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GEORGE DAVIS

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

007561

GEORGE DAVIS (SWORN) TESTIFILETH:

EXAMINED BY MR. CALDWELL:

- 1 Q. Mr. Davis, I believe you live in the Pike Lake district of Saskatchewan and that you work in Saskatoon from time to time?
- A. That's right.
- 2 Q. And are you -- I believe in January of this year, you were employed at Hillcrest Texaco on Avenue P and 22nd Street in Saskatoon?
- A. That's right.
- 3 Q. Are you still there?
- A. No, I'm not.
- 4 Q. And are you a mechanic by trade?
- A. I am.
- 5 Q. And I believe that you were working there Friday, January 31st of 1969 at Hillcrest?
- A. That's right.
- 6 Q. Now, I presume you were one of a number of employees that day, were you?
- A. Correct.
- 7 Q. Were you working as a mechanic on that day?
- A. Correct.
- 8 Q. That is, moreless withing the station rather than
- A. Correct.
- 9 Q. Out on service calls?
- A. Correct.
- 10 Q. I believe you had occasion to service a car that morning that was brought to the station?
- A. That's right.
- 11 Q. What sort of a vehicle was it that you serviced that

morning? I'm asking in connection with a car with a broken oil line?

- A. It would be a '58 Chev or Pontiac.
- 12 Q. And do you remember who brought that car in?
- A. David Anderson did, our tow truck driver.
- 13 Q. David Anderson?
- A. Yes.
- 14 Q. And were you the person who looked after the car once it was in the station?
- A. I was.
- 15 Q. Now, what time did you start dealing with the car?
- A. About a quarter to twelve.
- 16 Q. And this was in the morning I presume?
- A. Mhmm.
- 17 Q. What did you do with it initially?
- A. Well, first of all I lifted it up and started it up to see what was the matter and discovered it had a broken line in the automatic transmission to the oil cooler in the radiator.
- 18 Q. And this would be on a hoist in your shop, would it?
- A. That's right.
- 19 Q. And in your experience, is a broken line such as that, given time to drain the fluid, sufficient to stop a car from being operative?
- A. Yes, definitely.
- 20 Q. What is the fluid that's in that line?
- A. It's automatic transmission fluid.
- 21 Q. I see.
- A. Or a type of oil that doesn't overheat, therefore, it drives the automatic.

- 22 Q. I see. And did it appear to you that the line had drained by the time you got the car?
- A. Yes, it had.
- 23 Q. When you found the nature of the trouble, what did you do?
- A. Well, I attempted to repair it and discovered that I didn't have the parts.
- 24 Q. What did you need?
- A. I needed a brass fitting, it's about that long to splice the line.
- 25 Q. To put the line back into one, is that it?
- A. That's right.
- 26 Q. What did you do when you discovered you didn't have such a thing in stock?
- A. Well, we had to wait to one o'clock and then sent a truck after the part.
- 27 Q. Yah.
- A. After this fitting.
- 28 Q. Why the need to wait?
- A. Well, because Bowmans are closed from twelve to one.
- 29 Q. Is this a supplier of parts?
- A. Yes, it is.
- 30 Q. And did you send someone after that part?
- A. Yes, we did. We sent Dave Anderson.
- 31 Q. Dave Anderson. And in due course, did he show up with a part?
- A. Yes.
- 32 Q. What did you do when you got it?
- A. I cut the line to make a proper connection, mounted the part into it, spliced the line, filled it full

of oil, adjusted the points and timing because the boys said they were going away.

33 Q. Yah.

A. And I wasn't too happy about it, but they went anyway.

34 Q. Alright. Now, when the car came in, did you see any ~~people~~ in connection with it?

A. Would you re-state that please?

35 Q. Oh. Well, when the car arrived, did there seem to be someone that belonged with it, or go with it, or anything in the car?

A. Yes, there were. There was four or five people.

36 Q. And were these males, females or what?

A. There was one girl and either three or four boys.

37 Q. I see. And of what general age were they, Mr. Davis?

A. Well, I would say between sixteen and twenty-four somewhere.

38 Q. I see. And I gather the car had to stay at the station for some period of time?

A. Yes, it did.

39 Q. Did the people, this group of people stay there?

A. Yes, they did.

40 Q. Were you aware of any of them leaving yourself?

A. I think one of them came and went, something like that, but there were always three or four of them around.

41 Q. I see. And now what's the general layout of your station there? Is there sort of an office and a shop?

A. Well, there's your main office where you write up

work orders and where people normally stay, there's a two bay shop behind and in the back room, there's a parts room and confidential office.

42 Q. You would work in this two-bay shop, would you?

A. That's right.

43 Q. And is the office at the front the one where normally you would have a person paying for a tank of gas and what not?

A. This is right.

44 Q. Where did the occupants of the car stay while they waited for the car?

A. All over.

45 Q. And you include what in that statement?

A. Well, I mean just all over. They were in the back room, where they didn't belong, they were in the main room, they were in the service bay bugging me, they were all over.

46 Q. And were any of them into the car while it was there?

A. Yes, there was. There was two of them in it.

47 Q. Now, I take it you don't, or didn't atleast know any of those people when they showed up there?

A. No, I didnt.

48 Q. And are any of the persons who came ^{with} that car and were around in association with it in court here today?

A. Yes, there is, that fellow right there.

49 Q. Which person are you referring to?

A. The gentleman in the box there.

50 Q. Alright. Now, can you tell the court whether or not this accused, whom you have identified here, is the one of the ones particularly who went to the car,

345-

or do you particularly remember that?

A. I believe he was, but I wouldn't like to swear to it.

51 Q. Alright. Now, there came a time when you finished your work with the car?

A. Mhmn.

52 Q. Now, I think a minute ago you said something about them going to the Coast, did you, or words to that effect?

A. Well, when I was fixing the car, the boys were in a terrible panic, they wanted to get the car running as soon as possible and they couldn't leave me alone long enough to let me alone on my own, they were in the car, they were out of the car, they were in the front office, they were in the back office. There was one of them played a banjo up by the cash register all the time while this was going on. I had to ask them twice to get out of the car because they were making such a commotion in the car that they were going to shake it off the hoise if they weren't careful, because I had it raised about two feet off the ground, or three feet, so I could work under it and over it at the same time. During the course while this was going on, I got talking with one of them and he seemed to be a fairly decent fellow, he said they were going for a trip up to the Coast and I got in quite an argument with them about it because it had tires that were absolutely bald on the back of the car, they had no reverse because this was burned out due to them trying to run it with no oil in it, I think.

- 53 Q. Did you find this out in the course of your testing?
- A. Yes, I did, I went to back it up and there was no reverse and I checked two or three times and there was no action from the reverse band at all.
- 54 Q. Is that something that can happen when you run out of that fluid and continue to run the car?
- A. Yes, yes.
- 55 Q. I see.
- A. These bands as I call them and clutches, you see, there's clutches and bands in an automatic, they are applied by hydraulic pressure, which the fluid is part of your pressure, if you lose your pressure, your bands are not pushed up solid, they are left to just slip and this I believe is probably what happened and they burned the band out.
- 56 Q. At any rate, there was no reverse?
- A. No.
- 57 Q. I presume all that's what you meant when you said you were worried or apprehensive about that?
- A. Well, I couldn't see them going through the Rogers ^{anyplace in the} Pass or/mountains without tires or without a transmission even.
- 58 Q. Now, referring to the accused, whom you have pointed out as being one of the males who was there, can you recall anything specifically that was said between he and you as opposed to the group in general and you?
- A. Not particularly.
- 59 Q. I see. And when would you say you finished the car?

A. One-thirty, quarter to two, something like this. We had quite a bunch of cars and I'd just finish one and get another one.

60 Q. I see. You say one-thirty, quarter to two, somewhere in there?

A. Mhmn.

61 Q. Did you have anything to do with the process of any of the youths paying for the job?

A. No, I didn't.

62 Q. I see. Is that normally your affair?

A. No, it's not.

63 Q. Now, you mentioned two, I think, of the youths being up or into the car while you were working on it?

A. Yes there was, him and a tall fellow.

64 Q. Now, by him, you're referring to the accused, are you?

A. That's right.

65 Q. And a tall fellow?

A. That's right.

66 Q. And was there anything happened with respect to items being say taken into or out of the car that you saw while they were there?

A. Well, they were cleaning the car up inside, like, I don't know, a bunch of papers, and A and W cups and stuff like this in there. I didn't pay that much attention because I don't normally, this isn't my concern what's inside of your car.

67 Q. Right.

A. But they were cleaning it up. They put some cups or something in the garbage. I didn't pay any attention

there either, but what concerned me was the rocking the car around and I'm trying to keep it on the hoist and they were trying to shake it off by the looks of the way they were acting.

68 Q. Did you check the garbage to see what, if anything, they had put in it?

A. No, I didn't. This is quite normal in the winter-time, people bring a car in, this is the first time they had it in the warmth.

69 Q. Do you know what the cost of the repair job was approximately?

A. Well, I believe it was probably approximately twenty dollars, with the automatic fluid.

70 Q. I see. But this would be your estimate based on ...

A. I'm just guessing.

71 Q. Do you recall, whatever the account was, whether it was paid right off the bat when it was present?

A. I believe it was paid because the car was unknown to any of us and they wouldn't have got the car if they hadn't paid us, so ...

72 Q. I see. Now, did you notice any of the clothing of any of this group that you recall?

A. Well, most of them seemed to be well dressed except for one of them, one of the shorter ones and he had a ripped brown laminated coat on, car coat.

73 Q. Where was the rip?

A. Under the armpit down to the pocket.

74 Q. And I take it this was visible to you?

A. Well definitely.

75 Q. And do you know which one that was?

A. I can't swear to which one it was.

76 Q. I see. But it was one of the males, was it?

A. One of the males.

MR. CALDWELL: Thank you. Your witness.

GEORGE DAVIS:

CROSS-EXAMINED BY MR. TALLIS:

1 Q. Mr. Davis, I just have a few questions.

A. Mhmn.

2 Q. First of all, you told my learned friend at one point in your evidence about there being three or four male persons and then later on in your evidence you referred to the shortest one having the brown laminated coat?

A. Mhmn.

3 Q. Now, I take it that David is not the shortest one of the three or four?

A. I wouldn't guarantee it, because I haven't got the others to stand up beside him at the moment.

4 Q. I see. But from your recollection?

A. Mr. Tallis, you're asking me to try

5 Q. Well, this isn't a trick question.

A. No, I know it's not but I'm going to answer you anyway if you don't mind.

6 Q. Yes.

A. You're asking me to try and remember six months ago for sure what happened now and I'm just a mechanic, I just fix the cars, I don't go around scrutinize everybody and look in the car.

7 Q. I understand it, Mr. Davis, but when you're referring

to the shortest boy, when you told my learned friend,
Mr. Caldwell, about it ...

A. Mhmm.

8 Q. You're not able to say which one was the shortest?

A. Not definitely.

9 Q. All you know is that there was one that was shorter
than the rest?

A. Yes. There was two that were really in the shop,
so there's got to be two.

10 Q. I see.

A. There was this fellow and there was another fellow
so I would say it's this fellow, but I wouldn't
swear to it.

11 Q. Yah. But in any event, of the group, there was one
that you could see was shorter than the others?

A. That's right.

12 Q. And in any event, it's the shortest one who had
this brown laminated coat with the rip in the arm-
pit area?

A. That's right.

13 Q. And was it quite a pronounced rip that is?

A. As I remembered it was, because it showed the
stuffing of the coat and everything.

14 Q. Otherwise you wouldn't have remembered it?

A. No.

15 Q. And I'm not a banjo player, but do you remember
whether it was the female that played the banjo?

A. No, she was the one really quiet one that really
behaved herself.

16 Q. I see. And do you recall which one of the boys

played the banjo?

- A. No, that was going on out in the office and I was in the back.
- 17 Q. So that really as far as you're concerned, your attention was focused in trying to get the car fixed?
- A. Correct.
- 18 Q. And you just wanted to be left alone, get it down, get it out of the shop and get another one in?
- A. That's right.
- 19 Q. And I presume that along the way you were interviewed by police officers? I see you're nodding, I take it you mean yes?
- A. Yes.
- 20 Q. And it was how long after January 31st, do you remember, that you were interviewed by them?
- A. A month.
- 21 Q. Pardon?
- A. A month.
- 22 Q. Quite sometime after, I guess?
- A. Mhm.
- 23 Q. So that you don't have the advantage of looking at a statement you made a day after to refresh your memory?
- A. They phoned me up at three o'clock one Sunday afternoon, they had to send the neighbors up to my place.
- 24 Q. I see. And this was about a month later. As a matter of interest, do you have any system, or did you have any system at the garage where you worked and

- this may not be your department, whereby you made a note or check in the time that work was started on a vehicle and the time it was finished?
- A. I don't really know. We had work orders ...
- 25 Q. I see.
- A. But where they are, I don't believe they kept track of the time.
- 26 Q. In any event, you weren't required as an employee to punch in for particular vehicles?
- A. No.
- 27 Q. So that as far as you were concerned, you didn't have to keep a record of when you started and when you finished a particular vehicle?
- A. No. The only way that I have a record is that it was immediately before dinner and I didn't have time to check it out and I had to wait until after dinner.
- 28 Q. I see. I take it that someone else would write out the work order?
- A. That's right.
- 29 Q. In other words, it would be handed to you to do this specific work and you would do that work, nothing more and nothing less?
- A. Unless I was asked from the office.
- 30 Q. Unless you were asked from the office.
- A. Or the customer.
- 31 Q. Or from the people involved. And who was it that ordinarily writes up the records when you were working there at that particular garage?
- A. Anyone that was in the front.

32 Q. Do you recall who was working in the front that particular day? If you don't, just tell me.

A. No, I don't recall.

MR. TALLIS: Fine. Thank you.

A. Thank you.

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

COURT: That's all then, thank you.

A. Thank you.

GEORGE TURNER REID (SWORN) TESTIFIETH:

EXAMINED BY MR. CALDWELL:

COURT: Now, you can either sit down or stand, whichever you like.

A. I'll stand, sir.

MR. CALDWELL: I believe your name is George Turner Reid and that you're a member of the Saskatoon Police department with the rank of Staff Sergeant?

A. Yes.

1 Q. And I believe Staff that you were on duty on Friday, January 31st, 1969, at which time your rank was that of Detective Sergeant?

A. Correct.

2 Q. And that you were with Morality Sergeant Parker that morning?

A. Detective Parker.

3 Q. Detective Parker, was it, at that time?

A. Yes.

4 Q. And you and he were together, I presume in a patrol car, were you?

A. Yes, sir.