spicer

- 1 Q. Do you remember whether that was the police -- the person
2 who told you that was the police officer you describe to me
3 a couple of minutes ago as being sort of a big man?
- 4 A. Yeh. It was the same -- the same officer that took the statement
5 off me that --
- 6 Q. Were you ever contacted again by the Sydney Police Department
7 after you gave this statement?
- 8 A. No. No.
- 9 Q. Were you contacted by anybody from the R.C.M.P., an Inspector
10 Marshall?
- 11 A. No.
- 12 Q. Were you contacted by anybody at all in the R.C.M.P.?
- 13 A. No, I was just contacted a while ago by the Commission.
- 14 Q. Sure. But in November or December of 1971 you were contacted
15 either by anybody in the Sydney Police Department or by
16 anybody in the R.C.M.P.?
- 17 A. No. No.
- 18 Q. You knew that your brother Jimmy was given a lie detector
19 test? The answer is yes?
- 20 A. Yeh.
- 21 Q. Did he tell you what happened when he came home from having
22 given that -- having been given that lie detector test?
- 23 A. No, he just said he was kind of rattled about it all and,
24 you know, he never said one way or another if it was right
25 or wrong, you know, or I don't even know if he knew at the time,

DAVID MacNEIL, by Mr. Spicer

1 | you know, the results of it.

2 | Q. Did he give you any indication at all of how he thought he'd
3 | done on this test?

4 | A. No, I just -- No, he said he was just kind of upset about it
5 | and he didn't mention too much about it.

6 | Q. Were you surprised, Mr. MacNeil, that nothing further happened
7 | after you -- the three of you had gone down and given your
8 | statements?

9 | A. Yeh, sort of -- you know, I figured that there would have been
10 | something more going on about it that, you know -- There should
11 | have been more going on about it than the -- than what happened --
12 | what did happen about it.

13 | Q. Subsequent to you giving your statement on the 15th of
14 | November and being told not to tell anybody about it, did you
15 | in fact talk to other people about what your brother had told
16 | you other than people in your immediate family?

17 | A. No. No.

18 | Q. And why didn't you do that?

19 | A. Well, I -- My brother, he was -- like he knew about it and,
20 | you know, he was -- he was handling it. He was going to handle
21 | it himself I guess, you know.

22 | Q. Well, is it fair to say that you thought if anybody was going to
23 | talk to somebody about it, it was going to be Jimmy and not
24 | you?

25 | A. Yeh, I, you know -- He was involved in it. Well, I wasn't there

DAVID MacNEIL, by Mr. Spicer, by Ms. Derrick

1 or nothing so I -- I didn't -- you know, I was just going by
2 what he was telling me and that was, you know --

3 Q. You say in your statement, Mr. MacNeil, that you knew
4 Roy Ebsary. You say:

5 Yes, he was up at our house before
6 this happened. He told me he was sailing
on boats.

7 Had he been up to your house on one or two occasions, many
8 occasions?

9 A. Not many. I wouldn't say he was up there many. He had just --
10 He just bumped into Jim at the time, you know, shortly
11 before that and I guess he met him in the tavern or
12 something, and then he'd come up the house the odd time, you
13 know, but you know, we hadn't known him for years or
14 nothing, you know.

15 Q. Did you have any knowlege at the time about whether or not
16 Mr. Ebsary used to carry knives?

17 A. No. No. Like I say I didn't know him that well and I surely
18 didn't know he was going around with knives. I don't
19 imagine Jim would -- knew that either that --

20 Q. Did your brother Jimmy ever say anything to you at the time
21 about whether or not Mr. Ebsary used to carry knives?

22 A. No. No.

23 MR. SPICER:

24 Thank you.

25 BY MS. DERRICK:

Q. Mr. MacNeil, my name is Anne Derrick, and I represent

DAVID MacNEIL, by Ms. Derrick

1 Donald Marshall, Jr. I'm sorry, I'll do that again. My
2 name is Anne Derrick and I represent Donald Marshall, Jr.
3 You have your statement in front of you?

4 A. Yeh.

5 Q. The one that Mr. Spicer just referred you to. And I'm just
6 going to ask you a few questions about it. This incident that
7 your brother Jimmy was involved in in Wentworth Park, am I
8 correct in understanding that you first knew about that when
9 your brother John came home from Toronto?

10 A. Yeh. Yeh.

11 Q. That's the first you ever heard about it?

12 A. Yeh.

13 Q. And that was on November 15th or November 14th, is that --

14 A. Yeh, when he -- yeh, at the time he came home.

15 Q. Correct?

16 A. Yeh.

17 Q. And at the time that you --

18 MR. CHAIRMAN:

19 Well, which is correct? A minute ago you said that his brother
20 Jimmy had told him this a couple of weeks before your brother
21 came home to Toronto.

22 BY THE WITNESS:

23 A. Yes.

24 BY MR. CHAIRMAN:

25 Q. Which is it?

DAVID MacNEIL, by Ms. Derrick

1 A. Yeh. Yeh, that's right. It was a couple of weeks before
2 he came home -- my other brother came home, yeh.

3 MS. DERRICK:

4 That's what I was going to ask him, My Lord.

5 BY MS. DERRICK:

6 Q. The reason I'm a little confused is because brother John's
7 statement says:

8 I arrived home from Toronto this
9 morning, November 15th.

10 MR. CHAIRMAN:

11 Yes.

12 BY THE WITNESS:

13 A. Yes.

14 BY MS. DERRICK:

15 Q. Now does that assist your recollection at all as to when you
16 learned about the incident in the park?

17 A. Yeh, well, I guess he was a couple of weeks previous to that.

18 Q. So your recollection now is that you had this discussion
19 with your brother Jimmy a couple of weeks before going down
20 to the police station to give your statement?

21 A. Yeh, right.

22 Q. So based on that then you would say that if your brother John
23 says that he came home on November 15th, that would be wrong?

24 A. I'm not sure what date he came home but it was --

25 Q. But it was at the same time that he came home that you learned

DAVID MacNEIL, by Ms. Derrick

1 | about this? Is that --

2 | A. No. No. You just go back to where you were saying --

3 | Q. Okay. That's just what I'm confused about. You spoke about
4 | Jimmy -- You spoke with Jimmy about this before your brother
5 | John came home from Toronto?

6 | A. Yes, it was a couple of weeks prior to this that I learned
7 | about it.

8 | Q. I see. So you learned about it before John learned about it?

9 | A. Yes.

10 | Q. Okay. Thank you. That's what I was unclear about. So in
11 | your statement you say about two weeks ago your brother James
12 | told you that himself and Roy Ebsary were walking through
13 | Wentworth Park. You understood though that the incident took
14 | place in May?

15 | A. Yes. Yeh.

16 | Q. Is that correct?

17 | A. Yeh.

18 | Q. Now also in your statement you say:

19 | Marshall and Seale asked them for money.
20 | Marshall asked Seale to search James'
21 | father.

21 | Do you see where that is in your statement?

22 | A. James' father?

23 | Q. Yes, this is what your statement says. It's about five -- It's
24 | lines five and six in the second paragraph. Do you see where
25 | it says that:

DAVID MacNEIL, by Ms. Derrick

1 Marshall and Seale asked them for money.
2 Marshall asked Seale to search James'
3 father.

4 A. James' father wasn't there. It was just my brother and --

5 Q. James' father would be your father too, right? Is that
6 correct?

7 A. Right. Yeh.

8 Q. Do you have any idea of how that got into your statement?

9 A. No.

10 Q. So would it be fair to say that you didn't read this statement
11 over before you signed it then?

12 A. I guess not because I would have -- you know, I would have
13 picked up on that, you know.

14 COMMISSIONER POITRAS:

15 There's a problem here. Could that not have been what he repeated
16 as having heard Marshall say to Seale? "Frisk Jimmy MacNeil's or
17 frisk his father"?

18 MS. DERRICK:

19 Well, I don't know, My Lord.

20 COMMISSIONER POITRAS:

21 No, but instead of saying that this is not a complete story or
22 instead of saying this is not a faithful version --

23 BY MS. DERRICK:

24 Q. Mr. MacNeil, is it your recollection that that's what your
25 brother Jimmy told you had been said in the park?

A. Yeh, this is what he had told me and I just put it in the best

DAVID MacNEIL, by Ms. Derrick

1 words I knew how, you know, to get the message --

2 Q. And does that reference to being asked to search James'
3 father, does that reflect what you recollect Jimmy having told
4 you was said?

5 A. No, I -- you know, like I say I don't understand that.

6 Q. You don't remember having heard that from Jimmy or having
7 said that to the police. Is that correct?

8 A. Yeh. Yeh, that's correct. He wasn't -- My father certainly
9 wasn't there so, you know, I wouldn't be saying he was there
10 if he wasn't or Jim wouldn't be saying to me that --

11 Q. And you don't recollect Jimmy saying any words like that were
12 said in the park?

13 A. No. No. Just -- All I remember is just like in the statement
14 there. There was nothing there about Jimmy's father, you
15 know. I never remember Jim telling me that Marshall said --
16 asked Seale to search James' father, you know.

17 Q. You don't recollect Jimmy saying that to you. Is that what
18 you've just said?

19 A. No. No.

20 Q. And I -- if I understand your evidence, you don't recollect
21 having read this statement over before you signed it. Is
22 that also correct?

23 A. Yeh, I -- I couldn't have read that one over before I signed
24 it because I would have picked up on that.

25 MS. DERRICK:

Thank you, Mr. MacNeil.

DAVID MacNEIL, by Mr. Murray

1 | BY MR. MURRAY:

2 | Q. Mr. MacNeil, my name is Donald Murray. I have some questions
3 | on behalf of John MacIntyre. Did you follow the trial in
4 | 1971 of Donald Marshall?

5 | A. Not fully, you know. I'd just hear bits of it here and
6 | there.

7 | Q. You were aware that it was going on?

8 | A. Yeh. Oh, yeh.

9 | Q. Did you know Simon Khattar or Moe Rosenblum in 1971?

10 | A. Did I know them? No. I knew they were lawyers but that was
11 | it.

12 | Q. Did you know they were representing Donald Marshall?

13 | A. No. No.

14 | Q. You say when your brother Jimmy came back from -- from doing
15 | the polygraph test he -- he was a little shaken up, is that
16 | what you're --

17 | A. Yeh. Yes.

18 | Q. Was your brother a nervous kind of person?

19 | A. Yeh, he -- you know, he was a pretty up-tight kind of fellow,
20 | you know.

21 | Q. There's been some evidence that about this time in 1971 he
22 | was doing a fair amount of drinking. Is that your recollection
23 | as well?

24 | A. Yeh.

25 | Q. Could Mr. Ebsary have been a visitor in your home in May of 1971?

DAVID MacNEIL, by Mr. Murray

1 | A. I --

2 | Q. Or is that too difficult to recall?

3 | A. Well, if it happened in May, '71, more than likely he was
4 | there one -- on the one occasion, I guess or two, you know.

5 | Q. I see. I take it when your brother John came home from
6 | Toronto there was a bit of a family celebration to welcome him
7 | home?

8 | A. Oh, yeh.

9 | Q. And that would have involved some drinking?

10 | A. Oh, yeh. Yeh.

11 | Q. The statements indicate -- given by your brothers and yourself
12 | indicate times in the evening of November 15. Had you been
13 | drinking prior to going down to the police station that day?

14 | A. No, not -- No. I seen enough of it home so I didn't -- I
15 | wasn't much on it anyway, just the odd time if you go out on
16 | the weekend or something, eh, you know, but, you know, I
17 | wasn't --

18 | Q. Were you aware whether your brother had been drinking that
19 | day?

20 | A. No, he wasn't. No. He was in fairly good shape, you know.
21 | I don't think he would be going down the police station if
22 | he wasn't, you know.

23 | Q. He was nervous about going down?

24 | A. Oh, yeh, you know, who wouldn't be, you know --

25 | MR. MURRAY:

I have no further questions.

DAVID MacNEIL, by Mr. Murray

1 | MR. ELMAN:

2 | No questions, My Lord.

3 | MR. SAUNDERS:

4 | We have no questions.

5 | MR. BISSELL:

6 | No questions.

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JMR.

1 BY MR. ROSS:

2 Q. Tell me something. Mr. MacNeil, my name is Anthony Ross. Do
3 you recall the day when your brother Jimmy first told you about
4 what happened on the edge of Wentworth Park?

5 A. I don't recall the exact day but --

6 Q. Yeh, but right now can you recall it fairly clearly in your
7 mind?

8 A. Yeh. Oh, yeh.

9 Q. Do you remember where you were when he spoke with you?

10 A. I was home, I believe, yeh. Home.

11 Q. You say you believe. Are you sure or your're not too sure?

12 A. Yeh, I'm sure. It was home.

13 Q. And do you remember if anybody else was around?

14 A. No, just, you know -- just family. There was no neighbors or
15 nothing, you know, at the house.

16 Q. You say just family. Who else was there when Jimmy was speaking
17 to you about this?

18 A. Well, there was --

19 Q. If you can't recall, the easy answer is; "I don't recall."

20 A. Yeh.

21 Q. Do you remember?

22 A. I don't know. There was -- might've been somebody else home
23 but he wasn't really talking to them -- just -- They were around
24 the house, I guess, but I can't really recall them -- who he
25 talked to that day.

- 1 Q. Do you remember anything else? Were you working around that
2 time?
- 3 A. No. No. No, I don't think I was. No.
- 4 Q. Now, one of the things is that -- I gather from what you said
5 that it was about a couple weeks before your older brother came --
6 Johnny came home from Toronto.
- 7 A. Yes, that's right.
- 8 Q. Yeh, well, the impression I get is that Jimmy would've had this
9 discussion with you during the trial itself. Do you recall
10 whether or not the trial was still in process?
- 11 A. The trial was probably in process, but I never -- You know, I
12 never really heard about it until --
- 13 Q. I see. And when Jimmy told you about this first, is there any
14 reason why you didn't tell him at that time to go to the police?
- 15 A. Well, I assumed that, you know, he would be able -- would've
16 went, you know, or -- He was probably -- I heard him saying he
17 was threatened a few times or something by Ebsary or something
18 that if he went and -- went to the police right away that he'd,
19 you know. He kind of threatened him about it, eh. So he was
20 kind of scared up about it, eh.
- 21 Q. I see. And did you, yourself, know Ebsary?
- 22 A. I knew him not as a friend, but I knew that -- who he was.
- 23 Q. You knew him to see him?
- 24 A. Yeh.
- 25 Q. What about -- Did you ever see him in the company of your father?

DAVID MacNEIL, by Mr. Ross

1 A. No. No. He just --

2 Q. Was your father a drinking man?

3 A. Oh, yes. Yeh.

4 Q. And there's evidence from Mr. Ebsary that, as I recall -- that
5 he, from time to time, drank with your father. Do you recall
6 anything like that?

7 A. Yeh, I -- They used to go on -- to the tavern on the odd occasion
8 They'd, you know, go around the tavern or something but --

9 Q. What about drinking up at your house? Did you see him drinking
10 up at your house? Ebsary and your father?

11 A. Oh, yes. Yeh.

12 Q. I see. Was that quite often that he'd be up there drinking?

13 A. No, not quite often. I can only recall them a few times there,
14 eh.

15 Q. Okay. What about up at your house with your brother, Jimmy
16 MacNeil? Was he ever drinking up at your house with Jimmy?

17 A. I imagine so, yeh. I didn't -- I don't actually recall them,
18 but he was up to the house with him a couple of times; so I
19 imagine they were. You know.

20 Q. I see.

21 MR. ROSS:

22 Thank you very much. No more questions.

23 MR. CHAIRMAN:

24 That's all. Thank you, Mr. MacNeil. Well, isn't that a remarkable
25 turn of events? We have finished all five scheduled witnesses.

DISCUSSION BETWEEN COMMISSION AND COUNSEL

1 | Schedule, what, ten for tomorrow? Who'll be -- Are you in a position
2 | to say who will be called tomorrow or --

3 | MR. SPICER:

4 | Somewhat. At the moment we have three for sure, Mr. and Mrs. Seale
5 | and Hanley. Beyond that, I don't think we can know too much more about
6 | tomorrow.

7 | MR. CHAIRMAN:

8 | They're likely to be relatively short, wouldn't you say?

9 | MR. SPICER:

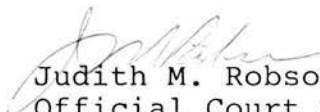
10 | I would expect so, My Lord, and we may have others by tomorrow
11 | morning.

12 | MR. CHAIRMAN:

13 | All right. Do your best. Adjourn until tomorrow at nine-thirty.
14 |
15 |

16 | INQUIRY ADJOURNED AT 4 o'clock in the afternoon on the 16th day of
17 | November, A.D., 1987.
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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 16th 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 type-written copy.


Judith M. Robson
Official Court Reporter
Registered Professional Reporter