

MR. STEWART, EXAM. BY MR. WILDSMITH

1 Thank-you, My Lord. The next witness will be Staff
2 Sergeant Thomas Barlow.

3 STAFF SERGEANT THOMAS BARLOW, duly called and sworn,
4 testified as follows:

EXAMINATION BY MR. ORSBORN

5
6 Q. Could we have your full name, please, Staff Sergeant?

7 A. Thomas Edwin Barlow.

8 Q. And you're currently a Staff Sergeant in the RCMP?

9 A. Yes.

10 Q. Where do you live?

11 A. I live in Sydney.

12 Q. And do I understand that you're presently a section NCO in
13 the Sydney subdivision of the RCMP?

14 A. Yes, I am.

15 Q. And that you have been in that position just a couple of
16 weeks?

17 A. Yes.

18 Q. And do I understand that previous to that you were the
19 plainclothes coordinator in the Sydney subdivision?

20 A. Yes, I was from 1982 until three weeks ago.

21 Q. 1982 until three weeks ago.

22 A. Yes.

23 Q. And do I understand that you took over that position from
24 Staff Sergeant Wheaton?

25 A. Yes.

1 Q. How long have you been with the RCMP?

2 A. Twenty-nine years.

3 Q. So, you've been then in Sydney from '82 until the present
4 time. Had you been stationed in the Sydney area previous
5 to 1982?

6 A. I was stationed in Sydney from early 1960 until mid-1963
7 and I went from there to Inverness for about a year.

8 Q. Uh-hum.

9 A. After that I was posted to the identification section in
10 Halifax for about a year and a half and then on Halifax
11 detachment for five years, New Glasgow for six years, Digby
12 for seven years, Yarmouth for one year, and since then in
13 Sydney.

14 Q. Been around.

15 A. Been around the Province a couple of times, yeah.

16 Q. What are the duties of a plainclothes coordinator?

17 A. Basically beside criminal investigation, I supervised three
18 sections, two federal enforcement sections, drug section,
19 customs and excise, migratory bird section and the general
20 investigation section.

21 Q. In your capacity as the plainclothes coordinator since
22 August of '82, was it August?

23 A. August, about August, yes.

24 Q. August. Yes. In that capacity did you have any
25 involvement in the investigation involving Roy Ebsary?

- 1 A. I played a minor part in that investigation. I accompanied
2 Corporal Carroll to Mr. Ebsary's residence, I think that was
3 in the fall of 1982.
- 4 Q. Yes.
- 5 A. As a result of a phone call from Mr. Ebsary and I was back
6 to the residence once, I think, or twice with Corporal Carroll.
- 7 Q. Were you involved?
- 8 A. That involved Mr. Ebsary giving Corporal Carroll a statement
9 regarding the Marshall case.
- 10 Q. Were you present when that statement was taken?
- 11 A. No, I wasn't.
- 12 Q. And did you not, in fact, testify at one of the Ebsary trials, I
13 think the last trial.
- 14 A. Yes.
- 15 Q. Concerning your presence at Mr. Ebsary's house?
- 16 A. Yes, I did, yeah.
- 17 Q. Any other involvement in the Ebsary matter apart from
18 that?
- 19 A. No, that was it really. I didn't have anything other than that
20 to do with it.
- 21 Q. Now, do I understand in your capacity as plainclothes
22 coordinator that you were asked in 1983 to review and
23 comment on the files that were in the possession of the
24 RCMP concerning the 1971 Marshall investigation?
- 25 A. Yes, I was.

1 Q. If I could direct your attention to Volume 20, which I
2 believe you have before you, Staff Barlow, at page 4, there is
3 a letter from Mr. Gale to the commanding officer of "H"
4 Division in Halifax, which I believe was forwarded by
5 Superintendent Christen to the Sydney subdivision. Do you
6 recall seeing that correspondence?

7 A. Yes, I do.

8 Q. And, in that correspondence the RCMP is requested to
9 review your files to see if there was any evidence of
10 improper police practises or procedures, to comment on
11 same and to suggest what might have been proper
12 procedure.

13 A. Yes.

14 Q. And, if you could turn to page 6 of that same volume, Staff
15 Barlow, a memo, I believe, from Superintendent Christen to
16 the officer-in-charge of the Sydney subdivision, who I
17 believe was Superintendent Scott at that...Inspector Scott at
18 the time.

19 A. Yes, it was, yes.

20 Q. And do you recall seeing this memo from Superintendent
21 Christen?

22 A. Yes, I do.

23 Q. And he indicates that while it may be difficult to define
24 improper procedure that he's at least looking for your
25 comments.

1 A. Yes.

2 Q. And, on page 5 going down the line a memo from Inspector
3 Scott to, I guess, yourself.

4 A. Yes, that would be my position at the time, yes.

5 Q. Asking that you conduct the review.

6 A. Yes.

7 Q. And did you, in fact, conduct such a review?

8 A. Yes, I did.

9 Q. What did you understand that you were being asked to do?

10 A. I understood that I was to review the material on hand, the
11 three volumes of files that we had, that had already been
12 generated on the case, and to...and to comment on...to
13 comment as indicated in the letter from Mr. Gale.

14 Q. Did you understand that it was for the purpose of advising
15 the Department of Attorney General so that they could plot
16 any future actions?

17 A. Yes, that's what I understood, yes.

18 Q. Yes.

19 A. Well, to advise our headquarters in Halifax and the...they
20 would advise the Attorney General's Department, yes.

21 Q. Yes. But the ultimate result would be coming over to the
22 Attorney General.

23 A. Yes, that's right.

24 Q. Yes. Did you understand that you were to limit your work
25 to the review of existing files and not do any investigation

1 or interviewing?

2 A. Yes, I was...understood that I was to limit it...limit it to the
3 file material only.

4 Q. Yes. And I understand from looking at the documentation
5 that we had that Staff Wheaton and Corporal Carroll were
6 also to do similar reviews.

7 A. That's right, yes.

8 Q. In the course of your review, did you have access to the
9 reports by Staff Wheaton and Corporal Carroll, their own
10 reviews?

11 A. I had access to Corporal Carroll's because he worked in my
12 office and any of the material that he wrote went through
13 me first. I had access to that, plus I had access to the file
14 that was already generated. At some point in time I had
15 access to Corporal...Staff Sergeant's Wheaton's material and I
16 don't remember when that was. It was some time during
17 my review I think, near as I can remember. I'm not sure.

18 Q. So, in doing your own review and report, were you then
19 utilizing both the material on file and the reviews done by
20 Corporal Carroll and Staff Wheaton?

21 A. Yes.

22 Q. Did you have discussions with Corporal Carroll and/or Staff
23 Wheaton concerning the matter?

24 A. I discussed the file with both. Corporal Carroll was present
25 in my office all the time. I discussed the case with him...I

1 had previously before I was asked to do the review, and I
2 recall talking to Staff Sergeant Wheaton once or twice,
3 maybe three times, on the phone during that time period.
4 I'm not sure when it was.

5 Q. Do you remember when you were doing your review if you
6 had in your mind whether or not you should be thinking of
7 the possibility of charges arising out of the conduct that you
8 were looking at?

9 A. I don't think it was written anywhere, but as I recall at the
10 time there was some verbal discussions about whether or
11 not there would be an inquiry. And I understood that I was
12 to review the material to advise the department with that in
13 mind, and not to do an investigation.

14 Q. So, you were not in the frame of mind, if you will, of looking
15 at possible criminal activity.

16 A. No, I was not.

17 Q. Okay. Did you find this a difficult job, sort of dropping in in
18 August after all this had happened and then having to
19 review the matter?

20 A. Yes, I did. I discussed that with Inspector Scott. My
21 familiarity with the file up until that point in time was...I
22 had done a cursory review of the report file. I had other
23 duties that I didn't have time to spend a lot of time with the
24 file at all and I questioned Inspector Scott on whether a
25 review by Staff Wheaton and Corporal Carroll would not be

1 sufficient and he asked me to do a review anyway, I
2 suppose for a fresh approach or something to it, and I did it
3 with that in mind.

4 Q. Did you feel that you had sufficient information on which to
5 do a review of the police practises and proceedings?

6 A. Well, I had the complete file that was generated in that
7 office and that contained just about all the material there
8 was.

9 Q. Do you recall if there was any questions raised in your mind
10 as to other things you might like to know or people you
11 might like to talk to?

12 A. I borrowed a transcript of the trial from Mr. Edwards; I
13 recall reviewing that, yes.

14 Q. Uh-hum. In your view was there sufficient information on
15 which you could carry out the request from the Attorney
16 General?

17 A. I think to do what I was asked to do there was, yes.

18 Q. And, your report is found at pages 21 and 22 of that same
19 volume. The page numbers are at the top. Is that the
20 report which you completed and forwarded...

21 A. Yes.

22 Q. ...to Inspector Scott?

23 A. Yes, it is.

24 Q. A couple of questions on that report. You say in the second
25 paragraph that "The treatment of the witnesses, important

1 witnesses, Chant, Harriss and Pratico, was highly suspect, to
2 say the least." Could you elaborate on what you meant by
3 that?

4 A. Well, in discussions with Staff Sergeant Wheaton and from
5 the material that he had written on the file there were
6 allegations at least there that the witnesses had in some way
7 been pressured into the statements that they had given.
8 That was fairly obvious from the material that I read. There
9 were statements from one or two witnesses, partial
10 statements or something, and then another statement that
11 was different.

12 Q. Were you relying on Staff Wheaton's own views to any
13 extent in coming to your own conclusions?

14 A. Well, he had written a fair bit of material on the file and
15 that's the material I was reviewing. A lot of the things that
16 I read were probably his views, yes.

17 Q. So, if to any extent that he was in error, if he were, then to
18 that extent, would your own views reflect any error of his?

19 A. I suppose they would, yes.

20 Q. You say at the conclusion of that paragraph, you make
21 reference in the fourth last line in the second paragraph, to
22 the manner in which Chant conducted himself at trial. What
23 are you getting at there?

24 A. I recall reading a reference in some material, whether it be
25 the transcript or some of the file material, where Chant did

1 not identify Marshall as the person who did the stabbing
2 and I think that was just before he was declared hostile.

3 Q. So, you're...

4 A. I'm relying on my memory now.

5 Q. You're thinking again of the, I take it, the manner in which
6 he gave his testimony at trial as you...

7 A. Yes.

8 Q. ...read from the transcripts.

9 A. Yes.

10 Q. I see. Then you go through a couple of paragraphs of
11 comments which relate to factors which supported Mr.
12 Marshall's initial story and you continue over onto the
13 second page commenting about Mr. Ebsary and you say, "His
14 manner of dress and his potential for violent crime was also
15 known." Are you able to give us the basis for that
16 statement?

17 A. There was a criminal record on Mr. Ebsary in some years
18 before the stabbing incident and there were...there was
19 reference in the file to his manner of dress, a captain's hat,
20 I think he wore and a cloak.

21 Q. Yes.

22 A. Which I would suggest is unusual for people in the Sydney
23 area, his age, his size, the dress.

24 Q. Was it your conclusion then that a man of Mr. Ebsary's
25 description should have been found by the Sydney police in

1 '71 had they had the kind of description that you just
2 related about the cloak and what have you?

3 A. Well, there was several references to that description from
4 both Mr. Marshall and from two or three other witnesses
5 and I saw some material that suggested that the uniformed
6 police officers had done some searching around the city that
7 night. They checked taxi drivers, restaurants, the wharf,
8 bus stations or something looking for a person of that
9 description.

10 Q. Yes. But other than the fact that Mr. Ebsary had a criminal
11 record at the time did you have any other information
12 leading you to the conclusion which is suggested here,
13 namely, that they should have focused on Mr. Ebsary given
14 that description? Any indication that Mr. Ebsary was well
15 known about town that you were aware of?

16 A. Other than the record, which was something...

17 Q. Other than the record.

18 A. The record, I recall. I don't recall what else but...

19 Q. Okay. In the next sentence you say "In August, 1971,
20 Detective Urquhart received information Ebsary was
21 responsible for the murder."

22 A. That should read 1981 because that was brought to my
23 attention some time after I wrote that and I checked my
24 notes and the reference there is August, 1981. It should not
25 be '71.

1 Q. I see. So, insofar as your commenting on practises and
2 procedures in 1971, this would have no relevance at all.

3 A. No, the relevance I think I was suggesting there was that in
4 August 1981, there was a reference to Ebsary being
5 responsible.

6 Q. Yes. But the fact that that came forward in 1981 could not
7 be any reflection on police conduct in 1971.

8 A. No.

9 Q. You say in the following paragraph, that "Given the amount
10 of material available that the police and the prosecutor
11 should have had a more serious look at the two other men
12 theory, and that police have a responsibility to check it out."
13 From your knowledge of the file and from your own
14 experience as a policeman, what was not done in the
15 checking out that should have been done, in your view?

16 A. From the material that I reviewed on the file, I could see
17 that on the first night of the murder or early in the morning
18 where police patrols were looking for these two men.

19 Q. Yes.

20 A. Or it appeared that from two or three reports that I read,
21 after that I found no evidence that anything was done to
22 look for those two people that I can recall. I saw nothing
23 that I can remember that suggested that anything...any
24 follow up was done on that.

25

1 4:15 p.m.

2 Q. What should have been done in your view?

3 A. Well, in my view, forget about the fact that they were
4 possible suspects, they would have been fairly good witnesses
5 if they could have been found. Several people had put them
6 in the Park at the crucial time and that to me would have
7 been reason enough to look for them fairly seriously.

8 Q. So is the fact that you don't see a record of them being
9 looking for, doesn't mean to say that it didn't happen.

10 A. No, I suppose not. I found no indication of it.

11 Q. You say in your final paragraph that, "Many complex factors
12 played a part in the case. The pressure on investigators, the
13 mood of the city..." et cetera. Where did you get that
14 information from that there was pressure on the investigators
15 and that the...

16 A. There's reference in the material written by Staff Sergeant
17 Wheaton that there was some pressure.

18 Q. Yes.

19 A. There was suggestions of racism and things like this.

20 Q. So am I correct in, that in this sentence at least, you're relying
21 on Staff Wheaton's conclusions?

22 A. That and, I don't know if anybody else said that on the file
23 but certainly he made reference to it, yes.

24 Q. You go on to say,
25

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1 It's relatively easy to criticize the investigation
2 and wants you to be conscious of all the factors
3 involved. No less the consideration in these
4 factors is the many years of loyal and dedicated
5 service of Chief MacIntyre to his community.

6 Were you finding it difficult to comment on the practices and
7 procedures of another police officer?

8 A. No, I don't think I had any problem with that but I was aware
9 that Chief MacIntyre had been on that force for a number of
10 years, 35 or something. At the time, in 1983, he seemed to be
11 taking all the heat in the Marshall case. It wasn't being
12 spread around very much, I don't think. I think there was
13 lawsuits against him and, you know, I'm not so sure that was
14 a fair place to put all the heat.

15 Q. What did that have to do with your review?

16 A. Probably nothing as it comes to police practice but somebody
17 should have thought about it. That was my feeling at the
18 time.

19 Q. I'm not sure what one is left with after reading this report in
20 total, Staff Barlow, given that you were asked to comment on
21 improper practices or procedures or the manner in which
22 certain procedures were followed and perhaps point out what
23 should have been done. I don't see much of that in there. It
24 seems like a...

25 A. Well, when I wrote that material, when I wrote this I was
 aware that Staff Sergeant Wheaton and Inspector Scott and
 Corporal Carroll and probably the CIB officer all would be

1 making further comments and all of those people had been
2 dealing with this case much longer than I had.

3 Q. Um-hmm.

4 A. You know, I would have needed much more time to get into
5 all those areas. As it was, I found myself short of time to
6 review the material during the time that was given me and,
7 as a matter of fact, I think in the first part of June there's
8 reference on page 5 of Volume 20 where one of the CIB
9 reviewers asked me when they might expect my report. I
10 was overdue.

11 Q. That's the handwritten note on the bottom of page 5.

12 A. Yeah, that's in my writing.

13 Q. So you were onto (some heat?)...

14 A. I didn't, you know, I really, I would have looked for a lot
15 more time to get into all other areas.

16 Q. Now I understand that you prepared a draft report prior to
17 this final version?

18 A. Yes.

19 Q. And that is not in the materials, My Lord. It has been
20 distributed. I would ask that it be entered as an exhibit.

21 EXHIBIT 153 - DRAFT REPORT PREPARED BY STAFF SERGEANT

22 BARLOW - 83/06/16 - 2 pages

23 Q. Is that draft report that you, yourself, prepared?

24 A. Yes.

25 Q. And in the transition from the draft to the final version, did

1 anybody review that draft other than yourself?

2 A. No, no. Other than my secretary probably.

3 Q. Would I understand then that whatever changes there may
4 be between the draft and the final version are your
5 responsibility?

6 A. My own, yes.

7 Q. Again, some comments on the draft report, Staff Barlow, and
8 I'll be asking you primarily for the reasons for the changes
9 between the draft report and the final report. About the
10 middle of the first paragraph, after speaking of Chant, Harriss
11 and Pratico you say, "No court, I suggest, would approve the
12 police tactics used on these people. Certainly improper."
13 When you get to the earlier, or the final report, you use the
14 phrase, "Highly suspect." What is the reason for the change in
15 that?

16 A. Well the, most of the reasons for the changes in that is
17 probably the manner in which I do reports. I had notes and I
18 had the three volumes of files and the transcript and this
19 draft copy is, I condensed a lot of that stuff into something a
20 little more manageable. And I went over it again.

21 Q. Was it your conclusion that the police methods, as you had
22 seen them in your file, were improper?

23 A. I think the treatment of, there was a young, female witness I
24 think it was, that had been picked up by the police and
25 questioned for a number of hours, I think she was 14...

1 Q Right.

2 A. That must have been Harriss, I believe?

3 Q Um-hmm.

4 A. I would, from what I read I concluded that that interview
5 was improper, yes.

6 Q. Any reason why you didn't say that in your final report?

7 A. Well I thought I did.

8 Q. Well you said, "It was highly suspect and no court, I suggest,
9 would approve of the manner in which these individuals were
10 handled."

11 A. I think I was basically saying the same thing. Maybe the
12 terms were not quite as strong but...

13 Q. You say further down in that paragraph speaking of Donald
14 MacNeil. "There was a note in his handwriting indicating that
15 he was told by witness Chant that Marshall did not stab
16 Seale." I can direct you in Volume 16, I believe you have in
17 front of you, to a handwritten note on page 146, I believe it's
18 been identified at least as being Mr. MacNeil's handwriting
19 and about four lines up from the bottom of that page there is
20 a reference, "Marshall didn't stab Seale." Are you able to say
21 if this is the reference to which you were referring in your
22 report?

23 A. It was either there or the transcript that I saw some evidence
24 that Chant had made that statement.

25 Q. Our understanding is that at least this comment arose out of

1 an incident with Mr. Pratico and not Mr. Chant. Do you have
2 any knowledge of any other handwriting of Mr. MacNeil
3 involving Mr. Chant?

4 A. I recall seeing the reference in material that Chant had made
5 that statement, I think maybe he was declared hostile or
6 something and...

7 Q. A handwritten...

8 A. Where I, right now, I'm not sure.

9 Q. I see. Your last sentence in that first paragraph you say, "It
10 would seem the case was rammed through court." It seems
11 particularly strong. Last sentence, first paragraph.

12 A. On the second page?

13 Q. No, I'm sorry, the first page. First paragraph, last sentence.

14 A. Well I would say from Chant's reference to Marshall not
15 stabbing Seale there was reference to Pratico after he had
16 testified in the transcript, there was reference to Pratico
17 telling the sheriff or someone that he had not told the truth.

18 Q. Then when you say "rammed through court," by whom?

19 A. Well, you know, I've seen mistrials for a lot less reasons and,
20 you know, I thought, I felt, I still do, that had that been
21 known at the time that seemed to me would have been
22 grounds for a mistrial if nothing else, at that time.

23 Q. When you say "it was rammed through court," rammed
24 through by whom?

25 A. Well by only the one person that it would be putting it

1 through would be the prosecutor.

2 Q. I see. The first sentence in the second paragraph you say, "In
3 my opinion there is one main point any investigator, if he was
4 being objective, should have looked at very seriously." And
5 you go on to list out the number of evidentiary matters
6 supporting Mr. Marshall's story. Do I draw from that first
7 sentence in the second paragraph that your conclusion was
8 that the investigators were not objective?

9 A. Well I think in not following up that theory of the two other
10 men theory or whatever you want to call it, you know, like I
11 say, for no other reason than the fact that they may have
12 been good witnesses, there should have been some greater
13 effort put into finding them than what evidence that I saw
14 that there wasn't very much. There was probably, what, five
15 or six people, at least, described those same people.

16 Q. But did you draw from that that the investigators were not
17 being objective?

18 A. I would say they were not objective because they didn't
19 follow that avenue that may have led them somewhere.

20 Q. And that does not appear in your final report, any concerns
21 about objectivity. Can you give us any reason why not?

22 A. Well, I don't think I may have said it in the same terms but I
23 think it's there.

24 Q. Were you making an attempt to be charitable to the
25 department and investigators?

1 A. No. I, after I wrote that draft copy I did more review and I
2 may have certainly toned these things, some of this down a
3 bit but I was saying the same things and I think the people I
4 wrote the memorandum to would get the point. They'd be
5 condensing it and writing something further. I didn't have
6 any problem with the policeman that I knew would be
7 reading it understanding what I was talking about.

8 Q. The final paragraph of that draft memo, or just before we get
9 to that, in the second last paragraph of that memo you speak
10 of the November 1971 incident with Mr. MacNeil coming forth
11 and the polygraph. Was this work with the polygraph part of
12 your review that you were undertaking? Were you looking at
13 what was done in November of '71?

14 A. I read those reports, the polygraph operator's report and
15 Inspector Marshall's report. What was done there was
16 documented.

17 Q. That was not done by the Sydney Police Department?

18 A. Pardon me?

19 Q. That was not done by the Sydney Police Department. The
20 polygraph work.

21 A. No, it was done by members of the RCMP. That was all
22 documented. I didn't comment on it because everything that
23 there was say to about it had pretty well already been said
24 other than...

25 Q. The final paragraph of your draft report. You again talk

1 about the pressure on the investigators and you say "their
2 personal desires for advancement." Can you give us the basis
3 for that comment in your draft?

4 A. I can only answer that by saying that somewhere in the
5 material I found some suggestion of that because I had no
6 personal knowledge at that time of anything like that.

7 Q. Again, you're saying that you're relying on a conclusion
8 reached by somebody else?

9 A. I was relying on either something that someone had told me
10 or something I found in the material I reviewed.

11 Q. You say further on, middle of that paragraph. "Marshall was
12 the victim of an improper and erroneous police investigation
13 by an experienced police officer who as under a great deal of
14 pressure to produce."

15 A. That seemed to be the suggestion from the material I read,
16 yes.

17 Q. I see. And that was a conclusion you reached based on the
18 material you read?

19 A. Yes.

20 Q. You did not say that in your final report.

21 A. Not in the same terms but...

22 Q. I don't think you said it any terms, sir, in your final report.

23 A. It was said by Staff Sergeant Wheaton, maybe that's why I
24 dropped it.

25 Q. I see. Did you look upon the report that you were producing

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1 as your own work or were you simply looking at it as
2 complimentary to Staff Wheaton's?

3 A. Well, the basic, the majority of the material I reviewed was
4 something that, a lot of it was generated by Staff Sergeant
5 Wheaton. His influence was all through it. That's what I was
6 working with.

7 4:30 p.m.

8 Q. You said also earlier though that when you queried
9 Inspector Scott as to whether or not you should be doing the
10 work at all that he felt that an objective approach would be
11 helpful.

12 A. Someone that wasn't familiar with it, looking at it, but that
13 didn't alter the fact that I still had to review his material.

14 Q. Yes. But I guess what I'm asking you is whether or not this
15 statement that you make here was an objective conclusion
16 that you reached on your own?

17 A. I can only say that it was reached as a result of something I
18 read or something someone told me and that's what I was
19 asked to do, review what other people had done.

20 Q. You talk about Chief MacIntyre being a victim of
21 bureaucratic pressure, the bureaucratic syndrome if you
22 like, it sound likes a sickness. Can you tell us what you
23 mean by that?

24 A. There was some suggestions in some of the material that
25 there were pressure from two or three different groups to

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1 solve that case or there was pressure from, I'm not sure if it
2 was a prosecutor and I concluded that that was part of the
3 bureaucracy in which he was operating.

4 Q. Both these reports, both the final report and the draft
5 report, in the last sort of summary paragraphs, focus on
6 Chief MacIntyre and the pressures and the service to the
7 community. Other than the 1971 or '81 reference to
8 Detective Urquhart there is little reference to Detective
9 Urquhart. And my recollection of the materials is that,
10 certainly from the statements of the witness, sometimes
11 MacIntyre is mentioned, sometimes Urquhart is mentioned,
12 sometimes they don't know the name and so on. Can you
13 give us any reason why you would focus on Chief
14 MacIntyre?

15 A. Inspector Urquhart's part in the material he seemed to be
16 there all the time but he, Chief MacIntyre was in charge of
17 the investigation, at least that's what I concluded, Urquhart
18 seemed to take a lesser part in it.

19 Q. Was there anything in your discussions with either Staff
20 Sergeant Wheaton or Corporal Carroll which would tend to
21 make you focus on Chief MacIntyre more than Detective
22 Urquhart?

23 A. He seemed to be the dominant figure. There was nothing...I
24 can't think of anything that...

25 Q. Were you advised by Staff Wheaton or Corporal Carroll that

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1 Chief MacIntyre was the dominant figure?

2 A. I was...well, I knew somehow from...that he was in charge of
3 the investigation and Inspector Urquhart would have been a
4 subordinate.

5 Q. Did either Staff Wheaton or Corporal Carroll in any way try
6 to influence your conclusions in your report?

7 A. Well, I discussed several matters with them. Corporal
8 Carroll didn't even see that report when I...until after I
9 submitted it.

10 Q. Uh-hum.

11 A. Staff Sergeant Wheaton, I have no knowledge of whether he
12 has even seen it to this day. I presume he has, but I didn't
13 run it by them before I submitted it.

14 Q. Uh-hum. Do you know Sergeant Herb Davies?

15 A. Yes.

16 Q. Do you have any knowledge, obviously second-hand, but
17 any knowledge of how Patricia Harriss' first statement, her
18 incomplete statement, came into the possession of the
19 RCMP?

20 A. Only thing I know about is what was told to me by probably
21 Sergeant Davies and probably by Staff Sergeant Wheaton or
22 Corporal Carroll that they've...they were of the impression
23 that Chief MacIntyre tried to hide it. There was reference
24 that was told to me, and I don't know if there's anything
25 written on that or not but...

STAFF. SGT. BARLOW, EXAM. BY MR. ORSBORN

1 Q. If there had been anything written on that in the file
2 material with...do you think it would be likely that you
3 would have commented on that as a...

4 A. If I found anything there I think I probably would have.
5 That was a verbal thing that was covered by, I presume it
6 was being covered by Staff Sergeant Wheaton.

7 Q. If that, in fact, happened would you consider that to be
8 something serious?

9 A. Yes, yes, I would.

10 Q. If it happened to you would you write about it?

11 A. Would I?

12 Q. Would you write it, would you write about it in your report
13 or notes?

14 A. Oh, I'm sure I would, yes.

15 Q. I think I can indicate to you that based on a review of the
16 documentation that that incident, per se, does not appear in
17 print. Would that...would that surprise you?

18 A. I don't recall reading it, but I certainly was told about it.

19 Q. Yes. Would it surprise you that it does not appear as such in
20 a report?

21 A. No, nothing would surprise me.

22 MR. ORSBORN

23 That's fine, thank you.

24 MR. CHAIRMAN

25 Some indication from counsel as to how long we're going to

STAFF. SGT. BARLOW, EXAM. BY MR. ORSBORN

1 be here, what the possibilities are of finishing this witness this
2 afternoon.

3 MS. DERRICK

4 I'll be five or ten minutes, My Lord.

5 MR. PUGSLEY

6 I suspect I'll be the same, My Lord.

7 MR. CHAIRMAN

8 Is there anyone else that has to cross-examine? I don't see
9 any other takers. Go ahead, Miss Derrick.

10 EXAMINATION BY MS. DERRICK

11 Q. Staff Sergeant Barlow, my name is Anne Derrick and I
12 represent Donald Marshall, Jr.. Mr. Orsborn has referred you
13 in Volume 20 at page 21 to your final report.

14 A. Yes.

15 Q. That's the report that went back to the Attorney General's
16 Department, did it?

17 A. Well, went to my headquarters. I presume it went over
18 there, I'm not sure.

19 Q. And it was your intention that that be the report in
20 response to the request from Mr. Gale.

21 A. Yes.

22 Q. And the draft that you prepared initially, did that go
23 anywhere?

24 A. No, it stayed on the file.

25 Q. It stayed in the file.

1 A. Uh-hum.

2 Q. I see. Did you discuss the draft with anyone or your views
3 represented in the draft before you prepared your final
4 report?

5 A. No, no one saw that draft copy. Well, I, you know, when I
6 finished with it I put it on the file and whoever else looked
7 at the file next would have seen it. I didn't discuss it with
8 anyone, no.

9 Q. And you have...so you had no discussions about your
10 conclusions from...

11 A. No.

12 Q. ...your review of the material.

13 A. No.

14 Q. Is it fair to say that the draft report does, indeed, reflect
15 your views?

16 A. The draft report was myself condensing my notes into
17 something, a more manageable piece of paper, and it's
18 nothing more than that. I did that on a typewriter by
19 myself, because I don't write very clearly and I try to keep
20 my hand at a typewriter and I do it that way purposely.
21 Some of those thoughts were running through my mind as I
22 skipped over my notes and I put them down in that form
23 and I did more review after that and it, you know, it
24 certainly appears that I may have watered it down. It was
25 no intention to water it down, it's just that I think I said the

1 same things in a more sensible way maybe.

2 Q. In a more, I'm sorry.

3 A. Sensible, sensible.

4 Q. I didn't catch the word you used.

5 A. I'm not sure if that's the right word, but something like that.

6 Q. Because there certainly seemed to be some very strong
7 conclusions as to improper police and prosecutorial practises
8 in your draft report. And you'd agree with me that the
9 strength of that language is absent in your final report.

10 A. Well, that report is meant to be read by policemen, my
11 officer commanding and the officers in Halifax, and they're
12 policemen and I think, you know, they would get the
13 message of what I was writing no matter what terms I
14 wrote it in. It was meant for them.

15 Q. So you felt that the final report would disclose to a police
16 officer reading it the same...

17 A. Yes.

18 Q. ...kind of concerns that your draft report expressed.

19 A. Yes, I think so.

20 Q. You just didn't feel there was a need to express it in that
21 strong language.

22 A. Something like that, yeah.

23 Q. The effect, would you not agree with me, is that the
24 criticisms that you make in the draft report are really
25 absent from the final report?

1 A. In the terminology used, yeah, they're absent. Yes, they're
2 absent, yes.

3 Q. In fact, you refer less to the police in your final report than
4 you do in your draft report, isn't that correct?

5 A. I never thought of it in those terms, but it was not...if that's
6 what it appears it was not done with that intention.

7 Q. Just for instance, in the first paragraph you talk about the
8 treatment of the witnesses, important witnesses, Chant,
9 Pratico and Harriss. And in that sentence you, sorry, in that
10 paragraph you refer to the prosecution, I'm looking at the
11 final report now.

12 A. Yes.

13 Q. In that paragraph you refer to the prosecution, but in
14 that...roughly that same aspect of your draft report you
15 refer to the police and their improper handling of those
16 witnesses. Do you see what I'm pointing out?

17 A. Well, the first two sentences of the second paragraph I'm
18 referring to the police.

19 Q. But you don't say that in the final report, whereas you do
20 say that in the draft report?

21 A. Oh, okay. I was referring to the police, that's what I, you
22 know, the way they were questioned is what I was talking
23 about.

24 Q. And you felt that should be readily apparent to a police
25 officer reading your final report that you meant the police?

- 1 A. That's what I intended.
- 2 Q. So you didn't intend that these criticisms you had would
3 disappear.
- 4 A. No, not exactly, no, because the people reading it would have
5 read, were reading other people's reports along with this,
6 Staff Wheaton's, Corporal Carroll's and Inspector Scott's and
7 I think that all three or four of us commented on the same
8 things.
- 9 Q. So, if anyone reading your final report were to take from
10 that that the police should not have been criticized for their
11 handling of the 1971 investigation that would be an
12 unfortunate interpretation in your opinion. You intended
13 there to be the interpretation that the police should have
14 been...
- 15 A. Yes, that's what I intended.
- 16 Q. And it concerned you, for instance, that the two men were
17 not followed up, the two men that were referred to by a
18 number of witnesses were not followed up by the police, is
19 that correct?
- 20 A. Yes, that's true, and I think you have to look at some other
21 things that go along with that, the fact that Seale was
22 stabbed on the left side, Marshall was cut on the left arm,
23 Marshall being left-handed. I think you have to look at that
24 in context with the other things.
- 25 Q. You felt that that lended support to Mr. Marshall and Mr.

- 1 Seale being stabbed by...
- 2 A. Someone else.
- 3 Q. ...an unknown assailant. Someone else.
- 4 A. Yes.
- 5 Q. In both reports you refer to Mr. Marshall providing an alibi.
- 6 May I suggest to you that, in fact, that's not correct? Mr.
- 7 Marshall denied involvement in the offence. He didn't...it
- 8 wasn't an alibi strictly speaking, he was there and he denied
- 9 an involvement.
- 10 A. Well, he was there, I mean there's no question about that.
- 11 Q. So the use of the word "alibi" is, in fact, technically wrong?
- 12 A. Technically, okay, well.
- 13 Q. Did you have a belief in the preparation of this report that
- 14 the Sydney Police had a preconceived notion as to Mr.
- 15 Marshall's guilt? For instance, you say in the draft, and I'm
- 16 looking at the second full paragraph on page 2, "In this case
- 17 with the great amount of material that suggested someone
- 18 else may have stabbed Seale there is no indication any
- 19 serious attempt was made to explore that area of the
- 20 investigation." Was it your impression from reviewing the
- 21 file and the other supporting material that the Sydney Police
- 22 in 1971 had a preconceived notion that Mr. Marshall was
- 23 responsible?
- 24 A. Well, it was obvious at some point in time they formulated
- 25 the idea that Marshall was the target and they ignored some

1 of these other things.

2 Q. And disregarded other evidence.

3 A. I think so, yes.

4 Q. Is it fair to say in spite of these criticisms that you, as a
5 police officer, had some understanding and some sympathies
6 for a fellow police officer, and that's why you refer to Mr.
7 MacIntyre's good service record?

8 A. Well, I knew him personally, that probably had something
9 to do with it. I've known him since probably 19...sometime
10 in 1960 and for the three or four years I was in Sydney
11 around that time I didn't have frequent contact with him. I
12 never worked with him directly but any dealings with the
13 city police and the RCMP would quite frequently involve
14 him. He was always helpful, he was always knowledgeable,
15 and then from the time I left Cape Breton until I came back
16 in 1982 I saw or heard nothing of him for a lot of years. I
17 guess probably my first impressions of him in the early
18 1960's were probably good ones.

19 Q. There have been some suggestions to this Inquiry that the
20 RCMP were reluctant to offend another police department in
21 1982 when the matter was reinvestigated. Were...did you
22 have any of those concerns? Were you concerned about
23 offending the Sydney Police in the preparation of such a
24 report?

25 A. No. I didn't personally, no.

STAFF SGT. BARLOW, EXAM. BY MS. DERRICK

1 Q. Now whether or not this statement is actually included in
2 your final report, and it's not, is it accurate to say that you
3 concluded from your own review of the file and the
4 supporting materials that, as you've stated it in your draft,
5 "Marshall was the victim of an improper and erroneous
6 police investigation by an experienced police officer who
7 was under a great deal of pressure to produce."

8 4:45 p.m.

9 A. Yes, I think that statement is fair because there was
10 indications that there was a lot of pressure to produce. That
11 the manner in which the witnesses alleged to have been
12 pressured was improper and the error in following, it was
13 erroneous to not follow up on all the possible leads.

14 Q. And those were your conclusions from reviewing the
15 materials that you had.

16 A. Yes.

17 MS. DERRICK

18 Thank you, those are my questions.

19 EXAMINATION BY MR. PUGSLEY

20 Q. Staff Barlow, my name is Ron Pugsley, I'm appearing for John
21 MacIntyre. I take it that you accepted everything that Harry
22 Wheaton told you concerning his part in the re-investigation.

23 A. By everything, I'm not just exactly sure what you mean.

24 Q. Well is there anything...

25 A. He was certainly more familiar with the matter than anybody

1 else.

2 Q. Is there anything you did not accept that he told you?

3 A. I can't think of anything at the moment.

4 Q. He had strong opinions about John MacIntyre.

5 A. I think that he may have felt that there was some criminal
6 responsibility on the part of Chief MacIntyre and I didn't, I
7 don't think I agree with him on that.

8 Q. No. All right. I say he had strong opinions about John
9 MacIntyre and none of those opinions were good.

10 A. From what I've heard I would say, yes, that's a pretty fair
11 statement, yes.

12 Q. Yes. And from what, and that is an accurate statement from
13 what you heard from Staff Wheaton in 1982 prior to the time
14 you completed this report in 1983.

15 A. I don't think I even talked to Staff Sergeant Wheaton about
16 this case in 1982. It was in a different stage at that time. It
17 was not until 1983 when there was starting to be talk about
18 an inquiry and things that then I started discussing it with
19 him while I was reviewing the file.

20 Q. And during those occasions...

21 A. I didn't see him in the, hardly, I saw him very little of him in
22 the meantime.

23 Q. In 1983 on those occasions when you did discuss the matters
24 with him, he had nothing good to say about John MacIntyre, I
25 take it.

1 A. He certainly had some strong opinions about the things that
2 he felt Chief MacIntyre should have done in the case, yes.

3 Q. Yes. Is it fair to say that he had nothing good to say about
4 Chief MacIntyre?

5 A. I wouldn't go so far as to say that. I'm aware that Staff
6 Sergeant Wheaton knew Chief MacIntyre from a previous
7 time when he was stationed in Cape Breton and I think he
8 used to work with him. I'm not so sure he felt, I didn't get the
9 impression that he was that strong.

10 Q. I see. All right.

11 A. At all. No, I didn't.

12 Q. Your opinion with respect to the criticism that should be
13 directed towards Chief MacIntyre, is that based in part on the
14 information that is contained in the second paragraph on page
15 21 of Volume 20, that is the, of your final report, taking a
16 look at the second paragraph you say in the last sentence,
17 "Had he been informed as he should have been of the
18 different statements given by the above witnesses and the
19 manner in which Chant conducted himself at trial, then it
20 would seem likely he would have been aware that there were
21 serious doubts about the credibility of these witnesses." Is
22 your opinion, with respect to the criticism that should be
23 directed against MacIntyre, based in part upon the
24 information contained in that sentence?

25 A. Well it would seem to me that the prosecutor should have

1 been aware that there were more than one statement taken
2 from those witnesses. If that being the case, then I think he
3 probably would have, should have had a different view
4 toward those witnesses than he did.

5 Q. And my question, sir, to you is is your criticism of Chief
6 MacIntyre based in part upon the fact that you feel that Chief
7 MacIntyre did not give both sets of statements to Donald
8 MacNeil?

9 A. It's possible that he didn't. I don't...

10 Q. No, the point I'm trying to make to you is your criticism of
11 Chief MacIntyre that you've spoken about today based in part
12 upon the assumption that Chief MacIntyre did not give to
13 Donald MacNeil both statements taken from Chant and Pratico
14 and Harriss?

15 A. Well in 1971 it may not have been that you would give the
16 prosecutor more than one statement...

17 Q. Just bear with me, sir, just think about the question that I'm
18 asking you. Is your criticism of Chief MacIntyre that is
19 contained in this report and in your draft, based in part upon
20 your assumption that Chief MacIntyre did not give both
21 statements of Chant, Pratico and Harriss to Donald MacNeil?

22 A. No, I don't think so, no. I think the prosecutor, no. Not, you
23 know there's other criticisms are more serious than that one.

24 Q. Well my question is is your criticism based in part upon the
25 assumption...

1 A. No, I don't think so, no.

2 Q. I see. Taking that sentence, I take it from your sentence that
3 you did not believe that Donald MacNeil had both sets of
4 statements.

5 A. I don't think he did. I found no evidence that he had.

6 Q. Yes. The evidence before this Commission is that he did.

7 A. He did?

8 Q. He did. He had both sets of statements from Chant, Pratico
9 and Harriss. That's the evidence of Lou Matheson.

10 A. I'm not aware of that.

11 Q. That being so...

12 A. Then my criticism in that paragraph would be directed
13 toward Mr. MacNeil.

14 Q. Unjustified. Yes, quite so. The manner in which Chant
15 conducted himself at trial, that obviously would be apparent
16 to Donald MacNeil.

17 A. Yes.

18 Q. At the bottom of page 21 you talk about Chant in his
19 statement of May 30th, 1971, mentioned two other men and
20 are you suggesting, or do you infer that MacIntyre should be
21 criticized because he failed to follow up that lead?

22 A. Yes, because Chant was only one of several people that
23 suggested two other people.

24 Q. Were you aware, in fact, that the information Chant gave in
25 that May 30th statement was a tissue of lies? That he did

1 not, in fact, see two other men? Were you aware of that?

2 A. I didn't, no, I wasn't aware of that.

3 Q. Okay. In the draft report, Exhibit 153, on the second page,
4 you deal with the re-investigation in 1971 consequent upon
5 Jimmy MacNeil coming forward.

6 A. Yes.

7 Q. And you say, "One must wonder how serious the review was
8 taken by investigators." Who are the investigators you had in
9 mind when you wrote that?

10 A. There were only two, Inspector Marshall and Sergeant
11 McKinley.

12 Q. Yes. Those are the RCMP investigators.

13 A. That's right, yes.

14 Q. Yes. And I take it that the inference is that you did not feel
15 they undertook that review very seriously.

16 A. I don't think they went far enough.

17 Q. What should they have done?

18 A. I think they should have gone at least to the three crucial
19 witnesses and re-interviewed them.

20 Q. Right. Now my friend, Mr. Orsborn, asked you about the
21 failure of Staff Wheaton to include in his written reports the
22 allegation that Chief MacIntyre slipped Patricia Harriss
23 number one under the table and you indicated that, as I
24 understand your evidence, that that should have been
25 included in Wheaton's report.

STAFF SGT. BARLOW, EXAM. BY MR. PUGSLEY

1 A. If I was doing that I would include it. I have no reason, I had
2 no knowledge of why he didn't. I certainly would have
3 included it.

4 Q. Of course. But it was an important matter.

5 A. I think so, yes.

6 Q. You then went on to say in response to another question by
7 Mr. Orsborn, "Well were you surprised that it was not
8 included?" and you said, "Nothing surprises me." Was that
9 just sort of an offhand comment and did you really mean that
10 it does not surprise you that Wheaton did not include this?

11 A. Well that remark was not directed toward Wheaton. I'm
12 simply saying as a police officer for 29 years there's not very
13 much that surprises me. Police officers take a different, many
14 police officers take a different view of different things so...

15 Q. But a significant matter of that kind you would have included.

16 A. Yes, I would have, yes.

17 Q. Yes, thank you.

18 EXAMINATION BY MR. MURRAY

19 Q. Staff Sergeant Barlow my name is Donald Murray and I'm
20 representing William Urquhart at these hearings. If you'd
21 take your draft report, Exhibit 153, and you indicated to Mr.
22 Orsborn in your direct examination that the August 1971 date
23 ought to be August 1981.

24 A. Yes.

25 Q. When did you discover that error, sir?

STAFF SGT. BARLOW, EXAM. BY MR. MURRAY

1 A. It was sometime not long after I had submitted that report I
2 got call from, I think one of the CIB reviewers that pointed
3 that out to me and I recall checking through something in my
4 notes and the indication is definitely 1981, not '71, and it's
5 quite clear in my notes and it's just a, well...

6 Q. Did you submit a correction at any time?

7 A. Pardon me?

8 Q. Did you submit a correction at any time?

9 A. No, I didn't because I understand that they were going to do
10 that, you know, they, apparently they didn't but, you know, I
11 understood it was corrected. You know, I knew the difference
12 and I presumed everybody else did.

13 Q. You go on in the draft report about that information and say,
14 "No action was apparently taken on that information." On
15 what did you base that, sir?

16 A. That information came to Detective Urquhart from a Mr. Paul,
17 I think, was his name. I can't recall. I recall seeing some
18 handwritten notes and Paul, there was something in the note
19 that Mr. Paul was to get back to Inspector Urquhart...

20 Q. Yes.

21 A. With more information...

22 Q. Yes.

23 A. And he didn't and nothing further was done about it.

24 Q. And also included in that note, does your recollection assist
25 you, that Mr. Urquhart went to the Crown Prosecutor and

1 advised him of that information from Mr. Paul? Perhaps the
2 witness could see Exhibit 88.

3 A. It's possible, I can't recall exactly. Page?

4 Q. In fairness, that ought to have been included, would it not, if
5 he had gone to the Crown Prosecutor rather than saying no
6 action was taken?

7 A. Well I would have thought that that kind of information
8 about a topic that crucial, if Mr. Paul didn't get back to him
9 then I would have gone looking for Mr. Paul.

10 Q. Exhibit 88.

11 A. That's my impression. That was my intention in mentioning
12 that that why wait for Mr. Paul, go after him. Yes, I recall
13 seeing that note, yes.

14 Q. You do recall that.

15 A. Yes.

16 Q. You pointed us out in your direct evidence to the fact that you
17 received a call from a reader in Halifax, I believe, asking you
18 when your portion of the report would be ready?

19 4:58 p.m.

20 A. Yes.

21 Q. And you said "two or three weeks." Had you completed
22 anything on that at that time or were you still in the process
23 of review?

24 A. Well, in the...

25 Q. I believe it's about page five in Volume 20.

MR. BARLOW, EXAM. BY MR. MURRAY

1 A. That was on the 2nd of June. The draft is not written until
2 the 16th of June. So I had notes written, I'm sure, but I
3 hadn't completed it, I'm sure of that.

4 Q. I see. And then you said you reviewed between... You
5 reviewed the file material again between the time of first
6 doing a draft report and making up the final report that
7 appears on page 21/22.

8 A. Yes, I did.

9 Q. How long did you spend doing that, sir?

10 A. The date remains the same on both of those, and that may
11 be... The date I actually wrote that final one, probably was
12 after the 16th. The date may have remained on there when
13 my steno typed it. I would... A few days, probably, would
14 have gone by, at least a few days.

15 Q. Did you feel rushed in the completion of this?

16 A. Yes, I did.

17 Q. Yeah, and I suggest that you also felt that any comments that
18 you would have to make would be superfluous to the ones
19 that Carroll and Wheaton would have made already?

20 A. Well, they would have been repetitive, I think.

21 MR. MURRAY

22 I have no further questions.

23 MR. ROSS

24 No questions, My Lord.

25

EXAMINATION BY MR. BISSELL

1
2 Q. Just two very brief questions, Staff Sergeant Barlow. My
3 friend, Mr. Orsborn, in questioning you whether or not you
4 felt that what you were doing was a review with possible
5 charges in mind. I'd ask you if you'd look at page four of
6 Volume 20? I direct your attention to the last sentence or
7 two of that particular letter. Does that set out your terms of
8 reference?

9 A. Yes, it does.

10 Q. What does that suggest is in mind?

11 A. Well, they're not suggesting criminal charges at all. They
12 wanted the information to advise the Attorney General on
13 the, whether or not there should be a... If it warrants any
14 type of an inquiry.

15 Q. The other question that I had for you, sir, is there is some
16 suggestion that perhaps you toned down your report because
17 it was another police department that you were reviewing.
18 The question that I have for you is that at any time during
19 your career, and I don't want you to get into any specifics,
20 have you conducted investigations that have resulted in
21 charges against members of municipal police departments?

22 A. Yes, I have.

23 MR. BISSELL

24 Those are all the questions that I have, sir.
25

1 MR. CHAIRMAN

2 Q. Staff Sergeant Barlow, you indicated that you felt the
3 information concerning the allegation that Chief MacIntyre
4 had slipped the first statement of Patricia Harriss under the
5 desk when Wheaton and Davies were there to get the file was
6 of sufficient importance to, for Staff Sergeant Wheaton to
7 have included it in his report.

8 A. Yes, if I was doing that and had been in that situation, I
9 certainly would have included it, yes.

10 Q. And looking through the report, then I gather from your
11 evidence that you had read as part of your review, or had
12 you?

13 A. I read Staff Sergeant Wheaton's report, I can't remember
14 when. I believe it was sometime before I finished my review,
15 yes.

16 Q. And it's not in there.

17 A. No.

18 Q. There's nothing in there.

19 A. It's not in there, no.

20 Q. Did I understand you to say that you had heard it from Staff
21 Sgt. Wheaton?

22 A. Yes.

23 Q. Well, such being the case, why didn't you include it in your
24 report?

25 A. I was aware that Staff Sgt. Wheaton had discussed it with Mr.

STAFF SGT. BARLOW, EXAM. BY MR. CHAIRMAN

1 Edwards and it had been discussed... I really don't know. I
2 can't give you a reason why I didn't. It was significant and it
3 had been discussed. I know it was discussed verbally. I
4 presume that it would have been in, written by Staff Sgt.
5 Wheaton somewhere but... At that time, Staff Sgt. Wheaton
6 was in Dartmouth and I don't know what he wrote. I didn't
7 have copies of everything he wrote.

8 Q. Just one other question. Did you have before you when you
9 were doing your review the report of Inspector Al Marshall of
10 1971?

11 A. Yes, I did, I had access to that report.

12 Q. Do you know where it came from?

13 A. The report.

14 Q. Yes.

15 A. On the file that I had in my office there was a copy, a
16 photocopy of that report, ah, it came something...out of
17 division headquarters in Halifax, I believe, or possibly from
18 the archives in Ottawa. I'm not sure. I don't know where it
19 was resurrected from.

20 MR. CHAIRMAN

21 Thank you.

22 5:05 p.m. - ADJOURNED TO 1 JUNE 1988 - 9:30 a.m.

23
24
25

REPORTER'S CERTIFICATE

I, Margaret E. Graham, Court Reporter, certify that the foregoing is a true and accurate transcript of all the evidence taken by way of recording and reduced to typewritten copy.



Margaret E. Graham

DATED THIS day of 19 at Dartmouth, Nova Scotia