

RG44  
Vol 251  
#1

ROYAL COMMISSION ON THE  
DONALD MARSHALL, JR., PROSECUTION

VOLUME XXXII

Held: DECEMBER 7, 1987

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

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

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

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

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

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

Donald C. Murray: Counsel for William Urquhart

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

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

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

Al Pringle: Counsel for Correctional Services Canada

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

Charles Broderick: Counsel for Carroll

S. Bruce Outhouse: Counsel for Wheaton & Scott

Guy LaFosse: Counsel for Davies

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

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

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

Court Reporters: J. Graham Robson, & Judith M. Robson, OCR, RPR

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COURT REPORTER'S CERTIFICATE

INQUIRY RECONVENED AT 10:04 in the forenoon on Monday, the 7th day of December, A.D., 1987, at Sydney, County of Cape Breton, Province of Nova Scotia.

1 | MR. CHAIRMAN:

2 | I'm sorry for the unexpected delay, but, as you know, I do not  
3 | operate under Canadian time. We're half an hour ahead; hence the  
4 | reason for my being a half an hour late. Other than that --  
5 | Actually, we're half an hour early, aren't we? Nobody knows the  
6 | difference. I better go back and start all over again but --  
7 | Mr. MacDonald, we're ready when you are.

8 | MR. MacDONALD:

9 | My Lord, thank you. Just before I call Mr. MacIntyre, I have  
10 | one witness that I want to call for a very brief period of time  
11 | to speak about something that Inspector Marshall called, and I  
12 | want to call Mr. Muggah who was Prothonotary of the court in  
13 | Halifax -- in Sydney at the time of the Marshall trial; so  
14 | Mr. Muggah, please.

15 | ALEXANDER MUGGAH, being called and duly sworn, testified as follows:

16 | BY MR. MacDONALD:

17 | Q. A.D. Muggah, M-u-g-g-a-h. Alexander Muggah, is it?

18 | A. That's right.

19 | Q. Mr. Muggah, you were Prothonotary of the Supreme Court in  
20 | Sydney for quite a few years?

21 | A. That's right.

22 | Q. How many years?

23 | A. Well, I was appointed first as a deputy in 1931. I retired  
24 | in '77.

25 | Q. And in particular, you were Prothonotary of the court in 1971

1 at the time of the Donald Marshall, Jr., murder trial, is  
2 that correct?

3 A. I was, yes.

4 Q. I want to talk to you just for a moment about the exhibits  
5 that were introduced at trial. There's a list of those that  
6 are contained in volume 1, My Lord, just prior to the trial.  
7 One of them was a yellow jacket. Tell us what happened to the  
8 exhibits, Mr. Muggah. After someone is introduced -- has  
9 introduced an exhibit at trial, what happens to it?

10 A. They're retained in our possession until the time for appeal  
11 is over, and then we get an order from the judge to dispose of  
12 them.

13 Q. At any time, are exhibits allowed out of your possession, and  
14 in particular, are they given to the Sydney Police?

15 A. No, they are not.

16 Q. Has that ever happened in your experience?

17 A. No.

18 Q. I'm showing you a document I've marked as Exhibit 85, which  
19 is a letter on November 26, 1971, at least a copy of a letter.  
20 What is that document?

21 A. This is to Daniel B. Morrison, Prothonotary of the Law Courts,  
22 Halifax, re Queen vs. Morrison:

23 Dear Mr. Morrison:  
24 At the request of Mr. Gordon Gale,  
25 we are forwarding herewith the  
record in the above case for use  
on appeal consisting of:  
1. information; 2. evidence;





ALEXANDER MUGGAH, by Mr. Pugsley

1 to Halifax, he would've had to see them in the Prothonotary's  
2 Office in the Court House in Sydney?

3 A. Yes, in our vault.

4 Q. Yes. Mr. Muggah, during the course of the time that you acted  
5 as Deputy Prothonotary and Prothonotary, would you come in  
6 contact with John MacIntyre?

7 A. Yes, I would.

8 Q. On many occasions?

9 A. Yes, many occasions.

10 Q. And what opinion did you have of him, sir?

11 A. He was a good officer, well regarded.

12 Q. Did you share that opinion?

13 A. Yes, I do.

14 Q. An honest man?

15 A. Yes.

16 MR. PUGSLEY:

17 Thank you.

18 NO FURTHER QUESTIONS FROM REMAINING COUNSEL.

19

20 (WITNESS WITHDREW)

21

22

23

24

25

JOHN F. MacINTYRE, by Mr. MacDonald

1 MR. MacDONALD:

2 I want to call the -- John MacIntyre, My Lord.

3 JOHN F. MacINTYRE, being called and duly sworn, testified as  
4 follows:

5 BY MR. MacDONALD:

6 Q. Now, sir, your name is John MacIntyre?

7 A. Yes.

8 Q. And forgive me if time to time I call you Chief or some other  
9 title but that's --

10 A. That's all right.

11 Q. You're referred to that quite often in documents, and I may  
12 slip into that from time to time. How old are you, sir?

13 A. Sixty-eight.

14 Q. Have a family?

15 A. Correct.

16 Q. And you're a lifelong resident of Sydney?

17 A. I am.

18 Q. Did you grow up on Crescent Street?

19 A. I did.

20 Q. How long did you live there?

21 A. Close to twenty -- twenty-two years.

22 Q. Yes. And where did you -- Did you continue to live in that  
23 general area?

24 A. In that general area, yes.

25 Q. Where would you have lived after that?

- 1 A. Kent Street and I did live at Howie Centre for a short while,  
2 and I've been about seventeen years on Churchill Drive.
- 3 Q. Is that, Chief, generally in the area of -- up around Argyle  
4 Street, is it?
- 5 A. It's off Kings Road by the hospital, yes.
- 6 Q. Okay. What's your formal education?
- 7 A. I went to high school, sir.
- 8 Q. Did you graduate from high school?
- 9 A. No, I left at Christmas and went to work at that time.
- 10 Q. And that would've been while you were in Grade 12?
- 11 A. No, that was -- I'm not sure if it was ten or eleven at that  
12 time.
- 13 Q. Okay. So did you finish Grade 10 or you're not aware of that?
- 14 A. Yes, I went through ten.
- 15 Q. Okay. What did you do after graduation -- after leaving school?  
16 Sorry.
- 17 A. Well, I was selling cars for a while, and I went on the police  
18 force in 1942.
- 19 Q. 1942?
- 20 A. Forty-two. May the 7th.
- 21 Q. Did you have any training of any kind before you joined the  
22 police force?
- 23 A. No, sir.
- 24 Q. On joining the police force, were you given any training --  
25 formal training, that is?

- 1 A. Well, just working with other officers -- senior officers, then  
2 I attended a course in the early '50's at the Halifax Police  
3 School and that was --
- 4 Q. That was in 1956, would it have been?
- 5 A. 1950 -- Well, it was in the early '50's.
- 6 Q. Okay. And what was that course?
- 7 A. It was for -- It was a course covering all aspects of police  
8 work from the beat man's scene to crime, traffic -- a spatter-  
9 ing of police work.
- 10 Q. Okay. Are you saying that from the patrolman's point of view  
11 or just covering the whole spectrum?
- 12 A. Covering the whole spectrum, yes.
- 13 Q. How long would that course have lasted?
- 14 A. It was a two-week course, sir.
- 15 Q. Would it involve things such as crime investigation?
- 16 A. It would, yes.
- 17 Q. What part -- portion of the two week would be involved with  
18 crime investigation?
- 19 A. Well, I just couldn't pin it down to -- They would go over  
20 crime scenes, the taking of evidence, exhibits, and what have  
21 you.
- 22 Q. Who would've been giving that course?
- 23 A. Different -- There'd be lawyers there, and there'd be senior  
24 members of the department and other members from other depart-  
25 ments called in.

- 1 Q. Senior members of the department -- the Halifax Police  
2 Department?
- 3 A. Inspectors of it, yes.
- 4 Q. Anyone from the R.C.M.P. participate?
- 5 A. I can't recall at this time.
- 6 Q. At that time -- You joined the force in '42; then you took  
7 this course in the early '50's or mid '50's. What was your  
8 position with the police at that time?
- 9 A. May I look at the --
- 10 Q. Please.
- 11 A. I was taken on strength at Sydney Police Department on May  
12 the 7th, 1942, and in 1950, I was assigned to the Investigation  
13 Branch. In 1950 -- Will I continue, sir?
- 14 Q. Yes, please.
- 15 A. In 1955, I was appointed Detective Sergeant in the Detective  
16 Department. In 1966, I was appointed Sergeant of Detectives.
- 17 Q. Sixty-six, was it?
- 18 A. That's right. On October 1st, 1973, I was appointed the rank  
19 of Deputy Chief of the Sydney Police Department, and in 1976,  
20 I was appointed Chief of Police and retired on May  
21 the 30th, 1984.
- 22 Q. Thank you. Okay, I'll come back to those various things in a  
23 moment, Chief, but when then you were taking your course at  
24 Halifax, you would've been a detective sergeant. Or you may  
25 not have been.

1 A. No.

2 Q. That was '55. You're not able to tell us, I guess?

3 A. That's right. No. No. It was -- All I can tell you is that  
4 early '50's.

5 Q. Any other formal courses?

6 A. No, there -- Well, we had lectures. We had lawyers lecturing  
7 us at our police station on different times and Crown Prosecutors  
8 and --

9 Q. Who did you say at first? Lawyers?

10 A. There'd be different lawyers called upon to lecture to the  
11 police department, yes.

12 Q. I'm thinking of police. Any other police courses --

13 A. No.

14 Q. -- other than the one in the mid -- early 1950's?

15 A. No.

16 Q. From '42 to '55 then, you served as -- Is patrolman the correct  
17 phrase?

18 A. Well, I wasn't -- 1942 -- In 1950, I was assigned to the  
19 Investigation Branch.

20 Q. I see. So '50 you were assigned?

21 A. That's right, yeh.

22 Q. And that is the so -- what I'll call the Detective Branch.

23 A. That's special assignment at that time, yes.

24 Q. Now, we've heard some evidence, Chief, that in those times  
25 promotion was based on seniority only. Can you confirm that?

- 1 A. Well -- No, I wouldn't confirm that. My appointments weren't,  
2 if I can tell you that.
- 3 Q. Your appointments weren't?
- 4 A. I'll speak for myself.
- 5 Q. Well, were other persons?
- 6 A. Well, there was people with -- had seniority over me that were  
7 left behind, yes.
- 8 Q. But did the collective agreement not provide expressly that it  
9 was to be based on seniority provided the person wanted the job?
- 10 A. No, I wouldn't agree with that, seniority if they wanted the  
11 job. I mean, I think they took into account ability along with  
12 it.
- 13 Q. So in your opinion then, notwithstanding with -- And I'm sorry,  
14 I don't have it with me, but I'll have that collective agreement  
15 for us later today. In your opinion, if the collective agree-  
16 ment said it was to be based on seniority, that was not what  
17 was done in practice?
- 18 A. Well, I wouldn't say it wasn't done all the time. Seniority  
19 was probably the main qualification in many cases.
- 20 Q. What had you been doing then from '42 to '50 to qualify you  
21 to go on to the Investigation Department?
- 22 A. Well, I had done beat work, in the cars. I was Special  
23 Investigator for two years, which required a lot of night work  
24 out seeing what was going on. I was in civilian clothes, and  
25 there were three of us at that type of work, and after the end



1 of two years, I was -- There was a senior man to me on it and a  
2 junior man, and I was picked to go in the Detective Department,  
3 and the others were given other assignments in the police  
4 department. One was given desk duty, and the other was put  
5 on traffic.

6 Q. And who were those people?

7 A. Well, Sergeant Joe Gillis was the senior man, and Corporal Ned  
8 Snow was the junior man.

9 Q. Okay. When you became a Detective Sergeant, was that a promotion?  
10 That is in '55.

11 A. Well, that means a sergeant in the Detective Department, really  
12 what that means.

13 Q. Well, had you been a sergeant prior to that time?

14 A. No. No.

15 Q. So would it be a promotion?

16 A. Oh, yes, sure.

17 Q. Okay. Was that based on seniority or merit?

18 A. Well, I guess they figured I merited it at that time when I got  
19 it, sir.

20 Q. Okay. And you were a Detective Sergeant then for eleven years?

21 A. That's right.

22 Q. And in '66, you became Sergeant Detective -- Sergeant of  
23 Detectives?

24 A. That's right, yeh.

25 Q. Now, what's the difference between those two: Detective Sergeant

- 1 | and Sergeant of Detectives?
- 2 | A. Well, I was over all the other sergeants in the Detective
- 3 | Department.
- 4 | Q. So you would be -- The other detectives in the Investigation
- 5 | Department would report to you?
- 6 | A. They'd be responsible, yes. Yeh.
- 7 | Q. And who were the other people in that department in 1966?
- 8 | A. There were three: Sergeant M.J. MacDonald, Sergeant M.R.
- 9 | MacDonald, and Sergeant William Urquhart.
- 10 | Q. And would you be responsible for their work as Chief -- as
- 11 | Sergeant in charge?
- 12 | A. Well, I'd put a lot of responsibility on the individuals.
- 13 | Q. Yeh, but ultimately --
- 14 | A. And -- But if they wanted any advice, they came to me, and at
- 15 | times, I checked on their work.
- 16 | Q. Did you consider it part of your responsibility to check on
- 17 | their work?
- 18 | A. That would be a part of my responsibility and know what was
- 19 | going on, yes.
- 20 | Q. And would it be part of your responsibility to check on their
- 21 | work?
- 22 | A. Well, not everything they done. I'd expect at that stage with
- 23 | their years of service in the -- that they were able to do their
- 24 | work, and when they wanted help, of course, they -- Or if there
- 25 |

1 | was any discussion takes place, I entered that discussion or --

2 | Q. The --

3 | A. And whatever assistance they wanted.

4 | Q. That may be, Chief, but my question is, Was it part of your  
5 | responsibility, in your opinion, to check on their work -- to  
6 | make sure they were doing their work properly?

7 | A. I would say, yes.

8 | Q. Thank you. M.J. MacDonald, is he the one they call Black Mike?

9 | A. That's right.

10 | Q. Okay. And M.R. is Red Mike?

11 | A. That's right.

12 | Q. Thank you.

13 | Q. Were those -- any of those people senior to you --

14 | A. No.

15 | Q. -- in terms of years on the force?

16 | A. No.

17 | Q. Can you tell me if you considered them to be -- have been pro-  
18 | moted on the basis of confidence?

19 | A. Well, I didn't promote any of them, sir, and the powers-to-be  
20 | at the time figured that that's where they should be. I had  
21 | nothing to do with them entering the Detective Department.

22 | Q. Did you consider, though, that they had been promoted on the  
23 | basis of confidence?

24 | A. Well, there were --

25 | Q. Or was it seniority?

- 1 A. I would say it was seniority at the time, yeh.
- 2 Q. Did you consider that they were competent officers?
- 3 A. Well, they done their work, sir. That's -- to the best of their  
4 ability. That's all one can do.
- 5 Q. As the man in charge of the department, did you consider they  
6 were competent officers?
- 7 A. I would -- That's the feeling I had, yes.
- 8 Q. Thank you. What was the relationship, Chief, between patrolmen  
9 and detectives? And I'm thinking now -- Let's take the time  
10 when you joined the Detective Department until you became  
11 Deputy Chief -- during that period of time about from '55  
12 to '73.
- 13 A. Well, there's -- I thought it was good. You would get more  
14 information from some officers -- from some than you would from  
15 others, and I've got a lot of information from them.
- 16 Q. What formal lines of communication existed if any?
- 17 A. Well, there were -- We were all -- They were all on the police  
18 department, sir, and their job was the same as mine, I guess,  
19 to relate to one another -- relate to us, relate to the Chief  
20 and the Deputy. They were sworn to do their duty, sir, and  
21 that's what was expected of them.
- 22 Q. Yeh, but I'm thinking more, Chief, in the way of reporting.  
23 How would the patrolmen know, for example, in a formal way,  
24 what crimes were being investigated by your department?
- 25 A. Well, they'd be -- They would know. I'd pass this down from

- 1 | one -- would pass down from one shift to the other, and some-
- 2 | times by us talking with them.
- 3 | Q. Or was it word of mouth?
- 4 | A. Word of mouth -- No, and reports.
- 5 | Q. So would you file reports as a detective that would be
- 6 | circulated to the patrolmen?
- 7 | A. The sergeant on the shift would be advised to what was going on.
- 8 | Q. Would that be orally or in writing?
- 9 | A. Could be either.
- 10 | Q. So you might as a detective provide the desk sergeant with a
- 11 | written report of the crimes you were investigating?
- 12 | A. With a report that -- what we did write that we'd like for
- 13 | the patrolmen to know about.
- 14 | Q. I'm sorry. What you did --
- 15 | A. No.
- 16 | Q. What you wrote down, is that what you're saying?
- 17 | A. You don't tell --
- 18 | Q. But we did write it in?
- 19 | A. When you're investigating something, you don't tell -- At times,
- 20 | you don't tell the patrolman everything, you know.
- 21 | Q. I'm sorry.
- 22 | A. You don't tell the patrolman everything at times when you're
- 23 | investigating.
- 24 | Q. But what do you tell him?
- 25 | A. Well, what they should know, sir.

- 1 Q. What should they know?
- 2 A. Well, it depends what you're working on.
- 3 Q. Well, let's say you're working on a robbery. What should they  
4 know?
- 5 A. They should know pretty much, I suppose, working with a robbery  
6 what we would know as to who might've been seen around there  
7 or what vehicles might've been seen around, what persons might've  
8 been seen around, and things of that nature, and some would be  
9 questioned along them lines if they did see those people or  
10 they did see those vehicles and what have you. It's -- You  
11 know, it's --
- 12 Q. Could I classify it in --
- 13 A. I'm not saying -- They wouldn't be kept in the dark, put it  
14 that way.
- 15 Q. Could I classify it, Chief, as sort of an informal setup that  
16 we're talking about?
- 17 A. Yeh. Yes, most of the time.
- 18 Q. But was there ever occasion where you brought in all the patrol-  
19 men at the start of a shift, for example, and said, "Here's  
20 what we're after, guys. This is what we want you to look  
21 after."?
- 22 A. Not in '71.
- 23 Q. Not in '71?
- 24 A. No.
- 25 Q. And not before '71?

1 | A. No.

2 | Q. Did it change later?

3 | A. Yes.

4 | Q. When did it change, Chief?

5 | A. Well, we had a re-structuring in the department, and the patrol-  
6 | men at that time were appraised of everything that was going on  
7 | before they went out on their shifts.

8 | Q. So there would be a gathering together --

9 | A. That's right. That's right, of the shift.

10 | Q. And how would --

11 | A. In fact, they were to come fifteen minutes early before their  
12 | shift started and be given orders from the man in charge of  
13 | what --

14 | Q. Can you tell me when that change occurred?

15 | A. That's during re-structuring, which I put in force.

16 | Q. And that was after you were Chief or Deputy?

17 | A. After I was Chief.

18 | Q. Thank you. And at that time then, would the detectives  
19 | start giving written reports for the purpose of having it cir-  
20 | culated to the patrolmen?

21 | A. The man in charge of the shift -- the inspectors -- That's why  
22 | there was inspectors appointed, to see that the patrolmen were  
23 | fully advised to everything that was going on.

24 | Q. Yeh, I appreciate that, but how do they know?

25 | A. How would the --

- 1 Q. How do you get it from the detectives to these guys?
- 2 A. Well, the inspectors -- It would go through the inspector in  
3 charge of administration.
- 4 Q. I'm sorry, I --
- 5 A. There'd be an inspector in charge of the administration.
- 6 Q. Yes.
- 7 A. And he would get what he wanted to the -- for the patrolmen  
8 to know to the sergeants. There's be a sergeant in charge of  
9 each shift or a corporal if the sergeant wasn't there.
- 10 Q. There's an Inspector of Administration?
- 11 A. That's right.
- 12 Q. And he is the person responsible to get to the sergeant on the  
13 desk --
- 14 A. That's right.
- 15 Q. -- the information to go to the patrolmen?
- 16 A. Or the man in charge. It could be a corporal at times too.
- 17 Q. Okay. Person in charge.
- 18 A. Yeh, person in charge.
- 19 Q. Is that Inspector of Administration, is he a hands-on guy, or  
20 is he just a paper man?
- 21 A. Well --
- 22 Q. Does he do inspections himself?
- 23 A. Well, he's -- He's -- There's another inspector for that.
- 24 Q. For what?
- 25 A. For the patrolmen -- for the patrols. For the patrols: cars,



1 | footmen, uniforms, and all that stuff.

2 | Q. I guess what I don't quite understand, Chief, is how the  
3 | information gets from the detectives who are doing the  
4 | investigation --

5 | A. Yeh.

6 | Q. -- to this Inspector of Administration. How does that get there?

7 | A. Through the head of their department, whatever information he  
8 | gives them.

9 | Q. Whatever information he gives?

10 | A. That's right. There's an inspector there too, sir. There's  
11 | three inspectors.

12 | Q. Okay. And what are they now?

13 | A. Inspector in the Detective Department.

14 | Q. Inspector of the --

15 | A. Yeh.

16 | Q. -- Executive Department?

17 | A. No, the Detective Department.

18 | Q. Detective, sorry. Yes?

19 | A. An inspector in charge of the patrol end of it and an inspector  
20 | in charge of the administration end of it.

21 | Q. Okay. We'll come back to that later afer we get up to that  
22 | point in your career perhaps. In the period in the '60's and  
23 | early '70's, what means of communication existed from the patrol-  
24 | man to the detectives? The reverse.

25 | A. Whatever -- There'd be considerable information on the reports --

1 crime reports and occurrence reports of things that were taking  
2 place.

3 Q. Was it the job of the detective to review the crime and  
4 occurrence reports that had taken place while he was not on  
5 shift?

6 A. Yes, he'd be expected to.

7 Q. When you showed up for job -- for work, you would review the  
8 inspection and crime reports that had been filed?

9 A. Well, sometimes that crime would be given to one of them at  
10 that time to look after. That -- You know, they had different  
11 periods where there was time off, days off, they'd be out of  
12 town, and what have you, but there would be somebody there  
13 to look after the material that was coming in.

14 Q. What shifts did you work, Chief? What were the working --

15 A. I could --

16 Q. -- shifts for detectives?

17 A. You mean in '70?

18 Q. Yeh.

19 A. I worked day shift, which is usually eight to four. It could  
20 be nine to five.

21 Q. Sure.

22 A. And you worked an evening shift, which sometimes could be four  
23 to twelve or five to one or six to two, whatever the position  
24 was at that time or what was going on.

25 Q. Now, you had --

- 1 A. And then there'd be other people called out probably at times.
- 2 Q. Okay, but I'm thinking just the regular shifts now.
- 3 A. Yeh, that's about the regular.
- 4 Q. You had --
- 5 A. Not that much backshift unless you were called out.
- 6 Q. You had four men, yourself and three others. Would there be --
- 7 I think you said yourself.
- 8 A. What year are you talking about there? You're --
- 9 Q. I'm talking about the late '60's, early '70's.
- 10 A. Oh, yeh. Oh, the late -- Yeh.
- 11 Q. Am I correct that you had four men then? Yourself and three
- 12 others?
- 13 A. I think I -- I think that happened -- When were they -- I think
- 14 it was in '66 we had four men -- around that time. I think
- 15 somewhere around '66.
- 16 Q. In '66, you became Sergeant of Detectives.
- 17 A. Yeh.
- 18 Q. So we can take it from that point forward.
- 19 A. And that three men, yeh. I think so, yeh.
- 20 Q. Who -- How many men would be working on the day shift normally?
- 21 A. Just one and myself.
- 22 Q. And then on the --
- 23 A. I'd be out there, of course, myself, all-day shift.
- 24 Q. All-day shift?
- 25 A. All-day shift, yeh.

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 Q. And then the afternoon or the evening shift --
- 2 A. Yeh.
- 3 Q. -- how many would be on that?
- 4 A. There'd be -- Again it depends on what's going on how many'd be
- 5 out there. Sometimes we'd have to shift them around.
- 6 Q. Just normally?
- 7 A. Normally, there'd be one out there.
- 8 Q. So there'd be yourself and one during the day and one in the
- 9 evening normally?
- 10 A. And sometimes two during the day. It depended what was going
- 11 on again, sir.
- 12 Q. Okay. Yeh.
- 13 A. It's not a thing that you could put a steadfast rule on.
- 14 Q. All right.
- 15 A. You might need more men out at night. You might need patrolmen
- 16 with those detectives in the nighttime to assist them --
- 17 something that was going on or would -- or might take place.
- 18 Q. All right.
- 19 A. It wasn't at a steady pattern that you could stick to.

20  
21  
22  
23  
24  
25

JMR

JOHN F. MacINTYRE, by Mr. MacDonald

1 Q. What about when something happened during the night? I'm  
2 thinking now from midnight on or whenever the detective went  
3 off the evening shift, if something happened after that before  
4 the people showed up in the morning,--

5 A. Yeh.

6 Q. --would there be someone on-call?

7 A. The -- The man that worked the evening shift --

8 Q. He would be on-call?

9 A. That's right.

10 Q. What's the difference between a crime report and an occurrence  
11 report or what was the difference then?

12 A. Well, crime reports-- anything connected with the crime was  
13 supposed to go on it.

14 Q. I'm sorry.

15 A. Anything connected with the crime was supposed to go on it.

16 Q. Yes.

17 A. And the occurrence reports were lighter stuff.

18 Q. Something that was not a crime but did require police involvement?

19 A. That's right. Yeh.

20 Q. Now was there any sort of a manual or any written instructions  
21 available to your patrolmen telling them the difference between  
22 these reports, how to fill them out, this sort of thing?

23 A. Well, in later years a lot of our men went to the -- went to  
24 the Holland College in Charlottetown. I think some were --  
25 I think we have about thirty some odd men that --

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 Q. When did that start, Chief?
- 2 A. Well, that started -- that started back a few years before I  
3 left there and we made sure that --
- 4 Q. I'm sorry, a few years before you left where?
- 5 A. Yeh. That's right. Before I left the Department.
- 6 Q. Yeh, but I'm --
- 7 A. In fact it must have been fifteen years.
- 8 Q. Just so I understand what you mean by Department --
- 9 A. I would say about -- well, since I left in '84.
- 10 Q. Okay.
- 11 A. Yeh.
- 12 Q. And fifteen years before then?
- 13 A. Well, it goes back, yes, I would say fifteen, give or take;  
14 but that was the Atlantic Police Academy in Charlottetown and  
15 men went there and took a course which lasted anywhere from  
16 seven to nine months. And we hired from that Academy when we  
17 wanted Constables on the Department. They had to either come  
18 as a graduate of that Academy or the equivalent from another  
19 police force or the -- so forth.
- 20 Q. When was that policy instituted?
- 21 A. It was instituted by our Police Commission back a few years  
22 ago.
- 23 Q. Are you able to tell me the name of the first person who would  
24 have been a graduate of Holland College --
- 25 A. No, I wouldn't be able to tell you that without looking at the list,

1 but I'd say there's thirty -- oh, thirty, thirty-five in the  
2 Department now that graduated from over there.

3 Q. Is it your evidence today that you think that was enforced in  
4 1970?

5 A. Seventy? I would -- I would say.

6 Q. Thank you. Now let's get back to my question; was there any  
7 manual or any other written instruction available in the Police  
8 Department telling the patrolmen what report to fill out, whether  
9 it's crime or occurrence and giving them any other instructions  
10 on those forms; that is, in the time when you were Sergeant of  
11 Detectives?

12 A. No, I think that -- I don't think they'd have too much problem  
13 figuring that out for themselves, what was crime and what was  
14 occurrence.

15 Q. Were they told to fill out a report of some --

16 A. They were going to put crime on crime reports and other occurrences  
17 on the occurrence reports.

18 Q. Were they told to fill out a report with respect to every call  
19 they attended?

20 A. Yes.

21 Q. And with respect to everything they did?

22 A. Any call they were given, they were to make out a report on it,  
23 yes.

24 Q. Okay. What happened to these reports? How would they be  
25 circulated within the Department?

- 1 A. They'd be held out in the Department for so many days and, of  
2 course, at a given time the majority of them would be stored  
3 away. They'd have to be some type of a disposition on them and  
4 some of them didn't --
- 5 Q. Stored away where?
- 6 A. Stored away in our files in book form. They were put in book  
7 form.
- 8 Q. And are those books kept?
- 9 A. They were kept for a period of time.
- 10 Q. How long were they kept in the period of time that you were  
11 Sergeant of Detectives?
- 12 A. Well, they were kept a way back at that time.
- 13 Q. And did that change in later years?
- 14 A. Yes.
- 15 Q. How long were they kept when you left?
- 16 A. Well, usually around five years.
- 17 Q. And do I understand you to say earlier that when a Detective  
18 reported for work, whatever his shift was, he was expected to  
19 read all of the crime and occurrence reports?
- 20 A. That's right.
- 21 Q. Now if there was a crime report, would Detectives be assigned  
22 to the investigation or handling of that crime?
- 23 A. Probably it could be handled by the patrolman too.
- 24 Q. If there was an investigation occur -- If a crime had happened --
- 25 A. Yes.



JOHN F. MacINTYRE, by Mr. MacDonald

- 1 | Q. --an unsolved crime at least at the moment, --
- 2 | A. Yeh.
- 3 | Q. --would that be assigned to a Detective?
- 4 | A. A Detective or a Detective assisting whoever might have got
- 5 | involved in the first place.
- 6 | Q. But it's a Detective with a patrolman assisting?
- 7 | A. It depends how the crime started out and if there was a
- 8 | patrolman engaged in it, he might continue on with it with
- 9 | the Detective. It's just hard to say.
- 10 | Q. Continue on with the Detective?
- 11 | A. Yeh. It's hard to say, yes.
- 12 | Q. But there would always be a Detective involved, isn't that
- 13 | correct?
- 14 | A. Well, not always either, no.
- 15 | Q. So --
- 16 | A. I investigated many crimes. I didn't have a Detective with
- 17 | me, sir, when I done patrol work.
- 18 | Q. I'm talking, Sergeant, when you -- I'm sorry, Chief, when you
- 19 | were Sergeant of Detectives --
- 20 | A. Yeh.
- 21 | Q. -- at that time, are you saying that patrolmen were assigned by
- 22 | you to investigate crimes?
- 23 | A. I'm saying, sir, that patrolmen sometimes are the first people
- 24 | on the scene and they might have a considerable amount of the
- 25 | work done and they would be assisted by others if they needed

- 1 assistance and sometimes they would complete it themselves.
- 2 Q. So is the answer --
- 3 A. You don't have to be a Detective. You have to do your work  
4 no matter what rank you may hold at the time.
- 5 Q. Is the answer to my question, yes, that at times you would  
6 assign patrolmen to investigate crimes that had not been  
7 solved?
- 8 A. If -- Yes, that's if they were needed, sir, yes.
- 9 Q. Thank you.
- 10 A. Or if they were starting fresh on it.
- 11 Q. I'm sorry.
- 12 A. Or if they were starting out fresh, a Detective would take it  
13 over, yeh.
- 14 Q. If it was a fresh --
- 15 A. Yeh.
- 16 Q. --a Detective would take it over --What about the taking of  
17 statements? Were patrolmen to take statements from witnesses  
18 and accused when you were Sergeant of Detectives?
- 19 A. Yes, I believe at that time.
- 20 Q. What was the instruction given to them?
- 21 A. Well, again, sir, now I wasn't handling the whole Police  
22 Department. I was Sergeant of Detectives. I was in the  
23 Detective Department, but I learned -- I shouldn't say I  
24 learned, but I -- I talked on statements on many occasions to  
25 different people -- different men about how they should take

1 | them and how to take them and I think even the men in my own  
2 | Department followed the way that I was used to taking  
3 | statements and it was usually question and answer form. And  
4 | the -- And the -- Emphasizing, of course, at all times that  
5 | it had to be a voluntary statement and --

6 | Q. We'll come --

7 | A. --to get it before the Court, sir.

8 | Q. We'll come with that -- We'll come in a moment, Chief, if you  
9 | don't mind, to the taking of a statement. How would you  
10 | describe your position then as Sergeant of Detectives? What were  
11 | you responsible for?

12 | A. Well, I was responsible for seeing that the work was done?

13 | Q. What work?

14 | A. The Detective work.

15 | Q. Investigation of crimes?

16 | A. Yes, that's right.

17 | Q. Yes.

18 | A. And I -- I also at times checked other people's work to see  
19 | what they'd done and how they'd done it and if they should have  
20 | done this or they should have done that and I've talked over  
21 | cases with them and I was there as a guide in a lot of  
22 | the time.

23 | Q. When you say, "checking other people", are you talking about  
24 | people in your own --

25 | A. Own Department.

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 Q. --in Detectives?
- 2 A. That's right. Yeh.
- 3 Q. But would you describe your job as you understand it to be in  
4 charge of the investigation of crime for the Sydney Police  
5 Department?
- 6 A. I would say that we -- Yes, all major crime went through our  
7 Department.
- 8 Q. Okay.
- 9 A. Yeh.
- 10 Q. You say that you gave your own men -- (And by that I take it  
11 to be the Detectives, the other Detectives.) instruction on  
12 how to take statements?
- 13 A. That's right. Yeh.
- 14 Q. And just tell me again what it is you would have told them, as  
15 best you can? I realize you can't be verbatim.
- 16 A. While I was taking statements I always -- when I had somebody  
17 in with me, another police officer, I always -- they knew --  
18 I always told them that they weren't to do any talking while  
19 I was taking the statement. If the statement was being taken  
20 by me and there was a question they wanted to ask, to write it  
21 down and pass it to me.
- 22 Q. Yeh.
- 23 A. And I usually took all my statements in question and answer  
24 form.
- 25 Q. But--I'm sorry, I thought what you were going to tell me was the

JOHN F. MacINTYRE, by Mr. MacDonald

1 | advice you gave Detectives as to how they should take statements,  
2 | not what they would do when you're taking.

3 | A. Yeh.

4 | Q. Did you give them advice as to how they should take a  
5 | statement?

6 | A. Well, I told them, sir, how I take statements and I -- I think  
7 | a lot of them followed my advice, I think. It's what I said  
8 | a few minutes ago.

9 | Q. Then there was no formal instruction as such; it was, watch  
10 | me and probably do as I do?

11 | A. Well, that could be some of it.

12 | Q. Okay.

13 | A. yeh.

14 | Q. Did you give them any instruction on any other aspects of  
15 | Detective work?

16 | A. Well, as I said before again, I checked their work and if I  
17 | seen anything wrong with it at times I would try and correct it  
18 | or advise them that -- that I wasn't satisfied with the case  
19 | they were on so far, that this should have been done and that  
20 | should have been done and -- and want them to correct it.

21 | Q. How would you do that, Chief; would it be orally or --

22 | A. Sometimes I would go over a case and see what they had and  
23 | advise them of what they should have, they didn't have or in writing

24 | Q. And if you weren't satisfied or pleased then with what a  
25 | Detective did then in his work, you would bring it to his attention?

- 1 A. That's correct. Yeh.
- 2 Q. And was there any sort of an annual review of these Detectives  
3 to determine whether they would get a raise or anything like  
4 that?
- 5 A. No.
- 6 Q. Nothing? No annual performance reviews?
- 7 A. No. A raise, sir, that was handled through the Union. They  
8 were organized and the Union looked after working conditions  
9 and their salaries and what have you.
- 10 Q. Who did you report to when you were Sergeant of Detectives?
- 11 A. Well, my main -- The Chief of Police would be the main boss,  
12 but -- and the Deputy was next to him, so --
- 13 Q. Who was the Chief then?
- 14 A. Well, I worked under -- Vince Campbell was the Chief there over  
15 fifteen years.
- 16 Q. While you were Sergeant of Detectives?
- 17 A. While I was in the Detective Division, yes.
- 18 Q. In '66, Vince Campbell was --
- 19 A. In '66 -- Wait now. Just a minute please. No, I was in the  
20 Detective Department in 1950, sir.
- 21 Q. Oh, I appreciate that, but I'm saying I would think as a  
22 Detective Sergeant -- was there not a Sergeant of Detectives?
- 23 A. In that -- There was a -- No, I think that was a new rank.  
24 I think it was a new rank.
- 25 Q. So prior to '66, did all Detectives report directly to the Chief?

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 | A. The Chief or his Deputy.
- 2 | Q. Okay. Thank you.
- 3 | A. Yeh.
- 4 | Q. So Vince Campbell and who else?
- 5 | A. Fifteen -- And then Gordon MacLeod was Chief after that and
- 6 | then Chief Alex Goldie.
- 7 | Q. But that's when you were Deputy?
- 8 | A. And then myself, yes.
- 9 | Q. Yeh. So when you were Sergeant of Detectives I believe Gordon
- 10 | MacLeod was Chief, isn't that correct, from '66 on?
- 11 | A. Yes. Yes.
- 12 | Q. Who was Deputy Chief when MacLeod was --
- 13 | A. Norman MacAskill.
- 14 | Q. And as Sergeant of Detectives would you report to either of
- 15 | those or more often than not, directly to the Chief?
- 16 | A. Either one, sir.
- 17 | Q. Okay. What was Michael R. MacDonald's experience in the force
- 18 | prior to his being appointed Detective?
- 19 | A. Patrolling, patrolling and working on the cars and he'd be
- 20 | handling all types of police work.
- 21 | Q. Did he go to the Halifax school?
- 22 | A. I can't answer that, sir.
- 23 | Q. What about Bill Urquhart; what was his experience prior to
- 24 | being appointed Deputy?
- 25 | A. I can't tell you that either, sir.

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 Q. Was it -- I believe I heard that he may have spent quite a  
2 few years in the office. Was there a policeman who used  
3 to be assigned to the office where poll tax were paid?
- 4 A. Yes.
- 5 Q. And is that where Mr. Urquhart spent a lot --
- 6 A. He spent a period of time in there, yes.
- 7 Q. What period?
- 8 A. I can't give you that, sir.
- 9 Q. But that was immediately before --
- 10 A. Well, it was before he went and --
- 11 Q. Became a Detective?
- 12 A. Yes, that's right. Yeh.
- 13 Q. So whatever -- whatever their experience was though I understood  
14 you to tell me that you had confidence in the Detectives in  
15 your Department that they could do their work competently?
- 16 A. That's what I --
- 17 Q. Did you ever have occasion to complain to the Chief or the Deputy  
18 Chief about the work or the competence of either or any of the  
19 Detectives in your Department?
- 20 A. Well, I can't recall any.
- 21 Q. What about the Police Commission; you wouldn't have reported  
22 directly to them, would you, as Sergeant of Detectives?
- 23 A. No.
- 24 Q. Now you talked a little bit, Chief, about your practice in  
25 taking statements. Is that something that you would have had



1 instruction on when you went to that course in Halifax?

2 A. And what I learned down through the years. I learned early  
3 in life that you -- a statement was a very valuable thing  
4 as far as the Courts were concerned, and it had to be voluntary  
5 to be accepted and that if you use pressure then it wasn't  
6 accepted and you had to be very careful how you took it so that  
7 when you landed in the Court with a case, that you were able  
8 to present your -- it properly.

9 Q. And your instructions to your men, as I understand it was, when  
10 you were asking questions they are to be quiet?

11 A. That's right.

12 Q. Don't ask any --

13 A. That's right. Nothing in that room, sir.

14 Q. If you have anything to say, write me a note?

15 A. That's right.

16 Q. Was it your practice, Chief, to take down everything that was said  
17 by a witness?

18 A. Yeh, only in my -- only at times I might tell you why you were  
19 there and I wouldn't take that down.

20 Q. No.

21 A. No, but when I said -- If you started talking and sometimes you  
22 might -- probably the first paragarph might be what -- what you've  
23 said. I'd write it down. I wrote everything down, and then I  
24 would start with questions and answers, but more times with  
25 question and answer from the start.

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 Q. But the practice that you followed was to take down everything  
2 that was said; not to be selective, but to take down everything?
- 3 A. That was my practice yes. I asked a question and I'd put down  
4 what the answer was, sir.
- 5 Q. Okay. Was it your practice to have a witness present when you  
6 took statements from people?
- 7 A. Sometimes, and sometimes not.
- 8 Q. What would determine whether you would?
- 9 A. Again it depends on the availability of manpower and -- well,  
10 I always felt comfortable taking the statement whether I was  
11 alone or somebody with me, sir, so I didn't -- it just depends  
12 what the circumstances were at the time.
- 13 Q. Was there any policy in the Police Department on that?
- 14 A. No, policy. No, sir.
- 15 Q. Would it be your practice that if a witness was present you  
16 would have the witness sign the statement?
- 17 A. I'd ask them, sir, if they wanted to sign it.
- 18 Q. I'm talking about a witness now, not the --
- 19 A. Oh, the witness.
- 20 Q. The witness to the statement. You're taking a statement from  
21 someone --
- 22 A. You mean --
- 23 Q. --you have a third person there.
- 24 A. Yeh, the policeman in other words?
- 25 Q. Yeh.

JOHN F. MacINTYRE, by Mr. MacDonald

1 | A. Another policeman with you. Yes, I usually try to follow  
2 | that.

3 | Q. To have him sign it as having been present?

4 | A. Yeh, that's right.

5 | Q. Why is that?

6 | A. Well, I suppose it was a good idea. If you had to go back to  
7 | the statement later you would know that he was with you.

8 | Q. Yeh. Do you say that you should have a third person present  
9 | to witness the statement, isn't that --

10 | A. No, I didn't say that, sir.

11 | Q. No, I'm asking you would you say you should?

12 | A. No, I wouldn't say that either, sir.

13 | Q. Mr. M.R. MacDonald testified before this Commission that he  
14 | thinks you should have one present and you wouldn't agree  
15 | with that?

16 | A. Well, I -- there is many a time the policeman takes the  
17 | statement on his own. I don't see anything wrong with that  
18 | if that statement is taken properly.

19 | Q. Was it your practice --

20 | A. I've taken many on my own and I've taken them with other  
21 | people present also.

22 | Q. What would determine whether you'd call someone into be  
23 | present?

24 | A. Well, if there was a person working with you or you sent  
25 | somebody out for a certain person and he wasn't tied up other-

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 wise at the time, you'd ask him to sit in. I've had many  
2 people that weren't Detectives at the time sit in on statements  
3 because the availability at the time --
- 4 Q. Would that be the determining factor then whether someone was  
5 available to be present?
- 6 A. Yeh, it wouldn't bother me either way, sir.
- 7 Q. No, I appreciate that, Chief.
- 8 A. Yeh.
- 9 Q. You told us but I'm trying to find out why on some occasions you  
10 would and some you wouldn't?
- 11 A. Yeh.
- 12 Q. Was availability the only factor?
- 13 A. Well, it's -- I suppose it depends at times too on the person.
- 14 Q. On the person giving the statement?
- 15 A. Yeh, it could -- I would say it might.
- 16 Q. Why would that have an influence?
- 17 A. Well, at times I've ordered somebody to be there when I took  
18 a statement (I remember that.) at certain times, but I've  
19 taken statements too by people by themselves and myself with  
20 them.
- 21 Q. Yeh, I know -- You've just told me that --
- 22 A. I'm not trying to beat around the bush here, sir, but I'm telling  
23 you I took them both ways. I don't see anything wrong with  
24 either way.
- 25 Q. I'm not suggesting there is but --

JOHN F. MacINTYRE, by Mr. MacDonald

1 A. And I've taken them with somebody in company with.

2 Q. But you told me a moment ago that sometimes you would want  
3 to have a person present, a third person depending on who the  
4 witness is. That's what you just said.

5 A. No, well, probably I didn't explain it properly. I'll give  
6 you an example if you want, when I was taking a statement from  
7 Chant and I had already taken the statement from him, and I went  
8 back to take a second one and I did request at that time that  
9 his mother or father be present because it was a second statement  
10 and I wanted this -- I didn't think I was getting what I wanted  
11 to get and I wanted them present. That's what I mean by  
12 some --

13 Q. I'm sorry, Chief. Perhaps we're using the phrase differently.

14 A. Well, probably you are or I am.

15 Q. Yeh, what I'm thinking of is not so much a friend of the person  
16 giving the statement; I'm talking about someone there, another  
17 police officer who is going to be present and sign this statement  
18 as a witness.

19 A. Yeh.

20 Q. That's what I mean when I say --

21 A. Yeh. The reason I'm asking him to sign it was because he was  
22 present there, sir.

23 Q. But what I'm trying to find out, Chief, is why on some occasions  
24 you would want another police officer present and others you  
25 wouldn't?

- 1 A. Well, it's just that he was there at the time.
- 2 Q. And that's what I had suggested before; it was strictly the  
3 availability of someone?
- 4 A. Well, it could be, yes.
- 5 Q. Okay. Thank you. Was it your practice to read the statement  
6 over to the person who gave you this statement before they were  
7 asked to sign it?
- 8 A. Well, no, I -- I usually asked them if they wanted to read it  
9 over and sometimes they would and sometimes they wouldn't.
- 10 Q. You've taken the statement in your own handwriting?
- 11 A. That's right.
- 12 Q. It would be an offer, "Do you want to read it"?
- 13 A. That's right.
- 14 Q. Okay.
- 15 A. Or they'd say, "I can't read it"; I'd read it to them,  
16 whatever they wanted, or they'd say they didn't want to  
17 read it, they had watched me write it down.
- 18 Q. And was it your invariable practice to have the statement  
19 signed by the person who gave it to you?
- 20 A. If they wished to sign it. That would be still a voluntary  
21 thing.
- 22 Q. Yes.
- 23 A. I've had statements that they wouldn't sign. I've had  
24 statements they did sign.
- 25 Q. Did they say why?

1 | A. Why, no.

2 | Q. Did they tell you why they wouldn't sign it?

3 | A. No. No.

4 | Q. What was your practice as to whether you would be standing  
5 | when you were taking the statement from someone or questioning  
6 | someone, or sitting down?

7 | A. I never stood questioning people. I always sit down.

8 | Q. So whenever you --

9 | A. When I'm taking a statement I mean I was -- I'm always sitting  
10 | down.

11 | Q. If you're taking a statement and in particular if you're taking  
12 | down everything that's said, then can I take it from that that  
13 | all of the statements that we have in this particular matter  
14 | that you took, you were sitting down throughout the entire  
15 | taking of the statement?

16 | A. I was sitting down when I was writing the entire statement,  
17 | that's right.

18 | Q. And your practice was to always write down everything that was  
19 | said?

20 | A. To the best of my ability, sir.

21 | Q. So can I conclude from that that you must have been sitting  
22 | throughout the whole time?

23 | A. When I was taking the statement, sir?

24 | Q. Yeh.

25 | A. Yes.

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 Q. Well, while you were talking?
- 2 A. When I was -- Well, anything connected with the statement, sir,  
3 I was sitting down.
- 4 Q. Okay. Thank you. Well, the statement though will have  
5 everything in it that you said or the witness said?
- 6 A. To the best of my ability, sir.
- 7 Q. Okay. Now what about when you're taking statements from  
8 juveniles; is there any different practice that you follow?
- 9 A. No, I don't think. Wait now. Again -- Again if there was  
10 a parent there that wanted to sit in on it, no problem.
- 11 Q. Well, would you always make certain that a parent was there?
- 12 A. No, I wouldn't say that.
- 13 Q. Would it not be a policy that if you were going to take a  
14 statement from a juvenile that you should have a parent  
15 present?
- 16 A. No, there was no policy on that, sir.
- 17 Q. Is there any reason that you would want to have a parent present?
- 18 A. I always like to have a parent present if they're there and  
19 sometimes a parent or the juvenile -- (We're talking about  
20 juveniles now?)
- 21 Q. Yes.
- 22 A. -- probably wouldn't want them there.
- 23 Q. Sergeant MacDonald testified before this Commission in  
24 volume ten at page 1697 that the practice when you were taking  
25 a statement --



JOHN F. MacINTYRE, by Mr. MacDonald

1 | MR. PUGSLEY:

2 | Will you wait until I get --

3 | MR. MacDONALD:

4 | Volume ten.

5 | MR. PUGSLEY:

6 | What page?

7 | MR. MacDONALD:

8 | Page 1697.

9 | MR. PUGSLEY:

10 | Thank you.

11 | MR. MacDONALD:

12 | In fact 1696 I'll start -- I'll just read you --

13 | BY THE WITNESS:

14 | A. Which MacDonald is that?

15 | BY MR. MacDONALD:

16 | Q. M.R. MacDonald, Michael Bernard.

17 | A. Thank you.

18 | Q. On page 1696, and I'll start on page -- question -- line three,

19 | Chief, and just read a few lines to you. It starts out --

20 | The question is -- He's being questioned by Mr. Orsborn:

21 | Q. We hope.

22 | Was that...

23 | ...your practice, sir...

24 | On the top of that, Chief, at line three.

25 | A. Yes.

JOHN F. MacINTYRE, by Mr. MacDonald

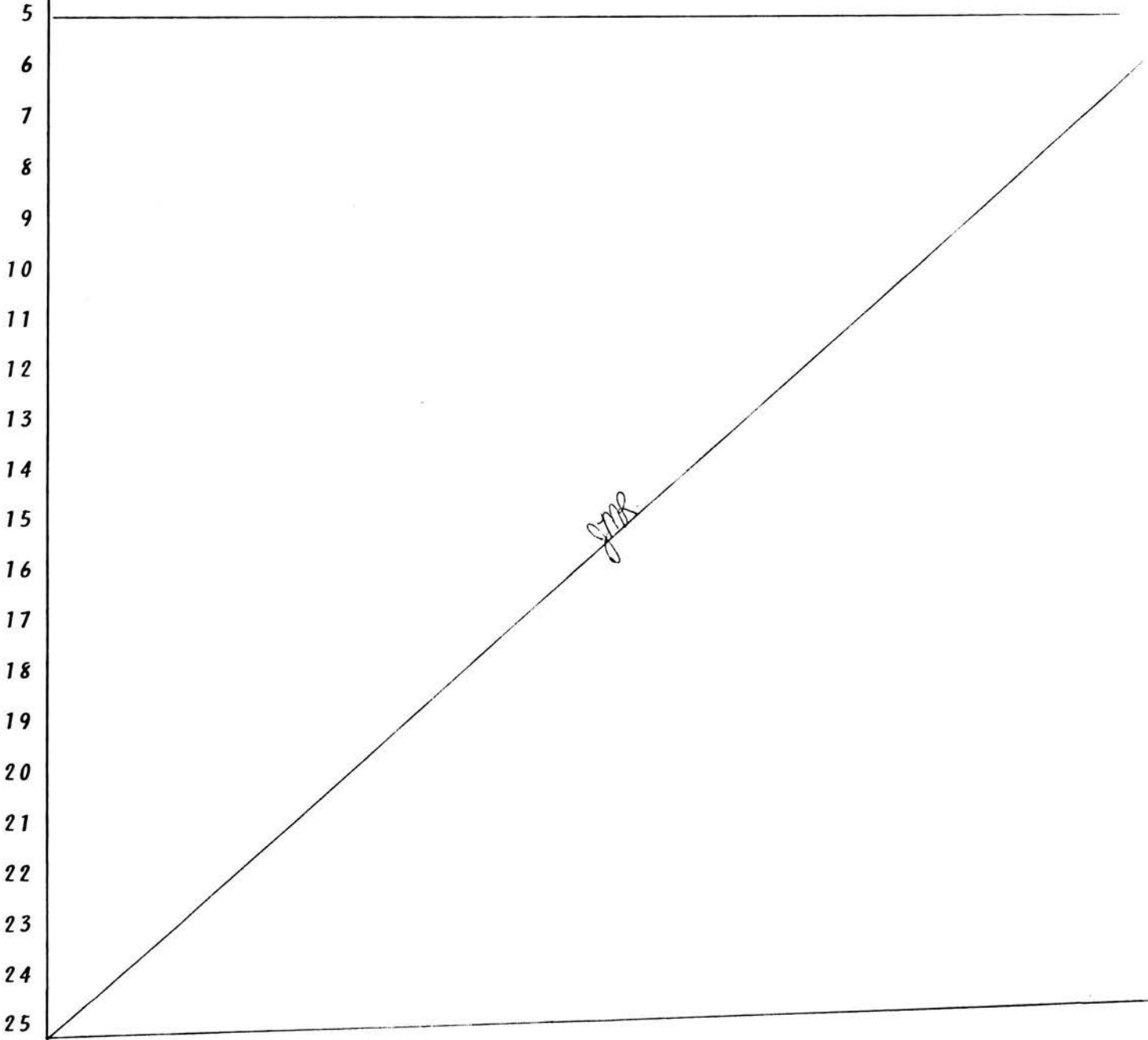
- 1 Q. Was that...
- 2 ...your practice, sir, of talking  
3 to juveniles and I'm thinking of  
juveniles who are not accused?
- 4 A. Well, you have to see the parents  
5 of the boy first or the person.
- 6 Q. Yes.
- 7 A. And if you want to take a statement  
8 from them, you'd have to have one of  
the parents, you know, with him.
- 9 Q. Was that your practice?
- 10 A. Yes ... that was the practice of the  
police department.
- 11 And he says the same thing on page 1697. Now was that the practice  
12 of the Police Department that you had to have one of the parents  
13 present if you were taking a statement from a juvenile?
- 14 A. In 1971, I -- I must say that I did talk to juveniles without  
15 their parents at times and I also said if a parent could be  
16 present that I liked for them to sit in and if they didn't  
17 sit in it was because they objected to it or the party objected  
18 to it.
- 19 Q. Would you make it --
- 20 A. But I did take statements without -- without parents sitting  
21 in.
- 22 Q. Well, let me go back to the question, Chief, was it the  
23 practice of the Police Department?
- 24 A. Well, it wasn't my practice at that time, sir.
- 25 Q. Okay, and you were the man in charge of investigating a crime

JOHN F. MacINTYRE, by Mr. MacDonald

1 in 1971?

2 A. That's right. That's right, yeh.

3 Q. So MacDonald got his information on practice other than from  
4 you?



1 A. That was -- that's what he would -- that's the way he took  
2 it, I guess --

3 Q. Thank you.

4 A. -- I can't answer for him, sir.

5 Q. Have you ever had occasion that you can recall, advising a  
6 witness and primarily in particular a juvenile witness  
7 that you're trying to take a statement from, that if they  
8 don't tell you the truth they're going to be in trouble?  
9 They're going to go to juvenile hall? They're going to do  
10 these sort of things? Ever said that to a child?

11 A. You don't tell the truth you're going to be in trouble.

12 Q. You're going to go to juvenile hall, you're going to go to  
13 gaol, you're going to commit perjury?

14 A. No, I don't talk to juveniles or anybody else when I'm taking  
15 a statement along those lines. I've read -- I've read that --  
16 heard that in some of the evidence here.

17 Q. I'm sorry, you've what?

18 A. I've heard that here, I said, in some of the evidence.

19 Q. But you've never said it?

20 A. No, I don't -- I don't take a statement, I said, using those  
21 things. Those are threats you're using there.

22 Q. You have never said to a witness, if you don't tell me the  
23 truth, that's -- you're going to commit perjury or you're  
24 going to go to juvenile hall or you're going to go to gaol?  
25 You've never said any of those things to any witness?

JOHN F. MacINTYRE, by Mr. MacDonald

1 A. No.

2 Q. Thank you. When you were Sergeant of Detectives, Chief, and  
3 you're going to do a -- or there's a crime that has to be  
4 investigated, you know, would one of your detectives be  
5 assigned to that case? Would it be his? Is he the person  
6 in charge?

7 A. Yes, he'd be assigned to it, yes.

8 Q. And that would be the detective who would -- who would be  
9 in charge of that case? Not saying others may not help him,  
10 but it would be his case so to speak?

11 A. Yes, that's it.

12 Q. How would -- who -- how would you decide which detective  
13 would be assigned any particular case?

14 A. It just depends what I would have available at the time, sir,  
15 and --

16 Q. Depends --

17 A. -- who -- yes --

18 Q. Which man was available?

19 A. That's right, yeh.

20 Q. Okay, and what sort of reporting procedure would be set up  
21 from the person in charge to you or was there any?

22 A. Oh, it was just word of mouth, or, you know.

23 Q. You yourself have investigated a large number of crimes, I  
24 take it, over your period with the police department?

25 A. Yes, all types, sir.

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 Q. Did you have a standard practice that you would follow?
- 2 A. In regard to what?
- 3 Q. With regard to anything? Regarding investigating the crime?
- 4 A. Well, you mean in regard to taking statements, regarding the
- 5 scene of the crime or what, I don't know what you're --
- 6 Q. Well, --
- 7 A. I'm not going to understand your question.
- 8 Q. Today you go into work and you find out that last night there
- 9 was a crime committed. You're the -- you're the detective,
- 10 I'm not, what do you do?
- 11 A. Well, I try to find out as much as I can about it.
- 12 Q. And how do you do it? That's what I'm trying to find out? What
- 13 do you do?
- 14 A. Well, I look at reports.
- 15 Q. Pardon?
- 16 A. I look at the -- at the reports, sir.
- 17 Q. Those would be the occurrence reports and crime reports?
- 18 A. Yeh, that's right.
- 19 Q. What else?
- 20 A. You'd be looking at mostly the crime -- the crime reports --
- 21 the crime and I would talk to the police.
- 22 Q. You would talk with the man who made out --
- 23 A. If they had any of the information at the time, yes.
- 24 Q. So, would it be your practice invariably to talk to the
- 25 officers who made out those reports?

1 | A. At a given time.

2 | Q. I'm sorry, would that -- does that mean eventually you would?

3 | A. I mean, you have to realize there's three shifts on.

4 | Q. Yes.

5 | A. And then there's a floating shift and depends where those  
6 | men are -- when they're available.

7 | Q. I appreciate that, but sometime you will talk to them?

8 | A. Sometime I will, yes.

9 | Q. Eventually, I meant -- you will talk to them?

10 | A. Yeh, if it's necessary for me, yes.

11 | Q. Well, how do you decide if it's necessary --

12 | A. Well --

13 | Q. You got their reports?

14 | A. Yeh.

15 | Q. Will you eventually talk to the men who made those reports  
16 | or not?

17 | A. Depends what's on the report and what I do about it, sir,  
18 | in the meantime. And I eventually I would say I would talk  
19 | to them. Whether it would be then or later on.

20 | Q. Yes, okay. All right, you've got the reports, what else  
21 | will you do? Just as a matter of practice?

22 | A. Well, see what I could do about it.

23 | Q. Pardon?

24 | A. See what I could do about the -- about the complaint I have.

25 | Q. Yeh, but that doesn't help me?

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 A. Look at the reports.
- 2 Q. There must be some person --
- 3 A. Or somebody else would be given to do it.
- 4 Q. No, but I'm talking about one that you have. You've been  
5 assigned to this one. Tell me what you would do?
- 6 A. I'd -- I'd get into it. I'd get into the substance of it.
- 7 Q. Well, how do you --
- 8 A. Investigate it. Investigate it.
- 9 Q. And that's what I'm trying to find out, Chief?
- 10 A. Yeh.
- 11 Q. I'm not being flip, I'm just trying to determine what it is  
12 you would do as a matter of practice or if there's no  
13 practice, fine?
- 14 A. Well, there's practice. There's -- every crime is, you know,  
15 there's a little difference. It depends on the crime that  
16 you're looking into it what you're going to do. And you do  
17 that. Whatever you see fit to do at the time.
- 18 Q. Well, let's take a crime then and maybe we'll get a better  
19 hand on this. Let's take a crime of break-and-enter. Tell  
20 us what you would do? You've read the crime reports, what  
21 else would you do?
- 22 A. I'd check to see what was done and you've have to see what  
23 evidence was picked up, if there was any. And you'd have to --
- 24 Q. Would that not all be in the crime report?
- 25 A. What?



1 Q. Would that all be in the crime report what was done and what  
2 evidence was picked up?

3 A. It should be. It should be.

4 Q. Okay, so you would -- you would review that material --

5 A. I'd review that and then I would carry on from there.

6 Q. Now tell me what you would do as you carried on?

7 A. Well, in a lot of cases, I would -- I would -- I would visit  
8 the scene myself and try and reconstruct the thing.

9 Q. What would determine whether you would visit the scene or  
10 not?

11 A. It depends again on the type of crime that's reported.

12 Q. We're talking about break-and-enter?

13 A. Break-and-enter. Break-and-enter, I would like to visit the  
14 scene and -- and go over the thing with anybody available  
15 there to see just what did take place.

16 Q. All right, and then what? What else would you do?

17 A. Well, what I would find out there would decide -- then I would  
18 have to decide what I would have to do from therein. Questioning  
19 people and seeing if there was any exhibits and if it was  
20 a break-and-enter, see if we could take some photos of the  
21 scene.

22 Q. Was it your practice to make notes of everything --

23 A. And also see what the type of break-and-enter it was and what  
24 the M. O. was and that sometimes leads to people.

25 Q. How does that lead to somebody, the M. O.?

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 A. Well, there's break-and-enters, you have some people that  
2 have a custom to -- when their -- if they're break-and-  
3 enter people, how they enter a building. Some enter --  
4 some enter up through the floor. Some more come through  
5 the roof. Some more use a transom over the front door.
- 6 Q. Okay.
- 7 A. And some more people do this, do that, and you look the thing  
8 over to see what clues you might pick up there.
- 9 Q. How do you -- is that something that you just know as an  
10 investigator or is there something you can made reference  
11 to to find out if a particular M. O. was involved?
- 12 A. Sometimes -- sometimes it could relate you to the people. It  
13 could relate you to the people.
- 14 Q. But is there any formal way you can check out the M.O.?
- 15 A. No, it's what -- it's what you've -- your experience  
16 through the years of people, different people, how they  
17 might -- how they break-in.
- 18 Q. But is it a personal experience of you. You for example,  
19 might know that a particular guy always goes in through the  
20 transom.
- 21 A. Yes.
- 22 Q. But if M. R. MacDonald happening -- happened to be investigating  
23 that crime, how would he know that?
- 24 A. Well, you -- you'd have to depend on the experience that he  
25 had also to see what he could come up with. And there's

1 | others that he could call on if he wanted to.

2 | Q. Being yourself and others in the detectives?

3 | A. Yeh, that's right. That's right, yeh. I mean it's not --

4 | when something happens it's not -- it's not just one persons

5 | business, it should be a combination of whoever can help.

6 | Q. Was it your practice, Chief, to make notes of everything

7 | you did during an investigation?

8 | A. Well, I kept notes and sometimes -- and for a period of time,

9 | yes.

10 | Q. Was it your practice, though, to take notes of everything

11 | you did as you carried out an investigation?

12 | A. I wouldn't say. Some would be mental and some would be

13 | written notes. Some would be mental.

14 | Q. Thank you. What would determine whether you would make

15 | a written note of something you did as opposed to just

16 | keeping it in your mind?

17 | A. Well, again, that would -- something that I might have to

18 | check on later on or a possibility I might have to check

19 | on because of somebody I was talking to or something that

20 | I learned.

21 | Q. Would you make a note of everyone that you spoke to about

22 | the crime?

23 | A. Sometimes I would. Sometimes I wouldn't.

24 | Q. Again, what would determine whether you would make a note?

25 | A. The -- at the time, sir.

- 1 Q. If you spoke to someone that appeared to have some knowledge  
2 about the incident, would you take a statement form them?
- 3 A. Yes.
- 4 Q. Invariably?
- 5 A. Again, it depends what they knew or whether it was just  
6 something trifling or whether -- or whether a statement  
7 should be taken. You'd make that decision at the time.
- 8 Q. Okay. Would you take it from them immediately that they  
9 give you the information?
- 10 A. I wouldn't say at all times, no.
- 11 Q. What would determine, Chief, which statements that you took  
12 were to be typed up?
- 13 A. Well, I suppose if they're going to the courts, as you know,  
14 my writing wasn't the best to read. I'd have them typed so  
15 others could -- better opportunity of reading them, I  
16 suppose.
- 17 Q. So anything that was going to court would be typed, is that  
18 general?
- 19 A. I always liked to do it that way but at times they weren't --  
20 they weren't -- they weren't at times.
- 21 Q. But generally that's what you tried to do?
- 22 A. In the past, Crown Procesutors should -- you'd have sessions  
23 with them and you would tell them what you had and you'd have  
24 statements.
- 25 Q. Judge Matheson told us, I think, that he always insisted on  
written sentences, couldn't read your writing or didn't

1 | learn to read it?

2 | A. Well, that's -- I just said that. I've had that  
3 | said more than once.

4 | Q. Yes, okay. What instructions would be given to the person  
5 | who was typing up the written statement? What would they  
6 | be told to do?

7 | A. Just to type them, sir.

8 | Q. Type what's ever on that statement?

9 | A. That's what one would expect, yes.

10 | Q. Just what one would expect?

11 | A. That's right.

12 | Q. Sure. Now your sister has given evidence here of the way  
13 | she typed up statements and was she the one who typed up  
14 | most of them?

15 | A. Well --

16 | Q. During your time?

17 | A. There's been others typed them too.

18 | Q. But the majority would be done by her?

19 | A. Yeh, the majority, yeh.

20 | Q. Was it ever your practice to have information added to a  
21 | statement after it was typed up?

22 | A. Such as what?

23 | Q. Such as names of people who were present?

24 | A. No, that wasn't my -- that wasn't my practice, no.

25 | Q. Okay. What was your practice concerning the information

- 1 | that you would keep in a file, did you keep all the  
2 | information you gathered together in the course of  
3 | an investigation?
- 4 | A. I'd try my best yes, I think.
- 5 | Q. And what files would be retained, Chief, after an  
6 | investigation --
- 7 | A. Not at all, there'd be -- probably something wrote or  
8 | something like that or they could be slips of paper I'd  
9 | throw in the file, you know.
- 10 | Q. What files would be retained after a crime was investigated  
11 | and they -- and the matter went to court? Which files  
12 | would be retained or would they all be retained?
- 13 | A. Oh, they'd all be retained. That was the policy for years,  
14 | you know.
- 15 | Q. Okay, so all files --
- 16 | A. But they're not -- not -- not of late though.
- 17 | Q. Pardon?
- 18 | A. We started destroying a lot of files, you know, back in the  
19 | last ten years.
- 20 | Q. When you were investigating crimes in 1971 and around that  
21 | time, what formal records would be available to you to  
22 | assist in your investigation?
- 23 | A. There would be the records in the department.
- 24 | Q. Those are the Sydney Police records?
- 25 | A. That's right.

JOHN F. MacINTYRE, by Mr. MacDonald

1 Q. And what would be contained in those?

2 A. Well, that would be records -- there would be cards -- a  
3 card system, you know, and --

4 Q. And that card system was operated on the basis of a person's  
5 name, wasn't it, the accused name?

6 A. The name, yeh. The name.

7 Q. Was there any other way to get access to that system other  
8 than knowing the accused -- the accused name?

9 A. To that person you're talking about. You're talking to  
10 the same person.

11 Q. Yes.

12 A. No, you'd have to have the name.

13 Q. If you go back to your break-and-enter situation we were  
14 talking about?

15 A. Yeh.

16 Q. And you say that there's certain M. O.'s that are followed  
17 by different people?

18 A. Yeh.

19 Q. Is there any -- was there any way in '71 for you to go and  
20 say, to some system, some formal record and say, the M. O.  
21 involved here was someone going through a transom, give me  
22 the names of people who -- who use that M. O.?

23 A. No, there weren't -- they weren't separated but --

24 Q. Was there available to you that information through any other  
25 force or any other system?

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 | A. Well, there was a Crime Index System in Halifax operated  
2 | by the R. C. M. P. Maritime Crime Index Section. You  
3 | could get in touch with them and relate your -- your  
4 | problem to them and they might come up with someone with  
5 | an M. O.
- 6 | Q. Now in 1971, the investigation of crime in Sydney was done  
7 | by the Sydney Police, is that correct?
- 8 | A. That's right. That's right.
- 9 | Q. What information was fed from Sydney to the Maritime Crime  
10 | Index Section?
- 11 | A. Well, there's -- there was bulletins -- I think there was  
12 | bulletins at that time used to come out every so often on  
13 | crimes in different places, towns and cities across the  
14 | Province. So if you had something like that you could write  
15 | in if you wanted other police departments to -- that might  
16 | come up with something that when they read it or the Index  
17 | Section itself, you would -- you could send it in there and  
18 | it would come out in the bulletin to all -- all police  
19 | departments.
- 20 | Q. But did you -- if you investigated a crime, the Sydney  
21 | Police --
- 22 | A. Yes.
- 23 | Q. -- solved a crime, was information on that accused and the  
24 | M. O. that he used, was that fed into this M. C. I. S.  
25 | system?



JOHN F. MacINTYRE, by Mr. MacDonald

1 | A. Not usually, I don't think.

2 | Q. Okay.

3 | A. Not usually.

4 | MR. CHAIRMAN:

5 | Perhaps this would be a good time to recess for a few minutes.

6 | MR. MacDONALD:

7 | Yes, my Lord.

8 | INQUIRY ADJOURNED: 11:16 a.m.

9 | INQUIRY RECONVENED: 11:38 a.m.

10 | BY MR. MacDONALD:

11 | Q. Chief MacIntyre, we were earlier discussing the reporting  
12 | that would be made by you to the Deputy or to the Chief and  
13 | you explained what took place. From time to time would they  
14 | be asking you what was happening, would they be coming the  
15 | other way and trying to find out from you what was going on?

16 | A. Oh, they'd be -- sure, they'd ask me questions now and again.  
17 | And I would talk to them now and again about things but I  
18 | didn't discuss everything that went on with them.

19 | Q. It wasn't --

20 | A. Nor them with me.

21 | Q. You didn't keep -- it wasn't one of your objectives to keep  
22 | the Chief and Deputy fully aware of everything you were  
23 | doing?

24 | A. No, I think they had faith in me and if they had any complaints  
25 | I suppose they'd bring them to me.

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 Q. Okay.
- 2 A. I had no problem that way.
- 3 Q. We were talking about the type of services available to your  
4 department in 1971, did you have an Identification Service  
5 available to you?
- 6 A. No, sir. Yes, we did. We did.
- 7 Q. And how -- where was that available?
- 8 A. Well, the R. C. M. P. had an Ident Service.
- 9 Q. What is that, Chief? What is an Ident Service?
- 10 A. Well, you take photographs.
- 11 Q. Photographs, yes?
- 12 A. Photographs of the scene and of course, there would be --  
13 and any drawings you wanted, they would do that, I suppose.  
14 And fingerprinting. That's a section of it's own.
- 15 Q. Yes, anything else.
- 16 A. And so forth.
- 17 Q. What other things are available from Ident Section?
- 18 A. Well, they would -- if you called them in they would -- those  
19 are some of the things they would do.
- 20 Q. Was there any difficulty getting the cooperation of the  
21 R. C. M. P. to provide those services?
- 22 A. No, I always got along good with the R. C. M. P.
- 23 Q. Whenever you asked for their services in the Ident Section,  
24 was it made available to you?
- 25 A. If it could be.

JOHN F. MacINTYRE, by Mr. MacDonald

1 Q. Did you have occasion where it was not available?

2 A. Well, if they were tied up on their -- somewhere else or  
3 they would have to look after their own work and that was  
4 under -- understandable. But they were always fairly co-  
5 operative with me.

6 Q. Did you work -- have a fairly close relationship with the  
7 R.C.M.P in those days|

8 A. Oh, yes.

9 Q. What about their G.I.S. section? Did you have any involvement  
10 with those|

11 A. Yes.

12 Q. What would that involvement be|

13 A. Well, sometimes we'd discuss case -- different criminal cases.  
14 Sometimes they would -- we'd join forces on things that were  
15 going on. Sometimes it would take in the County and the City  
16 and it would depend at the time. We'd work together on it.

17 Q. Would it be your practice to involve them as a matter of  
18 course = in the investigation of any particular crimes|

19 A. No, I wouldn't say.

20 Q. You used --

21 A. When -- When I thought I needed them or if I wanted them, I  
22 would call them.

23 Q. You used a phrase earlier, a "major crime". How do you define  
24 a "major crime"|

25 A. Well, I suppose I'd look at a lot of things major. A murder

- 1 | would be a "major crime".
- 2 | Q. Attempted murder?
- 3 | A. Attempted murder, yes. Rape. Serious arson, what have you.
- 4 | Several.
- 5 | Q. Okay, in 1971, Chief, and prior to that, what involvement
- 6 | had you had with these investigation of so-called "major
- 7 | crimes"? You personally?
- 8 | A. Oh, I was involved pretty well in every type of crime.
- 9 | Q. What about murder, had you been involved in other murder
- 10 | investigations?
- 11 | A. Well, I was in on one, two -- I couldn't say. At least two.
- 12 | Q. And that would have been in at that time '71, you would have
- 13 | been with the Force about twenty-nine years?
- 14 | A. Yes.
- 15 | Q. What about attempts, attempted murders?
- 16 | A. I can't recall.
- 17 | Q. You can't recall any? Could I say then that "major crimes"
- 18 | in the City of Sydney at least involving murder and attempts,
- 19 | were a very unusual occurrence?
- 20 | A. What's that again, sir?
- 21 | Q. The existence of a "major crime" in the City of Sydney in
- 22 | 1971 and prior to that time, would be a relatively unusual
- 23 | experience?
- 24 | A. No, I wouldn't say that. We had safe attacks --
- 25 | Q. I'm talking, I'm sorry, I meant to restrict that to murder

1 | and attempted murder?

2 | A. Oh, murder and attempted, yes. Thank god, we didn't have  
3 | them too often.

4 | Q. Certainly, but it would be an unusual occurrence. Was there  
5 | any particular instructions or procedures that you instructed  
6 | your staff to follow when they were dealing with "major  
7 | crimes"?

8 | A. No, you'd leave it to the intelligence of the person that's  
9 | there at the time. The same thing again, they'd pick up  
10 | whatever evidence that they might be able to get and any  
11 | names of witnesses or people that should be interviewed and  
12 | look after the -- look after the people that might be  
13 | injured or whatever the case might be.

14 | Q. Yes. And do I understand your evidence earlier today correctly,  
15 | that there was no written manual or instruction booklet of  
16 | any form available to the detectives in 1971 or to the  
17 | patrolmen for that matter as to the procedures or practices  
18 | to be followed when --

19 | A. No.

20 | Q. -- investigating crimes?

21 | A. No, no.

22 | Q. No?

23 | A. No.

24 | Q. Thank you. Was there after you left as Chief? When you  
25 | retired from the Force?

1 A. No, rules and regulations of the Department where they --  
2 there was an old set there that was there long before I  
3 arrived and we were wanting to get a set that would cover --  
4 a new type that would cover the Police Department and we  
5 were working in conjunction with that with other police  
6 departments and the Nova Scotia Police Commission. But we  
7 never got it to the -- to it's final point at that time.  
8 There was a lot of suggestions came in from different  
9 departments on that and -- and some briefs on it, but it  
10 was never finalized at the time I left.

11 Q. Now in 1971, Chief, prior to the event that we're going to  
12 discuss in detail, what was your knowledge of Junior Marshall?

13 A. I knew Junior Marshall at that time. I did have -- to my  
14 recollection I did have some dealings with him and that the  
15 Department -- the Department had dealings with him.

16 Q. Did you yourself have any particular view of him?

17 A. Well, I think he was -- he was very active at that time.

18 Q. Active in what sense?

19 A. Active, well, in some of the problems that were going on at  
20 the time. And of course, some of them problems still go  
21 on today in the City that events that have taken place that  
22 the police would have to look into.

23 Q. What type of problems was he active in if --

24 A. Well, again, other members -- I had -- I think I had him, I  
25 believe, one or two occasions, that I can recall.

JOHN F. MacINTYRE, by Mr. MacDonald

1 Q. Do you recall the type of problem?

2 A. Well, the type of problem was I believe a house was entered  
3 by three or four individuals and there was -- there was a  
4 man assaulted at the time and there was liquor missing.  
5 I think he was involved in that one.

6 Q. Was he charged with theft?

7 A. Yes.

8 Q. I have put before you, Chief, exhibit -- volume 22. My  
9 understanding is-(it's the small volume.). Exhibit 48, volume  
10 22, thank you.

11 COMMISSIONERS EVANS:

12 What page is that?

13 MR. MacDONALD:

14 I'm starting at page 1, My Lord.

15 BY MR. MacDONALD:

16 Q. It's my understanding, Chief, what's contained in this  
17 volume are all the information from the Sydney Police records  
18 involving Donald Marshall, Junior, involving other people  
19 as well, but --

20 A. Yeh.

21 Q. -- all of those involving Junior Marshall and I'd like to  
22 take you through them, if I can?

23 A. Yes, sir.

24 Q. And then we can talk what other experiences you may have had  
25 with him. On page 1 --

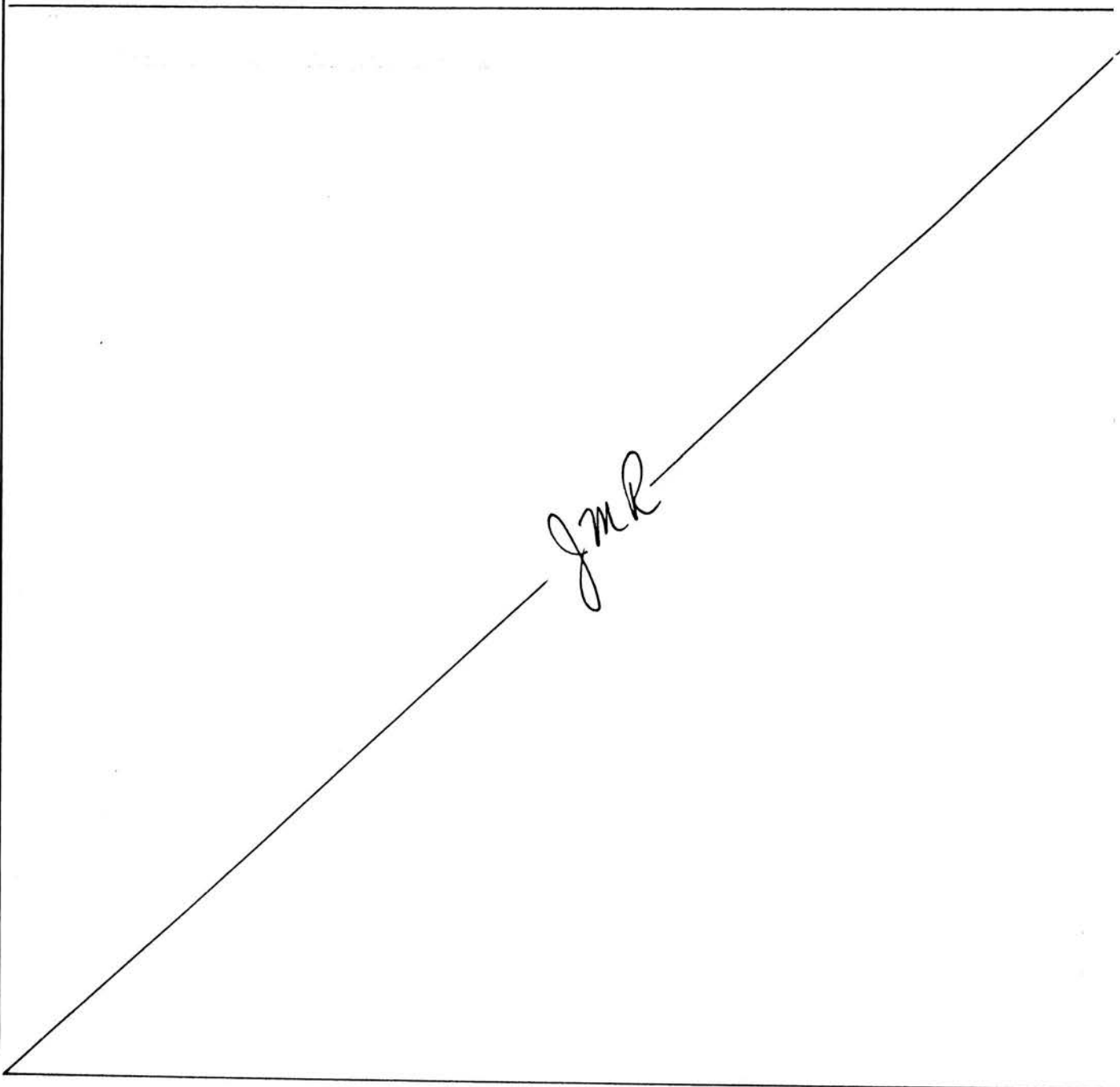
JOHN F. MacINTYRE, by Mr. MacDonald

1 | A. Yes.

2 | Q. -- is an information dated the 12th of June, 1970, and the  
3 | informant is Detective Urquhart?

4 | A. Yes.

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JMR



- 1 A. And that's charging Junior Marshall with stealing certain  
2 articles and in particular  
3 ...one quart of wine.
- 4 A. Yes.
- 5 Q. And he's charged with theft. Is that correct?
- 6 A. That's correct, yeh.
- 7 Q. And the attached page to that shows the disposition of that  
8 matter and it appears that Mr. Marshall pleaded guilty.
- 9 A. Yes.
- 10 Q. Did you have any knowledge of that particular event?
- 11 A. No, that might have been the case that I was on because I  
12 notice that the chap's name there was Joseph MacDonald and that  
13 is the incident that I have been talking about, that I  
14 have just spoke about.
- 15 Q. But he wasn't charged with assault, he's charged with theft  
16 of a bottle of wine.
- 17 A. Yes, as I said, there was a theft at the time. That there -- the  
18 man was assaulted along with it.
- 19 Q. Was there any particular reason he wouldn't be charged with  
20 assault?
- 21 A. Well, because there was three others in on it.
- 22 Q. Were the others --
- 23 A. The others were -- I think the others were charged with  
24 assault, a couple of them.
- 25 Q. So do I take it from that that there was no evidence to

JOHN F. MacINTYRE, by Mr. MacDonald

1 | establish Junior Marshall had committed any assault at least  
2 | in the belief of the informant?

3 | A. Well, he wasn't charged with it at that time. There was  
4 | others charged with it but it was the same incident.

5 | Q. I understand that but the only thing he was charged with --

6 | A. He would have been -- If there was evidence, he would have  
7 | been charged with it certainly.

8 | Q. That's my point.

9 | A. No.

10 | Q. So there was no evidence at that time that he had --

11 | A. No.

12 | Q. -- been involved with anything other than stealing a bottle  
13 | of wine?

14 | A. No.

15 | Q. Okay, let's go to page three.

16 | MR. MacDONALD:

17 | Sorry, My Lord.

18 | MR. CHAIRMAN:

19 | That was the first offense of Junior Marshall?

20 | MR. MacDONALD:

21 | The first one that I have, My Lord, and --

22 | MR. CHAIRMAN:

23 | The first conviction?

24 | MR. MacDONALD:

25 | Yes, the first conviction.

JOHN F. MacINTYRE, by Mr. MacDonald

1 BY MR. MacDONALD:

2 Q. Now, as I said, Chief, I understand what we have here are  
3 copies of all of the informations involving Junior Marshall  
4 that are available in the Sydney Police files.

5 A. Yes, that right.

6 Q. At least that's what we asked for and that's what we were  
7 told we had.

8 BY COMMISSIONER EVANS:

9 Q. At that time he was -- Prior to 1970, he'd be a juvenile  
10 wouldn't he?

11 A. That's right.

12 BY MR. MacDONALD:

13 Q. Were there any -- Are you aware of any charges laid against  
14 Mr. Marshall prior to this one Chief? Prior to the one in  
15 June 12, 1970?

16 A. Yes.

17 Q. You are?

18 A. Others, again, were on some of them too, yes. There was  
19 charges in the Juvenile Court.

20 Q. And what are the -- Can you give me the details of those that  
21 you yourself know about?

22 A. I'd like to look first at what's here first, sir.

23 Q. Okay we'll go through those and then at the end I'll ask  
24 you that question, if you can.

25 The next on page three which is dated November -- It's an

JOHN F. MacINTYRE, by Mr. MacDonald

1 information dated November 5 of 1970 and it again the -- the  
2 informant is Detective Urquhart and that has to do with  
3 unlawfully giving intoxicating liquor to Joan Clemens.

4 Did you have knowledge of that charge?

5 A. Well -- I could have been in on that. I heard Mrs. Clemens  
6 give evidence here the other day -- and she was naming me  
7 at that time.

8 Q. Yes, I'll refer you to that evidence in a moment, Chief.

9 A. Yeh.

10 Q. On this particular matter --

11 A. This would be this -- I think this is the only charge that  
12 appears in the police record of the City Police I believe.

13 Q. And that is one where Mr. Marshall pleaded not guilty and  
14 was found to be guilty and sentenced to one month in gaol.  
15 Do you recall circumstances surrounding charging Mr. Marshall  
16 with giving liquor to a minor?

17 A. It's pretty hard to recall it at this time, you know, --

18 Q. You don't have any independent recollection of that?

19 A. There's -- There is something there that I -- you know, I'm  
20 not --

21 Q. He, of course, was a minor himself at those -- in those days?

22 A. Yeh.

23 Q. But you don't have any independent recollection?

24 A. I have some recollection of this. Clemens came to me that --  
25 the reason that -- the reason that she was in -- she -- Do you

JOHN F. MacINTYRE, by Mr. MacDonald

1 mind me saying what she said the other day?

2 A. No.

3 Q. You know, that she was in the police car. She said that she was  
4 there and jumped in it herself. Well, you know, I didn't  
5 buy that. Some recollection tells me is that we went there  
6 to see that girl. I think I was with her in that case,  
7 and she -- it was time for her to come home from school and  
8 I think the information I had at the time, to my recollection is,  
9 is that Mrs. Clemens said, although she came home from school  
10 on the bus, she might not get off at that stop. We don't know  
11 when she's going to come home. And I think it was her  
12 decision that she would go with us, meet the bus and if she  
13 didn't get off, then follow the bus until she did get off and  
14 that's in my mind, sir, and that's all I can tell you about  
15 that particular --

16 Q. I'll give you the opportunity to comment on what Mrs. Clemens  
17 said to you in detail.

18 A. Yeh, all right.

19 Q. But do you have any recollection about the events giving  
20 rise to the charge? Was this a guy --

21 A. No, I --

22 Q. -- running around corrupting minors or was it a group of kids?  
23 One guy goes and buys a bottle?

24 A. Well, you're waiting for an answer on that.

25 Q. I'm just asking you if you have any recollection, that's all.

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 A. I haven't got any recollection of this at this time.
- 2 Q. Okay.
- 3 A. But you're asking me about an offense. Is that what you're  
4 saying or is it --?
- 5 Q. If you have no recollection of the events leading up to the  
6 charge, I suppose there's no sense our talking about it.
- 7 A. No.
- 8 Q. Thank you. The next on page five, Chief.
- 9 A. Yes.
- 10 Q. This is November the 5th of 1970 and that, by the way, is the  
11 very same day, you know, that the information is sworn out  
12 about giving liquor to Clemens. October the -- November 5th  
13 1970 on page three and on page five, both relating to an  
14 event that occurred on October 1, 1970. The one on page  
15 five is charging Junior Marshall that he did without lawful  
16 justification damage a head stone and in particular a head stone  
17 in memory of the late A. A. MacIntyre and you're the informant  
18 on that particular charge. Do you have any recollection  
19 of that charge?
- 20 A. No independent recollection at this time.
- 21 Q. Was A. A. MacIntyre any relation of yours?
- 22 A. No relation of mine, no. He was a Q.C. in this city.
- 23 Q. He was a Q.C.?
- 24 A. For many years, yes.
- 25 Q. But that is not any relation of yours?

1 A. No.

2 Q. Do you have -- Is the fact that he was charged with two  
3 things arising on the same day, having damaged a head stone  
4 and having given liquor to Joan Clemens, does that assist  
5 you in any way in recollecting the events giving rise to these  
6 charges?

7 A. No, I'd have to see some of the reports or something on that  
8 to bring it to light.

9 Q. Okay. Now, with respect to the charge for damage to the  
10 head stone, no evidence was offered by the Crown. As the  
11 informant in that case are you able to assist us as to why  
12 there would not have been any evidence on it?

13 A. I think there's a report on page eight here dealing with  
14 the same head stone.

15 Q. Okay.

16 A. I know there's somebody else. Others --  
17 Urguhart and Sergeant M. J. MacDonald. Tom --  
18 Thomas Joseph Christmas age 16...

19 Q. Look at page seven, Chief, if you will.

20 A. Seven?

21 Q. Yeh.

22 A. Yeh.

23 Q. That's an information charging Tom Christmas with the very  
24 same incident having to do with damage to the head stone  
25 of A. A. MacIntyre.

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 | A. Yeh.
- 2 | Q. You were the informant on that one as well.
- 3 | A. That's right.
- 4 | Q. Can I take it from what you've said that between the time  
5 | of laying charge and appearing for trial you determined or  
6 | it was determined by the police that Marshall -- that Junior  
7 | Marshall had nothing at all to do with that matter involving  
8 | damage to the head stone?
- 9 | A. Do you mind, I'm looking a page eight here.
- 10 | Q. Yes.
- 11 | A. It's the same head stone, eh.
- 12 | On this page it's states that Tom Christmas  
13 | and two other white guys tipped over the  
14 | big black MacIntyre head stone.
- 15 | So I will say that's why the information was dropped on  
16 | Junior Marshall.
- 17 | Q. Sure
- 18 | A. Marshall was --
- 19 | Q. Marshall was charged.
- 20 | A. Yeh.
- 21 | Q. The subsequent investigation disclosed that he had not been  
22 | involved with that.
- 23 | A. Well, he could have been there but he wasn't -- those other  
24 | three were the ones that were charged with it.
- 25 | Q. Okay. Now, we go to page nine. That's November the 7th --  
17th, sorry, of 1970. And Marshall is charged with giving



1 | intoxicating liquor to another minor.

2 | A. Yes.

3 | Q. And you're the informant on this one.

4 | A. Yeh.

5 | Q. Any recollection of that particular case?

6 | A. No independent recollection at this time.

7 | Q. Now, if you can just, for a moment Chief, keep your hand --

8 | I want to look at the two incidents involving Junior Marshall

9 | in giving liquor to minors. One is found on page three and

10 | the other is on page nine and if you turn in particular to page

11 | four and ten. This is what I want to direct your attention to.

12 | You'll see that he was actually tried for both of those offenses

13 | on the same day. Do you see that?

14 | A. On page ten?

15 | Q. On page four and on page ten.

16 | A. He was found guilty.

17 | Q. If you look down under the defense counsel it gives you

18 | the date 17/11, 1970?

19 | A. Yes.

20 | Q. That's the same date on both of those charges and the

21 | head stone charge is tried the very same day as well. At least

22 | it's called that day and no information -- no evidence was

23 | offered.

24 | A. That's on the head stone charge. He was found guilty --

25 | Q. All three were heard at the same time. At least the same day

JOHN F. MacINTYRE, by Mr. MacDonald

1 I should say. And he was found guilty of the two liquor  
2 charges, giving liquor to children -- or minors.

3 A. Yeh.

4 Q. Since the second one was a second offense he was given four  
5 months for the second offense. All happened on the same day.

6 Is that correct?

7 A. 17/11. Yes, that's what it looks like here. Yes.

8 Q. Do you have any recollection of that day? Were you there  
9 as the informant?

10 A. No, I have no independent recollection at this time.

11 Q. Thank you. Then if you go to page 11 we have Donald Marshall  
12 Junior being charged with damaging a "No Parking Sign".

13 That's in May 3rd of 1971 and he was found not guilty.

14 A. Yes.

15 Q. Now, Chief, those are the only informations that are contained  
16 in the Sydney Police records about Junior Marshall prior to the  
17 charge of murdering Sandy Seale. Do you have any knowledge  
18 of any previous charges in any other court?

19 A. Have you got the record there?

20 Q. Yes, that's in volume 16 Chief. Do you have that in front of  
21 you?

22 A. Yeh.

23 Q. At page 106. Do you have that in front of you Chief?

24 A. Yes, I have that. Yeh.

25 Q. Now, there appears to be a couple of charges under the liquor

JOHN F. MacINTYRE, by Mr. MacDonald

1 control act, section 85. That's just being drunk  
2 in a public place, isn't it?

3 A. Yeh.

4 Q. Are you aware of any charges that were laid against him  
5 by the Sydney Police in any other court?

6 A. I'd have to see the record. I wouldn't say --

7 Q. What record do --

8 A. I mean, I --

9 Q. What record do we make available to you?

10 A. I thought that -- I see there was a couple charges there  
11 dismissed. I think that M. J. MacDonald had something but  
12 I think it was thrown out. I believe it was in the Juvenile  
13 Court. Sergeant M. J.

14 Q. I'm sorry --

15 A. In fact he told me it was thrown out. It was dismissed because  
16 of --

17 Q. No proof?

18 A. I wouldn't say no proof but the individual at the time, the  
19 judge gave a reason for it, was -- it was some young girl and  
20 the individual at the time didn't complain at the time and  
21 the judge figured if she had that things would have been  
22 different.

23 Q. When did M. J. MacDonald tell you that?

24 A. Well, some time ago. Some time ago.

25 Q. Are we talking seventeen years ago or just --

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 A. No, no, just --
- 2 Q. Just recently?
- 3 A. A short while ago, yeh.
- 4 Q. Okay. Well, given what we have before us, it appears to be  
5 the only records of Marshall's run-ins with the law, do you  
6 say that he was a particularly bad kid in 1971? Someone that  
7 you would expect and someone that the police were keeping  
8 an eye on or anything like this?
- 9 A. Well, I didn't have that much dealings with him as you can  
10 see here.
- 11 Q. Did you have any dealings with him that you can recall other  
12 than what I've showed you on these particular informations?
- 13 A. I don't recall.
- 14 Q. Would you have had any better recollection in 1984 than  
15 you would have today?
- 16 A. I believe there was something to do with a bandshell in the  
17 park. I believe at -- but that wasn't -- I don't expect --  
18 I didn't have anything to do with that.
- 19 I think there was something to do with that and I don't  
20 see that on the records here either. Do you want to refer  
21 me to anything there?
- 22 Q. No, I don't -- Yes, Chief, I wanted to. If you'd pick up  
23 volume 15. That's on page 192. What this is, Chief, is  
24 a transcript of evidence you gave during a discovery examination  
25 at the time that action was on with the C.B.C. Do you recall that?

1 A. Yeh.

2 Q. You recall that. And this was in September of 1984. And I  
3 want to direct you to these series of questions and get  
4 your comments. Question 552:

5 Was it ever a consideration as to  
6 whether or not Marshall was capable  
of murdering someone?

7 Your answer was:

8 Capable?

9 Q. Yeah.

10 You said:

11 Of stabbing someone?

12 Q. Yeah.

13 And your answer was:

14 I suppose that it wouldn't alarm me  
15 if he stabbed somebody.

16 And the question was:

17 Because of your previous knowledge of him?

18 And you said:

19 That's right.

20 Now, what I'd like to know is, what previous knowledge you  
21 had of Junior Marshall that you wouldn't be alarmed to find  
22 out he had stabbed somebody?

23 A. This was in '84.

24 Q. In '84 but it's talking about whether you were alarmed when  
25 you found out, I believe, that Marshall had stabbed Sandy

1 | Seale? Talking about that time.

2 | A. Well, I think at that time I had a statement from one of  
3 | his former girlfriends that he carried a knife. Didn't I?  
4 | And also that he was in fights in the park area.

5 | Q. What time are you talking about?

6 | A. What?

7 | Q. This is saying because of your --

8 | A. You're talking about this in '84 when I investigated this  
9 | in '71. Not this but when I was -- during the course of  
10 | my investigation in '71.

11 | Q. But are you saying it's what you meant and I took that to mean  
12 | Chief, were you alarmed in 1981 to find out that Marshall  
13 | had stabbed Seale and you were saying -- It's '71, sorry,  
14 | when you found out Marshall had stabbed Seale and you were  
15 | saying no, because of my previous knowledge of him that wouldn't  
16 | alarm me. That's what I took that to mean.

17 | A. Oh, yeh. But you're talking '84 now.

18 | Q. '84 is when you gave that sworn testimony?

19 | A. Yeh, that's right.

20 | Q. That's not what you meant is it?

21 | A. No, 19 -- In 1971 I think I have a statement there, haven't I,  
22 | from one of the O'Reilley girls that he was over in the park  
23 | in fights and that he carried a knife on him.

24 | Q. We'll pick that up when we get to the O'Reilley girls then.

25 | What was the practise in the Sydney Police that -- when they

- 1 | would fingerprint suspects?
- 2 | A. I didn't do any fingerprinting myself.
- 3 | Q. Who would do the --
- 4 | A. Oh, what? Fingerprint suspects?
- 5 | Q. Yes.
- 6 | A. I didn't know them -- of them fingerprinting suspects.
- 7 | Q. Well, let me ask you to look at volume 16 Chief, please,
- 8 | page 108. Was the facility available at Sydney Police to
- 9 | fingerprint people?
- 10 | A. There was a couple that -- There was two or three of the
- 11 | men.
- 12 | Q. On page 108 are fingerprints of Junior Marshall --
- 13 | A. Yeh.
- 14 | Q. -- taken November the 17th of 1970 when he was sentenced
- 15 | for giving liquor to persons under 21. That is a offense
- 16 | under the Liquor Control Act.
- 17 | A. Yeh.
- 18 | Q. Is that -- Was that proper to fingerprint him at that time?
- 19 | A. 112 is that on? No.
- 20 | Q. That's on page 108 Chief.
- 21 | Why would he be fingerprinted having been convicted of
- 22 | offenses under the Liquor Control Act?
- 23 | A. I couldn't answer that sir. I see that Sergeant M. R. MacDonald
- 24 | fingerprinted him.
- 25 | Q. Yes, I understand that.

JOHN F. MacINTYRE, by Mr. MacDonald

1 A. Yeh.

2 Q. He's under your control. Is that something -- would you  
3 have given him any instructions as to when he should be  
4 fingerprinting people and for what offenses?

5 A. No, I wouldn't have given him instructions on that.

6 Q. Okay. Let me take you to this incident with Joan Clemens  
7 mother and give you the opportunity to comment on some  
8 of the evidence that she gave.

9 MR. MacDONALD:

10 I think, Ron, it's volume 19 if you want to give it to the Chief.  
11 It's the transcript volume, My Lord.

12 BY MR. MacDONALD:

13 Q. Now, Chief, Mrs. Clemens testified that when you approached  
14 her at her home and this is one page 3449, she didn't have  
15 any idea why you wanted to talk to her daughter and that  
16 you wouldn't -- you weren't about to tell her. You just  
17 said you wanted to talk to her. Do you have any recollection  
18 of that?

19 A. No, I would tell her at that time why I wanted to see her  
20 daughter.

21 Q. So if -- when Mrs. Clemens says -- said and testified that  
22 you wouldn't tell her or didn't tell her then that's wrong?

23 A. I would say yes.

24 Q. And then she said -- If you turn to page 3458.

25 A. Yes.



JOHN F. MacINTYRE, by Mr. MacDonald

1 | Q. Mrs. Clemens is testifying here as to why she went into the  
2 | room where Joan Clemens was being interrogated by you.

3 | Do you recall, by the way, interrogating Joan Clemens?

4 | A. No, I don't recall that. The only thing I do recall, looking  
5 | at this -- thinking of this situation since I seen her  
6 | was that the idea of her being in the police car why she  
7 | went out and jumped in the police car and she said -- I didn't  
8 | ask anybody or she just went out and got in it herself.

9 | Q. Well, had you invited her to get in?

10 | A. And then she said we went to the bus. Now, I think it was  
11 | her -- her that said that she might not get off at the bus  
12 | stop and she might not come home now. She might be some  
13 | time before she comes home and I didn't know -- we didn't  
14 | know --- we wouldn't know the girl probably at that time and  
15 | that's why we were watching the bus. To see if she was  
16 | going to get off at the bus stop she should get off to go  
17 | to her home. That's all I do remember about that.

18 | Q. Do you recall if you invited Mrs. Clemens to go with you or  
19 | did she --

20 | A. I would say that she suggested to go with us because we didn't  
21 | know the girl and she was coming to see if she got off at the  
22 | bus stop.

23 | Q. Okay. Now, let's --

24 | A. I think at that moment she was assisting us to -- so we'd be  
25 | able to see the girl.

JOHN F. MacINTYRE, by Mr. MacDonald

1 Q. Let's get back to page 3458 and this is where Mrs. Clemens  
2 is talking about when she went into the room. She testified  
3 Chief that she has sat outside the room but could hear what  
4 was going on. You heard her say that?

5 A. I -- Yes, something like that.

6 Q. And this is what she said:

7 Line 2: Okay, what was it that prompted you to go into  
8 the room?

9 Well, at that time he was saying...

10 And by he she's referring to you Chief if you want to back  
11 a few pages. I can assure you she's referring to you.

12 ...he was saying that if she didn't  
13 say what she wanted to say that she could  
14 be in -- she could go up against, I don't  
15 know, juvenile court or something or another  
16 to that effect.

17 And down the bottom of the page around 17 they say:

18 Juvenile.

19 Yeh, that's it. He was mentioning to the  
20 effect that if she didn't tell the truth that  
21 way and of course when he mentioned it ...

22 And she goes on to say some other things.

23 Do you recall anything of that saying to Joan Clemens that  
24 if you don't tell us the truth or don't tell us what we want  
25 you to say then you could go to juvenile court?

*JmR*

1 A. I have no recollection of that at all.

2 Q. Do you recall anything -- let me take you to page 3459,  
3 on the bottom, Chief, we'll start. She was asked (Right  
4 down at the bottom) to "tell us as much as you can remember"  
5 and here is her answer:

6 Well, he said...

7 and again she's referring to you.

8 ...that he asked if I knew where my  
9 daughter was all the time and I said  
10 well, I said, yes, I -- I knew that  
11 she went to school. I knew she went  
12 out. And we always -- she always  
13 phoned when she went any place to let  
14 me know where she was at and that.  
15 And she said that -- and then he ...

13 and that's you.

14 ...he went and told me that I wasn't  
15 what you would call a proper person  
16 to be bringing up any child because  
17 I didn't -- that I was letting my  
18 children run around with unsavoury  
19 characters. To that effect. So then  
20 I got mad and told him off.

18 Do you remember that?

19 A. No, not at all. I don't remember anything like that being  
20 said, by me or by her.

21 Q. Are you saying that you did not tell her --

22 A. I thought on that day that she was co-operative with me.  
23 That's my understanding, and that she wanted to see that  
24 we did see her daughter and that is not my carry-on and  
25 I don't remember her saying anything like that.

- 1 Q. She also says she told:  
2                                 ...him...  
3     you.  
4                                 ...he was like the bloody Gestapo  
5                                 or Russian.
- 6     Do you have any recollection of that?
- 7 A. No. No.
- 8 Q. And would it be fair for me to say that if someone said that  
9     to you you would remember it?
- 10 A. I would remember, yes, that.
- 11 Q. And if you had told someone they were not a proper person to be  
12     bringing up a child and that they were running around with  
13     unsavoury characters, is it proper to think that you would  
14     remember that?
- 15 A. Well, I wouldn't say that, sir.
- 16 Q. So that when Mrs. Clemens said -- testified that she did tell  
17     you that she was wrong?
- 18 A. That's right.
- 19 Q. And again on page 3461, Chief, starting at line 17:  
20                                 Q. During this conversation or exchange  
21                                 between yourself and John MacIntyre,  
22                                 did he make any reference to Junior  
23                                 Marshall?  
24                                 A. You mean --  
25                                 Q. When you were in the room there?  
                                  A. Well, he just said that he wasn't the  
                                  proper person that my daughter should  
                                  be associating with.

1 Do you recall saying that?

2 A. No. I wasn't -- I was there -- Wait now. I was there at that  
3 time to find out about this liquor business. I wasn't there  
4 to give her a lecture. I didn't get into that.

5 Q. And go to page 3475. At that time, Chief, Mrs. Clemens was being  
6 referred to a quote from the Toronto Star, I think, where she  
7 is alleged to have said at some time that you told her when she  
8 got out of the car that afternoon that if you didn't get  
9 Junior Marshall that one, you'd get him another. That's just  
10 to put the context in. Here's the question.

11 A. Yeh.

12 Q. The question on page 3475:

13 Q. --on or did he say to you

14 If I don't get him now,  
15 I'll get him later on.

16 Which was it?

17 A. Well, he said it -- that he would  
18 make the mistake sometime in the  
19 near future that he would probably  
20 get him -- pick him up on it. That's  
21 what I understood...now I couldn't.

20 Do you recall that?

21 A. No. No.

22 Q. Did you have it out for Junior Marshall in 1970?

23 A. No, I wouldn't have it out for Junior Marshall, no.

24 Q. We looked at a -- in volume 22 when we were looking at that  
25 headstone incident and we saw that Tom Christmas was actually

1 | charged with that matter as well. That's on page seven, Chief.  
2 | Tom Christmas gave evidence before this Commission with respect  
3 | to that incident and said that he and Junior Marshall and  
4 | Artie Paul and a couple of other people were picked up. They  
5 | were all taken down and put in separate cells and they were  
6 | played one against the other, being told, for example, that --  
7 | you would go in and tell them that their buddy confessed to  
8 | having done it and then you would tell someone else the same  
9 | thing. Do you have any recollection of that?

10 | A. No, I have no recollection of anything like that taking place.

11 | Q. Is that something that you would do?

12 | A. That's something that I wouldn't do. If I wanted to get some  
13 | information they'd be separated at the station and kept apart  
14 | until I had a chance to talk with them if I was interrogating them.

15 | Q. What was your experience up to 1971, Chief, generally with  
16 | Natives? Did you have any --

17 | A. I thought my experience with them was very good. I -- There was  
18 | the odd -- There'd be the odd problem like anywhere else and  
19 | the problem would be looked into and looked after, but I  
20 | thought -- I thought I got along really good with them.

21 | Q. Ambrose MacDonald testified here that when he was up in the  
22 | Reserve a day or so after Sandy Seale was stabbed that he was  
23 | told by, I think it was Bernie Clemens or one of those --  
24 | Bernie --

25 | A. Francis?

- 1 Q. -- Francis, that none of the Indian kids would tell you anything  
2 because they hated you. Was that related to you by Ambrose  
3 MacDonald? Did he tell you that?
- 4 A. No.
- 5 Q. He didn't report back to you?
- 6 A. No.
- 7 Q. And the O'Reilley twins testified that they were hassled a little  
8 bit by the police, not by you, but by the police when they were  
9 out with Indian boys and that their parents would be called  
10 and told that they shouldn't be hanging around with Indian  
11 boys, any knowledge of that?
- 12 A. No, I had no knowledge of that.
- 13 Q. Was that ever reported to you?
- 14 A. No. No.
- 15 Q. Any occurrence report made out on that?
- 16 A. No, I never remember hearing anything about that, sir.
- 17 Q. John Pratico testified that at times he would be quite drunk  
18 and would be taken to the lock-up and left to sleep it off  
19 and then go home in the morning. Did that sort of thing ever  
20 happen in your experience?
- 21 A. People being allowed to do that?
- 22 Q. Yes.
- 23 A. People were allowed to do that.
- 24 Q. Were Indians allowed to do that?
- 25 A. Anybody.

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 Q. Did it happen with Indians --
- 2 A. There was nobody excluded in that except in the later years
- 3 I was told not to do it, not let anybody in the lock-up unless
- 4 they were charged because if anything happened in there that
- 5 the City could be responsible unless they're on the Charge
- 6 Book.
- 7 Q. Were Indians treated the same way then as the Whites with
- 8 respect to being allowed to sleep it off when they're drunk?
- 9 A. That's correct. That's correct, yes.
- 10 Q. Did you have any knowledge of Sandy Seale? Did you know him?
- 11 A. No. No.
- 12 Q. You didn't know him at all?
- 13 A. No.
- 14 Q. No dealings with him?
- 15 A. No. No.
- 16 Q. No occurrence reports or crime reports involving him?
- 17 A. Nothing that I recollect, no.
- 18 Q. Any reason to suspect that he was a bad kid?
- 19 A. No, I knew nothing about him, sir.
- 20 Q. Involved in robberies?
- 21 A. Nothing.
- 22 Q. What about his father, did you know Oscar Seale?
- 23 A. I knew Oscar Seale, yes. Yeh.
- 24 Q. And how well would you know him, Chief?
- 25 A. Well, over the years. Over the years.



JOHN F. MacINTYRE, by Mr. MacDonald

1 Q. Just as a casual acquaintance or --

2 A. Well -- Oh, yes. We didn't -- I knew him as a -- I knew he  
3 was an athlete and I knew him in the Pier district when I  
4 worked down there, at the Pier, and since that he's had a  
5 Government job I think for years and I chatted with him on  
6 many's an occasion.

7 Q. Was it the practice to take a rookie cop and send him to the  
8 Pier to break him in?

9 A. A rookie cop?

10 Q. Yes.

11 A. I don't know. I know I was sent down there for a while. I  
12 was very young.

13 Q. Was that -- In your experience was that the practice?

14 A. And I had an older man with me. Well, it was part of the  
15 City and I enjoyed my years at the Pier.

16 Q. Did you follow that practice when you were Chief, of assigning  
17 new cops to the Pier for a while?

18 A. I -- My practice was to shift them quite often, yeh.

19 Q. Shift them around. Not to just concentrate on any particular --

20 A. No, no. No, no.

21 MR. MacDONALD:

22 My Lord, I'm moving into a new area and it's perhaps a convenient  
23 time.

24 MR. CHAIRMAN:

25 Okay. We'll rise until two.

HEARING ADJOURNED AT: 12:27 p.m.

1 INQUIRY RECONVENED AT 2:06 p.m.

2 BY MR. MacDONALD:

3 Q. Chief, just before we move on, one of the things we dealt with  
4 this morning, I'd like to come back to just for a moment, the  
5 charge against Junior Marshall for damage to the headstone.  
6 That's on page 5 of Volume 22.

7 A. Yes.

8 Q. Do you have that?

9 A. Yes.

10 Q. I thought you had told me this morning that the reason no  
11 evidence was called at the -- Mr. Marshall's trial is because  
12 that statement was obtained by Urquhart and MacDonald from Tom  
13 Christmas, and that's on page 8. Is that correct?

14 A. That's what it looks like to me.

15 Q. But that statement was obtained on October the 28th.

16 A. Yes.

17 Q. And the information against Marshall wasn't sworn until  
18 November the 5th. Why would there -- Why would you be swearing  
19 out an Information against Marshall when you have two -- the  
20 three people in your department who have determined, according  
21 to their investigation, that Marshall had nothing to do with  
22 it whatever?

23 A. You say November the 5th?

24 Q. Yeh, the Information against Marshall. See, it's sworn November 5th?

25 A. Yeh, but it says below that: