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DAVID ANDERSON

Please return to the Agent of the Attorney General  
at the trial.

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you wish. Thank you for your attendance.

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DAVID ANDERSON (SWORN) TESTIFILETH:

EXAMINED BY MR. CALDWELL:

MR. ANDERSON: Can I sit down?

COURT: You could sit down if you wish, or stand up, whichever you like.

MR. CALDWELL: Mr. Anderson I believe you ....

COURT: But one thing that you must do, you see that person that's sitting over there, he's got to hear everything you say.

A. Fine.

COURT: So you speak up please.

A. Okay.

MR. CALDWELL: I believe you do or did work at Hillcrest Texaco Service on Avenue P and 22nd Street in Saskatoon?

A. Yah, that's right.

1 Q. Are you still working there?

A. No, I'm not.

2 Q. What's your occupation then?

A. Well I'm just working for the rest of the summer until I go back to school.

3 Q. You're a university student?

A. No, highschool.

4 Q. I believe you were working at that job in January of this year?

A. Yes, I was.

5 Q. Who was the lessee there?

A. Fred Alexander.

- 6 Q. And he's, so to speak, the boss, is he, at the station?
- A. Yah.
- 7 Q. And did you have an employee, another employee there by the name of George Davis?
- A. Yes, we did.
- 8 Q. And he was working presumably at the same time, was he?
- A. Yes, he was.
- 9 Q. Did your duties include going on service calls with tow trucks?
- A. Yes, it did.
- 10 Q. On Friday, January 31st, 1969, did you go on a service call on Avenue O South?
- A. Yes, I did.
- 11 Q. What time of day was that?
- A. That was in the morning.
- 12 Q. And do you know roughly when?
- A. It was ten or eleven o'clock in the morning.
- 13 Q. I see. And did you receive the request from anyone to go on this or were you just told by one of the other people at the station?
- A. I believe I was out towing that morning and I'm not sure whether - I'm pretty sure that these, you know, gave me the address and told me to go and get him.
- 14 Q. Is this the radio in your truck?
- A. No, it isn't. I'd pick up three or four calls and then I'd go back and pick up whatever else there was.
- 15 Q. From the station, eh?
- A. Right.

- 16 Q. And go and do them?
- A. Right.
- 17 Q. Alright. Did you go on a call on Avenue O?
- A. Yes, I did.
- 18 Q. And this is around ten to eleven you thought?
- A. Yes.
- 19 Q. That is 10:00 a.m., to 11:00 a.m.?
- A. Yes.
- 20 Q. What sort of a car did you find to be the subject of the call?
- A. I believe it was a '58 chev, four door sedan.
- 21 Q. Pardon me?
- A. A '58 Chev, four door sedan.
- 22 Q. Whereabout was it?
- A. It wasn't on the avenue, it was on the street. It was approximately near the alley.
- 23 Q. On a street?
- A. Yah, it wasn't on the avenue, it was on the street.
- 24 Q. Okay. Now, am I - correct ;me if I'm wrong, but are we talking about a street adjoining or leading on to Avenue O?
- A. Right.
- 25 Q. Do you remember which street?
- A. 19th Street, I believe. 19th of 18th.
- 26 Q. I see.
- A. It was down there anyhow.
- 27 Q. Alright. Now, as I understand it, 22nd is quite a - practically ahighway or entrance to Saskatoon?
- A. Yes, it is.
- 28 Q. And 20th Street is something of a main type of street

also?

- A. Yah.
- 29 Q. And as I understand the layout, 19th and 18th would both be south of 20th?
- A. Right, and that's where it was, on the south of 20th.
- 30 Q. It was south of 20th?
- A. Yes, it was.
- 31 Q. Alright. On the street, and do you recall whether it was east or west of Avenue O?
- A. It would be east of Avenue O.
- 32 Q. And where was the car located on that street, do you recall which way it would be facing for instance?
- A. It was facing west.
- 33 Q. Facing west on which side of the street?
- A. On the north side of the street.
- 34 Q. This would be the proper west-bound travel, I think?
- A. Right.
- 35 Q. When you got there, what appeared to be the problem with the car?
- A. He had sprung a leak in his line, his transmission and there was about a quarter of a block of transmission fluid along the road.
- 36 Q. And leading to the car?
- A. Right, right up to the car.
- 37 Q. Which way did this go, so to speak?
- A. It went west.
- 38 Q. Now, the car was facing west, was it?
- A. Yah, the car was facing west and the trail of fluid led up to the car.
- 39 Q. Led up to the car?

- A. Yah.
- 40 Q. So I think it would lead east from the car, is this not right?
- A. Right, that's what I meant.
- 41 Q. Oh, I see. The car was going west according to ...
- A. Right.
- 42 Q. I see. What is the transmission line, what does it contain?
- A. Transmission fluid.
- 43 Q. Transmission / Fluid?
- A. Yah.
- 44 Q. And if this breaks, to your knowledge, what's the ultimate effect?
- A. You don't go anywhere.
- 45 Q. It stops?
- A. Right.
- 46 Q. And for my benefit, what is the thing that stops the car when this fluid escapes; what's the problem?
- A. Well there's - actually I'm not a mechanic, there's just no pressure inside, you know, in the -- to work or something.
- 47 Q. Does this refer to an automatic transmission?
- A. Yes, it was an automatic transmission because when I came out there, I asked him what the problem was and he said, well the car doesn't go anywhere and I got him to start it up, you know, run it through the gears and it wasn't working.
- 48 Q. You say you ran it through the gears?
- A. He did.
- 49 Q. He did. This is like shifting into drive and so on?

A. Yah, drive and reverse and low.

50 Q. With the engine running though?

A. With the engine running, yes.

51 Q. No effect, eh?

A. Yah.

52 Q. Right. How many people were at or with the car?

A. I'm fairly sure there was four people in the car.

53 Q. What was the sex of these people?

A. There was one girl with them.

54 Q. Included in the four, you mean?

A. Right.

55 Q. And approximately what age would you think the girl would be?

A. Oh, I'd say roughly sixteen to eighteen.

56 Q. And the males?

A. Around the same age.

57 Q. I see.

A. Under 20.

58 Q. Did you know any of them before?

A. No.

59 Q. And did you deal with any particular one of them more than the others, or equally with all of them?

A. Actually I didn't do too much dealing with them at all, all I did was take the car back to the garage.

60 Q. Now, the one person that you, I think, asked, you said about what was the problem and so on, which one was this?

A. It was the driver.

61 Q. The driver?

A. Right.

- 62 Q. And when you saw what you had and had him start the car and so forth, what did you do then?
- A. I took the car back to the garage.
- 63 Q. What about the occupants?
- A. They just sort of hung around the garage.
- 64 Q. Did they ride in the car?
- A. Yah, they stayed in the car.
- 65 Q. Were you alone in the truck?
- A. Yes, I was.
- 66 Q. And you brought it, I presume, directly to the garage?
- A. Yah, we brought it right back to the garage.
- 67 Q. Were you the one, if anyone, who set about repairing the car?
- A. Well, I can't recall exactly. I remember I brought it back to the garage and we were pretty busy and I put it around the back for the time being and when we got a chance we pushed it inside and George took a look to see what was wrong with it.
- 68 Q. The place where you found the car, is it near any particular, say public building?
- A. Yah, that school.
- 69 Q. Do you know the name of the school?
- A. I believe it's St. Mary's.
- 70 Q. I see. And where would the school be from the car, just to get our bearings?
- A. Well, west for one and I can't remember, I guess it would be south too probably.
- 71 Q. You think west and south?
- A. Yah.



- 72 Q. I see. But this means in the next block, I presume?  
A. Yah.
- 73 Q. So you put it around the back of the service station when you got there, did you?  
A. Yah.
- 74 Q. And what happened when you parked the car at the garage?  
A. They went inside and they stood around in the office.
- 75 Q. And did they stay there?  
A. Well, for how long?
- 76 Q. Well, for the time being, at any rate?  
A. While they were fixing the car?
- 77 Q. Yes.  
A. One left.
- 78 Q. Which was the one who left?  
A. The smallest of them.
- 79 Q. One of the males, I take it?  
A. Yah, one of the guys.
- 80 Q. And did the others stay for the time being?  
A. Yah, they did.
- 81 Q. Now, I presume, or atleast, perhaps you have said, did you know any of these people before at all?  
A. No, I had never seen them before.
- 82 Q. To your knowledge, have you seen any of them since, let's say that day, since that day?  
A. No, I haven't.
- 83 Q. Alright. Can you look around the courtroom please and take a minute to look around and see if any of the persons who were in the car on that occasion are in the court here today?

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- A. Yes, the fellow sitting in the box over there.
- 84 Q. And you're referring to the chap here in the greenish or goldish sweater?
- A. Yah.
- 85 Q. Which person was he when you were dealing with this group?
- A. I can't remember whether he was driving the car or not.
- 86 Q. I see.
- A. I don't think he was. I think he was just riding in it.
- 87 Q. And you mentioned one of the people leaving the garage?
- A. Yah,
- 88 Q. One of the males?
- A. Yah.
- 89 Q. I think you said the shorter one or something?
- A. Yah.
- 90 Q. Are you referring to this man or not?
- A. Yah, I believe it was him that left the garage and went to get some money or something.
- 91 Q. Alright. Did you have anymore to do with the car or the group once you brought it to the station?
- A. Once I brought it there I went to get parts for it and that was pretty well it, because we were pretty busy that day and I was doing alot of towing.
- 92 Q. Who was the actual mechanic or person dealing with the car?
- A. George Davis.
- 93 Q. George Davis. And what parts did you go for?
- A. I went to Bowman Brothers on 22nd Street for a copper

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line.

94 Q. I see. This I presume is to replace the one that had broken?

A. Yah, the one that had broken.

95 Q. Who else was working at the station that day, other than you and George Davis?

A. Lyle Bently and Fred was there too.

96 Q. Fred?

A. Alexander.

97 Q. Alexander. Would that be the ...

A. Yah, the lessee, the D - R.

98 Q. Would that be all the personnel working there?

A. And I believe Lyle Trost was there too.

99 Q. I'm sorry, I just couldn't write there when you were speaking. You said you think a Lyle Best?

A. Lyle Trost, yes.

100 Q. And Lyle Bently?

A. Yes.

101 Q. And Fred?

A. Alexander.

102 Q. George Davis and yourself?

A. Yah.

103 Q. And having got the - or, you got this line, did you?

A. Yah.

104 Q. Having done that, did you have anything further to do with the car or the occupants?

A. Not really, no.

MR. CALDWELL: I see. Okay. Thank you. Your witness.

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DAVID ANDERSON:

CROSS-EXAMINED BY MR. TALLIS:

1 Q. Mr. anderson, I have a few questions to ask you. And dealing first of all with 19th Street, I take it that we can agree that 19th Street runs approximately east and west?

A. Yes, it does.

2 Q. Yes. And Avenue O runs approximately north and south?

A. Okay.

3 Q. We wouldn't worry about the degrees, so to speak. And as I understand it, this car that you had to pick up, so to speak, was facing west on 19th Street?

A. 19th or 18th Street.

4 Q. 19th or 18th Street. I see. But in any event, it was, it would be East of Avenue O from what you told my learned friend?

A. No, not necessarily, come to think of it.

5 Q. Well, this is what I'd like you to clarify for me.

A. Yah. Actually I suppose I should have gone back there and taken a look around.

6 Q. Take a moment and think about it, there's no particular rush and try and reconstruct the ...

A. I believe it was between Avenue N and Avenue O.

7 Q. Between Avenue N and Avenue O?

A. Right.

8 Q. Yes. Now you told my learned friend that the car was facing, as I understand it, in a westerly direction?

A. Yes.

- 9 Q. On the north side of the street. Now, was the car on the north portion of the travelled portion of the street, that is, where traffic ordinarily goes, or had it pulled right off?
- A. No, it wasn't pulled off, it was in the traffic part.
- 10 Q. In the travelling lane, so to speak?
- A. Right.
- 11Q. And I gather, from what you told my learned friend, you could look back to the east and see this tell-tale trail, if I may use that term, of fluid in the snow?
- A. That's correct.
- 12 Q. Yes. And did that trail of fluid, I think you said went back about half a block, give or take ...
- A. A quarter of a block.
- 13 Q. I see. What I'm getting at is this trail extended to the east of the north - south lane that runs in that block between O and N?
- A. No, it didn't.
- 14 Q. It didn't. How far did it extend back?
- A. It extended back towards the lane.
- 15 Q. I see.
- A. But it, just thinking about it now, I'm pretty sure it didn't go past the lane.
- 16 Q. It didn't go past the lane?
- A. It was actually west of the lane.
- 17 Q. It was actually west of the lane that it commenced?
- A. Yah.
- 18 Q. I see. So that having sort of thought about it a little more, you're satisfied that this is the way

it was, are you?

A. Yah.

19 Q. And as I understand it, when you arrived there, there were actually four people either at or about the car, being three men, or young men and a girl, is that correct?

A. I believe so.

20 Q. Yes. And now you told us later on and I think you told my learned friend this, that the four people came to the garage and stood around, I think you said, the office for awhile?

A. Yah.

21 Q. Now, how long did they stand around, that is the four of them there?

A. Well, except for the one fellow leaving <sup>until</sup> their car was fixed.

22 Q. Until their car was fixed?

A. Yes.

23 Q. And as I understand it, the one fellow who left was the shortest one of the male persons, from what you have told my learned friend?

A. I'm not sure if he was the shortest really.

24 Q. Well, he looked short to you. You used the term shortest, that's why I ...

A. Well, he wasn't big, let's put it that way.

25 Q. Yes, I see, and in any event, it wasn't David that left?

MR. CALDWELL: I'm sorry, I'm not sure he knows who David is.

MR. TALLIS: Well, David is the boy here that I'm pointing

out, he isn't the one that you were referring to as being the one that left when you were telling my learned friend about it?

A. Now, you are confusing me.

26 Q. Just take a moment. This is the way I understood it, that it was one of the other two boys who left, but you correct me if I'm misunderstanding it?

A. I'm not really positive whether or not it was him that left.

27 Q. I see. You don't know. Well, you said the smallest one of the three left, I think you told my learned friend that, and is that still your recollection that of the boys it was the smallest one who left?

A. Yes, I believe it was.

28 Q. You believe it was. And do you recall whether or not the smallest one came back later on?

A. Yes, he did.

29 Q. And about how long would you estimate that the smallest one of the three was away?

A. I don't know, half an hour maybe.

30 Q. In that neighborhood?

A. It wasn't very long. It wasn't really that long.

31 Q. But if you were asked to give your best estimate or recollection, you would say approximately one half hour, And I take it you can't recall which one of the boys was occupying the driver's seat?

A. No, I can't.

32 Q. And what time would you estimate that they left with their car, or were you present when they left?

A. I believe it was around two o'clock or so, in the

in the afternoon when they left.

33 Q. I see. You were there, were you, when the car was finished and they drove away?

A. Yes, I think I was at the time.

34 Q. And your best recollection then is that it was around two o'clock in the afternoon?

A. I'm not sure, around two o'clock. I'm not sure.

35 Q. Give or take ...

A. It's hard to tell because I wasn't watching the clock or anything.

36 Q. I appreciate that, but if you were asked to give your best recollection?

A. It was in the afternoon.

37 Q. You'd say it was in the afternoon?

A. In the early afternoon, around two or so, if it was that late.

MR. CALDWELL: No re-examination, Your Honor.

COURT: That is all for you then. Thank you very much.

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MR. CALDWELL: If Your Honor pleases, I feel the next witness will probably be somewhat length and if it meets with your convenience, I would assume not starting now.

MR. TALLIS: That's one thing we can agree on.

COURT: Well, if you're both agreed, we will adjourn until two o'clock.

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Court is adjourned.

Court is resumed.