

BETTY ANN SILVERFOX, SWORN, TESTIFIES AS FOLLOWS:

MR. JOHNSTON:

EXAMINATION-IN-CHIEF:

- 1 Q Hi, Ms. Silverfox. Thank you for coming. I understand that you knew the late Gail Miller?
- A Yes.
- 2 Q And that you and she lived together in the same house in the time leading up to her death back in 1969?
- A Yes.
- 3 Q Where were you and she living then?
- A 130 Avenue O South.
- 4 Q What sort of place was that? Was it an apartment or how would you describe it?
- A A rooming house. Like, we all just had our own room.
- 5 Q Oh, I see. How many people were in there then, approximately?
- A Oh, six or seven.
- 6 Q How many storeys is it?
- A Three. There was three floors.
- 7 Q And what storey was your room on?
- A Second.
- 8 Q What about Gail's?
- A Same.
- 9 Q She was on the second floor as well?
- A Yes. Her room was next to mine.

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10 Q Oh, I see. Did you know Gail prior to moving into that building?

A No.

11 Q So you met her as a result of the fact that you're both staying in the same rooming house?

A Right.

12 Q When did you meet her then?

A In September when I moved there.

13 Q In September of 1968 that would be then?

A Yes.

14 Q Yes. Did you and Gail associate much or how would you describe your relationship with her, Ms. Silverfox?

A Well we were friends. We'd hang out, visit back and forth in the house.

15 Q Right. Did you know --

A We didn't associate a lot, like, after work kind of thing.

16 Q Right. Where were you working at the time?

A I was working at Midtown Farm Equipment.

17 Q Okay. And did you know where Gail was working?

A She was working at City Hospital.

18 Q Okay. Do you know how she got to work at all, Ms. Silverfox, as a rule?

A She took the bus.

19 Q She took the bus?

- A Yes.
- 20 Q I understand that you saw Gail or you were with Gail the evening of Thursday, January 30th, 1969?
- A Yes.
- 21 Q What did you and she do?
- A Her and I went to a party over on Temperance Street, on the other side of the river from where we lived anyway.
- 22 Q How did you get there?
- A Some fellows picked us up at the house.
- 23 Q Now were these guys that you knew or that Gail knew?
- A It was guys that Gail knew. I didn't know them.
- 24 Q So I'm just wondering how did you come to be going to the party, Ms. Silverfox? Did Gail ask you I mean?
- A Yeah, she had asked me if I wanted to -- to go with her.
- 25 Q Right. So you went along?
- A Yeah.
- 26 Q How long did you stay at the party yourself?
- A I was there till about midnight, one o'clock, somewhere in there.
- 27 Q What happened then?
- A I went back home, but I don't remember really how I got back home.

- 28 Q You don't?
- A I don't remember with who or anything.
- 29 Q Did you give a statement to the police back then,
Ms. Silverfox?
- A Yes, I did.
- 30 Q And did you have a chance to look at it today?
- A Yes. Yes, I did.
- 31 Q Okay. Did it refresh your memory in any way, Ms.
Silverfox?
- A Well, some of the things, yes.
- 32 Q For example, did --
- A But it said in there that I did catch a ride home
with this fellow and that Gail was in the car, and
a couple of other people were in the car yet. But
I, I don't remember that today.
- 33 Q Yes. That's what I was wondering. So you say in
the statement you gave to the police --
- A Yes.
- 34 Q -- back in 1969, it indicated that you had gotten
a ride home with some people and that Gail was
with you?
- A Yes.
- 35 Q But you're telling us now you have no specific
recollection of that at all?
- A Right.
- 36 Q Do you recall at all who, the names of the people?

- A No, I don't other than from reading the statement today that it said the names. But other than that I don't remember the names.
- 37 Q Were you telling the truth to the police when you gave that statement back in 1969, Ms. Silverfox?
- A Yes.
- 38 Q At the risk of asking a foolish question, but.
- A Yes.
- 39 Q Who did you name then as the fellow who drove you home?
- A Dennis.
- 40 Q Dennis. Do you know his last name?
- A (No audible answer.)
- 41 Q Again, perhaps just so we're clear, Ms. Silverfox, and my learned friend will have a chance to question you about this. But maybe just indicate, if you can't by your specific recollection now, maybe just indicate from the statement what you told the police back then?
- A About how I got home?
- 42 Q Sure.
- A Okay. We were at this party. "Around 11:30 Gail, Dennis," I can't read this, there's two other names here, I can't really read them, "left to get more beer at the Windsor Hotel. Dennis went in while we waited in the parkade. Dennis came out

with the beer and said he would give his landlady a ride home as she worked in the bar at the Windsor. We waited for her. When we left there Dennis drove me home to 130 Avenue O South. I got home shortly after midnight. When I got out of the car there was still Dennis, Gail, Sig and landlady left in the car. I haven't seen Gail since."

43 Q So according to that statement, Dennis, Gail, the landlady and Sig, did you say?

A Yeah.

44 Q Were left in the car?

A Yeah.

45 Q And you went in to your own room?

A Yes.

46 Q And did I understand you to say you never, ever saw Gail again?

A That's right.

47 Q Did you hear her come home at all?

A No.

48 Q Or not? Did you hear her leave for work in the morning?

A No.

MR. JOHNSTON: Okay. Thank you, Ms.

Silverfox. I have no further questions. If you'd answer Mr. Beresh's questions, please.

THE COURT: Cross-exam.

MR. BERESH: CROSS-EXAMINATION:

49 Q Ms. Silverfox, if you have difficulty recalling this I understand, it's been a long time ago, please let me know. But I'm interested in the basic house that you lived in. You were on the second floor?

A Yes.

50 Q And how many rooms were there on the second floor?

A Well, I know there was three rooms along the same side that I was living on. Across from me was just a common room.

51 Q All right.

A A T.V. room, kind of thing. And then further down the hall on the right-hand, like across, I don't remember if there was another light housekeeping room or not. I'm sorry.

52 Q Okay. So there could have been as many as four, but you remember specifically three?

A Three, yes.

53 Q Do you know who else lived there at the time?

A Okay. There was Anne Friesen.

54 Q Right.

A And there was Adeline that lived on the third floor.

55 Q Okay.

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- A And there was two fellows that lived on the main floor.
- 56 Q Do you know their names?
- A One was Hugo and the other one was Jack.
- 57 Q Okay. And what was, you say they're light housekeeping?
- A Yes.
- 58 Q Was there any room and board situation involved there or does anyone provide meals at all?
- A No.
- 59 Q So you do your own cooking?
- A Right.
- 60 Q On that level or on a different level?
- A On that level. Like, in our own room we'd have a hot plate and whatever.
- 61 Q Fair enough. So that would you get together with the other people on your floor very often?
- A Oh, yeah.
- 62 Q You'd see them fairly regularly?
- A Mhmm.
- 63 Q And had you been living there for five months up to that point or more?
- A Yes, five months.
- 64 Q Who moved in there first? Yourself or Ms. Miller?
- A Ms. Miller.
- 65 Q So she was there when you came?

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- A Mhmm.
- 66 Q Okay. And did you know her before that?
- A No.
- 67 Q Okay. So you met her there. Got to know her.
And I take it that would be sort of the fall into
the winter time?
- A Yes.
- 68 Q Pretty chilly winter that winter?
- A Yes, it was.
- 69 Q As the records suggest. Did you see how Ms.
Miller dressed when she went outside in the
winter? What sort of clothes she wore? I know
it's hard, but.
- A Yeah. Well I don't really remember. Like, I know
she wore a sidewash sweater, you know, slacks and
a sidewash sweater.
- 70 Q Okay.
- A When she went to work as far as I know she would
wear a coat. I don't remember the colour or
anything like that.
- 71 Q Okay.
- A A long coat.
- 72 Q And do you remember if she wore a uniform to work?
- A Yes. Yes, she wore a uniform.
- 73 Q Everyday or were there days when it seemed like
she was carrying the uniform in some bag or

something and dressed in street clothes?

A I don't know. I don't remember.

74 Q Did you see her when she went to work carrying a lunch bag or did you learn of her making lunch for herself?

A I don't -- I'm not sure of that.

75 Q I take it you saw that she carried a purse?

A Yes.

76 Q And did the two of you ever get ready to go out together at the same time, same place? Put make-up on, do your hair, that sort of thing?

A Oh, no. Like, each in our own room.

77 Q Right. But never together?

A Or in the bathroom. But, no.

78 Q Did you ever borrow things from her like make-up, that sort of thing?

A No, no. I didn't.

79 Q Did you ever see her with a compact case?

A Yes, she did have that. She --

80 Q Okay. And she obviously wore make-up?

A Yes. Oh, yes.

81 Q You were not called to testify at any time before I understand; is that correct?

A That's correct.

82 Q I want to ask you then if I can, in this building, how would you get in or out?

- A Through --
- 83 Q Did you come in the front door and go up a set of stairs?
- A Yes.
- 84 Q And was there a back exit as well?
- A Yes, there was.
- 85 Q Was that back exit used?
- A Not for people going in and out.
- 86 Q Okay. For you, for example, if you were leaving to work, would you generally go out the front door?
- A Yes.
- 87 Q Okay. And I take it that was Ms. Miller's practice as well?
- A Yes, yes.
- 88 Q Didn't go out the back?
- A No.
- 89 Q So help me with this if you can, in Exhibit, I believe it's 25 before the Court, this is a rough sketch of the area; it's probably not to scale. Do I understand that you lived at 130 Avenue O?
- A Yes.
- 90 Q And there's a block there that suggests it's 130, it would be just south of 22nd Street. Does that look --
- A Yes.

- 91 Q -- fairly accurate?
A Mhmm.
- 92 Q So then generally you would leave and go out the front and go down Avenue O, I take it?
A Mhmm. Mhmm.
- 93 Q Yes?
A Yes.
- 94 Q Did you ever talk to Ms. Miller about any fears she had? For example, fears of the dark?
A No. I don't --
- 95 Q Did she ever tell you for example --
A I don't remember anything like that, that we ever talked about it or that she mentioned any fears that she had.
- 96 Q Okay. But I understand in the area where you lived, your observation was that there was more light on Avenue O than there was, for example, in the back alley?
A Oh, yes.
- 97 Q Right. If someone wanted to walk in a lighted area they'd go down the street, not the alley?
A Right.
- 98 Q Okay. And in your statement to the police you suggested she would take a bus to work?
A Yes.
- 99 Q Do you know where she would take the bus from

generally?

A She caught the bus on 20th Street, right at the corner. There was a little corner store there that we used to go to --

100 Q Okay.

A -- in the evening for chips or pop or whatever, and that's right where the bus stop was too.

101 Q Do you remember the name of the store?

A No.

102 Q Fair enough.

A I don't.

103 Q Was it right on the corner of Avenue O and 20 --

A 20th.

104 Q 20th. Not 21st?

A No, 20th.

105 Q 20th. Okay. So then if she came out the front of the house?

A Yes.

106 Q And wanted to walk to the bus, it would be straight down Avenue O?

A Yes.

107 Q There would be no reason for her to come down the street, then go east into the back alley and down the alley?

A No.

108 Q Right. Okay. And to your knowledge that was her

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habit of catching the bus there?

A Yes, as far --

109 Q O and 20th?

A Yes, as far as I know.

110 Q Okay. You haven't told us -- you told us where
you work. You haven't told us how you got to
work?

A I caught a ride with one of the fellows that
worked at the same place as I did.

111 Q Okay. So you didn't take the bus?

A No.

112 Q And what time would you generally leave for work?

A About 20 to 8:00. Pardon me.

113 Q Twenty to 8:00?

A Twenty to 8:00.

114 Q To be at work at 8:00?

A Yes.

115 Q I take it that there was alcohol being consumed at
this party on Temperance?

A Yes.

116 Q Despite the paradoxes. Okay. There was some
mention of beer. Was there anything else
consumed?

A Oh, I don't really remember like if there would've
been hard liquor or not.

117 Q But clearly there was alcohol being consumed?

- A Yes.
- 118 Q Was Gail drinking?
- A Yes, I believe she was.
- 119 Q Do you remember her condition when you last saw her?
- A I -- like she was fine. She wasn't drunk.
- 120 Q I'm not suggesting that. I'm just asking whether you remember her condition?
- A Well, it was, it was fine. It was okay.
- 121 Q Right. But she didn't -- as I understand from your evidence, she didn't get out of the car when you did? You're being dropped off and she's carrying on somewhere else?
- A Yes.
- 122 Q To your knowledge. Okay. And it's one o'clock in the morning or somewhere between 12:00 and 1:00?
- A Yes.
- 123 Q Was there any talk about having to work the next day?
- A I really don't remember. Like, I know there was for me, but I don't remember for her, like.
- 124 Q Right. Okay. And I take it after you got out of the vehicle, the vehicle left?
- A Yeah.
- 125 Q Okay. And she was in the vehicle, along with Dennis and Sig and the landlady?

- A Yeah.
- 126 Q But just so I understand, the landlady of the pub,
not the landlady of the house?
- A Yeah, not the landlady of the house. No. This
was, like, the landlady of this Dennis guy or
something.
- 127 Q Okay. And do you know Dennis or Sig's last name?
- A No.
- 128 Q Were they acquaintances from before? Like, had
you met them before that night?
- A Apparently after reading my statement, apparently
I had. Apparently they had been at the -- well, I
don't know about Sig, but apparently Dennis had
been at the house where we lived. But I do not
recall that.
- 129 Q Okay. Were there any rules at the house about
visitors, hours when they could come to visit?
- A No.
- 130 Q So you could have a visitor come to your room at
any time of the night?
- A Yes, I guess so.
- 131 Q There was no restriction?
- A No, there was no restriction.
- 132 Q Okay. And I take it that you couldn't hear if
anyone came to Ms. Miller's room, unless of course
there's a large noise? But generally you couldn't

hear?

A Yeah, generally I couldn't, no.

133 Q Okay. And whether she came home that night or
didn't come home that night you don't know?

A I couldn't say for sure, no.

134 Q Exactly. Or if she came home alone or with
somebody else, you couldn't tell that?

A No.

135 Q Okay. You were asked about someone by the name of
Les Spence by the police. Did you know Les
Spence?

A Well, I had seen him at the house on several
occasions.

136 Q And what did you understand to be the relationship
between he and Ms. Miller?

A Well, they were going together. I don't know. I
also looked back on my statement and I had said in
there about an on-again, off-again relationship.
But I just knew that Les was her boyfriend at that
time.

137 Q Okay. But you knew also that it was on-again,
off-again?

A Yes.

138 Q Was there some suggestion that this person was a
violent individual, had a temper?

A Well, I believed him to be fairly jealous of Gail

in the relationship.

139 Q Yes. I see. But what about the issue of violence? Were there instances where you believed that he had perpetrated violence against her?

A I have to go back to the statement again. I read in there that I, I said that he had -- or she had mentioned, she had talked to me and said that he had slapped her on occasion.

140 Q All right. And do you know when she said that to you in relation to either when you moved in or when you -- before her death?

A No, I don't recall.

141 Q But you did know from discussion that he was: (a) jealous; and (b) had struck her, according to her?

A (No audible answer.)

142 Q Yes?

A Yes. Sorry.

143 Q Did you see any apparent injuries on her that might be consistent with that?

A No.

144 Q Injuries on her face or on her body or anything else?

A No.

145 Q Did she ever show you any?

A No.

146 Q Do you know around that time in January of 1969,
whether this was on-again, off-again? Which it
was?

A I don't remember.

MR. BERESH: Okay. Those are my questions.

Thank you very much.

THE COURT: Any re-exam?

MR. JOHNSTON: No, Your Honour.

THE COURT: All right. You are excused,
ma'am. Thank you very much.

MR. JOHNSTON: Thank you for coming.

THE COURT: Okay. Is this a good time for
a break. Fifteen minutes.

MR. JOHNSTON: Thank you, Your Honour.

(COURT ADJOURNED)

(COURT RECONVENED)

MR. JOHNSTON: Thank you, Your Honour.

THE COURT: Yes. Next witness.

MR. JOHNSTON: Next witness is Adeline Hall,
Your Honour.