George

January 6, 1988

WITNESS LIST

JANUARY/FEBRUARY 1988

January 11th

D. Wardrop/E. Smith/S. Clarke

January 12th

I. MacLeod/M. Veniot/G. Green/E. Cole

January 13th

W. Urquhart

January 14th

M. MacLean/D. Gass/K. Lynk/A. Walsh

January 18th

H. Wheaton

January 19th

H. Wheaton

January 20th

J. Carroll/H. Davies/Dr. R. Perry/Dr. P. Markesteyn

January 25th

D. Scott/D. Christen

January 26th

A. Evers/S. Aronson

January 27th

H. How

January 28th

D. Rutherford/R. Fainstein/M. Whalley

February 1st

J. Stewart/D. McConkey/A. Estabrooks

February 2nd

Parole (Ottawa)

February 3rd

R. Anderson/R. Giffin

February 4th

R. Giffin/Court of Appeal(?)

OPENING REMARKS - HALIFAX PHASE

During the Sydney phase of the Hearings, evidence was presented concerning the factual circumstances leading to the conviction of Donald Marshall, Jr., for the murder of Sandy Seale, and the subsequent re-investigation carried out by Inspector Marshall in November, 1971. With few exceptions, all witnesses who had relevant information to present to the Commission gave evidence. It was necessary to postpone the taking of evidence from one of the key witnesses, William Urquhart, and he will be giving evidence in Halifax. We had hoped in fact to schedule Mr. Urquhart's testimony for January 13th, but for medical reasons, he will not be available and we are hoping that he will be able to testify in early February.

We propose to continue with the chronological treatment of the events surrounding Donald Marshall, Jr., including his time in prison; various attempts to secure his release; the investigation carried out in 1982 by the R.C.M.P.; the Reference proceedings in the Nova Scotia Supreme Court Appeal Division which led to the acquittal of Mr. Marshall; the subsequent dealings between him and various levels of Government leading to payment of compensation; and the further review by the R.C.M.P. and the Department of Attorney General of the 1971 investigation and related matters. We anticipate the requirement to call evidence from over 50 witnesses in order to cover all of these areas. Evidence of an "expert" nature will be called during this

phase of the Hearings relating to the practices followed in Nova Scotia with respect to post-mortem examinations, and the procedures followed in other jurisdictions. It is possible that expert evidence will also be called with respect to the Reference proceedings. This evidence will be similar in nature to that of Professor Bruce Archibald who testified previously on the legal issues which arose at the 1971 trial.

When all evidence relating directly to Mr. Marshall has been presented, it is our intention to introduce other evidence dealing with the administration of justice in Nova Scotia. As you indicated, Mr. Chairman, in your opening statement on May 13, 1987, and I quote:

> "Bringing out the facts will give the Commission an understanding of what happened. But that is only a beginning. It is not enough to examine minutely one incident, and from that to expect to suggest changes within a complex system of administration of justice. In order to develop meaningful recommendations, the most important part of our mandate, all contributing or potential contributing factors must be carefully reviewed within the context of the current state of the administration of justice in Nova Scotia."

Thus analysis of the Marshall case alone would not enable the Commission to draw conclusions or make meaningful recommendations on the system as a whole.

Proceeding in this fashion will necessitate certain witnesses taking the witness stand on two occasions. You will recall we followed a similar procedure in Sydney when dealing with the Sydney Police Department officials. In the first segment of the Halifax Hearings, members of the Attorney

General's Department will be called to discuss their involvement and participation in the various phases of the Donald Marshall, Jr., matter. At that time their evidence will be restricted to their role in the Marshall affair. Some of these officials will be recalled at a later stage to discuss the changes, if any, which have been made in the operation of the Department, and their involvement in other cases being considered by the Commission as relevant to a complete examination of the system of administration of justice. It is during this second phase of the Hearings, as well, that evidence will be called from representatives of the Sydney Police Department to discuss changes, if any, which have taken place in the administration and functioning of that Department.

It is important to remember that many of the parties granted standing before this Commission are interested only in the Donald Marshall, Jr., case. We expect, therefore, that when we have concluded the calling of evidence directly relating to Mr. Marshall, some counsel who have been participating on a regular basis before the Commission will no longer consider it necessary to attend to represent the interest of their particular client.

Once all the evidence has been called, it is proposed to have oral argument addressed to the Commission by any interested party. You have indicated that the arguments in this matter will be heard in Sydney. The date for final argument will be fixed at a later time.

I N D E X

TAB A

TAB B

TAB C

CARROLL, James
CHRISTEN, Supt. D. F.

TAB D

TAB E

EDWARDS, Frank
EBSARY, Donna
EBSARY, Roy

TAB F

TAB G

GUSHUE, Terry

TAB H

HARRISS, Patricia

TAB I

TAB J

TAB K

KHATTAR, Simon

TAB L

TAB M

TAB Mc/Mac

MacINTYRE, Chief John
MacDONALD (COUTURE), Deborah

TAB N

TAB O

TAB P

PERRY, DR. ROLAND

TAB Q

TAB R

ROSENBLUM, Moe

RATCHFORD, David

TAB S

SCOTT, Inspector

TAB T

TAB U

TAB V

TAB W

WHEATON, Sgt.

TAB XYZ

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

October 7, 1987

PROPOSED SCHEDULE

HALIFAX PHASE (1988)

ROYAL COMMISSION HEARINGS

MONTH	MON.	TUES.	WED.	THURS.	FRI.
JANUARY:	11TH	12TH	13TH	14TH	
	18TH	19TH	20TH		
	25TH	26TH	27TH	28TH	
FEBRUARY:	1ST	2ND	3RD	4TH	
MARCH:	7TH	8TH	9TH	10TH	
	14TH	15TH	16TH	17TH	
	21ST	22ND	23RD	24TH	

APPROXIMATE NUMBER OF HEARINGS DAYS: 27

Amended
October 7, 1987

LIST OF WITNESSES FOR THE PUBLIC HEARINGS OF THE ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION TO BE EXAMINED IN SYDNEY

Please note: This list is subject to change at any time. An attempt will be made to give prior notification of changes.

Roy Ebsary
James MacNeil
Robert MacKay
Debbie Timmins (nee MacPherson)
Marvel Mattson
Maynard Chant
Ambrose MacDonald
Constable Ryan, R.C.M.P.
Richard Walsh
Howard Dean
John Mullowney
Michael Bernard MacDonald
Inspector Terry Ryan
Sergeant M. Wood
Sandy MacNeil
George MacNeil
Linda Muise
C. Livingston
John Butterworth
John Pratico
Mrs. Pratico
Dr. O'Brien
Dr. M. A. Mian
Rudolph Poirier
Dr. M. A. Naqvi
Ed MacNeil
Arthur Paul
Terrance Gushue
Patricia Harriss
Mrs. Eunice Harriss
Mrs. Emily Clemens
Barbara Floyd
Sandra Cotie
Mary Csernyik (O'Reilley)
Catherine Soltesz (O'Reilley)
Mrs. Beudah Chant
Lawrence Burke
Wayne Magee
Art Woodburn
Wyman Young
Norman MacAskill
Roy Gould
Arthur Paul

Thomas Christmas
Bernie Francis
S. Khattar
Lewis Matheson
Robert Anderson
Mary Ebsary
Greg Ebsary
David Ratchford
Eugene Smith
Inspector E. A. Marshall
Donna Ebsary By Teleconference
William Urquhart
John MacIntyre

A

PostFax
MONTREAL, H1J 2K9
CR213

B

Briefing
description etc
during course of
investigation

Butterworth

Describes wound Stage

Knew about Dr. Set legislation.

Def. for Urgent for 4-5 months. Saw
wife Statement Letter, Opinion

38
Ex. 40

Knew Practice? Reliable? In N.S. Hospital
absent? not well?

Training? Trace career.

NOW

aware investigation? re-investigation

Considers Marshall did Stabbing

C

Clause

Name etc.

Training –

Notebook : what recorded

why

Baddeck:

Involvement c Marshall

Independent recollection?

Ex. 87. In detail

Ex 87

NOTES TAKEN FROM THE NOTEBOOK OF CPL S.G. CLARKE WHILE STATIONED IN BADDECK N.S.

M.P. MACDONALD NOTES EXHIBIT 38.

4-6-71 7.50 pm

Cpl MacFarlane & McCuaig arrived Baddeck & requested a member to go with them to Indian Cove Cpl S.G. to locate Donald R. MARSHALL. The Marshall family is staying at John P. Cobb's house, a grandfather who died a few weeks ago. Note a few relatives. Now Marshall had given them a statement of how the police got him the night & two men came up to them & stabbed the other fellow in the stomach. Both men brown fair & one with curly hair. We then proceeded via Cpl S.G. to Indian Cove asked a couple of fellows on a large logging camp had given & they pointed to the house across the road. Went to house. Women & children in yard and MacFarlane asked if Donald was home, said yes & he came out the door. We got out & the troops got out the wheel & Donald had a coat & shoes to put it. Donald

went back into
the house & opened the back
door of the P.C.
for him. Officer
Gilliam in rear seat
behind driver side.
Wade Entrye then talked
to father & got
into his car. He
drove to the edge
of the yard. His
wife Entrye
serve the police
caption & said
the warrant for
Marshall. There
was no reply but
Officer Gilliam then had
cuffed Marshall &
we drove to Fadgett
about half gone then
Marshall had his
coberis & had put
his handcuffed hands
over his head. Officer
Wade Entrye told him
to sit up & at
this time he said
"I did not do it"
These were the only
words he spoke
during the time I
was with them.
We arrived back
at the office &
before Marshall got
into the jail. Lily
Potter was & got
hemp. Clarke
Nelson was found
Before we left
whitecomb & just
after he got in
the car Officer Gilliam
helped him bandage
his arm where it
was cut. Officer
Wade Entrye took

my name + no
Kuplin, got into
their car & drove
off. Left Eddie 8 PM
lot land called
[illegible] with

Sgt. Coles

Name etc.

Coleen Path.

Notebook Practice:

Sydney Contact 1975

Instructions: must have lee'd some

what done?

Report?

Exhibit - note book extracts 16/213

what is "Ebsary" File?

Called by Frank Edwards? Oct. 1982
wheaton
anyone else

D

Ex. 109

Sgt. Herb Davis

Rank

Station St. Peters 5 years.

Career: ↔
June 1976 – Auxiliary
1978 – 1982 C&E Sydney
1982

Note taking Practice:

Any notes of this case

(2)

Knowledge of John Mac Intyre

Mac I 637/121 Doesn't Know him

Involvement in Marshall case.

Discussions with Wheaton: Carroll: Murphy:

Why did he accompany Wheaton?

How does he know Lote?

Discussions Grant Stew

Refer Frank Edwards 17/6

Wheaton Diary 34/3

Wheaton Evidence 26th

Does he recall letter from A-G? Vol 16/221
Show by wheaton 42/7714 7708

Had he ever seen such a document before? Since?

Describe the events? ✓ who sat where Ex. 189 wheaton behind desk?
1½ hours - wheaton 42/7744

Chief very formal (7745)

How many documents on floor. (more than one)

Afterwards did wheaton read to him partially completed statement from Deary
42/7710

Show Plan Ex.

3A

Does he know Sgt. Mackintyre (6371/21 No.)

Ex. 88

See this. what being done. Review it at any time?

Was a critical document:

Chief looked very embarrassed

Refer to MacIntyre evidence.

XXXV 6371 6372

Wheaton

42/7748 ff

Both cannot be correct: How certain?
Never experience anything like that before.

Have heard evidence from whatever? Anyone else? Did that evidence assist him in any way.

Has he made any report, or considered doing so, after hearing of Mac Intyre evidence ~~to~~ this Commission

1 Q. Staff Wheaton, when we broke we were just looking at the,
2 seeing if we could account for the difference in the dates on
3 your notes and you now say it should be the 26th. Could you
4 tell us again how you've come to the conclusion that it should
5 be the 26th?
6 A. I come to that conclusion, sir, based on, I just forget which
7 volume it is, I believe it was my sort of overall
8 comprehensive report on the thing, in which I state to my
9 headquarters in Halifax, which would have gone through
10 Inspector Scott, that it was the 26th of April, 1982 that I met
11 with Chief MacIntyre and he handed over the file. I also have
12 reviewed the correspondence in our division file and I find
13 that the letters written by the Attorney General's Department
14 to the mayor of Sydney and the chief of police were dated the
15 20th of April. There's a letter, memorandum from the
16 Attorney General's Department to our headquarters with
17 attachments of the two previous mentioned letters dated the
18 21st. And the bottom of that is date stamped signed by, I
19 believe, Corporal Stutt of our Readers Department, forwarded
20 to Sydney on the 23rd. I know that I showed that letter to
21 Sergeant Davies, then Corporal Davies, prior to our trip to the
22 Sydney City Police on the 26th of April and I recall the
23 incident very clearly and I recall in our opening conversation
24 the chief producing this index and telling me that he had his
25 sister, Kay, prepare it that morning.

1 A. The 19th of April?
2 Q. The 19th of April.
3 A. Yeah.
4 Q. Does that in any way...
5 A. That refreshes my memory further, sir, that I must have
6 shown them statements that I had obtained from the Sydney,
7 from Inspector Scott probably. If I showed them statements
8 and I dated this the 19th of April.
9 Q. So do we take from that then that you had the Ebsary
10 statements prior to the 26th of April?
11 A. I must have had them, sir, if I showed them to them, yes.
12 Q. And does that not further suggest that, in fact, your note on
13 page three of a meeting showing the 16th of April is, in fact,
14 the correct date?
15 A. How do you figure this one now?
16 Q. Does it not suggest to you that the note that you show of your
17 meeting with Chief MacIntyre and Corporal Davies as shown
18 as having occurred on the 16th of April, perhaps occurred on
19 the 16th?
20 A. No, it did not, no. It occurred, I feel, on the 26th of April
21 because I know I had the letter from the Attorney General's
22 Department and I know I showed it to Corporal Davies and I
23 know the chief had also received the letter from the Attorney
24 General's Department. Now there were quite a number of
25 statements floating around here in this investigation. There

1 perhaps a little more clearly, I showed it to the chief or
2 mentioned to him that I was doing it and he looked over and
3 saw me doing it and we then went to page three. And page
4 four, which is not numbered, I made some notes on that as
5 well. Then after we had finished this process, I said I was
6 satisfied that I had received these items as noted in the index
7 and "I have been initialing all along on this, Chief, do you wish
8 to sign it, too, if you agreed that I have received them from
9 you?" and he wrote his "Chief" and his signature.
10 Q. How long did the process take?
11 A. This took quite awhile. By that, I would say maybe an hour
12 and a half, in that area.
13 Q. And as the Chief extracted documents from, for example, the
14 brown file folder, were you able to ascertain that you got all
15 the documents that were in that file folder?
16 A. Well, as far as I could see looking across the desk, I had. At
17 the termination of this, I specifically asked the Chief, "Now do
18 I have everything?" And he indicated to me that I had
19 everything.
20 Q. Did he give you the file folders?
21 A. He didn't indicate it, he said it. I beg your pardon?
22 Q. Did he give you file folders themselves?
23 A. Yes, sir.
24 Q. Did he give you the brown accordian file folder?
25 A. Yes, sir.

1 Q. So the containers in which he had his statements were
2 provided to you?
3 A. Yes, sir.
4 Q. Was there any discussion between you and the Chief about
5 the matter generally other than identifying the statements
6 then initially?
7 A. We had some discussion as we went along, yes.
8 Q. Do you recall what it was about?
9 A. Not really.
10 Q. How was the Chief?
11 A. I beg your pardon?
12 Q. How was the Chief?
13 A. Formal, very formal.
14 Q. Anybody else there with him?
15 A. No.
16 Q. Now your note says, "The Chief was asked four or five times
17 for any other statements from Patricia Harriss." This is at
18 page three of Volume 34.
19 A. Yes, sir.
20 Q. And then it says, "Last statement given, handwritten
21 statement of Bill Urquhart."
22 A. Uh-huh.
23 Q. Are you able to expand on that note and tell us what it
24 means?
25 A. Yes, sir. My secretary, in transcribing that, has cleaned up

the order had been made by the Attorney General that they turn over all documentation, I found a partially completed statement dated 17th of June '71, 8:15.

Is that the comment or the type of comment you're referring to as supporting your recollection of it being the 26th when you visited the Sydney Police Department?

A. Yes, sir, and there's another report somewhere, sir, in which I stated that it's the 26th.

Q. I'll look for that. You met with Mr. Edwards, Inspector Scott...Let me back up just a little bit. The note that you made with respect to the meeting, reproduced on page three of Volume 34, when did you make that note?

A. Note made dated 16th of April, incorrectly dated?

Q. Yes.

A. I would have made that in the afternoon of the 26th of April, 1982 at my office in Sydney.

Q. Did you discuss the content of that with Corporal Davies before you wrote it?

A. Corporal Davies and I, yes, had a discussion en route from the Sydney City Police office to our office in the subdivision headquarters building as to, I read the partially completed statement.

Q. Can you offer any explanation as why Mr. Edwards would have a detailed chronology going through April 16th, April 17th, which, and April 19th, which would be at variance with

on Harriss was what we got during this meeting. "Only one read." The Chief was reading these as he was giving them to me and he only read the one, that would be the 18th, which I believe on that date he gave me another copy of that.

Q. The Chief was reading what as he was giving them to you?

A. He was reading these documents as he was handing them over to me.

Q. Reading the substance of them?

A. Yes, partially. He would pick it up and say, "This is a statement of Patricia Harriss given to me on such and such a date," and might go into, say, some of the first paragraph on it.

Q. I see. Your statement there then, "Last statement given." Do I take it from your testimony that the word "last" refers to the last statement from Patricia Harriss?

A. Uh-huh, he gave us the last statement from Patricia Harriss.

Q. Right.

A. The one from the 18th.

Q. So one should not read the note as meaning the handwritten statement of Patricia Harriss was the last statement that you got this day.

A. No.

Q. Now can we get to this business about the floor?

A. Yes, sir. Okay, after receiving these items from the chief, I placed them in my briefcase and I believe Corporal Davies

had a briefcase and we placed some in his. I got up then and I...

Q. Just let me stop you, at that point you had signed your statement and...

A. Packed our bags.

Q. Had your acknowledgements with the Chief.

A. Yes, sir, and I thanked the Chief for his cooperation and he come out from around the desk to see us out sort of thing and Corporal Davies went ahead, I came second, the Chief came third and we continued out the door. As we, I would have been in the doorway or just a step or two out the door. Corporal Davies turned to me and said, "Staff, you didn't get everything." He slipped one piece of paper or something on the floor, a piece of paper on the floor. I turned to the Chief, who was still back in his office, I may have taken one step or two, and I said, "Chief, Corporal Davies tells me you slipped something on the floor."

He stared at me for some time eye to eye and then turned and said, "Well, you may as well have all of it." Or, "You may as well have everything," words to that effect. And he then walked toward the desk. At this time, I did not know if it was on the right or left of the desk or where it was behind the desk. He walked facing the desk, it would be on the left-hand side; sitting behind the desk, it would be on the right-hand side. Behind the desk and picked up a piece of paper.

1 Q. Picked up from where?
2 A. From the floor under the desk on that side, which would be
3 sitting behind the desk on the right-hand side, where facing
4 the desk, on the left-hand side on the side Corporal Davies
5 had been sitting on. And he was flustered, he was red in the
6 face, and he said, "Well, you may as well have it all," or words
7 to that effect, "You may as well have everything," and gave it
8 to me. I took it and I turned and I walked out. And Corporal
9 Davies was in the office at that time as well, and we left.
10 Q. Did you look at it?
11 A. I did not look at it.
12 Q. You did not look at it?
13 A. No. sir. I went to the police car and...
14 Q. What did you do with it when he gave it to you?
15 A. I held it in my hand.
16 Q. You didn't put it in you briefcase?
17 A. No, sir.
18 Q. Okay.
19 A. I went out to the police car and Corporal Davies was driving, I
20 was in the passenger side and I said, you know, "Let's return
21 to the office," and as we drove up the hill returning to the
22 office, I read it and found that it was a partially completed
23 statement of Patricia Harriss on the 17th of June 1971
24 written by William Urquhart, I believe it was.
25 Q. Do you have any doubt at all, sir, that that partially completed

1 statement was given to you by Chief MacIntyre after he
2 picked it up off the floor?
3 A. I have absolutely no doubt on that point. I also have
4 absolutely no doubt that I was not sitting behind his desk. I
5 was sitting in front of his desk.
6 Q. Was that an original statement, sir, or a typed one?
7 A. It was an original statement, sir.
8 Q. Do you know how it got to the floor?
9 A. Corporal Davies advised me he observed the chief slip it to
10 the floor. He said he picked it up with his left hand, reached
11 over, and put it down underneath the right-hand portion of
12 the desk.
13 Q. Did you see that?
14 A. I did not see that, no, sir.
15 Q. Can you suggest why you would not have seen that if the files
16 were on the desk in front of you?
17 A. Probably because I had my head down looking in this index
18 and trying to find whatever and signed for it, sir.
19 Q. I put to you, Staff Wheaton, that Chief MacIntyre under oath
20 here denied a number of times having slipped any statements
21 or anything onto the floor. Are you suggesting that his
22 testimony is incorrect?
23 A. I'm suggesting, I'm not suggesting, I'm stating the man
24 perjured himself.
25 Q. Before this Commission.

A. Before this Commission.

Q. In respect of the taking of the statement of Patricia Harriss and putting it on the floor.

A. That is correct, sir, yes.

COMMISSIONER POITRAS

Mr. Orsborn, I draw to your attention that the handwritten notes show that Corporal Davis or Davies "saw them placed on the floor" as opposed to the typewritten notes that referred to Corporal Davies having seen "it placed on the floor." I don't know if it has any relevance, I just draw it to your attention.

MR. ORSBORN

Thank you, My Lord.

BY MR. ORSBORN

Q. Just going to your handwritten notes, Staff Wheaton, and it would be, appears to page 12 of your handwritten notes. You can read it from there, the second paragraph:

> Handwritten statements of Bill Urquhart on Harriss showed numerous, only one read. Corporal Davies see them placed on floor.

Can you suggest any reason why the "them" would be changed to an "it" in a typewritten version?

A. No, I cannot, sir. It was one piece of paper.

Q. How do you know it was one piece of paper?

A. Because that's what the chief handed me.

Q. Did you go and look behind the desk and see if there was any

more?

A. I stood at the desk. I didn't see any more, sir, no.

Q. Did you, in fact, report to Frank Edwards, having gone to the chief's office and had this difficulty with the chief and the statements?

A. Yes, I did, sir.

Q. Leaving aside the problem with dates and referring to Mr. Edwards' notes, Volume 17, page nine, the third paragraph, I guess, his notes read, "Also told me," and he's referring to a conversation with yourself:

> Also told me that Herb Davies had noticed chief slip some of the information on floor behind desk. Believes it was some information with transcript attached relating to threat by Christmas against Pratico. Believes there was a charge against Christmas at the time.

Do you have any recollection of relating that to Mr. Edwards?

A. No, I don't, sir.

Q. Are you saying that Mr. Edwards' note is incorrect?

A. Yes, sir.

INQUIRY RECESSED UNTIL 2:00 p.m.

1 on Harriss was what we got during this meeting. "Only one
2 read." The Chief was reading these as he was giving them to
3 me and he only read the one, that would be the 18th, which I
4 believe on that date he gave me another copy of that.
5 Q. The Chief was reading what as he was giving them to you?
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7 over to me.
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10 statement of Patricia Harriss given to me on such and such a
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15 the last statement from Patricia Harriss?
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20 statement of Patricia Harriss was the last statement that you
21 got this day.
22 A. No.
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24 A. Yes, sir. Okay, after receiving these items from the chief, I
25 placed them in my briefcase and I believe Corporal Davies

had a briefcase and we placed some in his. I got up then and I...

Q. Just let me stop you, at that point you had signed your statement and...

A. Packed our bags.

Q. Had your acknowledgements with the Chief.

A. Yes, sir, and I thanked the Chief for his cooperation and he come out from around the desk to see us out sort of thing and Corporal Davies went ahead, I came second, the Chief came third and we continued out the door. As we, I would have been in the doorway or just a step or two out the door. Corporal Davies turned to me and said, "Staff, you didn't get everything." He slipped one piece of paper or something on the floor, a piece of paper on the floor. I turned to the Chief, who was still back in his office, I may have taken one step or two, and I said, "Chief, Corporal Davies tells me you slipped something on the floor."

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Q. Had your acknowledgements with the Chief.

A. Yes, sir, and I thanked the Chief for his cooperation and he come out from around the desk to see us out sort of thing and Corporal Davies went ahead, I came second, the Chief came third and we continued out the door. As we, I would have been in the doorway or just a step or two out the door. Corporal Davies turned to me and said, "Staff, you didn't get everything." He slipped one piece of paper or something on the floor, a piece of paper on the floor. I turned to the Chief, who was still back in his office, I may have taken one step or two, and I said, "Chief, Corporal Davies tells me you slipped something on the floor."

He stared at me for some time eye to eye and then turned and said, "Well, you may as well have all of it." Or, "You may as well have everything," words to that effect. And he then walked toward the desk. At this time, I did not know if it was on the right or left of the desk or where it was behind the desk. He walked facing the desk, it would be on the left-hand side; sitting behind the desk, it would be on the right-hand side. Behind the desk and picked up a piece of paper.

1 Q. Picked up from where?
2 A. From the floor under the desk on that side, which would be
3 sitting behind the desk on the right-hand side, where facing
4 the desk, on the left-hand side on the side Corporal Davies
5 had been sitting on. And he was flustered, he was red in the
6 face, and he said, "Well, you may as well have it all," or words
7 to that effect, "You may as well have everything," and gave it
8 to me. I took it and I turned and I walked out. And Corporal
9 Davies was in the office at that time as well, and we left.
10 Q. Did you look at it?
11 A. I did not look at it.
12 Q. You did not look at it?
13 A. No. sir. I went to the police car and...
14 Q. What did you do with it when he gave it to you?
15 A. I held it in my hand.
16 Q. You didn't put it in you briefcase?
17 A. No, sir.
18 Q. Okay.
19 A. I went out to the police car and Corporal Davies was driving, I
20 was in the passenger side and I said, you know, "Let's return
21 to the office," and as we drove up the hill returning to the
22 office, I read it and found that it was a partially completed
23 statement of Patricia Harriss on the 17th of June 1971
24 written by William Urquhart, I believe it was.
25 Q. Do you have any doubt at all, sir, that that partially completed

1 statement was given to you by Chief MacIntyre after he
2 picked it up off the floor?
3 A. I have absolutely no doubt on that point. I also have
4 absolutely no doubt that I was not sitting behind his desk. I
5 was sitting in front of his desk.
6 Q. Was that an original statement, sir, or a typed one?
7 A. It was an original statement, sir.
8 Q. Do you know how it got to the floor?
9 A. Corporal Davies advised me he observed the chief slip it to
10 the floor. He said he picked it up with his left hand, reached
11 over, and put it down underneath the right-hand portion of
12 the desk.
13 Q. Did you see that?
14 A. I did not see that, no, sir.
15 Q. Can you suggest why you would not have seen that if the files
16 were on the desk in front of you?
17 A. Probably because I had my head down looking in this index
18 and trying to find whatever and signed for it, sir.
19 Q. I put to you, Staff Wheaton, that Chief MacIntyre under oath
20 here denied a number of times having slipped any statements
21 or anything onto the floor. Are you suggesting that his
22 testimony is incorrect?
23 A. I'm suggesting, I'm not suggesting, I'm stating the man
24 perjured himself.
25 Q. Before this Commission.

A. Before this Commission.

Q. In respect of the taking of the statement of Patricia Harriss and putting it on the floor.

A. That is correct, sir, yes.

COMMISSIONER POITRAS

Mr. Orsborn, I draw to your attention that the handwritten notes show that Corporal Davis or Davies "saw them placed on the floor" as opposed to the typewritten notes that referred to Corporal Davies having seen "it placed on the floor." I don't know if it has any relevance, I just draw it to your attention.

MR. ORSBORN

Thank you, My Lord.

BY MR. ORSBORN

Q. Just going to your handwritten notes, Staff Wheaton, and it would be, appears to page 12 of your handwritten notes. You can read it from there, the second paragraph:

> Handwritten statements of Bill Urquhart on Harriss showed numerous, only one read. Corporal Davies see them placed on floor.

Can you suggest any reason why the "them" would be changed to an "it" in a typewritten version?

A. No, I cannot, sir. It was one piece of paper.

Q. How do you know it was one piece of paper?

A. Because that's what the chief handed me.

Q. Did you go and look behind the desk and see if there was any

more?

A. I stood at the desk. I didn't see any more, sir, no.

Q. Did you, in fact, report to Frank Edwards, having gone to the chief's office and had this difficulty with the chief and the statements?

A. Yes, I did, sir.

Q. Leaving aside the problem with dates and referring to Mr. Edwards' notes, Volume 17, page nine, the third paragraph, I guess, his notes read, "Also told me," and he's referring to a conversation with yourself:

> Also told me that Herb Davies had noticed chief slip some of the information on floor behind desk. Believes it was some information with transcript attached relating to threat by Christmas against Pratico. Believes there was a charge against Christmas at the time.

Do you have any recollection of relating that to Mr. Edwards?

A. No, I don't, sir.

Q. Are you saying that Mr. Edwards' note is incorrect?

A. Yes, sir.

INQUIRY RECESSED UNTIL 2:00 p.m.

1 notes. And this is -- refers to a conversation on April 17th,
2 and I'm looking at the second paragraph:

3 While on the the phone, he told me...
4
5 I think that's Wheaton.

6 ...that he and Herb Davies had gone to see Chief MacIntyre late
7 Friday and spent a couple of hours with him. After being pressed,
8 Chief turned over previous written statement by Patricia Harriss in
9 which she described somebody matching Ebsary. Wheaton said
10 Chief went scarlet when pressed about this statement. Also turned
11 over November '71 statements of Mary and Greg Ebsary.
12
13 Down to the next paragraph:

14 Also told me that Herb Davies had noticed Chief slipped some of
15 the information on the floor behind the desk. He believes it was some
16 information with transcripts attached relating to threats.
17
18 A. I never slipped papers under my desk at any time.
19 Q. Chief, it's my understanding that Sergeant Herb Davies -- Do you
20 know Herb Davies?
21 A. No, I don't know him.
22 Q. You've never met him?
23 A. There was one or two people accompanied Wheaton to my office
24 on different occasions. I mean, one -- Probably once or twice.
25 At least once, and probably twice. One other fellow, I think.

1 Q. Do you remember being --
2 A. And I don't recall the name. I might know him to see him.
3 Q. Okay.
4 A. But what you're saying -- what he's saying there that I slipped
5 papers under my desk; I definitely deny that, sir.
6 Q. And I want to put this to you, Chief, because my understanding
7 is that Davies will testify as follows: Davies will testify to
8 this Commission that he was present in your office with Sergeant
9 Wheaton at which time they were getting materials from you --
10 from your file and that you took some documents and threw them
11 on the floor, that Wheaton could not see this and that when
12 they left -- they were leaving the office, he told Wheaton,
13 "You didn't get everything." Wheaton then went back to you
14 and said, "I want everything," at which time you said, "Well,
15 I might as well give you everything." You were very embarrassed,
16 and you picked up a document from the floor and gave it to
17 Wheaton.
18 A. Yeh.
19 Q. Now, that's what Davies, I think, will testify.
20 A. Yeh. Well, I'm testifying now, under oath here, that I never
21 done such a thing, sir.
22 Q. Thank you. And I understand also --
23 A. And it's very embarrassing to even hear it -- hear of it.
24 Q. And, Chief, what I'm trying to do is give you the opportunity,
25 sir, to give your evidence on it.

1 A. I'm giving it now, sir.
2 Q. Yeh. And Sergeant Wheaton will testify as follows: That he was
3 there to get documents from you. That when they were leaving
4 the office, he was told by Davies that there were documents on
5 the floor, that you had not given them everything, that he
6 went back and asked you for the document which turned out to
7 be the first Harriss statement, that he had never seen that
8 document before, and that you had a very guilty look on your
9 face. And that's what Sergeant Wheaton will testify to.
10 A. Yeh.
11 Q. Do you deny that as well?
12 A. I deny that as well, sir.
13 Q. So both Davies and Wheaton are --
14 A. And I think at one point, sir, that you or one of your -- the
15 gentleman with you told me that they thought it was some other
16 document, and now it is the Harriss document.
17 Q. But I am -- What I am telling you, Chief, and giving you the
18 opportunity to comment on.
19 A. I was told at one occasion at -- of this certain thing here by
20 somebody that that was -- it was the information of Tom
21 Christmas, I believe. Is that right?
22 Q. That is, in fact, what -- That is Frank Edwards' notes say.
23 A. And somebody else now is saying that it's the Harriss -- I'm
24 telling you, sir, and this Commission here that I never slipped
25 anything under my desk, and I -- and we kept those files for

1 eleven years, and that statement was no more important than
2 Pratico's or Chant's and the other statements that I had in
3 that file and the information that I had on it that we kept
4 for eleven years.
5 Q. So Wheaton and Davies, if they testify as I've just told you, --
6 A. Yes.
7 Q. -- will not be telling the truth. Is that correct?
8 A. I am speaking for myself, sir, in front of the Commission
9 here that I never done that. And I understand also from you
10 that Wheaton didn't see that done either until Davies told him
11 after he left my office, is that correct?
12 Q. Yes, Mr. Wheaton will say as -- not as they left, as they were
13 leaving.
14 A. As they were leaving --
15 Q. Yes.
16 A. ...that MacIntyre slipped documents
under his desk.
17
18 Q. Yes.
19 A. Yeh. And I was present there at that time. That's not what
20 I was told before either, sir. I was told before -- And it's
21 a very serious accusation, and I'm -- I was told before that
22 they both left the office and that he told Wheaton outside
23 of the office and then they returned to my office. Now I'm
24 learning that they never left the office, that he told him.
25 Well, I'd have to be present if he told him that, sir, in my

office. Am I right on that, sir?

Q. Unfortunately, we haven't yet heard from Wheaton and Davies and what I'm trying to do is tell you what I understand their evidence will be.

A. I'm denying that statement.

Q. What someone told you before, I can't help that. I'm telling you now what I understand the evidence of those gentlemen will be.

A. Yeh.

Q. And they'll be tested at the time. You deny it?

1 A. I deny that sure.

2 Q. And if they give that evidence that you did that, they

3 are not telling the truth.

4 A. That will be up to the Commission here, sir.

5 Q. Okay.

6 COMMISSIONER POITRAS:

7 But is this evidence in connection with the Christmas matter

8 or is it in connection with --

9 MR. MacDONALD:

10 No, My Lord.

11 COMMISSIONER POITRAS:

12 Because that is referred to in the next paragraph as indicated

13 by Mr. MacIntyre.

14 BY MR. MacDONALD:

15 Q. But that is what is referred to in Frank Harris's -- in

16 Frank Edwards' notes. You're correct, Chief.

17 A. What's that?

18 Q. In Frank Edwards' notes, --

19 A. Yes.

20 Q. If you look at page nine, see the third paragraph:

21 Also told me that Herb Davies had noticed
Chief slipped some of the information on
22 (the) floor behind the desk, believes it was
some information with transcript attached
23 relating to threat by Christmas against
Pratico, believes there was a charge against
24 Christmas at (the) time.

25 That's what Frank Edwards recorded.

4:14 p.m.

1 Q. Now the reference to the Harriss statement is what I am
2 suggesting to you that Wheaton and Harriss -- Wheaton
3 and Davies will tell the Commission.
4 A. Well, you know, this is a very serious remark to make and
5 we have here two R.C.M.P. officers making that remark
6 and then the Crown Prosecutor making another remark and
7 on the documents that was slipped under my desk. And
8 I was also advised that they were in the office at the
9 time and I was there and what was said and another incident
10 that they had left the office and came back in. Now my
11 officer, sir, was only -- I think it's nine by sixteen
12 with a desk and three or four chairs in there, three of
13 us in there and I'm slipping documents under the desk.
14 That's something, sir, that I never done in my life.
15 Thank you.
16 Q. Thank you.
17 COMMISSIONER EVANS:
18 Mr. MacDonald, going down a little further on this, on the
19 notes where you're dealing with Herb Davies, I take it when
20 it's said
21 He also saw Prosecutor MacNeil's notes
22 on (the) Chief's file.
23 That's referring to Davies, I take it. And then the next
24 thing:
25 Left with only (the) statement and a few
other papers. Still did not demand the
full file and all information from (the)
Chief.

E

Guy Elsary

Age. Background. Education

Activities as youngster. Hockey Sandy Seale

Gangs Indians Blacks

(Donald Marshall)

Where grew up: Home arrangement?

Life with Roy: Type of Dress 14/47 Blue Buberry

Acquaintance: Bringing people home.
Prejudiced? "Blackie" "Nigger"

Drinking: Violence: Physical

Knives: Use of 14/49 Weapons Exhibit 26 & 27

Carry in his belt? where? when he went out? 14/56

Tony Tratnik? Old man Spencer?

May 28/71 – not home

Discussions: mother Donna Roy

May 29/71 MacNeil visit. Could it have been 30th (Sunday?). What said & by whom.

Discussions family members next seven days.

Rutherford

MacNeil visit Wondlyn: Recollection? Purpose ~~Similar basis~~
– "all going to end up in court" 16/177

MacNeil tell him what happened 14/57
Transcript 452-54 464-65 505-07

TRIAL: Aware of? Ever hear Marshall Story: Connect description with Roy
16/17

NOV. 1971: Independent recollection?
In detail how got there. time?
How long Police Station 14/43 three hours
Statement taken entire time?
Treatment? Frightened.?

Speak Donna mother Ray afterwards?

Review Statement: Introduce original: See before?
16/191, 177, 181 Read to you?

Does Statement contain accurate record
of entire questioning?
Recorder?
Speak MacNeil? Rosenblum? Khatter.

Aware Polygraphs? Result?
Contacted by RCMP?

Return? when 14/42 after Polygraph

Rotkhard: Donna approach to him. R.C.M.P.
Police! Visits to House

Sawzor: Removal of Ray from home. Threats.

How Ray confess over years?
Sawzon. Robert McLeod

1982 RCMP: Describe contact Wheaton

14/42: accurate statement of what asked & said? Review in detail

14/55 No reference to any of this in his statement

Affidavit: 14/44 Meeting Acorson.
Opportunity to construct? Scratched out statement p. 2. which did the information come from?

Knife: Explain history. How given to Wheaton.
Tomahawk Knife?

Donna

Ratchford + she to Police Stn.

Green went to R. Lane + said "I believe you"

Letter
Ebsary to
Marshall

Marshall → Ebsary

Ray Ebsary

Background:

1912 - June 2.

History in Sydney:
1952
1964 - Isle Royal - 1972
Esplanade Grill

WORK History:

Previous Offences:

TONY TRATNIK 101 18/34

Previous mugging:
Had before in Re Paul

Police involvement at Home:

NONE.

DRINKING: ~~No~~ Seldom at TAVERN. Wine Mostly

May 28, 1971:

Clear picture in his mind

Wife gave him a bottle of wine. Went to MacNeil home.
Jim came home at midnight. Went to State tavern. Closed

noticed a row in Park. Ignored

Poorly lighted. Stood 3/4 way along crescent

Marshall grabbed MacNeil by throat
Could hear MacNeil screaming

after MacNeil said if we go up Argyle other people will get us

May 29 + ff

Greg:

Donna: Didn't Tell Pam what to do.

Hermit: why

Nov. 15 + ff Vol. 11/1

16/188 - Robbie Robertson

Statement: only ~~there~~ There 10-15 minutes.
Never saw Cagey before

Why did McNeil go to Police
Doesn't know why.

Refer to McNeil Statement??

Polygraph

Work-up: any physical defects. Put him through 3 times
Asked him many questions

Questions: U01.16. p.202

told Do not reveal that test taken

Subsequent Questioning: None

INSP. Marshall: no questioning
Satisfied Telling the Truth

told people story

After Ryan's evidence

David Ratchford — Mitch Sarson

1981 — Audio — pumped?

Sgt 1984 — Video

Was Mushaw given the Polygraph?
Investigative Interview?

MacNeil Statement
perhaps MacNeil Judas. why saved "life"?
Knife – confiscated 16/1 ✓

Save his life – Judas. p. 4, 7, 8, 13, 15
Simple
Clean knife off in ground.

everything in Seale's pockets

19N

(5)

Ex.

1982 Feb. R.C.M.P. Vol. 18/32

16/214 —

Letters to Marshall 19/96 —

✓ KNIVES Vol 19/91 : Introduce Knife from Gibsang TRIAL

INTERVIEW Carroll 19/138

mugged before

Why want to get Marshall out of Jail.

FOUND GUILTY & Served TIME. ✓

Medical Treatments ✓

Medical records:

McCl Intyre:

Elsaney Medical Record D.S. Hosp.

who undressed Seale & catalogued contents in pockets

Service & psychiatric

Ebsary Service number PJX 247943 - Service Number

Ruby ~~PJX 459943~~ 547943

Invited boys to come to house because going to have a barbeque. Have to decide they were nice boys before inviting them into their home

Pugsley

Murray

Saunders

Ross

Wildsmith

[Provide Ratchford & Kemps from evidence re acting & directing
also Abbass]

F

G

Gpl

Gpl. Gary Gee

Name

Station:

why not seen with Commission Counsel?

Career Path: Sydney 1973-77

Training:

notebook: None here. No documents of any kind in his possession

Guidance Rec'd.

✓ David Ratchford: Knowledge of him
work out c him? attend Closes 4522/23

Mr McIntyre - Urquhart. Experience with them.

G15

"file"

(2)

Meeting Donna + Ratchford:
What told? Ratchford 4405
Read Transcript??
Believe her?

Visit to Sydney Police. Describe physical set up? Who saw? How long etc.

Ex. 90 Item 15 Wheatly Notes

Ex. 74 Ratchford notes

Report to Superiors? Why? Ratchford 4407 4435
Knew City Police not going to do anything.

Donna not interviewed in 1971? N.B.?

Contact Donna Elbany's Parents?

Contact Prosecutor?

Marshall's lawyers?

Consider any obligation owed to Marshall?
Donna Ebsary? Delty or a Policeman?

Speak to anyone else ✓
Wheaton media ✓
other counsel ✓

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

IN THE MATTER of the Public Inquiries Act,
R.S.N.S. 1967 c. 250

- and -

IN THE MATTER of a Commission appointed by Order-in-Council the 28th day of October, 1986, to inquire in and report to the Governor in Council with respect to all matters related to the death of Sandford William Seale and the criminal prosecution of Donald Marshall, Jr. (The Marshall Inquiry)

TO: Constable Gary Green
c/o William L. Ryan
Stewart, MacKeen & Covert
1959 Upper Water Street
Halifax, N. S.

BY VIRTUE of the powers vested in me by the Public Inquiries Act and by Order-in-Council dated October 28, 1986, I do hereby order that you:

1. Produce and deliver to Commission Counsel within 15 days of receipt of this Order any and all such documents, reports and materials as may be in your possession or custody and relevant to the matters before the Inquiry, including, without restricting the generality of the foregoing:

   All diaries, files, or other documentation relating to the investigation of the Donald Marshall conviction and subsequent acquittal.

WITNESS the Chairman of the Marshall Inquiry this 30th day of November, A.D., 1987.

CHAIRMAN

Sydney, N.S. 17 April 82

STATEMENT OF: DONNA ELAINE EBSARY,
B: 16 June 57, 287 Washington,
NEWTON, U.S.A.

I am the daughter of Roy EBSARY, and presently reside in Boston. I was born in Sydney and we lived at 126 Rear Argyle Street until I was 15 or 16 years old at which time we moved to 46 Mechanic St. Sydney. In 1971, I would have been 13 years of age and I remember the night of the SEALE Murder, vividly, as it made such an impression on me.

I was home when father and Jimmie McNEIL arrived home, and I can recall them facing me in the living room. My mother was there and we were watching T.V. Jimmie said to Roy, "you did good, or you did a good job", words to that effect: he was exicted. He turned like he was going to tell us and father, said, "Shut up, don't say anything" They went down the hall to the kitchen and I followed along. Father was at the sink washing off something.

I know it was a knife and as I remember, it had a brown handle. He took it upstairs and it always bothered me and I used to hunt for it. At school everyone talked about the Murder, and I know they were looking for an old man with a goatee, white hair and a cape. Outwardly, to other kids, I pretended it was not my father, but inwardly I knew it was.

I feared my father and he disrupted the household. I always felt that if I could get the knife he would be put away. I remember going to the Police station with father, Greg, and myself. I stayed out in the car with the dog and was never spoken to by the Police. I can remember Detectives coming to my home during this time.

//////2

STATEMENT OF DONNA ELAINE EBSARY - CONT'd

The next thing I can recall, around 1974 I told Dave RATCHFORD that I knew my father did the stabbing in the park. We got a hold of the Sydney City Police and apparently they would do nothing. We also got a hold of Cst. Gary GREEN of the R.C.M.P. and they apparently got nowhere with the City Police either. I also talked to Diane LEWIS, who was with a group of people that was trying to get MARSHALL parolled. I didn't tell her I saw the knife, just that I knew MARSHALL was innocent. I also mentioned it to Debbie COUTOURE that father did it. She was with National Parks.

I felt totally frustrated to think MARSHALL was in jail and my father had committed this crime, and there was nothing I could do about it. While going to the College of Cape Breton, I mentioned it to one of my professors, Liz BOARDMORE.

Around 1975, Uncle Bob EBSARY was over from Newfoundland. Father and Uncle Bob were drinking and I heard father tell Bob about the attempted Robbery. He said, "they asked me for my money, and I said, I'll give you what I have". Father then made an underhanded stabbing motion as if he had a knife in his hand. As he was telling Uncle Bob this, he was acting it out as if he put his hand in his coat pocket , pulled out a knife and stabbed forward with it. He also said you should have seen the look on the other fellow's face, meaning the person accompanying the person he stabbed. He explained that people had tried to roll him before in the park, and he always carried a knife.

During the period between 1971, at the time of the Murder, until I left home in late 1978 or early 1979, Father stayed completely in the house and mainly in his room. He wrote, read

...../3

STATEMENT OF DONNA ELAINE EBSARY - CONT'd

...and generally acted eccentric. He still had knives around all the time and still had an extremely violent side. He rambled on about killing during the war and the present like killing a neighbour. I don't think killing anything bothers father, human or animal. I know he killed a budgie of mine when I was a kid. He literally ripped its head off.

Father dressed like a Five-Star General with his coat over his shoulders. He read a lot and would act out the lives of the people.

(Sgd) Donna E. EBSARY

WITNESS:

H.F. WHEATON, S/Sgt.

Extract of Notes from S/Sgt. Wheaton's Notebook 1982 -
Re: Donald MARSHALL Case

1. Mary EBSARY - Mechanic St. across from Taxi Stand
   Phone 539-4399

2. Jimmie MCNEIL - 222 Mt. Pleasant St.
   Father - Spring Garden Villa

3. To Dorchester 18Feb82 - Interview MARSHALL 11:34 a.m.

4. John L. PRACTICO - Andy ARSENAULT
   Phone 562-3202

5. Interviewed Mrs. M. PRACTICO mother of John L. 10:00 a.m. - 15Feb82.

6. 22Feb82

   EBSARY came into office at 10:17 a.m. Jim CARROLL and myself. Religious talk, war experiences.

   11:15 a.m. left room and returned 11:31 a.m.
   Read MCNEIL'S statement 12:27
   1:41 p.m. finished interview - 3 hrs. 25 mins.

   82Feb22

   Received call from EBSARY at 4:30 p.m.

   E - All our talking today was not in vain.

   W - What do you mean by that?

   E - Well, you know I am a British Officer and a gentleman.

   W - Yes.

   E - You called me a homosexual

   W - Yes.

   E - All our talking was not in vain.

   W - Why is that?

   E - Well I did it.

   W - Are you admitting stabbing SEALE?

E - Yes.

W - Would you like to speak to me?

E - No, the other fellow.

W - Okay, I'll send Jim down.

7. Ian MCPHERSON, Social Services

8. 3March87 - Ten knives seized from Greg EBSARY.

9. Forwarded to Lab - 4Mar82, Reg. Mail #2185;
Attention: Richard MCALPHIN

10. Knives returned via Registered Mail, No. 242 on 7April82.

11. 9March82 - Interview MARSHALL Dorchester -
Warned Statement taken 12:03 p.m. to 12:30 p.m.

12. 23March82 - Fruit basket found in basement of EBSARY home.

13. 26March82 - Basket turned over to Guy ARSENAULT to be taken to Lab.

14. A.D. GUNN - Confirms meeting with Patricia HARRIS and mother on 28June71 at 4:30 p.m.

15. 25March82 - Cst. Gary GREEN contacted - recalls Dave RATCHFORD telling him re Donna EBSARY'S father's knife - Reports to Billy URQUHART - cool reception.

16. Debbie MACDONALD - Couture Bisco - 564-8228,
Home - 539-1790, 18 Milton.

17. 1April82, Interview with Dr. DONOVAN

18. 31March82 - Mary corroborates coat seized Jim MCNEIL.

19. 30March82 EBSARY remanded to Nova Scotia Hospital.

20. 2April82 - Interview with Donna EBSARY by phone.

21. Brian KAZOO - 469-7500, Local 715
539-7121

22. Catherine - 23 Cross St., Sydney
Mary O'RILEY - SEAL'S girlfriend
PALLETS - tell going - Margaret O'RILEY'S sister.

23. Rudie POIRIER saw JUNIOR at steps.

24. Interviewed once EBSARYS.

25. Patricia HARRIS - 1-455-8070
3536 Connaught Avenue, Apartment #3.

26. 16April82

Interview 3:45 Chief MCINTYRE, Cpl. DAVIES, myself. Chief produced brown accordion file folder containing approximately four manila file folders as well as a number of envelopes. Chief was asked four or five times for any other statements from Patricia HARRIS. Last statement given - hand written statement of Bill URQUHART. On HARRIS showed numerous, only one read. Cpl. DAVIES saw it placed on floor, asked numerous times why, PRACTICO no explanation. No comment on line up. No comment on PRACTICO re witness.

Definitely did not interview EBSARY'S wife or son after murder on 15th. Total correspondence 31 pieces.

Exhibit Number: 90

Filed on: DEC 11 1987, 1987

At The Hearings of The
Royal Commission On The
Donald Marshall, Jr., Prosecution

Malcolm Williston,
Registrar

Sydney, N.S.
29 Mar 82

Ex 74

Statement of: David F Ratchford
B. 18 Aug 49, 296 Charlotte St
Sydney N.S. - 539-9502.

During the period of Approx 1974 Donna Ebsary began attending my Marshall Arts Studio here in Sydney. We became rather good friends over a period of time. She had a rather turbulent relationship with her father. She appeared to get along with her mother.

I recall that one evening she told me an amazing story about her father. She said that at the time of the Seale murder she was home when her father and another guy came home. She stated that her father had blood on his shirt and a knife in his belt. She saw him wash blood off his hands and he mentioned stabbing a nigger in the park.

Donna hated her father but still had a strange respect for him.

I felt that this should be reported to the police immediately. I phoned the City Police and talked to

Bill Urquhart, I believe. He said that the case was over and they were not prepared to re-open the case. I believed this girl and felt this was most improper. Cst. Gary Green was ~~attempting my classes~~ a good friend so I reported it to him.

I understood that he also ran into a blank wall with the City Police. In the years following Donna occasionally brought it up and found it strange that the Police were not doing anything. Donna and I discussed the possibility of her father admitting to me that he committed the murder. I got to know him but he never admitted it to me.

W F Wheaton

David L. Rathgeb

Donna Ebsary — 1-617-244-9645

Tiger Crane Kung Fu Club
P O Box 114
Essex Station, Boston

Exhibit Number: 74

Filed on: NOV - 4 1987, 1987

At The Hearings of The
Royal Commission On The
Donald Marshall, Jr., Prosecution

Malcolm Williston,
Registrar

Gustin

Independent recollection:

Kicked out of dance that night
Going to park.
Met Jr Marshall. Impression didn't want
him staying there
Cannot picture anyone else at this stage

Drinking: some wine & beer. Feeling good.
Cousin encountered.

Remember Police picking him up.

told P not to say anything

Questioned by Mac Intyre & Urquhart
Loud but not antagonistic
Here for some time.
Doesn't remember talking to Latrice

Marshall: tough nut, Bad Beating from
him once.
tough guy.
Bangs, etc.
Police always seemed to be on Indian case

no pressure from police. Good Guy Bad Guy.

NOTES FOR EXAMINATION OF TERRENCE GUSHUE
(VOLUME 13, P.66ff.)

1. Statement of June 17, 1971 commenced at 11:40 p.m. How did he arrive at the Police Station. How long was he there. Who was questioning him. Describe the circumstances. (Gushue is 20 years old at the time).

2. What was his experience with Donald Marshall, Jr. Did Marshall have a reputation. Did Marshall hold Patricia Harriss' hand that night. How can he explain that action.

3. Is he certain there was only one other person present with Marshall.

4. Did he speak with Patricia Harriss at the Police Station on the night his statement was taken.

5. Did he speak with the Crown Prosecutor prior to the trial? With the Defence Counsel?

6. Does he have independent recollection of the night of May 28, 1971. Try and tie him down on times as closely as possible.

7. Refer him to his statement to the R.C.M.P. Vol. 13, p. 76.

8. Refer him to his Affidavit Vol. 13, p. 77 and have him describe how it was prepared and sworn. The times given in the Affidavit do not correspond with the evidence given by him at trial or the preliminary or his statement.

9. Isn't it true that he saw the people on Crescent Street from the Park and went up to them to get a light and there could have been more than one person with Marshall.

10. Isn't it true he had been beaten up by Marshall and other people had also had the same experience.

11. Does he recall hearing sirens on the night in question.

12. Did he and Harriss initially agree not to become involved.

13. Did they initially tell the police they had not seen anything and went back to the police only after Harriss' mother insisted they do so.

Police pressure?
Recommended by Defence Counsel.

PATRICIA HARRISS and TERANCE GUSHUE

Were they interviewed by Crown Prosecutors or Defence Counsel prior to trial?

H

Harriss

MAYNARD CHANT, by Mr. Orsborn

A. I remember one of the -- one of the young ladies giving the fellow that was with me a kleenex for his arm. I can't really remember if there was any conversation between us or them or -- I -- It's very, you know, very vague as far as even to remember it.

Q. Would it be fair to state that because of the offer of a kleenex that there was in fact some bleeding from the arm?

A. Probably at that time.

Q. I think on one of the statements that you gave the R.C.M.P., Mr. Chant, you identified one of these girls as Patricia Harriss. Is that in fact your recollection?

A. According to the statement?

Q. Yes.

A. Or according to the trial?

Q. I know you've got it all built up but according to your memory is that in fact a -- is that a correct statement?

A. Yes, that would be --

Q. But you say you didn't recognize her if you're still able to name Patricia Harriss.

A. Oh, I -- I don't know if -- I don't believe that I named her as far as her name. Probably -- The only probably time I give her name is when I found out who she was but I didn't know her at that time, no.

Q. Are you telling us now that one of those girls that you met on the street was in fact Patricia Harriss?

V

Mrs MacNeil 564-9835
562-0991

A. Yes, I later learned to find out that it was Patricia Harriss.

Q. You didn't know her at the time?

A. No.

Q. I should point out to you that we expect Patricia Harriss to say that that was not her in the park. Does that shake your recollection at all?

A. No, it doesn't bother me.

Q. Does it cast any doubt on your memory?

A. No.

Q. I'll perhaps come back to that. You mentioned a car coming down. Are you able to tell us how much time elapsed between your first encounter with Mr. Marshall, if we can assume it was Mr. Marshall, and the sighting of this car?

their p. 775 comes next

Answer: ? ?

1 I was just more in a state of trying to get it off my
2 chest, not really to the point that I didn't think everything
3 through, I just gave the statement according to how I felt
4 in my heart, not really to say -- It was probably after I
5 begin to think and begin to -- It was some -- It was something
6 that all my life I tried to block out because it was -- and
7 still today I guess I'm trying to -- trying to forget. And
8 it's hard trying to forget when you're -- trying -- trying
9 to remember, and it's -- Probably the only thing I could
10 say to that is that it just never entered my mind at that
11 time to say.
12 Q. And they came back and saw you again I take it?
13 A. Yes.
14 Q. And you gave them a further statement on the 20th of April
15 of 1982 which was reproduced on page 49 and following. Now in
16 that statement there were a couple of details I'd like to
17 touch base with you. Now there for the first time you named
18 Patricia Harriss as the girl that gave you the kleenex in
19 the park. Do you recall how you came to identify her as
20 the girl you met in the park?
21 A. Oh, I -- Later on in the years Patricia worked for the
22 Grub Steak in Louisbourg, the restaurant, and I used to go
23 up there and I just -- I began to know her through that. I
24 just -- That's all.
25 Q. How many years after the incident was that?

1 A. I don't know. No, I can't --
2 Q. More than ten, which would be in 1981?
3 A. It could be around that time. It could be around -- No, it
4 wouldn't be -- What did you say, 1981?
5 Q. Yeh, about ten years would be 1981.
6 A. No, it would have to be before 1979.
7 Q. Before 1979?
8 A. Yes.
9 Q. But however long it was are you saying that when you saw her
10 at that time a number of years later --
11 A. I made her acquaintance.
12 Q. --you then recognized her as being the girl you saw in the
13 park?
14 A. It's -- I don't know really what brought the conclusion.
15 I could have been through everything that had happened.
16 It possibly could have been that it had been the girl that
17 I recognized then, yes.
18 Q. I think the other matter is on the statement we touched on
19 in your earlier -- earlier testimony. Finally, Mr. Chant, you
20 provided an affidavit in July of 1982, and I'd like to ask
21 you about two further paragraphs in that, page 53, paragraph
22 nine, you say that:
23 "I gave the statement referred to in
Exhibit C..."
24
25 Which would be the statement -- the Louisbourg statement.

1 Q. Okay. Fine. Thank you, and as you walked along -- as you
2 walked along Byng I understand that you ran into two couples.
3 Am I correct?
4 A. Yes.
5 Q. And this is before the car stopped for you?
6 A. Yes.
7 Q. And one of these -- As a matter of fact, of the four people,
8 you identified one later on as Patricia Harriss?
9 A. Yes.
10 Q. Did you also identify another one as Terry Gushue?
11 A. I don't recall.
12 Q. I see. Do you know Terry Gushue?
13 A. In what respect?
14 Q. Do you know him to see him?
15 A. I don't know. I would have to see him. Is he here?
16 Q. Oh, I see. But you don't -- You don't know that you know
17 him right now?
18 A. No.
19 Q. Okay. Fine. And as far as the other two people are concerned,
20 could you recall anything at all about them? There is
21 Patricia --
22 A. Appearance wise?
23 Q. Pardon me.
24 A. Excuse me. I didn't follow you. What did you say?
25 Q. Okay. Fine. I'll slow down. There were four people that

1 Chief MacIntyre?
2 A. There were several points but I can't recall now exactly what
3 they were. It's been five years or more.
4 Q. Do you have any idea at all what they were?
5 A. I know there were several points, maybe a dozen or more that
6 -- things that I had circled between myself and Constable Walsh
7 or Inspector Walsh at that time. I'm afraid I just can't pick
8 anything at this point without reviewing the transcript.
9 Q. And the purpose of your review of the transcript, sir, was
10 what?
11 A. My purpose?
12 Q. Yes.
13 A. Just to review it and see if I could see things in there that
14 maybe weren't consistent with other things that were happening
15 with the investigation.
16 Q. Could you --
17 A. Did I believe such things could happen.
18 Q. all right, and what was your view?
19 A. There were several things I found strange about it. The fact
20 that the Crown Prosecutor had to be reminded of his role by
21 the Justice at that time. The fact that Patricia Harriss was
22 called as a witness but her boyfriend who stuck to his
23 original story was not called to give evidence. It seemed
24 that witnesses were selected to give evidence at that point
25 and not every one was heard.

1 Q. No. How about John Pratico?
2 A. I had seen him in the Pier but I didn't know his name other
3 than he was going back and forth to school and I may be on
4 the crosswalk but I never -- never knew his name.
5 Q. Were you made aware during the course of the investigation that
6 Mr. Pratico was giving statements to the police?
7 A. I don't recall.
8 Q. Did you know Jimmy MacNeil?
9 A. No, I never.
10 Q. No? Was there discussion around the station as time progressed
11 in late May or early June of the identity of the various
12 people who were giving statements to the police?
13 A. I don't recall.
14 Q. Do you know -- did you know, for instance, at the time that
15 John Pratico had given a statement?
16 A. No.
17 Q. Or Patricia Harriss?
18 A. No.
19 Q. Or Maynard Chant? You don't recollect --
20 A. Neither one. No, no recollection.
21 Q. Do you recollect any names at all before they gave their
22 statements?
23 A. No, I don't.
24 Q. No. We heard some testimony again from Scott MacKay. He
25 indicated at the time that he was giving his statement, that

Nov. 15

Vol 13/79
16/63

Patricia Harris
Present Status:

Particulars in 1971 - Age Grade 8 etc

Relationship ~ Gushue:
Last contact & discussion.

Recollection of events of 1971
13/115 ~~13/139~~

Any details she recall personally News.

Told to get out of there. Drinking.
Does she recall giving Statements:

When & how learn of Seale's Death
Couple of days Later 13/144

Discuss ~ Harris & told her to let police know she was in the Park.

why go to Police

How get There

How long There Who Present

Show Statement in Urquhart writing 16/65

Show second Statement

Police Attitude 13/102

13/138-39

Dealing c̄ Police & Prosecutor
after. Defence Counsel

See A. O. GUNN.

Significance of Oath

13/81 95 13/113 !!

Grand Jury Concerns?

friends of O'Reilly 13/133
O'Reilly statements 16/74

Why NOT Tell people Through The Years!

Mother?

Can we bring Briggs down tomorrow

Hea

Clear up "statement" ✓

Dentking 114

refer p. 129 161

Discussion c Harris Gesher

Record

④

RCMP VISIT (feel Good)

Statement 13/102 !!

IN detail

!! Affidavit: 103 !! 16/129

IN detail

Discussions Prosecutor? Defence Counsel

Gushue consistently Says only

one person with Marshall

Ever Speak with him about it.

INDIANS Fight

Relationships = native + Blacks

Knowledge evidence

Practice

why not Tell other people during years

PATRICIA HARRISS and TERANCE GUSHUE

Were they interviewed by Crown Prosecutors or Defence Counsel prior to trial?

Did she take Maynard Chant in later years.

I

J

K

File

Simon Khattar

Experience type of practice

Indians Crown Prosecutor

Retainer: Local Bond Fees

Visit to Jail. 16/17
Never Charged 2/9

Did he believe story.

Have copy of Statement given by Marshall to Police

Involvement G.M. Rosenblum.
Experience. Crown Prosecutor

Donald MacNeil: Experience. Practice.

Did he ever ask MacNeil for info & not get it or was this only expectation

Chief MacIntyre. Experience. Reputation. Statements

Did not ask for Statements.

Check with Rosenblum!!

Expect there would be statements. Crown would have copies of them.

Was money any ~~object~~ deterrence to providing full + complete defence. Any thought to use of an investigator.

What work done to prepare for Preliminary? Purpose of Preliminary Visit to Scene.

Aware eyewitnesses to be called.

Theory of case: where was the knife?

Strategy for Preliminary. Who decided which witnesses to be questioned? By whom? ~~Why not Cross Examine Chant? Pretrial~~?

Bd 16/157 any knowledge.

Any surprises from Preliminary? Aware of statements! 1/29 Ask for copies?
16/157 - Ed results.

Why not Cross-Examine Chant? 1/42 Pretrial 1/45 to determine if they made statement? Assume they had given statements

✓ What preparation work done prior to TRIAL.

✓ Interview: Chant Pratico Harris
Mary Theresa Paul 1/171
Tom Christmas others.

✓ Amount of Time ?

✓ Aware Pratico in N.S. Hospital would That have been useful information ?

Statement of Facts 1/79 Purpose. Explain
Grand Jury Testimony

✓ Strategy for TRIAL: Proof of exhibits. Continuity
Agreement c̄ counsel

Jury Selection: Indians Blacks
Whites - neutral? unbiased ??

Tell Client to dress presentably?

Division of witnesses. Discussion with Rosenblum concerning questions to be asked. ?

Chant: ~~1/38 1/20~~ 1/151 ff -154
Statements given. Ask for them?
Route described by Chant

Pratico: 1/155 181
✓ 1/182 what else would you have wanted to ask him ?
Agree with the ruling ? 1/186 1/187 1/200-201
Discuss activity in Hall. L.M. D. Mac N. M.R.
no money paying "Tell the Truth"

1. Checked T CM Rosenblum since Inquiry started + determined no contact with Crown or request for Statements.

2. Other Counsel (Defence) say MacNeil very open + approachable

3. Other Counsel say usual to approach Crown witnesses for interviews

1/38 4. Chont's route: Grey Brought about challenging him. Return to Bus Station.
1/138 NN Marshall run down Cleveland - Bentinck - Byng.

5. where was knife? Could virtually see Marshall all the time if Pratico + Chont correct.
why didn't Marshall + Pratico collide.
1/45 1/160

6. Instruction to Marshall? demeanour? dress

7. RCMP re-investigation. answer.
his detector. ~~not~~ CMR some. Refer Vol 18/12,13

Basic to Notes

✓ why not call Donald Marshall Sr. ~~or~~ to give evidence about the conversation with Patrick 1/206

Barbara Floyd. People in Rosenblum office.
Expect to be told.

✓ Consult on charge to Jury?
Reference to Statements. 2/47 2/50

✓ Surprised at Verdict?

Appeal: Discussion Strategy.

Notice of Appeal 2/113 2/118
no reference to Patrick Examination

RCMP Investigation 1971
Contact?

✓ Lie detector: Agree to have Marshall take one?
See letter Smith - MacIntyre 18/12/13 aware of this

✓ Correctional Services Exhibit.

RCMP 2nd Investigation
Affidavit: who prepared. Meeting with Cameron before?
Exhibit

Indians

Client: Sentence:

Respect:

Different Result if Marshall told story about attempt to lob?

~~Actual opinion~~ NO!!

L

M

Mallon

4697
4791

Experience D. MacNeil
other prosecutors
to date

Get matter
evidence
Appeal?

5103

Defence Indicia:

Comments in Court - racist

"Why on Charlotte St. & not home on reserve"

Build prison around reserve?

Murder TRIAL 1971-2

Sentencing

Dealings C MacIntyre

Deputy

(Court management system)

Crown witness
Blacks

Jury

Respect for accused

Mc

Innis McLeod

Name etc

Education Solicitor Dept of Justice
1950 – Dept A-G –
Civil Service Comm. 50-1953 X

Experience as practicing lawyer.
1953-56 A-G. Sr. Solicitor
56-69 – Admin Asst Branch ✓
Experience with A-G office ✓

Position as Deputy A-G. ✓

Describe organization of Office. ✓
Reporting structure
File 7023 X Script Guer Shipe
Relationship to A-G.

✓ Type of legal to head his desk

autonomy of local prosecutors?
Disclosure practices + Directives

✓ Relationship c̄ R.C.M.P.

✓ Role played by RCMP

Examples of RCMP investigating ✓
work of another force.

✓ Experience with Polygraph & their use.

Marshall Case:

His involvement? Knowledge.

RCMP re-investigation 1971

Unique – His involvement? Why?

Report? Expect to receive copy "Exceptional matter"

Vol 16/204.

Should he have known that eye witnesses come forward after conviction?
Should A-G have known.

When Anderson appointed what done to pass over his work? Dec. 15/71

no formal turning over of file

Discussion other people - Newspaper

Agreement:

W.U. evidence is response to Darrell Pirk ≈ 10:30 quote from Williston.

Cf. with Green & Rutherford evidence of reaction to Donna Elsbury
W.U. denies ever being approached by Green or Rutherford

Does not support suggestion that he told Mr I of approach by O'Reilly & this led to Mr I attending & questioning Harris

The LORD NELSON

~~Dedication~~

A Mr I decline c
this Aff re Patricia Hansi

Patterson:
He did not contact us!
Mr I did not know him
Mr I & U – could not locate him
Mr I – didn't know where he
day of trial he lived. Ex. 120-138 George St.
was U knew where he was
convicted lived

Corner of Spring Garden Road & South Park Street
HALIFAX, Nova Scotia B3J 2T3
Tel. (902) 423-6331 Telex 019-21866

Submissions

Scott MacKay – Marshall said "Don't call police"

Deldui MacPherson – Seale said "No Cops"

Protection: Bushes between ~~two of us~~
Chant: Saw someone behind bushes
(a) at the scene or (b) Someone suggested answers.

?? Review to McNeil charge to Jury re "excellent" work of Sydney City Police

p. 4999 : all male white jury was a ~~[illegible]~~ jury of his peers

Bruce Archibald 5521 – wrong ruling significantly contributed to the conviction.

McNeil statement – Daughter + Son

Criminal Justice system consists of various elements: Lid Rem.
all failed Jr. Marshall.

Patterson 55/10020 ++ two statements already beating etc.

DEBORAH MACDONALD COUTURE

Refer to her Statement which is found in Volume G-2 and review it in detail.

How did she know Sandy Seale's name? Was she indeed with the National Parole Service? What, if anything, did she do upon hearing this story from Donna Ebsary?

Why did she refuse to sign the Statement which was prepared by Hyde?

N

Dr Moqui

Qualifications

Independent Recollection.

Describe records in general? When made & by whom? 16/159

Go to Sydney Hospital Records p. 22 for time of arrival. His report. Clothing & what done with it.

What is shock? How caused? Massive blood loss. Why wait so long to remove to O.R.

How can massive blood loss be caused? aorta or vena cava — one or major artery & one vein. Difference.

major artery	vein	Difference
1½"	?"	Thickness.
Thick		Thin
Left		Right.

Report: Pre-operative diagnosis

Stopping blood loss priority. Infection secondary? Immediate life threatening injury?

B.F

No. 7 - wound vertical

Through Reports in detail: Hole in membrane wall paper & wall

Mechanism of death - bled to death from wound caused by stab wound. Irreversible shock.

(11) Only one cut in aorta. Wound did not continue completely through body. If through this make would indicate this.

~~Could a 3" pocket knife cause this type of damage~~

If pumping & no B.P. doesn't that indicate pumping out?

150# Body holds about 10 units of blood.

If had closed wound to aorta within 1 hour would not have bled to death? Peritonitis. Antibiotics.

Could 3" knife cause the amount of damage the saw?

Could Seale have won 100 feet or so after being stabbed?

Autopsy: last page Sydney Records.

Practice in Sydney, then. now.

Blood alcohol: Scraping fibres
Bruises, etc.

oath or affirmation?

NOTES FOR EXAMINATION OF DR. NAQVI

1. Have him describe the procedures followed at the hospital for record keeping. Have him explain why he was called and that he would be at the emergency room when Seale arrived.

2. Have him describe how the patient is prepared and what happens to his clothing.

3. When he first saw Seale he was in a state of shock (Vol. 16, p.159) and this was caused by a massive blood loss so that there would not be enough oxygen transported to the body and the patient would be cold and clammy.

4. Refer him to the report of operation and determine when it is completed. Why would the "pre-operative diagnosis" not have contemplated a possible tear in the abdominal aorta.

5. When Seale's blood pressure could not be raised when he was given four units of blood, what did this indicate. Have him explain what blood pressure is. How would a tear in the aorta manifest itself in blood pressure. How many pints of blood are in the body. Is it likely that Seale would have lost all of his blood while laying in the street for 10 to 15 minutes.

6. Would he agree that stopping the blood loss is the priority item since that is the life threatening injury.

7. He thought that he made an incision above and below the stab wound and converted it into a paramedian incision would indicate that the wound was vertical and extended for some distance (He says three inches).

8. The presence of the huge hematoma would indicate you have a tear in the aorta or in the vena cava.

9. Take him through the report of operations in detail and get explanations for the various terms used.

10. Have him agree that Seale died because of hemmorrage and shock (Vol. 13, p.60).

11. Point out that the aorta was only cut in the front (Vol. 13, p.64) and that there was only one cut (Vol. 13, pp. 11, 13, 32, 55).

12. Refer him to the report of Evers (Vol. 16, p.92) and the evidence of Evers (Vol. 1, p.61, and Vol. 1, p.104) which indicates the jacket worn by Seale have a cut on the front and on the back and if the wound had penetrated through the body, would his report of operations have made note of this.

13. Is it possible there were three stab wounds (Vol. 16, p. 3).

14. Is it possible for a three inch knife to cause the type of injury which he saw.

15. Would it have been possible for Seale to have run approximately 100 feet after having been stabbed.

16. If the aorta is cut, why wasn't the retroparateniel membrane cut also such that blood could escape.

17. What is his experience with autopsy. When is an autopsy ordered. Is he aware that an autopsy could have revealed information such as scrapings under the nails, various fibres, bruises and other information which could be of interest to investigators.

Autopsies:
not to determine cause of death
Blood for alcohol
Good idea in every homicide
Decision of medical examiner

Mechanism: Bled to death

Irreversible Shock: how long?

BELLY WALL	MUSCLE	PERITONEUM	ABDOMINAL WALL

condom

Veins - Back to Heart
Arteries - Away
(Garden Hose

aorta - major artery
every pump 1½" in diameter

VENA CAVA

Blood Pressure: Sistolic - through artery when pumping
diastolic - no pump

wallpaper & wall

most lower pressure in veins & could be clotting

Infection v life threatening injury

aorta on left side vena cava on the right
defect in pleuropneumon

How much Blood in body: male 150 lbs 4½ l
1 unit 500cc ≈ 10 units

Nelson

13/64

① Refer to RCMP Report stating jacket cut on both sides. One cut 13/11 13/18 13/32 13/35

② Why no autopsy. 1/104 16/92 1/61 RCMP report throughbody

③ What was the life threatening injury?

④ Could a 3" knife cause the type of injury which he saw. 13/50

Cause of death: 13/6 13/10 13/17

no independent recollection 13/105

Saw him in emergency room 13/2 13/8

autopsy: neitscraping fibres etc.

Could he run for 50-100' after stabbing 3 stab wounds? Possible

If aorta is cut why isn't membrane cut such that blood can escape?

Cause of death hemorrhage 13/60

Rollie

autopsy :

13/20

13/24

O

My instructions
See Elsaay before professionally

O'Brien

Review qualifications. Especially forensic

Would Elsaay be fit to stand Trial now?

alzheimer's

crazy - my instructions

P

Dr. Roland Perry

Position: Chief Medical Examiner Nova Scotia

Education: Dr. Med. 1961

General Practice 1961-76

Part Time Med. Ex. 1964

Chief Medical Examiner - Halifax County 1977

Nova Scotia 1984

Statutory Creation

Description of Job Generally:

cause of death

manner of death

# of autopsies:

# of times in Court.

(other counties)

Purpose of Autopsies

Fatality

Statute ✓ Legal requirement to have one carried out.

24 hour notice ( )

Who performs Autopsies in N.S.

Who Signs Death Certificates

What is a forensic Pathologist? ✓

Set up in other Provinces. ✓

Sandy Seelie:

INFO: NAQUI EVIDENCE Preliminary, at TRIAL,

This INQUIRY

Medical Records (Ex. 53)
Ex. 53

✓ Understand what was done

✓ Explain Generally his understanding of the surgical procedure employed.

blood in belly

Diagram:

Was Medical Examiner Notified

Should notice have been given

Should there have been an autopsy.

Purpose: cause of death

forensic assistance

Length of knife

Angle of entry

Scuffle

~~presence of alcohol & drugs~~

✓ Cause of death:

bled to death – Shock

✓ chances of ~~aorta~~ survival if aorta fixed initially

Was Marshall hindered in any way by failure to conduct autopsy

Recommendations for change

BIOGRAPHICAL DATA FOR INTRODUCTORY PURPOSES

" Dr. Perry is a native of Halifax. He attended Dalhousie University and graduated with the degree of Doctor of Medicine in 1961. He was in General Practice in Halifax from 1961 to 1976.

Dr. Perry became a part-time Medical Examiner in 1964. Since 1977 he has been full-time Chief Medical Examiner for Halifax County, and since 1984 he has been Chief Medical Examiner for Nova Scotia.

His work partly consists of the investigation of the circumstances surrounding sudden unexpected deaths, of which injury related deaths make up a considerable percentage. "

Colour Patterson

Background.

Experience in Sydney ostensogen:

Experience c̄ Sydney Police:

Ex. 120 – Record.

Knowledge:

William Urquhart:

John MacIntyre

Never spoke to Patterson 6010 6014

Police couldn't find him 6011, 6017 6018
6068

Did not know Robert Patterson 6020

Did not know where you lived 6020
6216
6230

Donald Marshall Jr.

SANDY Seale

Just to see him. Did not hang around c̄ group

1 gave you that there were two people there and he gave
2 you the description and you had a description from the
3 two MacNeils confirming or at least corresponding in
4 many particulars, to Marshall's description? What were
5 you doing to try and assist his part of the story?
6 A. These -- Those two people that MacNeil seen were over on
7 the other side of the park in my understanding at the
8 time and the people that Marshall was talking about were up
9 on Crescent Street and as I said before, the description
10 wasn't the same in all respects and they couldn't offer
11 me anything further on it. They didn't witness any
12 stabbing, the people that were down in the park.
13 Q. It seems to me, Chief, that the fact that you didn't try
14 and get Bob Patterson or didn't get him and the fact
15 that you didn't follow up anything that the MacNeils
16 were telling you, that you weren't particularly interested
17 in finding any evidence that would support Donald Marshall's
18 story.
19 A. We couldn't find Bob Patterson and as I already said, the
20 only evidence that the MacNeils could offer was a description
21 at that time and they didn't see the party that they --
22 that they were looking at doing anything.
23 Q. They saw them in the vicinity, Chief, of this stabbing.
24 A. They seen them in the park but this happened up on Crescent
25 Street and --

1 Q. Chief, that's not very far, is it?

2 A. No, -- No but my understanding was they seen them on the
3 other side of the bridge in the park towards George. I
4 thought that's -- that's the area

5 Q. Well, let's look at page 26 of volume 16.

6 A. Yeh. 26?

7 Q. That is the -- That's the statement of the MacNeils?

8 A. That's correct, sir.

9 Q. Now, let's go through it and we'll give you the chance
10 to tell me why you --

11 A. Okay.

12 Q. -- you thought that.

13 We left the dance at St. Joseph's...
We walked through the park and seen
14 2 men hanging around.

15 And then gives you the description.

16 They spoke to a fellow and a girl
sitting on a bench closest to the
17 railroad tracks as you come over the
hill. They asked them for a cigarette.
18 The grey haired fellow said he had
just a dollar.
19

20 And that's the -- that's the result. That's the totality
21 of their description of where they saw this person. Now,
22 they saw two people, --

23 A. Yes.

24 Q. I suggest to you, whose descriptions correspond in many
25 particulars with those given to you by Marshall.

11:32 a.m.

1 A. Yes, they --
2 Q. They told us they saw them in that park, Wentworth Park,
3 on the same night at or around -- somewhere around 11:40
4 and a stabbing occurs up on Crescent at around midnight.
5 Don't you think that's significant evidence that should
6 be tracked down?
7 A. Well, yes, but I still don't -- We took that into consideration
8 of course. I did take that into consideration, what they
9 said but it was a different description as far as clothing
10 was concerned and I had no other thing to go along with that.
11 Q. What did you --
12 A. And more than -- the only witness I had to the stabbing, as
13 you know, at that time was Marshall.
14 Q. Not at that time.
15 A. No, not at that time, no. On May the -- No, maybe this
16 was May the 31st. Yeh, this was Monday.
17 Q. You had -- You had other people.
18 A. I had the statement Sunday evening, yes. Yeh.
19 Q. What did you do? As a policeman, what did you do to try
20 and find the people that were described by the MacNeils
21 to you on May the 31st?
22 A. In particular the two people there, as you say, I -- I came
23 up with nothing with that.
24 Q. Well, I'm not argueing what you came up with.
25 A. Yes.

1 opinion that he was out there that evening with me.
2 Q. And are you confident that he was present when Gushue gave his
3 statement?
4 A. I -- In my opinion, I think he was. Well, I'm looking back
5 to '71, I think Urquhart was there with me on that particular
6 night.
7 Q. Now, was that statement from Gushue -- Would it contain every-
8 thing that was said that night?
9 A. I would say, yes. Except --
10 Q. In the --
11 A. Except whatever opening words I said to him. The rest of the
12 statement is in question/answer form.
13 Q. Is that the first time you had seen Gushue?
14 A. Yes, I had no dealings with Gushue on this before that.
15 Q. Gushue has testified that he gave you an earlier statement.
16 A. Gushue -- I had no earlier statement from Gushue, sir.
17 Q. You did have no earlier --
18 A. I had no earlier statement from Gushue, no.
19 Q. How did you know that -- That's -- Okay. Now, in the first
20 long answer on page 69, he talks about having been kicked out
21 of the dance and going down to the park, and there's that name,
22 Robert Patterson, again. That's the fellow that you never found.
23 A. That's correct, sir.
24 Q. Did you make any further effort after you spoke to Gushue to
25 find Patterson who seemed to have seen a lot in the park that

1 night or spoken to a lot of people?
2 A. Yes, the police were looking for him, and he wasn't located.
3 Q. Did you ask Gushue where Patterson lived?
4 A. No, I don't believe I did.
5 Q. Even though by this time, you'd been looking for him since
6 May the 30th?
7 A. Yes, I would've liked to have questioned Patterson if he showed
8 up.
9 Q. If he showed up?
10 A. Yes, if they'd come in -- if they'd ran into contact with him.
11 Q. But you had a man here who knew him.
12 A. Yeh.
13 Q. Why wouldn't you have asked him where he lives?
14 A. I didn't, sir.
15 Q. And then Mr. Gushue goes on to say:
16 I remember seeing Donald Junior
Marshall on Crescent St. with
17 another man.
18 Do you see that?
19 A. Yes. Wait now.
20 Q. You never asked him at any time whether there was more than one
21 man?
22 A. No, he said with another man. I was taking his answer for
23 the -- what he was giving me at the time.
24 Q. Why would you take his answer and not Patricia Harriss's?
25 A. Well, we had her answer before that.

1 Q. But you didn't believe it?
2 A. There was something -- It wasn't the same evidence in the two
3 statements when I was through with this statement.
4 Q. You don't seem to ask him to describe the other man. Why
5 wouldn't you have done that? Wasn't that of interest to you?
6 A. Well, I -- He said there was another man there, and I asked him
7 if he knew the other man, and he said no. I asked him if he
8 knew Sandy Seale; he said no.
9 Q. But it would seem to me to be pretty fundamental to ask him --
10 A. Yeh.
11 Q. -- "What did the guy look like? How old was he? What was he
12 wearing?"
13 A. Yeh.
14 Q. You didn't ask him any of those questions.
15 A. No, the questions I asked him are written down here, sir.
16 Q. I realize that, Chief. You've told us that.
17 A. Yeh.
18 Q. I'm trying to find out why you wouldn't have asked him those
19 very basic questions?
20 A. I have no answer for that at this time.
21 Q. But in any event, based on what Gushue said at eleven forty,
22 you decided to take another statement from Patricia Harriss, is
23 that correct?
24 A. That's right, yes.
25 Q. And you said in your affidavit, that we had already looked to,

1 Q. I won't argue.

2 A. I think that's what she said.

3 Q. If we go back to Ms. Harriss' statement, she also talks about

4 Robert Patterson. For there is someone else who saw Patterson

5 in the park that night?

6 A. Yeh.

7 Q. You didn't ask her where did Robert Patterson live?

8 A. Not to my recollection, no.

9 Q. And if you had I take it it would be written in the statement?

10 Can we assume that?

11 A. Yeh, I have no recollection of asking about Robert.

12 Q. If you had asked it--Chief, if you had asked the question, can

13 we assume that the answer would be here?

14 A. It should have been -- It would be here, yes.

15 Q. Thank you. She said:

16 ...we went up Crescent St. and by
the green apt. building, we met
17 Junior Marshall.

18 Is that the building, the same building that has the railing

19 up the middle that was talked about by Chant?

20 A. No, the -- Well, it's the next building to it, yeh.

21 Q. Then you asked this question:

22 Q. Was there anyone with Junior Marshall

23 A. Yes

24 Q. Who was it

25 A. He had a dark jacket on

Q. Was it Sandy Seale.

That's a pretty leading question. And you're suggesting to her who was there, aren't you?

A. No, I was asking her a question at the time. I think there's more to that question, then I said, "Do you know him"?

Q. You were the one --

A. Then the answer -- Then the answer was, "Yes, I know Sandy and it looked like him".

Q. But it was the question that raised Seale?

A. That's the question --

Q. It was a volunteer from her?

A. No, no, I asked the questions for sure, yeh.

Q. And even though she had told Urquhart four hours earlier that she did not see Sandy Seale in the park you put the question to her anyway?

A. I put the question to her, yes.

Q. And on the next page you asked:

Q. How were they facing

Why was that of importance to you?

A. I suppose it was the question I seen fit to ask at that time. I don't see anything wrong with it.

Q. Did you tell Ms. Harriss that you expected the O'Reilley girl would tell you that she had been in contact with Harriss?

A. No, sir.

Q. No mention of that?

10:12 a.m.

Patricia Harriss

Tattoos

Terrance Gustue

John Pratico

Pius Marshall, Artie Paul, Doc Tobin, Frankie French

May 28, 1971

at dance?

Drinking?

Any memory of events:

Refer Statements:

Donald Marshall Vol. 16/17

John Pratico 16/22.

Patricia Harriss 16/63 65

Terrance Gushue 16/69

Did he ever discuss the case with any of these people.

Did he hear of Seals' death & when? How?

Did he have any occasion to discuss case with Police.

Who ?

How get to Station?

Who was present?

Where was interview held?

Had he been questioned by either of these two or other cases?

Describe setting of room.

Describe interview in detail:

Who sitting? Standing?

tone of voice.

Statement

How long there

Handcuffs:

Application of Force.

Before or after h. arrested.

Any further contact with Police re this case.

His arrest in Sept. 1971 Ex. 120

Discussions with h. in Jail

Aware of TRIAC:

when leave Sydney? when go?

Return to Sydney? Why?

How did he end up as a witness?
Who contacted who?

Refer Urquhart & McIntyre evidence.

1 MR. ORSBORN

2 That's my point.

3 MR. MURRAY

4 Just from the point of view, My Lord, that in view of the
5 nature of the allegations he may be able to comment as to
6 whether that's the kind of thing he would remember and whether,
7 in fact, that...therefore, that took place.

8 MR. ORSBORN

9 Fine.

10 MR. CHAIRMAN

11 What you're asking Mr. Orsborn to do is to try and refresh Mr.
12 Urquhart's memory.

13 MR. PUGSLEY

14 Well, in fairness to the witness what he should be asked to do
15 is to put to this witness what Patterson is apparently going to
16 testify to. I think he...this witness has an opportunity of rebutting
17 that, if Patterson is going to make allegations.

18 MR. ORSBORN

19 Yeah, that's what I have been endeavouring to do, but given
20 that Mr. Urquhart said he wasn't there and didn't remember being
21 there it seemed not much point in pursuing the details of the
22 interview in any event.

23 Q. Mr. Patterson, as I have said, is anticipated and that's all I can
24 do is anticipate, that he was picked up at his house by two
25 uniformed policemen and was taken to the police station and

1 that he was interviewed by yourself and Chief MacIntyre.
2 Are you able to...repeating somewhat, but do you have any
3 comment or contradiction you wish to make about that?
4 A. No, I can't remember of ever interviewing Bobby Patterson on
5 this particular case.
6 Q. Okay. Mr. Patterson will say that he was interviewed by
7 yourself and Chief MacIntyre and that during the course of
8 the interview you left the interview room and returned some
9 ten minutes later with a typed statement which was then
10 presented to Mr. Patterson. Mr. Patterson is anticipated to
11 testify that he was not allowed to read the statement, but that
12 he was told by Chief MacIntyre that this statement is about
13 Junior and what Junior did in the park, and that he was then
14 asked to sign the statement. Does that in any way help your
15 memory?
16 A. No, sir.
17 Q. If Mr. Patterson testifies to that effect are you in any position
18 to either confirm or contradict his testimony?
19 A. I would say it was wrong because you never write out a
20 statement and give it to somebody to sign or leave the room
21 and make up a statement and ask somebody to sign it. It's
22 just not done by me and I'm absolutely positive it wasn't
23 done in this case because it's not done, it's not good ethics in
24 the first place to type up a statement and ask somebody to
25 sign it or write it up and ask somebody to sign it without

1 going over it, without being in their words.
2 12:00
3 Q. Is your contradiction based on what you believe to be
4 accepted practise rather than knowledge of what actually
5 happened in this case?
6 A. I have no knowledge of interviewing Bobby Patterson as I
7 said before, and that's the practise that we would follow. You
8 just don't make up statements and hand them to people and
9 say, "Don't read it, just sign it."
10 Q. Mr. Patterson is also anticipated to testify that during the
11 interview he was handcuffed to the chair on which he was
12 sitting. Are you able to make any comment either confirming
13 or contradicting that?
14 A. Highly unlikely.
15 Q. Highly unlikely.
16 A. Yes.
17 Q. Possible.
18 A. No, I don't believe it would be.
19 Q. Have you ever seen a witness handcuffed to a chair?
20 A. No.
21 Q. In your experience?
22 A. Never.
23 Q. Mr. Patterson has also anticipated, testified that during the
24 interview, he was pushed around somewhat on his chair by
25 Chief MacIntyre, the chair having wheels on it. On that

1 occasion, he was man-handled somewhat with a hand being
2 placed on his head and his head being pushed onto the table.
3 Are you able to either confirm or contradict any aspect of
4 that?
5 A. I've taken a lot of statements with John MacIntyre and I've
6 never seen him man-handle or try to or attempt to man-
7 handle any witness.
8 Q. So is it your evidence, then, based on your experience, that if
9 Mr. Patterson testifies to that effect, it will be incorrect?
10 A. I would say it would be very incorrect.
11 Q. From your knowledge of Mr. Patterson, are you able to
12 suggest any reason why he might be inclined to give
13 testimony of that nature?
14 A. No, sir, I haven't.
15 Q. Chief MacIntyre testified at this Inquiry on a number of
16 occasions in answers to questions from Mr. MacDonald that,
17 yes, we would have liked to have found Mr. Patterson, we
18 tried, we sent our men out. We just couldn't find him. I don't
19 know, I don't think you were here for that...
20 A. No.
21 Q. For that testimony but that is the essence of his testimony on
22 a number of occasions. Given the size of Sydney, it's not a
23 particularly large town, given the nature of the record that
24 Mr. Patterson has, can you suggest any reason why Mr.
25 Patterson could not have been located?

1 A. No, unless you go to his home and somebody would tell you
2 that he wasn't in.
3 Q. But you just wouldn't make one attempt, surely.
4 A. No, no, you'd make more than one attempt and you'd have,
5 the fellows in the patrol cars are watching for him, too,
6 because some of them they would likely know.
7 Q. Sure. Do you then consider it likely that over a period of days
8 or weeks Mr. Patterson could not have been found?
9 A. I don't know. We didn't come up with him so I have no more,
10 I can't answer to why we didn't.
11 Q. Your evidence is you did not find him.
12 A. No, my evidence is that we didn't find him, to my knowledge.
13 Q. The records indicate that in September before Mr. Marshall's
14 trial, Mr. Patterson was in jail.
15 A. At the county jail? I imagine, yeah.
16 Q. I presume. It's indicated on, I believe, County Jail, page 11,
17 Mr. Urquhart. It appears to be "Co. Jail", County Jail.
18 A. That was the first of September.
19 Q. Yes.
20 A. Yeah.
21 Q. Before Mr. Marshall's trial. Where is the county jail located?
22 A. At that time, it was on Welton Street.
23 Q. In Sydney?
24 A. Yes, on the way you go out to the K-Mart now and to Glace
25 Bay.

Out to get John Mac I? W. Urquhart?

RCMP – 0000 REV. 1-66

SEX M ☐ F ☐	CONTRIBUTOR'S NO.	F.P.S. NO. 399634A
NAME EBBARY		ROY NEWMAN
SURNAME		GIVEN NAMES
FORMER NAMES, ALIASES, NICKNAMES, MAIDEN NAME, ETC. BEFFER		
RESIDENT ADDRESS R.126 Argyle St., Sydney, N.S.		
NAME AND ADDRESS OF NEXT OF KIN Mrs. Mary Ebbary, wife, same address		

THIS SPACE FOR IDENTIFICATION BRANCH USE ONLY

(4440) 34-4

7 U 19
1 U 14

	THUMB	INDEX	MIDDLE	RING	LITTLE
RIGHT	12	13 (4/3)	16	0	19
LEFT	17	12 (3/4)	14	14	14

(IF ANY FINGERPRINT IS NOT RECORDED, GIVE REASON FOR OMISSION – IF AMPUTATED, GIVE DATE)

SIGNATURE OF OFFICIAL TAKING PRINTS	DATE 9-4-70	NAME AND ADDRESS OF CONTRIBUTOR Sydney Police Dept.
SIGNATURE OF PERSON FINGERPRINTED (FULL NAME AND ADDRESS) Roy Ebbary, 126 Argyle St., Sydney, N.S.		

NATIONALITY Canadian	RACIAL ORIGIN English	OCCUPATION – EMPLOYER Cook	APPARENT AGE
DATE OF BIRTH June 2nd 1912	PLACE OF BIRTH Newfoundland	IF FOREIGN BORN, ARRIVAL DATE IN CANADA	

HEIGHT	WEIGHT	BUILD	EYES	HAIR	COMPLEXION
5'2	150	Small	Blue	Grey	Red.

PECULIARITIES, MARKS, SCARS, TATTOOS, DEFORMITIES, ETC.

Tattoo - upper left arm -emblem

DATE April 8, 1970	DATE REMANDED TO April 9	☐ ON BAIL	☒ IN CUSTODY	COURT Police
DATE CONVICTED April 9	DATE SENTENCED April 9	PLACE Sydney, N.S.		CASE HANDLED BY Sydney P.D.

OFFENCE(S) AND DISPOSITION(S)

1. Sec. 85 I.C.A. - $10.00 and costs or 10 days

2. Sec. 83 C.C. - Possession of concealed weapon, a knife,

$100.00 i/d two months (time to pay)

Ex. 120

0152
RE: 0152

As of 19 Jan 8

Q CR LANG:E LVL: 2
REM: HFX

*ROYAL CANADIAN MOUNTED POLICE - IDENTIFICATION SERVICES

*RESTRICTED - INFORMATION SUPPORTED BY FINGERPRINTS SUBMITTED BY LAW
*ENFORCEMENT AGENCIES - DISTRIBUTION TO AUTHORIZED AGENCIES ONLY.

FPS: 422521A

PATTERSON. ROBERT BRUCE BENJAMIN

*CRIMINAL CONVICTIONS AND RELATED INFORMATION

1970-08-12 SYDNEY NS	BE & THEFT SEC 292(1)(B) CC (6 CHGS)	2 YRS SUSP SENT ON EACH CHG CONC
1971-02-08 SYDNEY NS	THEFT OVER $50 SEC 280(A) CC	1 MO
1971-03-18 SYDNEY NS	BE & THEFT SEC 292(1)(B) CC	3 MOS
1971-09-08 SYDNEY NS	DAMAGE TO PROPERTY SEC 388(1) CC	4 MOS
1973-08-01 TORONTO ONT	(1) POSS OF STOLEN AUTO (2) THEFT UNDER $200 (3) FRAUD	(1-3) SUSP SENT & PROBATION FOR 1 YR
1973-08-15 TORONTO ONT	(1) BE & THEFT (4 CHGS) (2) THEFT OF AUTO (3) THEFT UNDER $200 (4) POSS OF STOLEN PROPERTY UNDER $200 (5) FAIL TO APPEAR	(1) 12 MOS ON EACH CHG CONC (2-4) 3 MOS ON EACH CHG CONSEC & CONSEC TO #1 (5) 1 MO CONSEC
1974-02-04 TORONTO ONT	FAIL TO OBEY PROBATION ORDER	1 DAY CONSEC TO SENT DATED 1973-08-15
1974-04-09 TORONTO ONT	POSS OF A CONTROLLED DRUG FOR THE PURPOSE OF TRAFFICKING	6 MOS CONC WITH SENT DATED 1973-08-15
1975-01-21 TORONTO ONT	POSS OF CONTROLLED DRUG FOR THE PURPOSE OF TRAFFICKING	1 YR

1975-02-11 TORONTO ONT	(1) THEFT OVER $200 (2) POSS OF STOLEN PROPERTY OVER $200 (2 CHGS) (3) THEFT UNDER $200	(1-3) 2 YRS LESS 1 DAY ON E CHG CONC
1975-02-13 TORONTO ONT	THEFT UNDER $200	2 YRS CONC WITH SENT NOW SERVING
1975-11-10 KINGSTON ONT	(1) FRAUD (2) THEFT OVER $200	(1) 6 MOS CONSEC TO SENT SERVING (2) 6 MOS CONSEC TO SENT SERVING BUT CONC
1975-12-16 KINGSTON ONT	ESCAPE LAWFUL CUSTODY SEC 133 (1)(A) CC	3 MOS
1977-05-25		RELEASED ON MANDATORY SUPERVISION
1977-10-13	MANDATORY SUPERVISION VIOLATOR	RECOMMITTED
1978-02-07		RELEASED ON MANDATORY SUPERVISION
1978-03-02	MANDATORY SUPERVISION VIOLATOR	RECOMMITTED
1978-03-09 TORONTO ONT	POSS OF STOLEN PROPERTY OVER $200	3 MOS
1978-03-21 TORONTO ONT	THEFT UNDER $200	2 MOS CONSEC TO SENT NOW SERVING
1978-04-27		RELEASED ON MANDATORY SUPERVISION
1978-06-22 BRAMPTON ONT	USE STOLEN CREDIT CARD SEC 301.1(1)(C)(I) CC	2 YRS
1978-06-22	MANDATORY SUPERVISION VIOLATOR	RECOMMITTED
1980-05-09 TORONTO ONT	DRIVE WITH MORE THAN 80 MGS OF ALCOHOL IN BLOOD	$150 I-D 10 DAYS
1980-06-25 TORONTO ONT	CONSPIRE TO COMMIT FRAUD	18 MOS
1981-05-28		RELEASED ON MANDATORY SUPERVISION

*END OF CONVICTIONS

FPS # 422521A

NAME: PATHERSON ROBERT BRUCE | ADDRESS: 778 Bay Road, 13 Glebe Avenue | May 12 AGE ~~1954~~ ?

MARRIED / SINGLE / DIVORCED	WEIGHT	HEIGHT	COMPLEXION	RELIGION
V	115	5'2	Fair	R.C.

NATIONALITY	HAIR	EYES	FACE	OCCUPATION
	Brown	Blue		Student

DATE	CHARGE	GOODS	VALUE	DISPOSITION	BOOK NO.	MAGISTRATE
Aug. 1?, 1970	Sec. 292 (1)(b) C.C. (5 counts)			Two Yrs. Sus. Sentence	~~#52935~~	~~J.F.McDonald~~
Feb. 1, 1971	Sec. 280 A C.C.			One Month Co. Jail-Feb.8th	#55189	R.J.McDonald
March 17, 1971	Sec. 292 (1)(b) C.C.	C.N.R. Box Car		Three months Co. Jail	#55263	WAD Gunn
Mar 21, 1971	Sec. 76(2) L.C.A.		$10.00 and costs or 10 days		~~#12236~~	
Sept. 1, 1971	Sec. 388(1) C.C. - Sept.8th-4 mos.Co. Jail				#55520	Judge O'Connell
28, 1971	Sec 57-1 M.V.A.		$10.00 & costs or 10 days		#18818	R.R.MacIntyre

No. 52935

POLICE COURT
CITY OF SYDNEY

Aug 12 1920

Det. Urquhart ..... Prosecutor

Robt. Burke Patterson ..... Defendant

CHARGE:

292-1B
(5 counts)

Age: May 12/54

Residence: 13 Glebe Ave

Place of Birth: Ballymoch

Occupation: student

Married or Single: Single

Time when committed: Aug 12/20

State of education: Ng

Religion: R C

No. of Prior Convictions:

Use of Liquor:

2 years Dev Sentence
J McDonald

Convicted of offence charged and adjudged to pay a fine of ..... $.....

and costs ..... $.....
to be paid forthwith.

Total ..... $.....

In default of payment ..... days in the Common Jail at Sydney.

Warrant Issued .....

Defendant .....

Stipendiary Magistrate in and for the City of Sydney

RECEIVED PAYMENT ..... 19.....

City Collector

No. 55189

POLICE COURT
CITY OF SYDNEY

Feb 1 1971

Det Sergt. J. J. MacIntyre — Prosecutor

Robert Bruce Patterson — Defendant

CHARGE:
Acc.
25 HCC
Theft of cred. card & cards — Conspiracy

Age: May 12, 1953

Residence: 138 George St.

Place of Birth: Tingwick

Occupation: Labor

Married or Single: Single

State of education: Stuff IX

Religion: R.C.

No. of Prior Convictions:

Use of Liquor:

Time when committed: Jan 29th adj. Feb 8th

Convicted of offence charged and adjudged to pay a fine of $ One mo. in the jail

and costs $ to be paid forthwith.

Total $

In default of payment ..... days in the Common Jail at Sydney.

Warrant Issued: Feb 8/71

Defendant: Left.

Stipendiary Magistrate in and for the City of Sydney.

RECEIVED PAYMENT ..... 19 .....

City Collector

No. 00203

POLICE COURT
CITY OF SYDNEY

March 18 19 71

Mc Intyre - M J Mc Donald - Urgulist Prosecutor

Robert Bruce Benjamin Patterson Defendant

CHARGE:

Sec 292-1-B CC

Age May 12, 53

Residence 138 George St

Place of Birth Cintegrouch

Occupation Unemployed

Married or Single Single

Time when committed March 18/71

State of education Ex

Religion R.C

No. of Prior Convictions 3 mos County jail

Use of Liquor

Convicted of offence charged and adjudged to pay a fine of $

and costs $
to be paid forthwith.

Total $

W A Beaumont

In default of payment days in the Common Jail at Sydney.

Warrant Issued March 18/71

Defendant Imp.

Stipendiary Magistrate in and for the City of Sydney.

RECEIVED PAYMENT 19

City Collector

55520

No.

POLICE COURT
CITY OF SYDNEY

Sept 1 1971

Det. M J McDonald - C McDonald - A Joseph — Prosecutor

Robert Bruce Patterson — Defendant

CHARGE:

Sec. 388(1) CC

Damage, under $50.00

Age May 12, 1953

Residence 778 Victoria Road

Place of Birth Antigonish

Occupation Labor

Married or Single Single

State of education 18

Religion RC

No. of Prior Convictions

Use of Liquor

Time when committed Sept. 1/71

Remand to Jail Sept 8th

Convicted of offence charged and adjudged to pay a fine of $

and costs $
to be paid forthwith.

Total $

4 mo. to Jail

In default of payment days in the Common Jail at Sydney.

Warrant Issued Sept 8/71

Defendant

Stipendiary Magistrate in and for the City of Sydney.

RECEIVED PAYMENT 19

City Collector

1971

March 17-71 Arrested and charged the following with B & E Theft & Robert Patterson & Barry Cameron.

the following with Sec 296 A. C.C.

(68) Brian Pushie, Richard Hill, Gordon Pasher, Lawrence Jardine, Kevin Cooke, Dennis Delaney, Michael Muller, Terrance Kelsoe, Michael Joseph Levely, Thomas Stephen Kuta, Barry MacKenzie.

This was from theft of three kegs of beer from C.N.R. Box Car.

Sgt Det John MacIntyre
Det. Sgts Hufeland & Dan McDonald.

Mon 18 Mr Hugh MacQueen 211 Donald St, reports the Can 1960 Chev - Lic # 2-27-51 stolen from the Y M C A sometime this evening.

69. On Mon 19, picked up one Greg Jones, Dorchester, and he admitted taking this Car, and was charged with the offense.

Sgt John MacIntyre
Sgt M R MacDonald

RCMP – 5806

SWSM

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SEX	* CONTRIBUTOR'S NO.	F.P.S. NO.
X M		422521A

NAME: Robert Bruce Patterson (SURNAME / GIVEN NAMES)

FORMER NAMES, ALIASES, NICKNAMES, MAIDEN NAME, ETC.:

* RESIDENT ADDRESS: I3 Glebe Ave. Sydney Cape Breton N.S.

NAME AND ADDRESS OF NEXT OF KIN: Geraldine Patterson(Mother) Same Adress

	THUMB	INDEX	MIDDLE	RING	LITTLE
RIGHT	23 L M	7	13	11	15
LEFT	20	8	12 O S	18	14

(IF ANY FINGERPRINT IS NOT RECORDED, GIVE REASON FOR OMISSION – IF AMPUTATED, GIVE DATE)

SIGNATURE OF OFFICIAL TAKING PRINTS	DATE	* NAME AND ADDRESS OF CONTRIBUTOR
Det Sgt Upshall	I3 Aug 70	Sydney City Police Dept.

* SIGNATURE OF PERSON FINGERPRINTED (FULL NAME AND ADDRESS): Robert Bruce Patterson 13 Glebe Ave Sydney

Robert Bruce Patterson 13 Glebe Ave Sydney

* NATIONALITY	* RACIAL ORIGIN	* OCCUPATION – EMPLOYER	* APPARENT AGE
Canadian	Irish	Labourer	16

DATE OF BIRTH	PLACE OF BIRTH	IF FOREIGN BORN, ARRIVAL DATE IN CANADA
I2 May I954	Antigonish Nova Scotia	

HEIGHT	WEIGHT	BUILD	EYES	HAIR	COMPLEXION
5' 3"	II6	Slight	Grey	Blond	Fair

* PECULIARITIES, MARKS, SCARS, TATTOOS, DEFORMITIES, ETC.

DATE ARRESTED	DATE REMANDED TO	X ON BAIL	☐ IN CUSTODY	COURT
II Aug 70	I2 Aug 70			Sydney Police Court

DATE CONVICTED	DATE SENTENCED	PLACE	* CASE HANDLED BY
I2 Aug 70	I2 Aug 70	County Court House Sydney	Sydney City Police

* OFFENCE(S) AND DISPOSITION(S)

Five(5) seperate charges of break & enter
Recived two(2) Years Probation
Judge John F. MacDonald

RCMP - 6608

SEX	* CONTRIBUTOR'S NO.	F.P.S. NO.	THIS SPACE FOR IDENTIFICATION BRANCH USE ONLY
X M F			

NAME Patterson (SURNAME) Robert Bruce (GIVEN NAMES)

FORMER NAMES, ALIASES, NICKNAMES, MAIDEN NAME, ETC.

* RESIDENT ADDRESS
136 George St., Sydney, N.S.

NAME AND ADDRESS OF NEXT OF KIN
Geraldine Patterson, mother, same address

	THUMB	INDEX	MIDDLE	RING	LITTLE
RIGHT HAND					
LEFT					

(IF ANY FINGERPRINT IS NOT RECORDED, GIVE REASON FOR OMISSION – IF AMPUTATED, GIVE DATE)

Four Fingers Taken Together — Left Thumb

Right Thumb — Four Fingers Taken Together

SIGNATURE OF OFFICIAL TAKING PRINTS	DATE	* NAME AND ADDRESS OF CONTRIBUTOR
[signature]	1-2-71	Sydney Police Dept.

* SIGNATURE OF PERSON FINGERPRINTED (FULL NAME AND ADDRESS)
Robert Bruce Patterson 136 George Sydney

* NATIONALITY	* RACIAL ORIGIN	* OCCUPATION – EMPLOYER	* APPARENT AGE
Canadian	Scottish	Labor	

DATE OF BIRTH	PLACE OF BIRTH	IF FOREIGN BORN, ARRIVAL DATE IN CANADA
May 12, 1953	Antigonish, N.S.	

HEIGHT	WEIGHT	BUILD	EYES	HAIR	COMPLEXION
5'4	117	slight	Blue	Blonde	fair

* PECULIARITIES, MARKS, SCARS, TATTOOS, DEFORMITIES, ETC.
back-
Scar on left hand

DATE ARRESTED	DATE REMANDED TO	☐ ON BAIL	☒ IN CUSTODY	* COURT
Feb. 1, 1971	Feb. 8th			Police

DATE CONVICTED	DATE SENTENCED	PLACE	* CASE HANDLED BY
Feb. 1/71		Sydney, N.S.	Sydney P.D.

* OFFENCE(S) AND DISPOSITION(S)
Sec. 280 A C.C. - theft, over $50.00

REGISTRATION 3

5 2 71

RCMP – 6808

SEX	* CONTRIBUTOR'S NO.	F.P.S. NO.	THIS SPACE FOR IDENTIFICATION BRANCH USE ONLY
M			

NAME: PATTERSON (SURNAME) ROBERT BRUCE BENJAMIN (GIVEN NAMES)

FORMER NAMES, ALIASES, NICKNAMES, MAIDEN NAME, ETC.: "BOBBY"

* RESIDENT ADDRESS: 138 George St., Sydney, N.S.

NAME AND ADDRESS OF NEXT OF KIN: Mrs. Geraldine Patterson, mother, same add.

(IF ANY FINGERPRINT IS NOT RECORDED, GIVE REASON FOR OMISSION – IF AMPUTATED, GIVE DATE)

Four Fingers Taken Together

Four Fingers Taken Together

SIGNATURE OF OFFICIAL TAKING PRINTS	DATE	NAME AND ADDRESS OF CONTRIBUTOR
[signature]	18-3-71	Sydney Police Dept.

* SIGNATURE OF PERSON FINGERPRINTED (FULL NAME AND ADDRESS): x Robert Bruce Benjamin Patterson 138 George Sydney

* NATIONALITY	* RACIAL ORIGIN	* OCCUPATION – EMPLOYER	* APPARENT AGE
Canadian	Irish	Unemployed	

DATE OF BIRTH	PLACE OF BIRTH	IF FOREIGN BORN, ARRIVAL DATE IN CANADA
May 12, 1953	Antigonish, N.S.	

HEIGHT	WEIGHT	BUILD	EYES	HAIR	COMPLEXION
5'4	132	small	Green	blonde	fair

* PECULIARITIES, MARKS, SCARS, TATTOOS, DEFORMITIES, ETC.: Two scars on left hand – long hair

DATE ARRESTED	DATE REMANDED TO	☐ ON BAIL	☒ IN CUSTODY	* COURT
March 17, 1971	March 18			Police Court

DATE CONVICTED	DATE SENTENCED	PLACE	* CASE HANDLED BY
March 18	March 18	Sydney, N.S.	Sydney P.D.

* OFFENCE(S) AND DISPOSITION(S)

Sec. 292 (1)(b) C. C. – B.& E. and theft – C.N.R. Box Car –

Three Months County Jail

NOTES FOR DISCUSSION WITH DR. ROLAND PERRY

Is there any evidence from Naqvi or the medical records to show that the wound passed through the body.

Given the tremendous loss of blood being experienced, wouldn't it be virtually certain that the aorta was ruptured.

What type of knife would be required to inflict the injuries which were sustained; recall the evidence of the R.C.M.P. that the knife did pass through the body and cut the jacket in back.

Q

R

Doug Rutherford

POSITION A D M

Experience.

Relationship with Minister of Justice

Ron FAINSTEIN: Explain relationship

FAINSTEIN NOTES.

Have discussed matter with Fainstein

Explain procedure for Pardon applications:

Frequency received:

Procedure for handling:

Involvement of RCMP:

How often granted:

Options Available: 5. 617

5. 683

610
613

Explain differences:

Marshall Case:

FIRST INVOLVEMENT: Feinstein & Aronson

Aronson Ltr: April 13, 1982
31/17
Vol 31/38

(1) Refer back to p. 36

(1A) Is this a correct statement?

(1B) Why.

(1C) i) Saw this report? Identify which one! Conclusion of police force?

34/19
34/59 34/66

ii) Never see first report of RCMP prepared in 1971.

(1D) Discuss this with A-G Dept. Share concern?

(1E) (1F) Any discussion?

Why would Fed. be concerned with compensation

(2) why not give Aronson copy of RCMP report

(3) Evidence of a crime? Call for investigation by Police? who should order this to be done.

(4) Agree with this conclusion?

(5) Appears to be most appropriate remedy given conclusion of whether? Sole? Dept. of Justice?

(6) Was this view confirmed with Dale Agle with his comments?

(7) Was Aronson involved in decision.

What done by Dept. after receipt of Aronson Ltr. and review of documents forwarded?

Refer Feinstein diary notes.

Hon - Chretien May 17/82 31/54

Saw this letter. Asked to comment?

Did Dept. of J. request such a letter?

(1) Innocence of a convicted person has been established?

(2) Concern for Marshall?

(3) Reason for this comment. Intention that all evidence (blue included) be introduced?

(4) Leaning toward a pardon.

31/56 Did he discuss with Gale?

Did he discuss with McKeegan? 31/62
when? usual?

31/62 (1) Review these notes

(2) Discussion with Aronson?
why? what discussed?
Fees!!

31/63

Would he have prepared this letter for signature by Minister

who prepared reference? who had input.

1 In detail.

Could this issue have been avoided?

Why allow A-G Dept. to decide?

Was there discussion of compensation?

~~Copy to~~

Intention for Aronson to be given all materials in possession of Dept?

Discuss with Dale?

31/64 Refer to S. 613 & discuss options.

31/67 who drafted? why not tell Aronson all info. to be made available to him?

31/6/71 Did he read this? was he concerned? Give copy to RCMP.

Any contacts with A-G Dept. or reference moving forward.

Any discussion concerning the adversarial nature of the proceeding which was set up

How Arosson would have to carry the ball? Would be expensive $ for Marshall.

Any reports on the Reference proceeded?

Receive copy of Decision of Appeal decision? Read it?

Did Court consider there had been a miscarriage of justice??

Decision:

4/114
125
129
141
143, 44 fx

no evidence from Police

No comment on why Chief Beaton & Harness died.
" " " Defence Counsel did not have copies of all statements
RCMP post investigation 121 122
Entire blame on Marshall & no miscarriage of justice

Letter of Transmittal? See it before?
where does Comm" on many
factors leading to Miscarriage
of justice"

Letter referring to some decision?
(Refer to quote from Parker Dorton
found in FE 64
Does he agree?)

any possibility of appeal?

Next step. Discussion with
A-G Dept. officials.

Compensation

30/26 Did he see this? aware of this Covenant? Even applied to his knowledge. Is it correctly quoted?

Was this Department involved in drafting the response to Aronson?

30/29

(1) only evidence Court considered N.B. was McNeil? Had been known to Sydney Police, RCMP & A-G since 1971?

(2) Devastating effect of these gratuitous comments by Court!! Feds. also blaming the entire thing on Marshall.

(Sentence for robbery v. 11 years)

3 what "fact" newly discovered.
How did Marshall contribute, even in part, to non-disclosure of this fact?

Passing the buck!!

4 no reference to initial RCMP investigation?
Refer to Al Marshall evidence that his "botch-up" resulted in Marshall spending all the time in jail.
Would this change his opinion or advice given to Minister?

1 Q. And even if you were right, how can you form the idea --
2 indicate that McNeil formed the idea based on his drinking
3 and subnormal intelligence? Are you a psychiatrist?
4 A. No, sir, just a policeman.
5 Q. People who have "subnormal intelligence" are capable of
6 telling the truth?
7 A. Yes, sir.
8 Q. But you say here:
9 ...McNEIL, because he had been
10 drinking...
11 There's no evidence of that:
12 ...and because of his subnormal
13 intelligence, formed the idea that
EBSARY had in fact stabbed SEALE...?
14 A. I can't recall why I said that, sir.
15 Q. If I understand your testimony correctly since yesterday, sir,
16 in summary, you read only what was given to you?
17 A. Correct, yes, sir.
18 Q. You relied whole-heartedly on the explanations given to
19 you by the original investigators?
20 A. I relied very heavily on them.
21 Q. Yes, you conducted no independant investigation of your own?
22 A. Not -- no, sir.
23 Q. Did not follow up on any of the clues or the warning signals?
24 A. No, sir.
25 Q. That should and were apparent to you in the material?

1 A. Yeh.
2 Q. You never asked for the entire file?
3 A. Not that I recall.
4 Q. And you didn't have any idea what the whole picture really
5 was?
6 A. The whole complete picture, no sir.
7 Q. No. I submit to you, sir, that if you'd done at least some of
8 those things, you might have discovered the truth?
9 A. In 1987, I can that, yes, sir.
10 Q. And you know that in 1971, that's what you ought to have done?
11 A. Yes, sir.
12 Q. And at the time you completed this review, Junior Marshall
13 had been gaol for a couple of weeks?
14 A. Yes, sir.
15 Q. And if you'd done your job properly and discovered the truth,
16 that might have been the only time he spent in gaol, isn't
17 that true?
18 A. Yes, sir.
19 Q. You were described, sir, by Doug Wright, Assistant Commissioner
20 of the R. C. M. P., at page 5280:
21 (as)...probably one of your better
22 or supposedly one of your better investigators.
23 And you have to agree with me, sir, you sure weren't that
24 in connection with this investigation?
25

30/33 Dec. 13, 1983

Was this given to him by Minister of Justice.

Would he be he asked to draft a reply.

Refer to p. 37 & enclosed portion
38, 39

any other communication?

Vol 32/285 what is this about?
Nov. 29/83

32/330 discussion with Sale.
Feb 23/84

~~Vol 33/56~~

Compensation (15)

Vol 33/565A

why did Feds. pay 1/2 ?
Premium deal? any input
into amount? approach ?
Principles?

Task Force Report - Bessigstudied

David Ratchford

Age - 38 Occupation : Actor

History in Sydney? when leave?

Growing up: gangs Indians Black
Treatment of minorities by Police.
Date Indian Black girls

Relationship Donna Ebsary:
Crying Don't Tell anybody
Won't believe you. Vendetta?
Independent Recollection

When?

Action by he & Donna:
Asked for detective: story
Unusual: Mac Intyre in room.
attitude: abrupt abusive?
Case is closed. We have our man. Good Day.
Independent Recollection

Lt. Green: Called & come to house. told the story: His expressed ~~opinion~~ assessment of Donna's story. His reported action
Independent Recollection.

Who else contacted? Mac Neil Rosenblum Press. Why.
Spring 1974 - 1981

How contact made with Ray Elsay. Why?

Describe Ray generally: Terrific memory.
✓ Manner of dress. ✓ Seen Before? ✓ ✓
Recluse?

Relationship with Donna. ✓

✓ Agreement to write Book of Ray's life. ✓
Sum of church

Audio tape Exhibit

Videotape Exhibit 25
Others present. Purpose. Rehearsal
Transcript 104-105 236-37

Discuss topic with Ray on other
Occasions. Circumstances?

after 1st time Ever say ~~the~~ anything other than he stabbed
Seale in stomach with pocket knife.
Ever say he saw anything other than
he saw Marshall run away after he
cut him.

Book: Purpose. What in it. ✓
when completed (1983) ✓
Reference to Murder? Bismick

attempts to publish.
Copy to police? RCMP?

Ever see Ray violent? Explain circumstances. Who present (cotter)

Contact by RCMP 1982. Fix date (4 days after he started in Sydney)

Conversation with Carroll: willing to help now as you were back in 1984?

Contacted Donna. typed conversation

any other contact.

Interview Patrick Chant McNeil

Date contact.

MOE ROSENBLUM and SIMON KHATTAR

What interviews were conducted with witnesses prior to trial for Patricia Harriss? Confirm that she dated Maynard Chant after the event when she was working as a waitress at Grub Steak restaurant in Louisbourg. Did they discuss the Marshall case in any way.

Refer him to the letter from Smith to MacIntyre found on page 8 of Volume G-3 and have him comment on the suggestion that he was aware of the results of the polygraph tests and had been offered the opportunity to have Marshall submit to a test.

DAVID RATCHFORD

Refer him to the statement from Dollimount. Also to the statement from Donna Ebsary.

S

INSPECTOR SCOTT

Refer him to the narrative contained on Supt. Christen's report found on pages 21 and 22 of Volume G-3.

T

U

V

W

Mike Wholley

Experience

✓ Role as City Solicitor

Police Commission ✓

✓ City Court – Stipendary Magistrate

1971

Knowledge:

John MacIntyre:

Wm Urquhart

Don McNeil

Chief of Police of the day:
Gordon MacLeod

believe, that Mike MacDonald gave to you in 1982?

1 A. In the statement and in narrative conversation he had with
2 me, yes, sir.
3 Q. The statement, I believe, is quite short. It simply says that
4 MacIntyre refused to come that night. Was there anything in
5 the narrative with Detective MacDonald that would indicate
6 that Mr. MacIntyre was under pressure from his chief of the
7 day?
8 A. Yes, sir. Former deputy chief, I believe, and upon retirement
9 Mike MacDonald, Red Mike, told me that on the way over in
10 the car the morning, that morning the chief was extremely
11 upset with John MacIntyre...
12 Q. I'm sorry, "on the way over in the car," what morning are we
13 talking about?
14 A. We would be talking, I believe, sir, the morning after Seale
15 was stabbed because he was stabbed about midnight. Later
16 on in that morning, say, eight o'clock, I took it, there was a
17 trip where Red Mike picked up the chief and went to...
18 Q. Picked up the chief, which...
19 A. The former chief of police, Gordon MacLeod, and went to the
20 MacIntyre residence and wrote, he was quite upset with John
21 MacIntyre for not coming out and indicated to, told him that
22 he was even thinking of firing him if he didn't do his job more
23 thoroughly. So that is, that together with what was in the
24 statement.
25

of the investigation?

A. You'd have to ask him, sir, I can't recall.

Q. Uh-hum. While we're speaking about Red Mike MacDonald, you...and I'll ask you to repeat, if you don't mind, your recollection of this conversation concerning the drive in the car with the Chief of Police the next morning. As best you can and in all the detail that you can.

A. Now, I say the next morning, I believe it was the next morning. It may have been the next afternoon. I don't...didn't...I can't pin the exact time, but I know the drive took place. He picked the Chief up, from what he told me, and he drove over to John MacIntyre's home and in route the Chief expressed his displeasure and said that. .

Q. Expressed his displeasure at what?

A. At John not coming out.

Q. Yes.

A. And that if this continued he might even consider firing him.

Q. If what continued?

A. His not adhering to duty.

Q. Uh-hum.

A. And, that the Chief got out of the car. I asked him, "Did you go out and go in too and did you hear the conversation that took place between John MacIntyre and the Chief?" and he said no, he didn't, that the Chief got out and talked to him and then got back in the car and continued on and then some time

✓ Knowledge of Seale Murder.

Investigation:

✓ Threat to fire ~~the~~ Mac Intyre by
See Transcript.
Wheaton

Red Neck town: ~~Se~~ See Transcript
Wheaton. Aronson

Refer 4146 - newspaper article

Black Section of City?

✓ Indian Section of City? 1969 First Agreement

Second Agreement
1st Constable - John McI

1 conversation, I don't know.
2 Q. Is that your normal practise, sir, that the complainant in an
3 investigation is kept advised as to the progress?
4 A. Yes, sir.
5 Q. Right at the top of page 2 it appears to be a note from Mr.
6 Aronson after following your initials, it says, "A redneck
7 atmosphere in Sydney." Do you know if that's...you made that
8 comment to Mr. Aronson?
9 A. I recall that comment, because in Mr. Aronson's first
10 interview with me he used that expression.
11 Q. Mr. Aronson did.
12 A. Mr. Aronson did, that there was a redneck atmosphere in
13 Sydney. I had been stationed in Sydney between 1973 and
14 1975 and I very much enjoyed my time in Sydney and very
15 much enjoyed the people of Sydney. I disagreed with him
16 that there was a redneck atmosphere in Sydney in 1971 in
17 the first meeting. By the April meeting I had talked to
18 educators in the town, I had talked to lawyers, doctors,
19 merchants I knew who were present in 1971 and I learned
20 that, in fact, Mr. Aronson was right. There was a rednecked
21 atmosphere.
22 A. What does that phrase mean to you?A. That there was
23 some racial problems in the City. Redneck being a
24 connotative of the southern United States sort of thing. And,
25 that in point of fact, when I did this investigation I found that

Aronson — "Intolerant"

these people indicated to me that there was racial problems in the City of Sydney in 1971 and if Mr. Aronson made a note of it it was probably because I said, "You were right, Stephen."

Q. Uh-hum. You mentioned having discussions with doctors, lawyers, educators.

A. Yes, sir.

Q. Did you approach these people with the idea of getting a feeling for what the atmosphere was in Sydney in 1971?

A. These would be people I knew socially or through my work, lawyers at the courthouse, school teachers, neighbours, who...you try to draw a cross-section of opinion and you put it to them, "What was it like here in 1971 being a school teacher in Sydney Academy?" and they would tell you.

Q. Can you tell us the type of information you received that led you to change your opinion about the redneck atmosphere?

A. Well, this was the post-Martin Luther King period. This was the period in society of the hippy generation, if you will, when our young people became very mobile. This was a period in Sydney, so I was told, and I have every reason to believe I was told correctly, when there were problems in Wentworth Park. That citizens felt that they couldn't safely walk through the park. There were white-black feelings in the Sydney Academy from a teacher I spoke to. There...it was a turbulent time, I think if one looks reflectively at society as

a whole, and it was turbulent time in the City of Sydney in that regard.

Q. Uh-hum. What was the colour of the people that you spoke to?

A. I beg your pardon, sir.

Q. What was the colour of the people that you spoke to?

A. The colour of the people I spoke to. White, blacks, one black chap I knew in Whitney Pier and native Indians.

Q. You spoke to native Indians.

A. Yes, sir.

Q. How many?

A. I recall speaking to Mr. Marshall, Donald Marshall, Sr. I recall speaking to Roy Gould who ran a newspaper.

Q. Did you speak to them with a view to getting their opinions on the atmosphere in Sydney?

A. This would generally, as I suppose is my style be it right or wrong, in conversation I would meet these people and this would be in my mind because I didn't agree with Aronson in the first instance. And, I wanted to find out what it was like. I knew what it was like when I came in '73.

Q. Uh-hum.

A. But I didn't know what it was like there in 1971 and I wanted particularly to know what was going on down around that park area. So, in conversation with these people I would mention it or bring it up and they would give me their

1 opinion and I would just sort of sift through and try to draw a
2 form of opinion of my own.
3 Q. What was the situation in your opinion in 1973 to '75 when
4 you were there?
5 A. '73-'75 we were still in, if you will, the hippy generation, but
6 it was...the racial attitude of white versus black versus native
7 I didn't really see it in Sydney at that time. It was more of a
8 peace and love generation at that time and it...I didn't
9 personally notice any great confrontations or I certainly did
10 drug work down around the park area and in the back
11 parking lots of the taverns of Sydney, et cetera, et cetera, and
12 I didn't notice any great racial bigotry, to be quite honest
13 with you, sir.
14 Q. So, do I understand that you formed the opinion that there
15 was a change from 1971 to...
16 A. Yes, sir.
17 Q. ...1973?
18 A. Yes, sir.
19 Q. And from what you are telling us your opinion was it would
20 be a fairly abrupt change?
21 A. Yes, sir.
22 Q. Fairly noticeable.
23 A. Yes, sir.
24 Q. In the course of your looking into Mr. Marshall's case, did you
25 form any opinions on whether or not Mr. Marshall's race or

1 Mr. Seale's colour or race played any part in the way the
2 investigation or prosecution was conducted or the conviction
3 entered?
4 A. It's very difficult to answer that as one was not there.
5 Are...you're asking me my opinion.
6 Q. Did you have occasion to form any opinion during the course
7 of your investigation? The reason for asking is when you
8 were speaking to Mr. Aronson you...you're speaking of
9 matters of race and tension in 1971. And, I wonder why you
10 would mention that if you feel it was somehow relevant to
11 Mr. Aronson's...
12 A. Oh, the reason I mentioned it is that it was brought up by Mr.
13 Aronson in the first place and then in...later on I brought it up
14 that he was probably quite right. That's the reason. It was a
15 point brought up by Mr. Aronson that went along, if you will,
16 with his letter of complaint and verbally to me. So, it was a
17 matter I had in my mind as I was looking into this.
18 Q. Yes.
19 A. But for me to know what the jury was thinking in 1971 or
20 what the Judge was thinking or what the police, it's very
21 difficult to say not having been there and not being on...
22 Q. Well, you talked to a number of witnesses.
23 A. Yeah.
24 Q. A number of policemen were interviewed. You made mention
25 yesterday of a comment that...one comment that Chief

MacIntyre made to you. Was there anything at all that came up in your investigation that wold lead you to believe one way or the other that Mr. Marshall's race and Mr. Seale's colour was a relevant factor in Mr. Marshall's conviction?

A. My opinion now, sir.

Q. Based on your investigation.

A. Based on my investigation, is that it did play some part. Now, how great a part I really don't know. But I believe there was some part played, yes.

Q. And are you able to give us the basis to that opinion?

A. As you just said, from my interviews, from my discussions with Chief MacIntyre, from my investigation of this thing, this crime, from my speaking to various levels and strata of society in Sydney.

Q. Other than the comment yesterday you attributed to Chief MacIntyre in speaking of Dr. Virick, were there any other comments or statements made by Chief MacIntyre that would support your opinion you just gave us?

A. I cannot honestly recall any comments by Chief MacIntyre relative to blacks. I can recall general impressions that I received from the Chief in relation to Indians and I don't think he particularly cared for Indian people. But the Chief also, for instance, Margaret Pratico, when I brought it to his attention that...about John not knowing about the murder until he heard it on the radio, his answer was, "You can't

1 to the Attorney General's Department previous to our
2 conversation on April the 14th.
3 Q. And do you know if they referred to statements that they had
4 taken from witnesses?
5 A. They did, yes.
6 Q. Did you see any of the statements?
7 A. I may have seen some of the statements.
8 Q. See them to read them?
9 A. Yes. I don't think, I'll perhaps try and clarify that. I may
10 have seen one or two of the statements that witnesses had
11 given to the RCMP. But I certainly did not see the entire
12 report or given the opportunity to read through the entire
13 report.
14 Q. Were you given any copies of any of the statements?
15 A. No.
16 Q. Any copies of any extracts of the reports?
17 A. No.
18 Q. The note at the top of page 2 suggests, I think, that you met
19 them from 8:45 to, I think, 12:40.
20 A. That's correct.
21 Q. About four hours.
22 A. Four hours.
23 Q. And the following note says, "H.W. I think a redneck
24 atmosphere in Sydney. Pressure and tension racial in 1971.
25 But cleared by MacNeil's post." Do you recall discussing with

1 Staff Wheaton the matter of racial tension and the redneck
2 atmosphere?
3 A. Yes.
4 Q. What was the context of that discussion?
5 A. The context began, I had mentioned in my earlier testimony
6 that I had met with Wheaton and Carroll in Sydney in
7 February 8th or 9th and during that discussion I had
8 mentioned the fact that perhaps Sydney, in 1971, was a bit of
9 a redneck town. And at the time Wheaton disagreed with me.
10 Coming back to the evening of April the 14th, it was then that
11 Harry Wheaton indicated to me that he was of the inclination
12 that perhaps Sydney, in 1971, was a redneck town.
13 Q. Were these your words or his words?
14 A. The way it came out, it was as if he was agreeing with me
15 that in 1971 Sydney was a redneck town.
16 Q. What do you mean by "redneck"?
17 A. Intolerant.
18 Q. And on what do you base that?
19 A. My own experiences in, well there's two points. One, it was in
20 part to be the provocative in our original discussion. The
21 second factor was that I had had some considerable
22 experience in dealing with Native people, both in Cape Breton
23 as well as in mainland Nova Scotia. And generally I found the
24 attitude towards Indians in Cape Breton to be quite poor and
25 quite intolerant.

Q. Without necessarily getting into names at least at this stage, can you give us some specifics of the, why you would reach a conclusion about an intolerant attitude towards Natives?

A. As much from historical research as from actual experience. And when I speak about historical research I had occasion, in a number of the cases I was involved with with Native people, particularly with respect to land claims in Cape Breton, to understand the history of the development of the reserve system in the Province of Nova Scotia and the loss of reserve lands to settlers who were coming into Cape Breton largely in the period around the 1830s, 1840s when the original reserves were set up in Cape Breton. That there was a significant amount of squatting. That efforts by the Indians to try and maintain their land rights, efforts on the part of missionaries and priests from Indian people in Cape Breton to Provincial officials in Halifax, were not successful. That the Province did not attempt to protect reserve lands. That the settlers in Cape Breton were, caused problems for, for example, the sheriff, who attempted to enforce, to remove squatters from the land. In Sydney itself, the case of re Sydney Indian Reserve 1917, I think it was 1917 Exchequer Court Reports, which dealt with the expropriation of an Indian reserve in Sydney, Cape Breton. The reason for the removal of the reserve, or the desire to expropriate was to get rid of the Indians from the City of Sydney.

Any involvement in TRIAL: ✓

✓ Aware of Jim MacNeil episode Nov. 1971

✓ Discussions D. MacNeil

✓ Any knowledge Marshall case until 1982.

John McI brought letter to him

✓ Knowledge of Urbanton?

✓ Knowledge of re-investigation?

Discussions c̄ Frank Edwards.

17/3 Feb 23/82 17/4 aware of this pr by Chief

17/5 P. Harris: knowledge of her.

aware thru statements

17/8 F.E. ever tell you or chief this in your presence

would Police Comm. be interested in this?

17/9 Ever told of this?
when first hear of it?

17/10 Investigation of Sydney Police.
Ever told of this
Police Comm.

Answer instruction from A-G to Sydney Police - Mayor. 16/222
any previous incident? McI upset!!
why necessary? Investigation

Instruction to McI re letting of matl.

(7)

O'Reilly girls: ever hear of them?
when? circumstances?

Ex. 99
Vol 34/87

MacBee discussion:

17/12 Purpose of meeting?
what being discussed.
tone of meeting?
what pr. did City want to
be taken

when first see F.E. notes? any
errors?

why Wheaton there.

Pressure to F.E.
Wheaton Thorsright

1 Q. Did you discuss the file either formally or informally with any
2 of superiors in Halifax when you arrived in Halifax?
3 A. Not that I can recall, sir, no.
4 Q. Uh-hum. Referring to Mr. Edwards' notes, Volume 17 at page
5 12. Volume 17, page 12, there is reference to a meeting on
6 July 12th, 1982, I would assume in Sydney. It refers to "my
7 office" meaning Mr. Edwards' office. "Present: John
8 MacIntyre, Mike Whalley, H. Wheaton," and I guess Mr.
9 Edwards.
10 A. The date of that meeting was what, sir?
11 Q. July 12th of '82.
12 A. Oh, yes, yeah. I attended that meeting, sir, yes.
13 Q. Did you return to Sydney for that meeting?
14 A. I believe so. I may still have been there at that time. I think
15 I was still there. I didn't leave Sydney actually until the
16 children were out of school, so it would have been the end of
17 June, first part of July. So, I was still there when that meeting
18 took place.
19 Q. And what is your understanding of the purpose of that
20 meeting?
21 A. The purpose of that meeting there was a lot of unanswered
22 questions. We were still waiting for something from the
23 Attorney General's Department. I was leaving...
24 Q. Sorry. Still waiting for something from the Attorney General's
25 Department with respect to what?

1 Q. "With respect to the allegations then of Chant." What did you
2 understand the allegations of Chant to be?
3 A. That Chief MacIntyre had put words in his mouth in the 4th
4 of June statement particularly and that he did not see the
5 murder and the reason he said he did see the murder was
6 due to pressure and threats by Chief MacIntyre. He then
7 gave Chief MacIntyre a statement and was told he should
8 stick to it or he would be charged with perjury and things of
9 this nature.
10 Q. Now, in the meeting, who put these allegations to Chief
11 MacIntyre? Was it Mr. Edwards or yourself?
12 A. Mr. Edwards.
13 Q. Did Chief MacIntyre respond with respect to Chant?
14 A. The...yes, he did. The meeting...the meeting was held, if you
15 will, in two parts, as I recall it. It was convened about
16 approximately eleven o'clock, ran until lunch time. We broke,
17 went to lunch, then came back after lunch. Now, I don't have
18 the times recorded but that's the way I recall the meeting. In
19 the morning part of it , if you will, the Chief basically couldn't
20 remember, couldn't say, you know, if two... Chant's two
21 statements, why take two statements, this sort of thing and so
22 on. The same with Pratico, same with Harriss, as I recall the
23 meeting without having read this. But that's how I recall it.
24 Then after lunch both he and Mr. Whalley became much more
25 aggressive toward Mr. Edwards and...

1 Q. Aggressive in what sense?
2 A. Well, the meeting was polite and cordial, if you will, in the
3 morning and in the afternoon it became heated. The Chief
4 adopted an attitude of "How dare you heap scorn on this fine
5 gray-haired man," sort of thing.
6 Q. What...
7 A. Mr. Edwards, you know, or Frank. And, it became aggressive
8 to the point where there was no point pursuing the meeting
9 and the meeting was terminated. In the afternoon portion of
10 it though when asked specific pointed questions in regards to
11 Chant, Pratico and Harriss, the Chief then said that Donald C.
12 MacNeil had been told everything, Donald C. MacNeil had been
13 made aware of this and that, the next thing, and that is my
14 impression of the meeting, sir.
15 Q. Uh-hum. Were you present for the entire sessions, both
16 morning and afternoon?
17 A. I left toward the end of the afternoon session to go the
18 washroom and when I come back Mr. Whalley and the Chief
19 were standing over Mr. Edwards and there was finger
20 pointing going on and so on. And this was right at the end of
21 the meeting.
22 Q. Standing over Mr. Edwards. Was Mr. Edwards seated?
23 A. He was seated, yes, sir.
24 Q. I see. Any shouting?
25 A. Voices were loud. I wouldn't say shouting, but aggressive.

17/14 Did he square
with Coles? why?
July 21 Details

Magee: Did he tell
wheaton to interview Magee?
✓ Had to persuade him?
Previous discussions with Magee?
Bueke?

Did he review affidavits?
✓ Mar I & V satisfied with
accuracy & truth of everything
in them

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E.131

Cape Breton Post
August 28, 1982

. . . City Solicitor **Mike Whalley** had little success in stopping the release of affidavits in the Marshall case. Under the Freedom of Information Act the documents can be made public whether or not they eventually are read into the court record at any subsequent hearing or trial. A couple of the Supreme Court judges were reported dismayed that the affidavits were made public, particularly where the media used only portions of some of the documents.

1983

1984

(9)

17/14

July 22

Refer to R.C.M.P. Report?

28/1 if req'd

See it before?

Aware of whether view that Man I should be investigated?

Ever speak to Oscar Seale?

why?

17/17

See (W)

17/16 (W)

action against City

3/1/89 90

what done?

evidence?

Investigation by Police Commission?

90 FC 64

U031

CITY OF SYDNEY
P O BOX 730
SYDNEY, NOVA SCOTIA
B1P 6H7

July 30, 1982

AUG 4 - 1982

Mr. Stephen J. Aronson, Esq.
Aronson, MacDonald
Barristers and Solicitors
277 Pleasant Street, Suite 305
Dartmount, Nova Scotia

Re: Marshall vs City of Sydney

Dear Mr. Aronson:

I wish to acknowledge receipt of the Notice of Intended Action regarding the above which was forwarded to the City Clerk under date of July 28, 1982.

I wish to advise you that I am authorized to accept service on behalf of any and all of the intended defendants in this matter.

Yours very truly,

Michael G. Whalley
Solicitor

MGW:cae

Discussion with A G
Legal re this action?

FC 63

IN THE MATTER OF: An Act to Incorporate City of Sydney, S.N.S. 1903, c. 174, as amended.

- and -

IN THE MATTER OF: DONALD MARSHALL, JUNIOR;

Intended Plaintiff

- and -

THE CITY OF SYDNEY, a body corporate, and JOHN F. MacINTYRE and WILLIAM URQUHART;

Intended Defendants

NOTICE OF INTENDED ACTION

TAKE NOTICE that the above-mentioned Intended Plaintiff intends to commence proceedings in the Supreme Court of Nova Scotia, Trial Division, sitting at Sydney, County of Cape Breton, in the Province of Nova Scotia, against the City of Sydney and John F. MacIntyre and William Urquhart, employees of the said City. The cause of action will be for negligence, false and malicious arrest, malicious prosecution, defamation, false imprisonment and abuse of process committed by the Intended Defendants in the investigation and prosecution of the Intended Plaintiff in connection with the Sanford Seale murder investigation.

DATED at Dartmouth, Nova Scotia, this 28th day of July, A.D. 1982.

Intended Plaintiff: Donald Marshall, Junior

Place of Abode: Halifax, County of Halifax, Province of Nova Scotia.

Solicitor for Intended Plaintiff: Stephen J. Aronson, 277 Pleasant Street, Dartmouth, Nova Scotia.

Reference Hearing

17/15 Are these accurate

✓ agree no point in calling Police? Were Police present?

/ Miscarriage of justice?

17/16 agree re Police

17/16 Sutton "go to my grave" Chief ever express similar opinion to him?

17/17 Chief can Tell him about Commr as "author of our misfortune"

17/18 wholly wise. Did City move F.E. to take a particular px. Blame marshall for conviction?

Press for Inquiry on behalf of City?

✓ Any involvement in compensation?

Seek Release of City to be included?

vol 3 8/25 – look at this. what effect?

Patterson ✓

Seniority – ✓ Changes under Arthur McI.

wholly

1971: Put whatever evidence re red neck atmosphere in Sydney

Chief threatening to file McI

1982 Police Commission intend to investigate allegations of wrongdoing said Ray

His involvement in reference:

Discussion McGee
Urquhart
McI
Don McNeil

17/3 Feb. 23/82 even told by F.E. Rod McI must be questioned

Kept briefed by McI as RCMP work carried out.

17/4 March 1 aware of this pr by Chief

17/7 Apr. 19 aware of meeting c Gale. Holding basis of statements

17/8 even told this by F.E.

17/10 Apr. 19 Investigation focus on City Police

17/12 Chief concerned about being investigated

17/12 why were he present
why interview there
Pressure on F-E (interview evidence)

17/14 Meeting c Gordon Coles or anyone in
A-G Dept. re lack of impartiality
Rumour in Israel

17/15 Re reference

17/16 ~~tapes~~ See "W"

17/18 "W"

Civil action against City by Marshall

17/83 Morris Frankel c Human Rights

Vol 38/25 what being referred to

Sydney Police

Current Practices

Hiring : Used to be, Grade X minimum. May have been aldermanic input.

Today: Graduate Holland College or equivalent or experience

APA when changed

~~Racial minorities ~~ ~~Affirmative action~~

TRAINING : USED to be - Given Flashlight + Cuffs & Sent out

Today :

Continuing ed

Structural Setup:

Then: Police – Deputy
Sgt – Detectives

Today: Chief – Deputy
Insp. – Admin
Insp. – Patrol
Insp – Criminal Investigation
Staff Sgt

call for re-structuring

Supervision & APPRAISAL OF Performance

Police Comm.

Ident Section
Detective "

Promotion: Then: Seniority

Com. Police College

Today:

when & who introduced.

Relationship Detective & Patrolman.

Then: Keep Separate

Now:
Briefing at time of shift.

mentioned
cross-cultural
training

Investigation Major Crime:

Then - Ad-lib

Today: Secure Scene - when

Co-ordination - by whom

Search of Area - when

Canvass of neighbourhood - when

Statements.

Interviewing Minors:
How policed?

Medical Examiner.

Victims Clothing

Identif.
witnesses

Records

Explain System + Differences

Use Ebsary Example (Vol 16/1, Vol 18/34)

what changes req'd

Relationships:

RCMP:

Services ✓
Personnel ✓

Co-operation ✓

Crown:
INVESTIGATION & SWEEPING Information

Conflict - Example - no names

Before Preliminary

Provide info to Crown:

Crown Sheet
Statements
File

Mombourquette:

Refer Frank evidence

Aware of other witnesses

Why discarded

Theory of Police - Crown

When & how advised of RCMP involvement.

Co-operation

2nd TRIAL -
Theory of Crown - RCMP

Meeting AG Officials & Crown

Purpose

Result

Relationship A-G Dept.

Police Comm. /

Shoplifting Case. /

Other Interference /

Minorities: Hiring

Affirmative Action

Intention if Any

Black area of Sydney
Then Now

Mombourquette

What investigation carried out. How many people investigated - interviewed

Everyone in area?
Friends - relatives?

The Sunday witnesses were called at 2nd TRIAL
R.C.M.P. had same theory as police in 22nd.

Meeting Prosecutor.

RCMP.

Statements & admissions of accused prior to Saturday night. (22nd)

Who requested RCMP re-investigate
(July 15/85)

Purpose OF Meeting:

a) Failure to disclose ~~[illegible]~~ to Crown information in possession of Police

b) Failure to interview important witnesses. eg. Paper boy

c) Providing incorrect or incomplete info to Crown - eg. taxi logs said to be checked & revealed nothing. In fact only reviewed particular period. A further review disclosed a call to the address of Allmone

d) Providing info. to media - autopsy results

e) Refusal to co-operate and obtain aerial photos.

MR. EDWARDS

Yes.

COMMISSIONER EVANS

Is that frequent in your experience that the police hold back reports?

MR. EDWARDS

I wouldn't say "frequent" but it has happened and the example I used yesterday is the classic dramatic example, where the police, in fact, had had a statement from one of these ladies who had seen the victim the day after she was supposed to be dead but had dismissed it as irrelevant. And the only reference that had been made to me prior to the trial was in an afternoon interview I had with them pre-trial and one of the investigators had said, "Gee, the rumours going around about this," he said, "There's even people saying, you know, she was alive a day or so later." And I said, "Well, did you check them out?" and he said, "Yes," and that was the end of it.

COMMISSIONER EVANS

Well, it's not unusual for the police instead of staying in their investigative area to want to pop over into your area which is the prosecution area, and they hold back things, and of course the defence suffers from that situation.

MR. EDWARDS

Yes. That's a real problem because it's all right for me to say I'm going to give full disclosure, but how do I know that I've

Staff Sgt
Comm. Crime
Toronto

Insp't J Dix
Federal

Murray Wood

Terry Ryan

RCMP Sydney
based in Sydney
Experience req'd

Sub-div at time
Describe

~~Sept~~ May 29 - 9:30 - 11
went to Sydney Police Stn. not sure why.
not sure why he went there

re Stabbing in Wentworth Park early a.m
this date
2 youths Seale + Marshall - conversation c̄
Edward McNeil + Dev. McIntyre.
Feeling at this time - Marshall was belligerent
+ incident happened as a result of argument
betn both Seale + Marshall.
Mentioned Rotary Park incident two weeks
previous where knife was used. Doesn't or
this time to be no connection. only description rec'd
2:30 a.m. May 15 - from Marshall was
a man 45/50 years c̄ Grey Hair

aware of
wood note

Notes likely made shortly afterwards

Can't say whether one or 2 conversations

Terry
May 31 8:30 a.m - 5 P.M

what descriptions obtained?
from whom?

9:45 a.m.

Ident Sect!!

In detail
Vol 1 6/90
why no response.

May 30 9-10:30 a.m.
office - discussion Ed McNeil & Wyman Jenny both Sydney Police re stabbing & resulting murder. Both of opinion Marshall responsible.
offered new names of possible ~~suspects~~ suspects

May 31 -

June 1 - 4 P.M. Boys & knife case.

June 3 - both

(See any statements obtained by police.)

✓ Cheif McIntyre - opinion of?

Don McNeil - experience with

Procedures followed in 1971 by C.I.S. or RCMP Constable? In detail
(Role RCMP in Sydney in 1971)
Juveniles
Autopsy
Nothing

Experience & Nature? Blacks.
(House to House. Record interviews)

different Treatment.

anyone reliev 1971 1982

16/90

SGT. WHEATON

On page 27 of Volume G-3 reference is made to a call from Doucet to the police. What police records was he looking at to make this statement? He refers to three police vehicles being dispatched to the scene. Where does he get this information?

On page 28 he refers to the fact that Patricia Harriss says she saw Marshall and Seale together on Crescent Street.

XYZ