

1 MS. DERRICK

2 Mr. Commissioner, Mr. Marshall Sr. is my next witness.
3 And he has asked if Noel Knockwood would sit with him,
4 to assist in his ability to hear the questions, if
5 there's any problem with that, and also, if there is
6 an occasion when Mr. Marshall might like to give an
7 answer in MicMac, to more fully express his thoughts.
8 Mr. Knockwood, as you know, is fluently bilingual, and
9 could provide a translation service.

10 MR. COMMISSIONER

11 Fine.

12 _____
13 MR. DONALD MARSHALL, SR., (Sworn)

14 MR. COMMISSIONER

15 Mr. Marshall, you take your time. If you don't
16 understand the question, or have difficulty hearing,
17 you let us know. Make certain that you are
18 comfortable, and that you understand the questions,
19 before you answer. Probably, we should swear the
20 interpreter.

21 MR. KNOCKWOOD, (Sworn)

22 DIRECT EXAMINATION BY MS. DERRICK

23 Q. Mr. Marshall, you're the father of Donald Marshall Jr.,
24 and you're the Grand Chief of the MicMac Nation.

25 A. Yes. Excuse my voice. I got a harsh throat right now.

MR. MARSHALL, SR., DIRECT EXAM. BY MS. DERRICK

1 Q. That's fine. Mr. Marshall, how old are you?

2 A. I'm going on 65.

3 Q. And where did you grow up?

4 A. I grew up in Sydney.

5 Q. Where in Sydney?

6 A. There was a reservation before, the Membourtou Reserve,
7 down on King's Road. And we moved up there, when I was
8 only one year old.

9 Q. And you grew up there?

10 A. Grew up on Membourtou Reserve.

11 Q. And when did the reserve move from Kings Road, to its
12 present location?

13 A. 1926 and '27.

14 Q. And did you move with it?

15 A. Yes, we did.

16 Q. Where was your father from, Mr. Marshall?

17 A. My father was born in St. Peter's area, Richmond
18 County, Chapel Island.

19 Q. And is there a reserve there?

20 A. There is a reserve in Chapel Island.

21 Q. And was that reserve where his home was?

22 A. What's that again?

23 Q. I'm sorry. Was the Chapel Island Reserve where your
24 father grew up?

25 A. Yes.

MR. MARSHALL, SR., DIRECT EXAM. BY MS. DERRICK

1 Q. And what about your mother, Mr. Marshall? Where did
2 she grow up?

3 A. My mother grew up in Sydney.

4 Q. At the Membourtou Reserve?

5 A. No, right in Sydney.

6 Q. Have you lived at Membourtou all your life?

7 A. Yes.

8 Q. And you're married to Caroline Marshall?

9 A. Yes. She was Caroline Googoo.

10 Q. Where was her family from?

11 A. From Whycocomagh Reserve.

12 Q. How many children do you have, Mr. Marshall?

13 A. We have 11 at home.

14 Q. And Junior is your oldest son?

15 A. Oldest son, yes.

16 Q. As a child, did he spend time in other MicMac
17 communities?

18 A. Just for summer vacations.

19 Q. And where would that have been?

20 A. That would be Whycocomagh, and a few other reserves
21 like Chapel Island, and maybe Shubenacadie Reserve.

22 Q. And what was he doing there, visiting family and
23 friends?

24 A. Just friends.

25 Q. Mr. Marshall, when Junior was arrested in 1971, you had

MR. MARSHALL, SR., DIRECT EXAM. BY MS. DERRICK

- 1 your own business, in the drywalling trade?
- 2 A. Yes, I did.
- 3 Q. How did you get into that business?
- 4 A. I started out with my father when I left school, when
5 I was 15. He was a plasterer, by trade.
- 6 Q. So it was your father's business?
- 7 A. Yes.
- 8 Q. And when did you take it over from your father?
- 9 A. When my father died, in '53, I took over.
- 10 Q. Did anyone else work in the business with you?
- 11 A. I had two of my boys. The oldest boys I had.
- 12 Q. And who were they?
- 13 A. They were Donald Jr. and Pyes. They were that age,
14 around 14, 15, 16.
- 15 Q. When they started working in the business with you?
- 16 A. Yes.
- 17 Q. And what did they do in the business?
- 18 A. In business, if I do plaster work. There's two
19 different types of work. I did plastering houses, and
20 putting the drywall finish on the houses. That's two
21 different types. If I do plastering, they will be
22 helping, shifting sand and carry the plaster mortar to
23 me, and all that. But when I do drywall, they do
24 drywall with me too. I just pass the tools to them and
25 say, "Go ahead."

MR. MARSHALL, SR., DIRECT EXAM. BY MS. DERRICK

1 Q. So they were involved in actual drywall ---

2 A. Oh, yes, very. Very.

3 Q. Was the drywalling work seasonal?

4 A. It was seasonal.

5 Q. And what months were you engaged in doing drywalling
6 work?

7 A. All months. But mostly July and August, that's the
8 quietest two months of this business.

9 Q. So what did you do during periods of time when there
10 wasn't much demand for drywalling?

11 A. Well most times, them two months, I go with the
12 construction.

13 Q. And did this drywalling business steadily employ you,
14 from the time that you started with your father?

15 A. Oh, yes.

16 Q. How did you get business? Where did it come from?

17 A. The business come from one job to the other. I hardly
18 advertised my work.

19 Q. Would you describe that as word of mouth?

20 A. Right.

21 Q. And how would people know how to get in touch with you,
22 to ask you to come and do a job?

23 A. From looking at the jobs I did, and ask people who did
24 it, and all that. That's how they ---

25 Q. And then how would they contact you, to ask you to come

MR. MARSHALL, SR., DIRECT EXAM. BY MS. DERRICK

- 1 and work on their walls?
- 2 A. I had a telephone. And I was listed in the telephone
3 directory, in my name.
- 4 Q. So people would call you up ---
- 5 A. Oh, yes.
- 6 Q. --- and make arrangements?
- 7 A. They did, yeah.
- 8 Q. In 1971, were you the principle income earner for the
9 family?
- 10 A. Yes, I did.
- 11 Q. What did Mrs. Marshall do?
- 12 A. Mrs. Marshall was working too. She was a house -- how
13 do you describe this -- housekeeper, at the hospital.
- 14 Q. Can you describe what affect, if any, Junior's arrest
15 had on your business?
- 16 A. To the family?
- 17 Q. To your business, yes.
- 18 A. Well it affected my business quite a lot.
- 19 Q. Can you tell us how that happened? What affect it had?
- 20 A. See, I was relying on telephone for my work. There'd
21 be a note pad and pencil along side the telephone. And
22 there would be calls every day, for work. But when
23 this happened, I had to put the unlisted telephone in
24 our house.
- 25 Q. Why did you have to have an unlisted telephone number?

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1 A. The first week, when this happened, we were -- I never
2 answered them. But my wife answered, and they were
3 tricking calls we were getting.

4 Q. And as a result of that, you unlisted your phone?

5 A. Yes. We did right away.

6 Q. Did this affect the numbers of calls you got for
7 drywalling work?

8 A. It affected the whole thing. We never got calls.
9 That's why we were unlisted.

10 Q. So what happened to the family income, during that
11 year, 1971?

12 A. Well I had no choice but -- I was drawing welfare.

13 Q. And had that happened to you before?

14 A. Yes.

15 Q. Very often?

16 A. When there was a bad year for work.

17 Q. How long since there had been a bad year?

18 A. Well it's seasonal, bad years too. Like there might
19 be nothing during the winter, or the middle of the
20 summer. Three, four months probably, that would be
21 bad.

22 Q. Did you notice that this lack of business lasted
23 through most of 1971?

24 A. Yes.

25 Q. And was that unusual, given your experience of the

MR. MARSHALL, SR., DIRECT EXAM. BY MS. DERRICK

1 drywall business?

2 A. Yes.

3 Q. What did you do about these changes in the drywalling
4 business?

5 A. Later on, from 1971, I established myself. People knew
6 me, my work. So I usually -- one time I'd pass out
7 cards for people to call me, and all that. So a lot
8 of people know my unlisted number, within three, four
9 years after '71.

10 Q. So within a period of time after you had unlisted your
11 phone, people started to call you again?

12 A. Yes.

13 Q. And did you continue to do drywalling work? Or were
14 you doing other work, by this time?

15 A. Well I was doing other work, for about eight years,
16 insulating.

17 Q. This was after 1971, was it?

18 A. From after 1971.

19 Q. And the fact that you changed the nature of your work,
20 did that arise out of Junior's arrest, in your opinion?

21 A. I'd say so, yes.

22 Q. Are you still working, Mr. Marshall?

23 A. No. I haven't worked for seven years now, since I took
24 sick. I had kidney failure in '83, and I haven't
25 worked since.

MR. MARSHALL, SR., DIRECT EXAM. BY MS. DERRICK

1 Q. Mr. Marshall, how did you feel when Junior was
2 arrested?

3 A. I can't very well describe how I felt. It's hard to
4 explain.

5 Q. Why is that?

6 A. Why is that? I was hurt, in me, you know. I couldn't
7 show it to anybody, how I feel inside of me.

8 Q. Were you at the court when he was convicted ---

9 A. Right through.

10 Q. --- and sentenced to life in prison?

11 A. Right through. I wasn't in the courtroom when the
12 decision came out. I was in the ---

13 Q. Where were you?

14 A. --- hallway.

15 Q. And so how did you find out this had happened?

16 A. How I found out was, my nephew came over to me. I was
17 standing by the outside door of the courtroom. And he
18 came right over and says, "They found him guilty," he
19 says, "And he's sentenced for life."

20 Q. Can you tell us how you felt at that moment?

21 A. I was -- I can't describe it. I didn't know what to
22 do. See, my wife didn't go to the court house. She
23 was home. I had to go home and tell her. And one of
24 my daughters was just about having a baby. She lived
25 in town. So I had to go over. I was running back and

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1 forth. And when I got home, there was a call from
2 jail, that Don, Jr. wanted to see me too.

3 Q. And so you went home to tell Mrs. Marshall?

4 A. Yes.

5 Q. And what was her reaction to the news?

6 A. Well that's hard to describe.

7 Q. Did she have any reaction?

8 A. She just burst out crying.

9 Q. Mr. Marshall, would you find it any easier to describe
10 how these events made you feel, if you spoke about them
11 in MicMac?

12 A. If there's a difficult question to answer, yes.

13 Q. But in terms of answering the question of, how did you
14 feel about Junior's arrest, and his conviction, would
15 you find it any easier to express how you felt about
16 those events, if you told those feelings in MicMac?

17 A. Let's try it.

18 MR. COMMISSIONER

19 I think he was devastated, and so was his wife. I
20 would think that would be the normal reaction. I think
21 that's probably what he's indicating.

22 MS. DERRICK

23 And I just wanted to give him the opportunity, Mr.
24 Commissioner, if he did want to add anything further
25 to the description of those feelings, that he could do

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1 so in MicMac.

2 BY MS. DERRICK

3 Q. Mr. Marshall, if there's anything further that you
4 wanted to add, to describe how you felt, at that time,
5 and you would feel more comfortable doing that in
6 MicMac, feel free to do so. Otherwise, I can just go
7 on with my questions.

8 A. I think you'd better just keep on asking.

9 Q. Okay, fine. I'll do that.

10 A. All right.

11 Q. Mr. Marshall, what efforts did you make to have
12 Junior's case re-opened? Can you tell us about some
13 of those efforts?

14 A. Of re-opening the case?

15 Q. Yes. Did you go and speak to people?

16 A. Oh, yes. See, we didn't get much help from anybody
17 else, but us, wife and I. We went to see a lot of
18 people that we thought they would help us, of securing
19 the help for the Appeal, such as lawyers and people
20 like that. And we never got anywhere.

21 Q. And did these efforts continue, throughout the 11
22 years, that Junior was in prison?

23 A. Yes. Yes, right through.

24 Q. Were there any particular efforts that stand out in
25 your mind? Any particular discussions or meetings with

MR. MARSHALL, SR., DIRECT EXAM. BY MS. DERRICK

1 anyone, that you'd care to tell us about?

2 A. Well there was one Native lawyer that I was talking to
3 a couple of times, in Ottawa. That's where he was.
4 And when I first told him about the case, that's before
5 the whole thing came up.

6 Q. Before the Appeal.

7 A. No, before the whole thing came out. Yes. And I
8 described what happened and all that, to him, you know.
9 And when I first met him, he says, "That sounds very
10 good, interesting case." So he says, "When you come
11 to Ottawa again, let's get together on it again." So
12 I did, twice. Twice I talked to this person, lawyer.
13 And the third time -- I couldn't get to him, third
14 time, because the whole thing came out. It just
15 happened I was in Ottawa, when the whole thing came
16 out.

17 Q. What happened on that occasion?

18 A. When the decision came from, who was it now, Jean
19 Chretien, saying that, "Marshall should be freed." And
20 that person, the Native lawyer I'm talking about, from
21 Ottawa, was Bill Babcock.

22 Q. Mr. Marshall, can you tell us what affect this case has
23 had on Junior's brothers and sisters?

24 A. Of course, they were that age -- none of them would be
25 over 15, only probably Pyes, because Junior was only

1 just a little over 16. And his brothers and sisters
2 would be too young yet, to say about -- they would be
3 about from eight, nine, 10, that age. But I'm pretty
4 sure they felt the strain of it, because many times,
5 they asked about him, and, "When do we go see him"?
6 That's what they would be saying most times.

7 Q. So you would take some of them with you, when you went
8 to visit Junior in the penitentiaries?

9 A. Yes, we did. And a few more of our neighbours' boys,
10 like Junior's age, would go along with us.

11 Q. Can you tell us about the effects that this case had
12 had on Mrs. Marshall?

13 A. To me, on her, she was very, very firm. She never gave
14 up on the whole thing. Many nights, after Junior was
15 arrested and sent to prison, many nights we were
16 discussing him. Like wife would say, "Let's hope, some
17 day, that somebody will come out and tell us what
18 really happened."

19 Q. Did you talk about the case very much with the
20 children, the other children?

21 A. Occasionally we did. Once they asked, and most times
22 they asked, you know, about him. And we discussed.

23 Q. Was there any particular time of year that was worse,
24 or more difficult?

25 A. I'd say Christmas would be about the worst.

MR. MARSHALL, SR., DIRECT EXAM. BY MS. DERRICK

1 Q. And what was that like?

2 A. Well when we have you know, Christmas Eve and Christmas
3 Day dinner, and all that, Junior won't be there. And
4 we'd start talking about him, eh. And we'd be saying,
5 "Let's hope he'll be here next year." We kept saying
6 that right through.

7 Q. Mr. Marshall, did you experience people saying bad
8 things about Junior, to you, as a result of this?

9 A. I can't recall. If they did, I ignore it a lot.

10 Q. Mr. Marshall, you're Grand Chief of the MicMac Nation.
11 Can you tell us a little bit about this position?

12 A. Yes.

13 Q. When were you made Grand Chief?

14 A. '65.

15 Q. And how were you selected for this honour?

16 A. When Grand Chief Sylliboy died, in May of that year,
17 his older son, I believe he was approached to take
18 over, as Grand Chief. And older son couldn't see
19 himself becoming a Grand Chief. So he passed on to the
20 whole Council to discuss it.

21 Q. And what happened, as a result of that?

22 A. Our Grand Council, we got together in May. That would
23 be Pentecost weekend. And that's where we decide that
24 we elect Grand Chief in last Sunday of July.

25 Q. And out of that process, were you elected?

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- 1 A. Yes.
- 2 Q. Had your father occupied any particular position within
3 the MicMac community?
- 4 A. Yes. My father was what we call Captains of each
5 Reserve. And my father was a Captain before. When he
6 died, I took over from him.
- 7 Q. Can you tell us what that position is?
- 8 A. What position?
- 9 Q. The position of Captain.
- 10 A. Captain's role on reserve, is looking after the church
11 work, such as looking after the deaths and the weddings
12 and functions on the reserve, related to the church.
- 13 Q. How is that different from the role of the Grand Chief?
- 14 A. Not too much, only there more for Grand Chief to cover.
- 15 Q. And is the more that the Grand Chief has to cover, the
16 responsibility that the Grand Chief has for the Nation?
- 17 A. Um-hmm.
- 18 Q. Mr. Marshall, are you related to any former Grand
19 Chiefs?
- 20 A. Well not -- the last two, the first one was John Deny.
21 That would be 1900, I guess. Around that. Him and my
22 father were first cousins. Their mothers were sisters.
23 So when Deny died, Sylliboy took over. And Sylliboy
24 married to my aunt, my father's sister. So that's how
25 close we are related.

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1 Q. Mr. Marshall, can you tell us some of the
2 characteristics that a Grand Chief should have?

3 A. Like what?

4 Q. What kinds of qualities a Grand Chief should have?

5 A. I think Mr. Knockwood here, mentioned that a person has
6 to be respected and, you know, by not just one
7 community, the whole Nation.

8 Q. And you would agree with that?

9 A. Yes.

10 Q. Mr. Marshall, did Junior's conviction and imprisonment
11 have an effect on your ability to do your job as Grand
12 Chief?

13 A. That's very, very hard to describe. It was very hard
14 for me to face any public gatherings, even to my
15 people, because myself, personally, I have a feeling
16 that, you know, the people say to me now, in my mind,
17 people saying that, "There he is. His son killed
18 somebody. There he is himself." So it was really hard
19 for me to face my people.

20 Q. I'm sorry, Mr. Marshall. I didn't heard just what you
21 said at the end. I didn't mean to interrupt.

22 A. It was really hard for me to face the public.

23 Q. So are you saying that Junior's conviction affected how
24 you were regarded by people in the community?

25 A. Yes.

MR. MARSHALL, SR., EXAM. BY MS. DERRICK

1 Q. Mr. Marshall, was Junior's conviction regarded as a
2 disgrace to you and your family?

3 A. I would say, yes.

4 Q. Had anything like this happened to any other Grand
5 Chief?

6 A. I don't think so.

7 Q. Mr. Marshall, in your opinion have Junior's
8 experiences likely affected his ability to become
9 Grand Chief?

10 A. Affect, you mean?

11 Q. Yes.

12 A. Yes.

13 Q. Are they likely to have affected his ability to be
14 chosen?

15 A. Yes.

16 Q. Can you tell us why that might be?

17 A. I don't know. But I think -- I don't know. When I
18 die, I think, then they'll bring this up. That he'll
19 be mentioned.

20 Q. The experiences that Junior has had will be mentioned.

21 A. Right. I imagine when this -- they'll talk about who
22 will be the next Grand Chief after I die. I imagine
23 they'll talk about him, first, before anybody else.

24 Q. Mr. Marshall, is it an honour for the family when --
25 let me put it this way. Would it be an honour for the

MR. MARSHALL, SR., EXAM. BY MS. DERRICK

1 family, if Junior was to become Grand Chief following
2 in your footsteps?

3 A. I imagine it would. Yes.

4 Q. And in your opinion, would Junior Marshall have a
5 better chance of being chosen if these events hadn't
6 happened to him?

7 A. Yes.

8 Q. Mr. Marshall, can you tell us a little bit about what
9 Junior was like when he was 16 and 17? What were some
10 of his characteristics as a person?

11 A. When he was 16, that age, he was a very, very gentle
12 boy.

13 Q. What were his attitudes to other people in the
14 community?

15 A. Junior was very concerned to our neighbours. When he
16 sees that they were having a hard time of providing
17 food for their homes, which it was, he would tell his
18 mother, "How about giving something to that family.
19 'Cause they got nothing home, eh?" Many times he did
20 that.

21 Q. When Junior was growing up, Mr. Marshall, what
22 language was spoken in the home?

23 A. It was strictly our language, MicMac.

24 Q. And when you visited him in prison, what language did
25 you speak with him?

MR. MARSHALL, SR., EXAM. BY MS. DERRICK

1 A. We'd speak MicMac, so nobody else would understand us.

2 Q. Very sensible. And do you still speak MicMac at home?

3 A. We do.

4 Q. Mr. Marshall, how did the Royal Commission affect you,
5 the hearings, the inquiry into Junior's case?

6 A. I don't know how it affected me. But I'd say it -- I
7 had nightmares during -- on the Royal Commission.

8 Q. Nightmares about the case?

9 A. About the case, yeah.

10 Q. Over the years the feelings you had about the case,
11 have you kept these feelings to yourself?

12 A. What's that again?

13 Q. Over the years, your feelings about this case, have
14 you kept these feelings to yourself?

15 A. Yes.

16 Q. And why is that?

17 A. I don't know. I never want to expose myself to --
18 even to my children, my feelings, eh? When I'm done
19 and somebody will come over and say, "What's wrong
20 with you?" And I'd just spry up and say, "Nothing."

21 Q. Mr. Marshall, do you have any comment to make about
22 the apology which was made to your son, and to your
23 family by the Attorney General?

24 A. The Attorney General made an apology to us. But my
25 feeling for the apology is -- which was good for the

MR. MARSHALL, SR., EXAM. BY MS. DERRICK

1 Attorney General to apologize to us and all of that,
2 but -- I was thinking last night that the -- I don't
3 think the political people should make apology to us,
4 like the Attorney General. Even Prime Minister,
5 Premier, you name it. No. They don't owe us an
6 apology. I say the people that are guilty of this
7 whole affair, they are the ones that should apologize
8 to us. And as we, the Marshall family, we don't want
9 to hear some of them people's apologies. That's all I
10 can say about that part.

11 Q. Mr. Marshall, has this case had any affect on your
12 feelings about the political process, about the
13 justice system?

14 A. I'm still a one-track mind. You know, just what I
15 said. But the justice system -- not just to the
16 native people -- I hope for the better to the native,
17 and other minorities.

18 Q. Mr. Marshall, is there anything else you would like to
19 say?

20 A. Personally, I think we, as the Marshall family, we
21 should apologize to the general public of not coming
22 up with the hospitality that the public gave us for
23 all of this -- what's going on. So, I would like to
24 thank the general public for the cooperation it gave
25 us all during this ordeal.

MR. MARSHALL, SR., DIRECT EXAM. BY MS. DERRICK

1 Q. Thank you very much, Mr. Marshall.

2 A. Okay.

3 Q. I think that there'll be some questions from Mr.
4 Saunders and probably Mr. Spicer.

5 A. Yes.

6 JAMIE SAUNDERS CROSS-EXAMINES DONALD MARSHALL, SR.

7 Q. Grand Chief Marshall, you described the visitations
8 that you would pay to your son when he was
9 incarcerated and you indicated that not only would you
10 take some of your children, but you would also take
11 some of your children's friends or Donald's friends
12 with you. Did that increase the expense that you had
13 to pay, sir, in travelling from your home to New
14 Brunswick?

15 A. Yes.

16 Q. I had suggested to Ms. Derrick that we obtain a record
17 from the institutions as to the number of visits ---

18 A. Um-hmm.

19 Q. --- that you and your family paid and one piece of
20 correspondence that we received as to the record from
21 Dorchester indicated that in the space of about
22 fourteen months you and your family were there at
23 least once during ten of those fourteen months. And
24 I'm wondering, sir, would you say that that was more
25 or less the frequency that you and your family tried

MR. MARSHALL, SR., CROSS-EXAM. BY MR. SAUNDERS

- 1 to visit Donald at the institutions?
- 2 A. We -- I think we went more to Springhill when he was
- 3 there too -- than Dorchester.
- 4 Q. Yes. Once account of distance?
- 5 A. On account of distance and the place.
- 6 Q. In having to go to either Dorchester or Springhill to
- 7 visit your son, did you ever have to borrow funds from
- 8 others to pay your way?
- 9 A. Most times, yes.
- 10 Q. Yes. And have you kept any records, sir, of the kinds
- 11 of borrowings or expenses that you or Mrs. Marshall
- 12 were put to in having to visit that frequently?
- 13 A. No, but it would cost us around two hundred dollars to
- 14 go up there and back home.
- 15 Q. Yes.
- 16 A. That's providing a place to stay and meals and that.
- 17 Q. I'm sure. And do you recall, Mr. Marshall, whether or
- 18 not you had to deplete any savings that you may have
- 19 had in order to visit Donald, either at Springhill or
- 20 Dorchester?
- 21 A. Yes, most times I did.
- 22 Q. And on the occasions that you would visit him in the
- 23 summer months, were you giving up vacations or
- 24 holidays in order to visit him?
- 25 A. Yes. Excuse. When I saw, visit Junior in prisons

MR. MARSHALL, SR., CROSS-EXAM. BY MR. SAUNDERS

1 like Springhill and Dorchester, I used to go to native
2 gatherings when he was there.

3 Q. The kind of gatherings that Mr. Knockwood described
4 earlier?

5 A. Yes. Right.

6 Q. Yes.

7 A. Maybe three a year that they had in prisons.

8 Q. And was Donald present at those?

9 A. Some of them, yes. Sometimes. When he was in
10 Springhill, I was called to go to Dorchester. The
11 prison inmates' organization asked me to visit
12 Dorchester. And Junior wasn't there.

13 Q. Could you describe to Mr. Evans what your health was
14 like, Mr. Marshall, in 1971, prior to your son's
15 arrest?

16 A. What's the first part on that?

17 Q. Pardon me?

18 A. What did you say, the first part?

19 Q. What description of your health can you give? How was
20 your health in 1971?

21 A. My health was good.

22 Q. And your wife's health, in 1971?

23 A. She was in good health, yeah.

24 Q. I believe you said that you took over the plastering
25 business of your father when he died in -- 1953, was

MR. MARSHALL, SR., CROSS-EXAM. BY MR. SAUNDERS

1 it?

2 A. Yes.

3 Q. Is that correct?

4 A. '53, yeah.

5 Q. What was his age, sir, when he died?

6 A. Seventy-two.

7 Q. And is your mother still living?

8 A. No, my mother died when she was ninety-one. In '77.

9 Q. I would like to review with you some of what you said
10 regarding the business of drywalling and plastering.

11 A. Yes.

12 Q. I take it that, as you've described, it was seasonal
13 employment with some periods of time when you did not
14 have such employment.

15 A. Yes.

16 Q. And that would be so during the years prior to 1971?

17 A. Yes.

18 Q. So that there were some months in the year ---

19 A. Yes.

20 Q. --- when you were not employed either as a drywaller
21 or a plasterer?

22 A. Right.

23 Q. And on those occasions, Mr. Marshall, when you were
24 not so employed, you would be forced to acquire
25 welfare, is that so?

MR. MARSHALL, SR., CROSS-EXAM. BY MR. SAUNDERS

1 A. Yes.

2 Q. And was it in 1972, Mr. Marshall, that you then
3 acquired business cards and would pass out cards to
4 those to show that you were still in the business of
5 plastering and drywalling?

6 A. Yeah. I was in business until '83.

7 Q. When ill health forced you to stop all work?

8 A. Yes.

9 Q. You had mentioned something to Ms. Derrick about also
10 being involved in the insulation business.

11 A. Yes, I was about eight years with Guildford
12 Insulators.

13 Q. Pardon me?

14 A. I was with Guildford Insulators about eight years.

15 Q. Was that in addition to your work as a drywaller ---

16 A. Yeah.

17 Q. --- and a plasterer? Now, had Donald ever worked with
18 you, either in insulation or in drywalling and
19 plastering before 1971?

20 A. Mostly drywalling.

21 Q. He had done some work with you in drywalling?

22 A. Yes.

23 Q. Had you had any discussions with Donald about him
24 taking over the business?

25 A. He would have. I think, now. Two boys I had working

MR. MARSHALL, SR., CROSS-EXAM. BY MR. SAUNDERS

1 for me at the time, they were, like I say they would
2 take over.

3 Q. Yes. And that would be Donald and Pius?

4 A. Pius, yeah.

5 Q. Yes. Is he about two years younger than Donald?

6 A. Just over a year younger.

7 Q. So both of those sons had worked with you in the
8 business?

9 A. Uh-hmm.

10 Q. And so it was your expectation then, Mr. Marshall,
11 that Donald would follow you in that business?

12 A. Yes.

13 Q. When you gave up working in 1983, did you sell your
14 business?

15 A. No, I didn't.

16 Q. But what happened to the business?

17 A. One of my boys buys, just carries on with my business.

18 Q. And has he still continued it?

19 A. He still does, yeah.

20 Q. Yes. After your son's arrest and conviction and
21 imprisonment, did you have any way of explaining that
22 to your children, Mr. Marshall? What had happened to
23 him.

24 A. Yes, we did. We did explain to our children.

25 Q. What was your explanation that you gave to them?

MR. MARSHALL, SR., CROSS-EXAM. BY MR. SAUNDERS

1 A. Explained. They ask, especially when they're that age
2 -- seven, eight, in that age. They would ask, "What
3 happened to Junior?" And they don't know that -- we
4 have to tell them. That he got blamed for killing
5 somebody.

6 Q. Yes. And in that explanation, was it always suggested
7 that he wasn't at fault and that this was ---

8 A. Yes.

9 Q. --- some kind of mistake?

10 A. Yes. And we kept telling them that he'll be home, but
11 we didn't when, but ---

12 Q. All right. So, was that a position, then, that you
13 and your wife took in giving the explanation to your
14 younger children.

15 A. Um-hmm.

16 Q. That, yes, he was in prison but it was all the result
17 of a mistake.

18 A. That's right, yeah.

19 Q. And can you tell me, Grand Chief, whether that was
20 also the view taken by other people in the MicMac
21 community, that it was some big mistake. And that
22 really, in fact, he was not responsible.

23 A. Yes, but to me -- I couldn't talk to our other --
24 anybody, in fact. If they asked me about Junior's in
25 prison, you know, I couldn't tell them. 'Cause my

MR. MARSHALL, SR., CROSS-EXAM. BY MR. SAUNDERS

1 feeling about people asking, they just want to know
2 what's what and all that, eh? And in my mind they
3 weren't believing me, anyway. When I said he's in
4 there, and -- he's in there. You know, he didn't kill
5 and, you know, I still have feelings but people think
6 he did kill, eh.

7 Q. Were you able to have a view yourself? Did you think
8 that the others in the community either thought or
9 thought that Donald was not guilty and that it was all
10 the result of a mistake made? Did you have the view
11 that that was a thought shared by the others in the
12 community?

13 A. Not too much. I kept it to myself, you know. I never
14 discussed this to anybody on this aspect of it.

15 Q. Yes.

16 A. The shame of it, eh. My son was in prison. And I
17 couldn't talk to anybody about it.

18 Q. Do you feel, Grand Chief, that as a result of the
19 findings of this Royal Commission that your son has
20 been vindicated?

21 A. Only for Royal Commission this would never be.

22 Q. Yes. So you agree, then ---

23 A. I agree, yes.

24 Q. --- that as a result of the report he has been
25 vindicated?

MR. MARSHALL, SR., CROSS-EXAM. BY MR. SPICER

1 A. Yes.

2 Q. And has he been returned to a position of honour in
3 the MicMac community?

4 A. Right.

5 Q. And do you agree with the evidence given by Mr.
6 Knockwood that he must continue by his actions and
7 deeds to earn the respect of the members of his
8 community?

9 A. Right.

10 Q. Thank you, sir.

11 WYLIE SPICER EXAMINES DONALD MARSHALL, SR.

12 Q. Mr. Marshall, having observed your son in the time
13 since he's come out of prison, since 1983, is it your
14 feeling now that he is in fact working on that road to
15 gaining the respect again from the members of the
16 MicMac community?

17 A. Yes. Not just towards the MicMac communities, I'd say
18 it's throughout Canada. I'd say.

19 Q. And can you tell us what sorts of things, in your
20 mind, is he doing to gain that respect?

21 A. For him?

22 Q. Yes, for him.

23 A. To me, on him, he's more open today since the Royal
24 Commission -- since the Royal Commission -- he's more
25 open to the public and to the family. Like, if he's

MR. MARSHALL, SR., CROSS-EXAM. BY MR. SPICER

1 on the road to fairness he's planning it today.

2 Q. Planning?

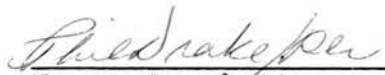
3 A. He's planning for the future.

4 Q. Thank you.

5 (ADJOURNED UNTIL 9:30 APRIL 3, 1990)

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Certified Correct:



Nancy Brackett
Verbatim Reporter

