

alley goes.

MR. CALDWELL: Thank you.

COURT: That's all, is it?

MR. CALDWELL: Yes, Your Honor.

COURT: Thank you.

MR. CALDWELL: May this witness be excused?

COURT: Now, this witness, there's no reason for her staying,
is there?

MR. TALLIS: No, she lives in the city and if we ever had to
recall her, she would be ...

COURT: You can go about your business or stay, whichever you
like.

MR. CALDWELL: I wonder, Your Honor, if we -- except the
witnesses who my learned friend might want to return,
if it could be understood unless something is said they
will be excused . Most of them are readily available
again, if that's satisfactory.

COURT: Yes, alright. That's satisfactory.

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MARY ALICE MARCOUX:

MR. CALDWELL: This is the girl that's approximately, I
think, twelve years of age, Your Honor.

COURT: Your name is Mary Alice Marcoux?

A. Yes.

COURT: Have you ever been in court before?

A. No.

COURT: You're going to be asked questions by Mr. Caldwell, the
person who's sitting there and by this other lawyer
here and you just tell your story. There is nothing
that you need to bother about. It's just a court and

everybody is quiet - they will be quiet about it.

Now, you understand the meaning of an oath?

A. Yes.

COURT: That you will tell the truth?

A. Yes.

COURT: I presume she's old enough for that. What church do you go to?

A. St. Mary's.

COURT: St. Mary's. And you know what it means to take an oath?

A. Yes.

COURT: And if you don't tell the truth, what happens? Do you get punished for it? Well now, what are you taught at church? Are you taught that you should, if you don't tell the truth that something evil happens to you afterwards?

A. Yah.

COURT: And you understand that?

A. Yes.

COURT: Where do you go if you don't tell the truth?

A. Hell.

COURT: That's fine. I'm going to accept that. Would you give her the bible please.

MARY ALICE MARCOUX (SWORN) TESTIFIETH:

EXAMINED BY MR. CALDWELL:

COURT: Now, you see that person that's sitting over there in that box?

A. Mhmn.

COURT: You have got to speak loudly enough for him to hear everything you say. It's very important that he should

hear everything you say.

A. Yah, okay.

COURT: Alright.

MR. CALDWELL: Now Miss Marcoux, how old are you again?

A. Twelve right now.

COURT: Can you hear her alright?

MR. CALDWELL: Please speak up.

A. Twelve.

1 Q. What grade are you in?

A. Seven.

2 Q. And that's what school?

A. St. Mary's.

3 Q. Where is your home?

A. 104 Avenue N South.

4 Q. Avenue N?

A. Yes.

5 Q. South in Saskatoon. And you usually walk to school every day of the school year?

A. Yes.

6 Q. And January - Friday, January 31st of 1969, was that a school day and did you go to school?

A. Yes.

7 Q. Or head out for school that morning?

A. Yes.

8 Q. Were you alone?

A. Yes.

9 Q. Now, do you know your directions up in your area there?

A. Well, not really.

10 Q. Okay. Well, from your home which street do you go

toward to go to school?

A. I go on Avenue N.

11 Q. Go on Avenue N.

MR. TALLIS: On Avenue N?

A. Yes.

MR. CALDWELL: Toward what street?

A. 21st.

12 Q. And do you cross 21st?

A. Yes.

13 Q. And do you cross another street before you get to your school?

A. Yes.

14 Q. Which is that?

A. 20th Street.

15 Q. 20th. Okay. So you go from home to 21st, to 20th and across 20th?

A. Yes.

16 Q. And I presume you go in one direction or the other, east or west?

A. Yes.

17 Q. What avenue is the school on?

A. P.

18 Q. On Avenue P. Okay. And on the morning of January 31st, 1969, what route did you follow? Like when you left home you went down N first of all, did you?

A. Yes, and then I crossed the street and I went up 21st.

19 Q. Yes.

A. To the back alley and then I went down the back alley.

20 Q. That would be the back alley between Avenue N and what other

A. O I think. O.

21 Q. N and O, alright. And as I understand you, that would be past 21st? That is, you crossed 21st already?

A. Yes.

22 Q. But you had not yet crossed 20th?

A. No.

23 Q. Okay. And as you went down the back alley - I'm sorry, did you say you were alone?

A. Yes.

24 Q. Alright. As you went down the alley, what happened? Did you see something there?

A. Well, I just saw a coat at first.

25 Q. Yes.

A. And then as I went on I saw a body.

26 Q. And was there where the coat was?

A. Yes.

27 Q. And how much could you see of the body at that time?

A. Just the arms, the legs and the head.

28 Q. I see. And then I presume the coat was on this, or it was clad in the coat?

A. Yes.

29 Q. And was there anyone around when you came upon the body?

A. No.

30 Q. Any vehicles? Any cars or trucks or ...

A. Yes, there was a large electricity truck down the block near an apartment house that was just being built.

31 Q. I see. And any other vehicles or people at that time?

A. No.

32 Q. Now, when you did see the body, what did you do?

A. Well, I went to a Mrs. Hnatiuk.

33 Q. Yes.

A. And she ...

34 Q. Where is her place from where the body was?

A. Well, one house away.

35 Q. Yah. And did you talk to Mrs. Hnatiuk?

A. Yes.

36 Q. And as a result of talking to her, what did you do?

A. She told me

37 Q. Well, just say what you did. Where did you go?

MR. TALLIS: Well, this wouldn't matter, Mr. Caldwell.

COURT: No, it wouldn't matter. Alright.

MR. CALDWELL: You can say what she said.

A. She told me to go on to Westwood Funeral House and she told me where it was and I went there and I told Mrs. -- I don't know her name.

38 Q. Alright.

A. And then she told her husband and her husband sent out an assistant and he came out and he went to see if I was telling the truth, I guess.

39 Q. Did you go back with him?

A. Yes.

40 Q. Did you take the assistant to where the body was?

A. Yes.

41 Q. And it was still there, was it?

A. Yes.

42 Q. Was it in the same condition you had seen it before?

A. Yes.

43 Q. And was there anyone else there by the time you and the assistant got there?

A. Yes, there was a few people down the lane going to school.

44 Q. These would be children?

A. Yes.

45 Q. And did the man who went with you/^{the assistant}from the Funeral Home do anything?

A. He touched her and he says, are you alright and he lifted up her shoulder.

46 Q. I see. And then what? Did he do anything else when you were there?

A. The Funeral Home Mister, he came out and the assistant told him something and they went and got a blanket.

47 Q. And did they come back with that?

A. Yes.

48 Q. What did they do with it?

A. They put it over her.

49 Q. Now, what did you do after this?

A. Well, he told me to come into his apartment and the police would come and ask me - well ...

50 Q. Yah. Now, would this be Mr. Murdock?

A. Yes, that's his name.

51 Q. And that's the man from the Westwood Funeral Home?

A. Yes.

52 Q. Did you go to his apartment and wait there?

A. Yes.

53 Q. And did the police come and interview you?

A. Yes.

54 Q. And you gave them a statement, did you?

A. Yes.

55 Q. And I take it that there are living quarters at the

Funeral Home?

A. Yes, there's two apartments.

56 Q. Did you always take that route going to school through the alley?

A. No.

57 Q. Just, any particular reason this morning?

A. Well, I was late for patrol. I wanted to get there quite fast so I went through the back alley.

58 Q. I see. Sort of a short cut?

A. Yes.

59 Q. I'd like to show you P. 1. This is a sketch of the, sort of a plan of the block we have been talking about.

A. Yes.

60 Q. Avenue N South and the one hundred block of N South would be up here. Now, can you -- I'm not so sure I'd like you to draw but can you point out with your finger and show us the route you would follow from home? It would be up here somewhere, would it?

A. Yah, I'd go down, well to 21st Street.

61 Q. Right. And a little louder please.

A. I'd go down to 21st Street and then I'd turn the corner and go down 21st Street.

62 Q. This is the alley here.

A. Go straight down and the school was down here someplace and I'd go and I'd turn.

63 Q. Okay. Now, is the apartment house where you saw the electrical truck there?

A. Yes.

64 Q. Point it out.

A. It's about there.

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65 Q. Alright, and it's marked apartment block. And about where in that alley would you think the body was approximately?

A. Right here.

66 Q. Right where the letters are, eh?

A. Yes.

67 Q. And Mrs. Hnatiuk's lot, do you know the number of it?

A. 219.

68 Q. I presume it would be that one. The Funeral Home, where would it be?

A. Right around here someplace.

69 Q. Around the 1402?

A. Yes.

70 Q. P. 2. is a book of photographs. I'd like to show you photograph number six and there's been evidence that this is taken looking southward in that alley. Now, how does the situation there look compared to what you saw, excepting the van and the people down the alley?

A. It's pretty much the same.

71 Q. Pretty much the same, eh?

A. Yah.

72 Q. And did the body appear something like that when you saw it?

A. Yes.

73 Q. Then in number four, again from the north looking southward, how does that compare with what you found?

A. That's the same.

74 Q. The same. And I suppose that stick was not there?

A. No, it wasn't.

75 Q. And did you come very -- How close did you come to the

- body in the course of looking at it?
- A. From about me to you.
- 76 Q. I see. Fifteen feet, something like that?
- A. Yes.
- 77 Q. And did you yourself, or anyone while you were there, do any sort of trampling of the surrounding snow area down other than what was necessary to just walk up and touch and look at the body?
- A. No, I don't think so.
- 78 Q. And as I understand you, when you got there and saw the body, you were the only one there at that particular moment?
- A. Yes, I was.
- 79 Q. But some other children showed up, did they?
- A. Yes.
- 80 Q. Now, if I can ^{show}/you number four, I don't think this was - and you will notice the situation with the snow around there.
- A. Yah.
- 81 Q. Was that like that when you arrived?
- A. No.
- 82 Q. Was it like it is in the photo when you arrived? That's what I mean.
- A. No, it looked straight like that.
- 83 q. Pardon me?
- A. It was somewhat straight. Like it wasn't that much, it was some straighter.
- 84 Q. Straighter, eh?
- A. Yes.
- 85 Q. Was there an area like this around the body when you

arrived, that is, of the snow being ...

A. I didn't really notice.

36 Q. You didn't really notice?

A. No.

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

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MARY ALICE MARCOUX:

CROSS-EXAMINED BY MR. TALLIS:

1 Q. I didn't get the address that you said you lived at.

A. 104 Avenue N South.

2 Q. 104 Avenue N South?

A. Yes.

3 Q. So you would be in the block just south of 22nd Street?

A. Yes.

4 Q. Is that right?

A. Yes.

5 Q. And now what time did you leave home that morning?

A. Around twenty-five after.

6 Q. This would be eight?

A. Yah.

7 Q. And now my learned friend asked you some questions about seeing the body and so on and you pointed out about where it was in this back alley. Now, where were you in this back alley when you first saw the body?

A. I was about up here. I just saw the coat.

8 Q. You were pointing here to one of these power poles. That's about where you were, is it?

A. Yah.

- 9 Q. I wonder if you would put an 'A' there where you were when you first saw the body?
- A. About here.
- 10 Q. So point A represents the spot where you believe you were when you saw the coat that attracted your attention?
- A. Yes.
- 11 Q. Were you running down the alley to get to school?
- A. No.
- 12 Q. I see. You weren't quite that late?
- A. No.
- 13 Q. What time were you supposed to be there to be on your patrol?
- A. Eight-thirty.
- 14 Q. I see. So you had five minutes to spare, or so?
- A. Yah.
- 15 Q. And I take it that when you were out at this time, the street lights were not on?
- A. No, it was foggy, but it was pretty light.
- 16 Q. Pretty light. And you could see where you were going down the alley and everything without any difficulty?
- A. Yes.
- 17 Q. How far ahead could you see when you were moving along there?
- A. Well, where I marked point A, I think I could see the end of the
- 18 Q. From point A, you could see down to the end of that T intersection?
- A. Yes.
- 19 Q. By the T intersection, I mean this east - west alley?
- A. Yes.

20 Q. That is south of the body?
A. Mhmn.

21 Q. You could see down there?
A. Yes.

22 Q. And as I understand it, when you were going down the alley there just were no other persons around?
A. No.

23 Q. And the only thing you saw was this vehicle, electrical department vehicle?
A. Yah.

24 Q. Now that came there after you went down, did it?
A. No, it was already there.

25 Q. It was there. And were there men there working?
A. They were inside the building but they were working.

26 Q. I see. In other words, it was the type of a vehicle that pulled up and people got out and had gone to work from it?
A. Yes.

27 Q. You could see some activity around the building, could you?
A. Yes, the lights were on.

28 Q. Pardon?
A. There were lights on.

29 Q. Was that apartment block under construction then?
A. Yes.

30 Q. In other words, it wasn't completed the way it is now?
A. No.

31 Q. And when you went along there, it was obvious that the workmen were on the job?
A. Yes.

- 32 Q. Did there appear to be other workmen on the job in addition to the electrical workers?
- A. Yes, I think the construction builders.
- 33 Q. I see. Were there vehicles around there which would indicate that they were there working?
- A. There were a few cars parked out front.
- 34 Q. Now, that would be on the north side of the apartment site?
- A. Yes.
- 35 Q. And were there any other cars which were parked around which would appear to be workmen's cars?
- A. Not in the back alley there wasn't.
- 36 Q. Not in the back alley?
- A. No.
- 37 Q. And did you get any impression as to the number of people that were working around that apartment block when you went by there that morning?
- A. I'd say quite a few because it's a large apartment house.
- 38 Q. When you say quite a few, I'm not trying to trip you up on this or anything like that, but could you give me an estimate of what you had in mind when you say quite a few?
- A. Fifty.
- 39 Q. Pardon?
- A. Fifty. I don't know.
- 40 Q. You see a lot of men there, were there?
- A. Yah.
- 41 Q. And had they been working on that particular block for quite sometime?
- A. Yes, they had started it in the fall.

- 42 Q. I see. So you were used to going by there and seeing alot of people working every morning when you went to school?
- A. Yes.
- 43 Q. And do you remember what time they usually started work there, or were you ever by there when they were just coming to work?
- A. I'd say eight, to quarter after eight.
- 44 Q. I see. And I take it that apart from this electrical vehicle and those parked cars, you never saw any other cars around the alley or anything like that?
- A. There's a house near the alley and it had a parked car there.
- 45 Q. I see. Which house, do you know the number of it?
- A. No.
- 46 Q. I see. Well now, in any event, the first place you went to after you saw this body was Mrs. Hnatiuk's place?
- A. Yes.
- 47 Q. And then you carried on down to the Funeral Home?
- A. Yes.
- 48 Q. Which is, as I understand it, right on the corner there, is that right?
- A. Yes.
- 49 Q. Of 20th and Avenue N?
- A. Yes.
- 50 Q. And after you went there and spoke to the people there, a gentleman came out with you?
- A. Yes.

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51 Q. As you say, to see if you were telling the truth?
A. Yah.

52 Q. And the two of you went back to where the body was lying?
A. Yes.

53 Q. Was there anyone else with you, or just the gentleman?
A. No, there was some other people in the lane.

54 Q. There were some other people in the lane. And were they around the body at all at that time?
A. Before I went to Mrs. Hnatiuk's house three of Mrs. Hnatiuk's children came out.

55 Q. I see. And how close did they get to the body?
A. Well, it was further away than I got.

56 Q. I see. So when you came back, there were some people there but they weren't close to the body?
A. Yes.

57 Q. And this gentleman who was with you went up to it and you mentioned, did he roll it over or move it at all?
A. He lifted up her shoulder and said are you alright.

58 Q. He lifted ;up ..
A. Her shoulder.

59 Q. Yes, and said, are you alright?
A. Yes.

60 Q. So he was right by it. Now, after he did that, did he check it over at all or anything, did you notice?
A. No.

61 Q. I see. And then he went back?
A. Yes.

62 Q. And did you go back with him when he took the blanket?
A. I just went to kindof the T intersection.

63 Q. I understand, you just went to the T intersection?
A. Yah.

64 Q. Did anyone else go with him?
A. Well, by that time Mr. Murdock had come out.

65 Q. I see. So Mr. Murdock was with this gentleman?
A. Yes.

66 Q. Did they both go up to the body?
A. No, Mr. Murdock didn't.

67 Q. Mr. Murdock didn't. And it was this gentleman who
put the blanket over; his assistant?
A. Yah.

68 Q. And he was the only one that you saw get right close
to the body, was he?
A. Yes.

69 Q. Now, did you see any other people come after Mr. Murdock
and this gentleman?
A. Oh yah, there were a few children from school.

70 Q. I see. Did they stand back from it, or did they ...
A. Oh, they stood around, yah.

71 Q. They stood around. Did they mill around at all in the
snow or anything like that?
A. No.

72 Q. So they kept back from it?
A. Yah.

73 Q. I take it that you didn't know this girl?
A. No, I didn't.

74 Q. I see. And you had never seen her when you were going
to school or anything like that ...
A. No.

75 Q. To your knowledge. And I gather you never made a policy

of walking past 130 Avenue O South, either the front door area or the sidewalk or down the back lane?

A. No, I really didn't.

76 Q. And I presume that you were asked by the police some time along the way to give a statement?

A. Yah.

77 Q. Were you asked that very morning?

A. Well, they just took my name and my address and they said they would come sometime the next day and get a full statement.

78' Q. And did they?

A. Yes, they came Saturday.

79 Q. And have you told us today everything that you can remember about what happened that particular morning?

A. Yes.

80 Q. And I suppose before giving your evidence here, you read over the statement that you gave to the police?

A. Yes.

81 Q. And there's nothing that you have missed out that you can think of?

A. No.

82 Q. Is that correct? And there is nothing you would like to add to what you have already told the court?

A. No.

MR. TALLIS: No further questions.

COURT: Thank you very much for coming and telling us your story. Now, do you want to go back to school?

A. What do you mean?

COURT: You can leave here if you wish or you can stay.

A. I'm kindof anxious to see what

COURT: You would like to stay. Well, you can go back there
and sit down.

* * * * *

MATHEW MERVIN HNATIUK:

COURT: Now, how old are you?

A. Ten.

COURT: Ten. . . And do you go to school?

A. Yah.

COURT: What grade are you in?

A. Four.

COURT: In the fourth grade. Do you go to church?

A. Yes.

COURT: And what church do you go to?

A. I forget the name.

COURT: You forgot the name of the church. Is it a Catholic
church or a Greek Catholic church or a Union church?

A. I don't know.

COURT: You don't know. Do you go to Sunday School?

A. No.

COURT: You saw some things happen - somebody came to your place?

A. Yes.

COURT: Sometime ago. And you remember what happened that day?

A. Yes.

COURT: And did you talk to some policeman?

A. Yes.

COURT: And did you tell them a story?

A. Yes.

COURT: Was that story true?

A. Yes.

COURT: And are you going to tell the same story today?