

GARY McQUHAE

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

007535

MR. CALLIS: Yah. Thank you.

MR. CALDWELL: I just have one ...

COURT: One question?

MR. CALDWELL: I just want to have a moment.

MR. CAMPBELL: I'm sorry.

MR. CALDWELL: I'll just have a word with my learned
friend. I have no re-examination.

COURT: That's all then for you. Thank you for your attendance.

You can either go back to work or stay, whichever you
wish.

GARY MCQUAHE (SWORN) TESTIFIETH:

EXAMINED BY MR. CALDWELL:

COURT: How do you spell your name?

A. The last?

COURT: The last name.

A. M-c-Q-u-h-a-e.

COURT: Mc-Q-u-h-a-e. Capital Q?

A. Yah.

COURT: Alright. These Scotch names are sometimes spelled
in rather a funny way.

MR. CALDWELL: Is it Mr. McQuhae?

A. Yah.

1 Q. What are your first names?

A. Gary Leslie.

2 Q. Gary Leslie. Now, I believe that you did work or
do now work at Belmont Texaco Service at 22nd Street
and Avenue W? in Saskatoon?

A. Right.

- 3 Q. Are you still there?
- A. Yah.
- 4 Q. And Mr. Campbell is the lessee and so to speak your boss there, is he?
- A. Right.
- 5 Q. And I believe you were on duty the morning of Friday, January 31st of 1969?
- A. That's right.
- 6 Q. And that you were despatched on a call on a tow truck that morning, is that right?
- A. Right.
- 7 Q. What time did you go out?
- A. I don't know, between 9:00 and 9:30, somewhere around there,
- 8 Q. At whose instructions did you go?
- A. On Bill's.
- 9 Q. That's Mr. Campbell?
- A. Right.
- 10 Q. Were you present when Mr. Campbell, so to speak, received the call, or when the information came to him that a truck was needed?
- A. Well, they just come back from a call and then I went out on the next call that was
- 11 Q. What I'm getting at is, were you present when whatever message it was got to Mr. Campbell that a truck was needed somewhere?
- A. Yah, there was some people come in a car and wanted to boost their battery.
- 12 Q. Okay. And did you see their car?
- A. Yes, it was a red and white Pontiac.

- 13 Q. Pardon?
A. It was a red and white Pontiac.
- 14 Q. A red and white Pontiac?
A. Pretty sure it was a Pontiac.
- 15 Q. And I presume someone or more of these people got out of the car, did they, to make this request?
A. Yes, one for sure, as far as I know.
- 16 Q. One for sure?
A. Yah.
- 17 Q. And where did that person go?
A. Came to the garage door as far as I know.
- 18 Q. Yah, now would you please talk up a little louder. He came where?
A. To the garage.
- 19 Q. Who did he deal with, do you know? Did you see or not?
A. It was one of the people there, I'm not too sure who it was.
- 20 Q. And there are more people than you and Mr. Campbell I presume?
A. Yes. I think there was a third guy there, Lorne.
- 21 Q. There were three altogether there that morning?
A. Yes, we were pretty busy on the tow trucks that morning.
- 22 Q. Alright. So when this person spoke to someone or other about whatever he spoke to, were you there and listening or not?
A. Well, I was around there somewhere anyways.
- 23 Q. At any rate, it ended up that Bill said you go on the call?
A. Right.

- 24 Q. And you took the tow truck and went, did you?
A. Yes.
- 25 Q. How did you -- Did you take anyone with you?
A. No, I went alone.
- 26 Q. Went alone, and did you have an address or location?
A. Well, I was supposed to -- Well, they gave me the address and I was supposed to follow them or something, or they were going to follow me, but I went in through one end of the alley and they went in on the other.
- 27 Q. Was this red and white car supposed to show you the way?
A. Well, they were coming down in their car and I had the address, so I figured I could find it anyway.
- 28 Q. I see, so you just set off?
A. Mhm.
- 29 Q. And you went in one end of the alley and the car in the other one?
A. Yah.
- 30 Q. And when you got in there, what did you find?
A. There was a '58, a Chev or Pontiac had been stalled in the back alley.
- 31 Q. Do you remember the colour of this car?
A. It was kind of a grayish colour with a darker hood on it; the hood was a different colour.
- 32 Q. I see. What did you do at or about at the stalled car?
A. Well, I turned the tow truck around and I gave him a boost, got him going, then I told him how much it would be and he had a ten dollar bill and I didn't have change for it, so he went back to the car and he got a

dollars worth of change.

33 Q. Give it a boost refers to a battery, does it?

A. Yah.

34 Q. Was that what the car needed to get it going, as far as you could see?

A. Yah. I think he put some gas in the carburetor too.

35 Q. Did you have a can of gas on your truck?

A. No, I didn't have a can, I think they had one.

36 Q. Oh, I see, fine. But when you say you gave it a boost to get it going, was it a matter of the engine being dead or the car being stuck in the snow?

A. The engine was dead, it wasn't stuck.

37 Q. And when you got the engine running, did you see the car move at all or ...

A. No, he said he was going to leave it warm up for a minute.

38 Q. When you were at the scene where the Pontiac, the gray one, I take it that you dealt with someone who appeared to take responsibility for the car in terms of who would pay and so on?

A. Yes.

39 Q. How many people -- Was there one or more than one persons in this party?

A. Well, there was, as far as I could see, there wasn't anybody in the Pontiac, in the gray one, but in the other one I knew there was a girl in there, because I could see her and then the driver, but I don't know if there was any others or not.

40 Q. That's in the red and white car?

A. Yah.

- 41 Q. That came back?
A. Yah.
- 42 Q. And I presume that's the same one that had been at the station?
A. Yah.
- 43 Q. Now, did you deal with someone then who came out of the red and white car?
A. Well, the one that seemed to be the owner of the car, like that had come up and asked for a boost.
- 44 Q. Correct me if I'm wrong, but I presume he got out of the red and white car?
A. Yah, he come over and give me a hand when I was getting it started.
- 45 Q. Right, and do I understand — how many — When he had got out, how many people could you see, or that you are aware of, or that you know were still in the Pontiac, if any?
A. Well, just the driver and the girl is all I really noticed.
- 46 Q. I see. And then now can you — Excuse me, is the person who dealt with you and talked about paying for the Pontiac and appeared to I take it, be in charge of it, or the driver, is he in court here today? Would you have a look around please?
A. It's hard to really say because you boost so many you don't really pay too much attention.
- 47 Q. Alright.
A. I couldn't really say.
- 48 Q. Pardon?
A. I couldn't really say.

49 Q. Okay, fine.

COURT: You say you can't identify him?

A. Right.

MR. CALDWELL: What age of a person was it?

A. Young. Seemed fairly young, slender build.

50 Q. And this was a male though?

A. Right.

51 Q. And did you retain or get or keep the license number of the Pontiac car?

A. Yes, I did,

52 Q. And what did you do with your record of it?

A. I left it on the , we had a little pad on the dash of the tow truck, I just left it on there.

53 Q. Are those things preserved or not?

A. Well, just for the time being, like, you know, because, you know, I wouldn't have taken it down but I never got the full bill paid so I figured I'd take it down.

54 Q. This is for your records at the station?

A. Yah.

55 Q. At any rate you haven't kept the note?

A. No.

56 Q. And I don't suppose you ofcourse remember the license number?

A. No, I was trying to recall, I don't know, I think maybe the frist two number were 3 - 0.

57 Q. Okay. Now, what did you do once you got that car boosted and the engine running?

A. Well, I asked him for how much it was like and he offered me the ten and I didn't have ehange for it, so he went back to the car to see if he could get some

change and he got a dollars worth of change and he said as soon as the car warmed up he would come up and pay it.

58 Q. I see. And it was a ten dollar bill that you were offered from this chap, was it?

A. Yah.

59 Q. What did you do then?

A. I went back to the garage.

60 Q. Did you see anymore of the Pontiac/^{car}or the person who you had been dealing with?

A. No, I didn't.

61 Q. And you went out alone on that call?

A. Yah.

MR. CALDWELL: Thank you. Your witness.

GARY McQUHAE:

CROSS-EXAMINED BY MR. TALLIS:

1 Q. I gather that your recollection is that it was a bitterly cold morning?

A. Yes, it was.

2 Q. Something in the neighborhood of forty below or so?

A. Around there I imagine.

3 Q. And now we have been talking briefly about the man coming to the garage, did you speak to him at the garage at all yourself that you can recollect?

A. Not apart from getting the address and I might have even got that from Mr. Campbell.

4 Q. Someone else?

A. Yah.

5 Q. So you have no recollection of specifically speaking

to the individual other than later on over the change?

A. Right.

6 Q. I take it that from what you saw of him, you noticed nothing unusual about his clothes or anything like that?

A. No.

7 Q. And I presume that you gave a statement to the police shortly after this tragedy on January 31st, 1969?

A. Yes, it was awhile after.

8 Q. Awhile after?

A. Yah.

MR. CALDWELL: No re-examination. Oh, I'm sorry, maybe I should ask one thing in view of what my learned friend said.

GARY McCURHAIE:

RE-EXAMINED BY MR. CALDWELL:

1 Q. My learned friend asked you if you gave a statement to the police later and you said you did?

A. Yah.

2 Q. But did you give one that was written out and you signed it, or simply being interviewed by some officers?

A. No, I never signed anything. He just sort of interviewed me and he wrote a few notes down.

MR. CALDWELL: Yah, I see. Thank you.

COURT: That's all. You may remain or go to work, whichever