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Friday, 1 May 2026

(11.10 am)

LADY SMITH: Good morning, and welcome back to Phase 10 of our case study hearings in which we're considering evidence regarding the provision of residential care for children by local authorities, either in their own homes or in homes that were provided by others, that they used to fulfil their statutory responsibilities.

Now, we turn this morning to a witness in person and I think he's ready, is that right, Mr Peoples?

MR PEOPLES: Yes, good morning, my Lady. The first witness today is an applicant who was in Ponton House and he will be known by the pseudonym 'Murphy'.

LADY SMITH: Thank you.

And 'Murphy' has given evidence to us before, hasn't he?

MR PEOPLES: Yes, he gave it on 8 January of last year in Phase 8, in connection with some other places he was in care.

LADY SMITH: Yes. Thank you.

'Murphy' (affirmed)

LADY SMITH: 'Murphy', welcome back.

A. Hiya.

LADY SMITH: I really appreciate you being able to come again today to help us with evidence about your

1 experiences in another institution, in addition to the
2 evidence you helped us with before. And I know it's not
3 easy to do and I'm sure it won't be any easier today,
4 taking you back to your childhood.

5 A. Yeah.

6 LADY SMITH: And if I say difficult times, that's a gross
7 understatement, I think, given what I've already heard
8 about your childhood.

9 You know how we work.

10 A. Yeah.

11 LADY SMITH: Red folder's there. It's got your written
12 statement in it. I've got that evidence already and
13 again, it's been so helpful to remind myself in advance
14 of everything that you have told us in your written
15 statement and, of course, last year.

16 A. Right.

17 LADY SMITH: If you want a break at any time, let me know.
18 I don't think we're going to take too long this morning,
19 because it's one specific part of your evidence we're
20 particularly interested in.

21 A. Right, yeah.

22 LADY SMITH: If we're not finished at around 12 pm,
23 I'll have a break then anyway, but just say if you need
24 anything else.

25 A. Yeah, no problem.

1 LADY SMITH: Or if you've got any queries. You help me to
2 help you, all right?

3 A. Yeah.

4 LADY SMITH: Okay, 'Murphy', if you're ready, I'll hand over
5 to Mr Peoples and he'll take it from there.

6 A. Okay.

7 Questions from Mr Peoples

8 MR PEOPLES: Good morning, 'Murphy'.

9 A. Morning.

10 Q. As her Ladyship said, you gave evidence previously
11 about -- on 8 January of last year in connection with
12 particularly two places that you had been in care,
13 Howdenhall Assessment Centre and Rossie School. And you
14 also told us a little bit about what had happened when
15 you were -- during a period when you were in
16 Ponton House, what happened to you in the community when
17 you were in that place.

18 A. Yeah.

19 Q. Today the focus will be on Ponton House, but I will
20 perhaps ask some questions arising out of what you said
21 before about what happened during that period.

22 A. Yeah.

23 Q. And you'll recall that you -- if you go to your
24 statement, if you wish to, the relevant part in relation
25 to Ponton House starts at paragraph 128.

1 So, now, just before I ask you some questions,
2 I think I said on the previous occasion that the records
3 that we have obtained show that you were in Ponton House
4 between [REDACTED] 1980 and [REDACTED] 1980, and so you
5 went there when you were aged 14 and you were still then
6 at school?

7 A. Yeah.

8 Q. And it would appear from the background records that it
9 really was perhaps the only place at that stage that
10 they could get you into, because I think there were
11 difficulties at home, as you'd told us, with --

12 A. Yeah.

13 Q. -- your father -- your stepfather and your mother, and
14 they were looking for a place for you to be
15 accommodated?

16 A. Yeah, my real dad sorta was on the scene then, he
17 suddenly appeared on the scene then as well, which kinda
18 made it --

19 Q. Complicated it as well.

20 A. Aye, 'cos they moved me to Bathgate but I was only there
21 for half a day and it was just I couldnae, you know, it
22 was -- everything kinda happened.

23 Q. Yes, so, and I think, yes, as you say, you were in
24 a number of children's homes and indeed in the
25 Howdenhall Assessment Centre before you went to

1 Ponton House?

2 A. Yeah.

3 Q. And I'm not going to ask you about these places today,
4 but I think we can see from the statement, and it's
5 something that's part of your evidence to the Inquiry,

6 **Secondary Institutions - to be published later**
7 **[REDACTED]**

8 A. Yeah.

9 Q. -- before you went into Ponton House?

10 A. Aye.

11 Q. And indeed you had been abused by a violent stepfather
12 and, indeed, a local priest?

13 A. Yeah.

14 Q. Now, you were in Ponton House during the dates
15 I've given and then, just so that we understand the
16 context, you were then returned to Howdenhall
17 Assessment Centre for a short period before you went on
18 in 1981 to Rossie School?

19 A. Yeah.

20 Q. And as I've indicated, you told us previously what
21 happened in the community when you were at Ponton House
22 and in particular going to parties, as I think they were
23 called, at Tam Paton's house in Gogar --

24 A. Yeah.

25 Q. -- **[REDACTED]**. And I will go back to that and

1 ask you some questions, further questions about your
2 experiences in the community at that time.

3 But if I could just initially start with the, what
4 I call the regime at Ponton House, 'Murphy', and
5 I'll perhaps summarise what I think I take from your
6 statement and you can correct me if I'm wrong.

7 A. Yeah.

8 Q. I think you tell us in your statement that there was
9 minimal supervision by the staff?

10 A. Aye.

11 Q. And you hardly ever saw the staff, indeed?

12 A. Very rarely, yeah.

13 Q. And I think it was your recollection there was virtually
14 no rules and regulations?

15 A. Not as far as I know.

16 Q. And that you could -- residents could come and go as
17 they pleased, basically?

18 A. Basically, yeah. It wisnae for people of my age, to be
19 honest with you, it was --

20 Q. No, because you told us, I think, you were the youngest
21 person there?

22 A. I think, yeah, I was at the time, yeah.

23 Q. And indeed you were still at school?

24 A. Yeah.

25 Q. And I think we know that perhaps at least it was maybe

1 designed to be a place for school leavers who were then
2 moving on to work?

3 A. Aye.

4 Q. And to find them an apprenticeship?

5 A. Because some of them were 18, 20s. It wisnae --

6 Q. Yes, you said some were under 18, but there were --

7 A. Aye, most of us.

8 Q. -- young persons who were over 18?

9 A. Yeah.

10 Q. And it wasn't just residents that could come and go as
11 they pleased. As I think you tell us, it was really
12 visitors could come and go as they pleased as well?

13 A. Aye, aye.

14 Q. And I think you tell us in your statement that there was
15 no real separation between younger and older residents?

16 A. No.

17 Q. And I don't know if the term 'safeguarding' means
18 anything to you, but could it be said that there were
19 any safeguarding arrangements to protect young people
20 like yourself?

21 A. No, I wouldnae think so.

22 Q. And do you feel that the staff had any training to
23 protect people?

24 A. I don't think so. I think that was mibbe probably the
25 problem. I'm not blaming the staff. I just don't think

1 they had -- you know, I think it was basically a hostel
2 for older people and I don't know why I was in there.
3 I don't know if it's 'cos I had nowhere else to go or
4 I was left myself or -- I don't know. The records will
5 probably show --

6 Q. If I suggest it might have been considered to be a place
7 for -- not for children but for young adults, that might
8 have been the way it was viewed at least?

9 A. Yeah, aye, yeah.

10 Q. Rightly or wrongly.

11 A. Yeah.

12 Q. Now, so far as the staff are concerned, I appreciate
13 it's a long time ago, but can you remember how many
14 staff there were, roughly?

15 A. If I remember it was two staff with their wives. Erm, I
16 can't remember one of them was like -- no, it was two
17 staff with their wives, as far as I remember.

18 Q. And you mention one member of staff in your statement,
19 **HZU** ?

20 A. That's the one -- aye. To be honest with you,
21 I'm positive that was his name, but I'm not 100 per cent
22 positive that was his name. I'm sure it was
23 **HZU** or something like that, aye.

24 Q. I think there are records to that effect --

25 A. Aye, I realise that.

1 Q. -- that there was a person of that kind, so I think you
2 are perhaps correct in that.

3 Do you know who was SNR [REDACTED] of the place?

4 A. They two. So far as I know it was just him and the
5 other guy.

6 Q. Was there anyone named Brian?

7 A. I couldnae --

8 Q. No, if you don't know, just say so?

9 A. No, no, I wouldnae -- I don't know.

10 Q. And in general terms, how did the staff treat you and
11 the other residents?

12 A. All right, aye. My head -- sorry, I've had that much
13 going on.

14 LADY SMITH: 'Murphy', don't worry.

15 A. Aye, I dinnae want to -- my head's spinning just today,
16 so I dinnae --

17 LADY SMITH: Just take your time.

18 A. Aye. All right --

19 LADY SMITH: There's no pressure.

20 A. -- a bit of rough and tumble sometimes and things like
21 that, but that was -- that I can think of anyway. You
22 know, I mean, I dinnae want to --

23 LADY SMITH: 'Murphy', there's no pressure, there's no rush.
24 Just breathe and take your time and let your head go at
25 whatever pace it needs to go and just do your best.

1 That's all I ask of you.

2 A. Right, no problem. Thank you.

3 MR PEOPLES: Can I put it this way, that the impression one

4 gets from your statement is that they -- while they

5 might -- you're not saying anything critical, in one

6 sense they allowed things to happen?

7 A. Aye, aye --

8 Q. Or they didn't stop things happening?

9 A. They didnae stop things, aye.

10 Q. Including things that were happening in Ponton House?

11 A. Yeah.

12 Q. Because you tell us a bit about what was going on in

13 Ponton House --

14 A. Aye.

15 Q. -- in your time?

16 A. Mm-hmm.

17 Q. Although you do say on one occasion, if I could take you

18 to paragraph 137 of your statement, 'Murphy', that at

19 that time you were going out, you say, with a lassie who

20 was a year younger. I don't think she'd be a resident,

21 would she?

22 A. No, she wasn't.

23 Q. And you say that the staff would tell you to have sex on

24 the pool table?

25 A. Yeah.

1 Q. So?

2 A. Just laughing and joking and, yeah.

3 Q. When you say it wasn't HZU that said that but it was
4 someone?

5 A. I can't remember.

6 Q. Were they having a joke?

7 A. I don't know.

8 Q. Or were they serious?

9 A. Be hard to tell, I cannae remember, I'll be honest,
10 I can't remember much. I mind him saying it and I mind
11 things getting said and -- but it was like, you know --

12 LADY SMITH: Do you remember how you felt when they said
13 that?

14 A. A bit disgusted, to be honest with you. But obviously
15 at that age you're not supposed to feel like that,
16 you're supposed to be --

17 LADY SMITH: I mean, it would be typical of a 4-year-old
18 (sic) to show bravado and laugh along and say, 'Yeah,
19 yeah', something like that. Does that ring a bell?

20 A. Aye, I just felt a bit disgusted, a bit sorta -- but you
21 were kinda, 'Oh, aye, look at me', and -- 'cos, I mean,
22 it's all older kids and it's all older thingmy and
23 you're the younger, is this how you're supposed to
24 behave type thing. You know what I mean, it's like,
25 just awkward probably, aye.

1 LADY SMITH: And it was really none of their business.

2 A. No, it wasnae any of their business. I don't know what
3 the girl would have felt. I didn't get to speak to her,
4 but, aye.

5 LADY SMITH: And having been in care, residential care
6 before then, you hadn't been living in a set-up where
7 you had a stable male, adult role model to give you any
8 idea of how you behaved as you got older.

9 A. Nah. I had to learn myself to shave, honestly.

10 LADY SMITH: You were learning how to be a teenager while
11 you were a teenager.

12 A. Aye, I was, aye.

13 LADY SMITH: Mr Peoples.

14 MR PEOPLES: Were you -- you have already agreed that the
15 residents and visitors could come and go freely. Was
16 there anything like a visitors' book or something that
17 had to be signed in and out?

18 A. No, you just come in the door, basically.

19 Q. There was no kind of reception you had to report to or
20 anything of that kind?

21 A. No. No, just like a bedsit type thing.

22 Q. 'Murphy', you say at paragraph 131 that you shared
23 a room with a guy, I don't need his first name, who was
24 three years older than you, and he also had a brother in
25 there at the time?

1 A. Yeah, [REDACTED], yeah.

2 Q. So you were sharing a room with a boy that was a bit
3 older than yourself?

4 A. Aye, aye.

5 Q. Do you remember his last name?

6 A. [REDACTED]?

7 Q. Yeah.

8 A. [REDACTED].

9 Q. Yeah, okay. And you talk about older residents. Was
10 there an older resident called [REDACTED]?

11 A. Oh, God, I can't remember. I can't honestly.
12 I can't --

13 Q. If you can't remember just say so.

14 A. Aye, and I'll no lie, aye, I cannae remember.

15 Q. Was there an older resident called [REDACTED]?

16 A. [REDACTED] I remember.

17 Q. Was he there at your time?

18 A. I cannae remember if he actually stayed in Tam's flats
19 and came round, or if he stayed there at the time to be
20 honest with you. My head's --

21 Q. Well, maybe I could put it this way: did you -- well,
22 you can't remember if anyone called [REDACTED], but you
23 remember someone called [REDACTED].

24 A. [REDACTED] --

25 Q. Did you ever see [REDACTED] at parties, at these parties at

1 Tam Paton's house?

2 A. Aye.

3 Q. He was there?

4 A. Yeah, [REDACTED], aye.

5 Q. Was this when you were in Ponton House you went to

6 these --

7 A. Yeah.

8 Q. Okay. Now, so far as what was happening within

9 Ponton House is concerned, you tell us a little bit

10 about what was going on there and just, I'll take it in

11 this way perhaps: what sort of -- what was the sort of

12 behaviour of the residents, the older residents when --

13 within Ponton House? Because I think you tell us, do

14 you not, in your statement, that older guys would make

15 you fight?

16 A. Aye. Fight.

17 Q. And who were you fighting with?

18 A. Other guys that are out on street or --

19 Q. Did you fight with the boys in Ponton House?

20 A. One or two older guys, yeah.

21 Q. At their --

22 A. There was always a fight or -- it was quite a --

23 Q. But were they instigating these fights?

24 A. Yeah, yeah, the older guys would be instigating it.

25 Q. But you were fighting with them but also with boys in

1 the streets?

2 A. Folk in the streets and --

3 Q. Because you mention the use of knives?

4 A. Yeah.

5 Q. Was that within Ponton House and outwith it?

6 A. Outwith it.

7 Q. Outside?

8 A. Aye.

9 Q. Did you want to fight?

10 A. No.

11 Q. But you felt you were being made to or pressured?

12 A. I was quite a big, broad boy, I think, and I think

13 people took that as, you know -- I don't know. But,

14 aye, I was pressured into it. And then I stabbed

15 somebody, I was crapping myself, and they all goaded me

16 on and thought I was all, ken, and --

17 Q. So you were going out and about with these boys at

18 times?

19 A. Aye.

20 Q. And getting into trouble and --

21 A. Loads of trouble.

22 Q. -- violence and fights and knives and --

23 A. Loads of trouble, yeah.

24 Q. -- all that?

25 A. We robbed places.

1 Q. Robbing, stealing, yes?

2 A. Yeah.

3 Q. Okay. Were you ever assaulted by boys at Ponton House?

4 A. Yeah, they'd hit me, kick me, punch me.

5 Q. Why would they hit you, though?

6 A. Punch me and drag me about, try to get me to fight back.

7 Q. So again, were they instigating this?

8 A. Yeah, of course, aye. There were one or two that were

9 sorta -- see, in care, you always had a bully, the one

10 that run the home, or thought he'd run the home. And

11 Ponton was no different. We had two or three others

12 like that. And as a youngster, you sorta latched onto

13 the one that thought was the one that was the toughest,

14 but it didnae always work like that, you know what

15 I mean.

16 Q. And can I just move on then to people that you call the

17 guys who used to hang about Ponton House, who weren't

18 staff, they weren't residents.

19 I think you told us on the earlier occasion that

20 they were generally a lot older than the residents?

21 A. Aye.

22 Q. And you mentioned some names there, I think you tell us

23 that one of these older guys that would hang about, and

24 indeed be inside Ponton House, was John 'Sticky' Wilson?

25 A. Yeah.

1 Q. As he's known?

2 A. Yeah.

3 Q. Had you known Wilson before you went to Ponton House?

4 A. I had no idea who he is, no.

5 Q. No. Did you know anything about him?

6 A. Nah, I didn't.

7 Q. Did he have a reputation?

8 A. Not when I first sorta met him and that, I didnae have

9 a clue who he was --

10 Q. But you learned later he did have?

11 A. Oh aye, aye.

12 Q. And did you know Tam Paton before you went to Ponton?

13 A. I had no idea who he was, no.

14 Q. I mean, he was quite prominent in the 1970s as a manager

15 of the Bay City Rollers?

16 A. I was a punk rocker. So ...

17 Q. Okay, fair answer!

18 You mentioned this person called Nott --

19 A. Yeah.

20 Q. -- in your statement, who was a person that would be

21 hanging about --

22 A. Hanging about with John.

23 Q. And inside?

24 A. Yeah. Aye, he'd hang about with John, at Tam's

25 sometimes.

1 Q. Yeah, he was a pal or an associate of John Wilson,
2 'Sticky', and Tam Paton?

3 A. Tam Paton, yeah.

4 Q. Do you know anything about Nott's background?

5 A. To be fair, I do now.

6 Q. Well, can you just tell me what you know now?

7 A. To be -- I do know he's -- I know he was an abuser.
8 He's abused other people. Erm, I think -- I know he's
9 done time I think, he's done time for it. But before
10 I had nae idea.

11 Q. Maybe I can just go straight to the point then. There
12 is a person who was convicted of abuse called
13 Gordon Knott, and indeed that name is mentioned or was
14 mentioned by your solicitor in 2021 in a letter of claim
15 in connection with this matter. Is that the person that
16 you say was Nott?

17 A. Yeah. Yeah.

18 Q. Because, I'd better put it to you that Gordon Knott has
19 given evidence to this Inquiry and I'll just put his
20 position and you can respond as you see fit.

21 He says he doesn't know you. He doesn't know
22 anything about Ponton House. He'd never heard of it.
23 He says he'd never heard of 'Sticky' Wilson. The name
24 means nothing to him. He's heard of Tam Paton, but says
25 he's never met him. He wouldn't be able to tell the

1 Inquiry where Paton lived. He'd never been to his house
2 or attended wild parties there:
3 'I wouldn't know any of his associates either.'
4 Is that correct?
5 A. I don't think, no.
6 Q. Sorry?
7 A. That's not correct.
8 Q. Did you see him at parties, at Ponton --
9 A. I saw him at Tam's.
10 Q. At Tam's?
11 A. Saw him at Ponton House, regularly, and he was in a car
12 with 'Sticky' Wilson.
13 Q. Was this when you were in Ponton House you saw him?
14 A. Yeah.
15 Q. So what he's saying there isn't correct?
16 A. I'd say it was a lie. Sorry.
17 Q. No, no, you just tell us what you recall.
18 So, so far as John Wilson is concerned, we know from
19 a conviction that he has in 2022 that he indecently
20 assaulted you in Ponton House?
21 A. Yeah, yeah.
22 Q. Because we heard on the last occasion about an indecent
23 assault of you which took place the same evening or same
24 day at Tam Paton's house at [REDACTED]?
25 A. Yeah.

1 Q. And this was kind of the follow-on from that, wasn't it?

2 A. Yeah.

3 Q. And perhaps I can just say that we know from the
4 conviction of John Wilson that he was convicted while
5 acting along with others whose identities are to the
6 prosecutor unknown; that he indecently assaulted you and
7 did so while you were intoxicated with alcohol and drugs
8 and falling in and out of consciousness and incapable of
9 giving or withholding consent. He's convicted of
10 transporting you in the boot of a motor vehicle from
11 [REDACTED] to Ponton House, carrying you to
12 a room there, removing your clothing, attempting to kiss
13 you, kissing others that were present and masturbating
14 in your presence, masturbating you, penetrating your
15 anus and attempted to penetrate your mouth with his --
16 well, it's -- there's an attempt to penetrate your mouth
17 with the penises of the others and Wilson who were
18 involved.

19 So that's what he's been convicted of. You'll know
20 that?

21 A. Yeah.

22 Q. Because you were at the trial. You gave evidence, did
23 you not?

24 A. Yeah.

25 Q. So -- and I think you tell us about that in your

1 statement. I'm not going to go to it. I think we
2 can -- it's at paragraphs 142 to 145.

3 A. Aye.

4 Q. So can I just ask you this: did anything like that
5 happen on other occasions at Ponton House?

6 A. Yeah. There was two or three other things, you know.
7 Mr Nott and him were trying to get boys to fight naked,
8 just pounce on in the thing room. He'd pick people up
9 fae there, he'd pick you up fae there.

10 Q. This was Wilson?

11 A. Wilson, yeah, and Nott.

12 Q. And Nott.

13 A. They would supply you with drugs.

14 Q. Were you indecently assaulted by Wilson again, or on
15 other occasions at Ponton House, can you recall?

16 A. He just touched me and that -- and things like that.
17 After the time, er -- am I allowed to elaborate on what
18 happened that night?

19 Q. By all means.

20 LADY SMITH: Yes, do, 'Murphy'.

21 A. Er, well, obviously I'd been abused before and that,
22 erm, and I was fed drugs in Tam's living room and that.
23 And a guy came and took me to take me to a room. Can
24 mind bits and bobs that -- and I had a knife. I took
25 a knife with me 'cos I'd had enough. And I put the

1 knife out and the guy jumped up and told me he was
2 a judge, 'Do you know who I am? I'm Judge --' to be
3 honest I'd be lying if I said 'I'm Judge this', but 'I'm
4 Judge this'. And suddenly I felt all these pains in my
5 head. Somebody -- I was kinda unconscious and I can
6 mind getting dragged out.

7 MR PEOPLES: So you were taken to a room by someone.

8 A. Aye.

9 Q. And at that point --

10 A. He was trying to have -- do things to me and I lost it
11 and pulled the knife out.

12 Q. When you were in the room with him?

13 A. In the room with him. I threatened to stab him and he
14 told me -- that's when he jumped and started shouting
15 and there was all this. I was kind of in and out, as
16 I say in my --

17 Q. But he was shouting, at least one of the things he was
18 saying was he was a judge?

19 A. Aye. I mean, whether he was or not, I don't know, but
20 that's what he was shouting.

21 Q. Yeah.

22 A. And I was -- I felt the pain in my head. I was battered
23 about the head. I was taken out to a car and I was in
24 the boot of the car and I was, excuse the language,
25 shitting myself in case I was going to get killed.

1 I didnae know what was going to happen. And that's when
2 'Sticky' Wilson took me back. If I hadn't -- to be
3 honest with you, I wouldnae have known, I think it was
4 that guy, but there was, you know, another guy as well
5 and they tried to touch me in the room and --

6 Q. Well, certainly in your statement you thought another --
7 one of the other guys that might have been involved in
8 that incident was Nott?

9 A. Aye, aye, aye.

10 Q. But you're not 100 per cent sure?

11 A. I'm not 100 per cent because I was so out my face, I
12 was --

13 Q. But there was more than one guy because I think
14 that's --

15 A. Aye, aye.

16 Q. I think that's what the conviction tells us, does it
17 not?

18 A. Aye, aye.

19 LADY SMITH: 'Murphy', do you remember whether Tam Paton or
20 'Sticky' Wilson or Nott were also taking drugs on these
21 occasions?

22 A. Not that I can -- no. No. It was mair that it was all
23 older guys and all the young guys were all put in the
24 living room and we had drugs and drink and ...

25 LADY SMITH: Do you know what drugs it was they were giving

1 you?

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

3 MR PEOPLES: I suspect if we want an answer, and I'm not

4 going to try and remember them all, if we look at

5 an indictment of Tam Paton's when he was convicted of

6 shameless indecency at [REDACTED] around the

7 time that you were at Ponton House, there were a number

8 of illegal drugs mentioned in the indictment. I think

9 they were eventually crossed out in the plea, but

10 I think they accepted they were stupefying drugs.

11 A. Mm-hmm.

12 Q. And boys were plied with these as well as alcohol,

13 spirits, beer, whatever, is that right?

14 A. Yeah.

15 Q. Is that typically --

16 A. That's right.

17 Q. -- what happened at these parties?

18 A. Yeah, that's typically what happened.

19 Q. So there's lots of alcohol?

20 A. Yeah.

21 Q. Plenty of illegal drugs?

22 A. Uh-huh.

23 Q. Who is drinking alcohol? Are you telling me the older

24 men didn't drink the alcohol?

25 A. They probably did. There was drink everywhere. There

1 was, you know --

2 Q. And there was drugs available if they wanted to take

3 them?

4 A. Oh, if they wanted to probably, yeah, there was drugs

5 for them as well.

6 Q. I know that you told us that what seemed to be the way

7 of doing things was that an older man would take

8 a younger boy to the room?

9 A. The room or the sauna.

10 Q. A room, or a sauna, yeah.

11 A. Uh-huh.

12 Q. So the two would be alone together for a time?

13 A. Yeah.

14 Q. But apart from that, were there older men in the general

15 area, were they doing things like groping, kissing,

16 cuddling young boys?

17 A. Some of them were, yeah.

18 Q. Was anyone half-naked?

19 A. 'Sticky' would always gone been -- gone a bit

20 half-naked, and some of --

21 Q. And were obscene and indecent films being shown?

22 A. Yeah.

23 Q. And I think you told us on the last occasion that some

24 of the young males there would be under 18?

25 A. Oh, aye, they were all younger than me.

1 Q. I mean, you were?
2 A. I was under 18.
3 Q. And indeed some were then in residential homes or units?
4 A. Most of us were, yeah.
5 Q. Yeah, most?
6 A. Yeah.
7 Q. And when you say that, do you mean not just Ponton House
8 but other units?
9 A. Aye, other homes.
10 Q. In Edinburgh?
11 A. Edinburgh, all over Edinburgh, yeah.
12 Q. Outside of Edinburgh?
13 A. All over Edinburgh, that I knew. Some out by Loanhead
14 where 'Sticky', I think, stayed at the time. I mean,
15 'Sticky's' wife would -- she used to -- she used to take
16 some of the boys and 'Sticky' would take them to bed and
17 'Sticky' would sneak in beside her and ...
18 Q. Did you ever go to 'Sticky's' house when you were at
19 Ponton House, at Loanhead?
20 A. Yeah.
21 Q. Did something happen?
22 A. No.
23 Q. Did you see anything happen?
24 A. I never saw -- it was a violence thing that I was done
25 for.

1 Q. Okay. Right.

2 A. Sorry.

3 Q. No, no, okay. I just wanted -- so although these things
4 were happening to you at Ponton House and at --

5 A. Paton's, [REDACTED].

6 Q. -- Paton's house, [REDACTED], nothing of this
7 kind that you've described happened at Loanhead --

8 A. That John -- no, not me, no.

9 Q. Did it ever happen at Palmerston Place?

10 A. Yeah.

11 Q. [REDACTED] Palmerston Place?

12 A. Yeah, that's Tam's flats, yeah.

13 Q. He owned a flat then at [REDACTED]?

14 A. Yeah, aye, he owned --

15 Q. He owned a number of flats?

16 A. Aye, bedsits.

17 Q. Bedsits. And I think we know he owned number [REDACTED] in
18 1980, because that was on his indictment when he was
19 tried in 1982?

20 A. And he owned -- aye, and he owned --

21 Q. Did he own other flats?

22 A. -- one in Haymarket and Leith and, yeah. Him and his
23 brothers. Although his brothers was nothing to do with
24 that, his brothers and him went in and bought flats and
25 bedsits.

1 Q. And these were used as bedsits by young people
2 generally, was it?
3 A. Yeah.
4 Q. And things happened in some of these places?
5 A. Some of the places, yeah.
6 Q. Was that when you were in Ponton House or --
7 A. Ponton House.
8 Q. And afterwards?
9 A. I was used to evict people.
10 Q. From there?
11 A. From the flats.
12 Q. From these flats?
13 A. Yeah. And it'd be used --
14 Q. Why would they be asked to be -- why would they be
15 evicted?
16 A. They didnae pay their rent, or their drug bill.
17 Q. Or their drug bill?
18 A. That's later on, yeah.
19 Q. Okay. But you -- did you say you were in
20 ■ Palmerston Place when you were at Ponton House?
21 A. I was -- aye, I knew a couple, 'cos a couple of the guys
22 that used to hang about Ponton House --
23 Q. Well, indeed, you say that there was guys from the flats
24 in Palmerston Place that would hang about?
25 A. Yeah, Ponton House, yeah.

1 Q. So you would go to these flats?

2 A. I've been a few times, yeah.

3 Q. And did anything happen there that -- of the -- similar

4 to what happened to your --

5 A. First time I sort of met a gay person. I didnae know --

6 I didnae sorta -- never really ken -- I don't know, it

7 didnae phase me, you know what I mean, I just.

8 Q. Did anything happen -- were you ever indecently

9 assaulted at Palmerston Place, number [REDACTED]?

10 A. Not -- no.

11 Q. Did you ever -- were you aware whether any other young

12 male was indecently assaulted there?

13 A. I think, aye, there was a few, aye.

14 Q. Was that in 1980 or was that subsequently?

15 A. Sorry, my head's just --

16 Q. I know it's hard. I'm asking a lot of you, but I'm just

17 trying to see what you can help us with.

18 A. I know guys were took there and they were abused there.

19 I was told.

20 Q. I think we also know, because I think in 1991 the

21 occupier of [REDACTED] Palmerston Place, Neil Bruce Duncan, was

22 convicted of abducting a boy in care?

23 A. Yeah.

24 Q. And then, over a ten-day period, he and three other men

25 were convicted of indecently assaulting him at

1 Palmerston Place and other addresses in Edinburgh; is
2 that correct?
3 A. Yeah.
4 Q. You'll know about that?
5 A. I know about that.
6 Q. Did you know Neil Duncan in 1980?
7 A. I couldnae honestly say. I couldnae honestly say.
8 Right now my head's --
9 Q. Did you know a chap called [REDACTED]?
10 A. [REDACTED]. My head's gone blank, I'm sorry.
11 Q. No, it's okay, just say so. No, I appreciate --
12 A. I'm trying to think of all of these names.
13 Q. And you said when you were in Ponton House you were in
14 Palmerston -- number [REDACTED] Palmerston Place?
15 A. [REDACTED], was he the one that stayed in the caravans?
16 Or was that Neil?
17 LADY SMITH: Where were the caravans?
18 A. There was caravans up by -- oh, my God, was it up by
19 Loanhead?
20 LADY SMITH: Loanhead way?
21 A. Static caravans -- it was like -- no, is it not near
22 where IKEA is or somewhere like that, up in that area?
23 LADY SMITH: Near, sorry?
24 A. IKEA.
25 LADY SMITH: Oh, yes.

1 A. I can't remember to be honest with you. I'm a truck
2 driver now but back then my directions werenae the best.

3 MR PEOPLES: I think I can tell you that there was -- we've
4 had evidence that at one stage at least, John Wilson had
5 a caravan outside of Edinburgh, perhaps near Loanhead?

6 A. But I don't think it was his. It wisnae his, it was
7 some other guy.

8 Q. Okay.

9 A. I can't remember his name.

10 Q. Because he used to run stables, I think, at Mavisbank,
11 you'll know that?

12 A. Aye, aye.

13 Q. Well, you'll know that now, anyway.

14 A. Aye.

15 Q. So you've told us what happened at these parties.
16 You've mentioned the incident with the knife. You told
17 us on the last occasion that you knew two of the older
18 males were judges. Now, you've mentioned one person
19 I think that you say you knew because he said he was?

20 A. Mm-hmm.

21 Q. But you don't know if he was?

22 A. Yeah.

23 Q. You hadn't seen him in a courtroom context, for example?

24 A. No, no.

25 Q. Okay. Well, who was the other one?

1 A. The other one was Tam -- the guy that was up -- Tam was
2 supposed to go up to, in front of, the first time he got
3 done for abuse, which I believe was a policeman's son?
4 Erm, and Tam came back laughing, told us that that's --
5 he's one of, you know, 'one of my social' -- you know,
6 he knew Tam fae the clubs and things like that. Because
7 at the time there was a club called Fire Island.

8 Q. Called, sorry?

9 A. Fire Island. Used to be on the main street,
10 Princes Street, and a club near --

11 Q. So Tam told you that a person that --

12 A. A judge --

13 Q. -- might otherwise have sided --

14 A. -- suddenly, suddenly became ill when Tam was in front
15 of... for the --

16 Q. For his trial?

17 A. For his trial, yeah.

18 Q. Because we know he was tried in early 1982.

19 A. Yeah. And the first time he went up, the judge took
20 ill. I recognised the guy.

21 Q. Why did you recognise him?

22 A. I'm positive I saw him in Tam's.

23 Q. At some point?

24 A. At some point, yeah. I seen the picture, I seen the
25 picture and I'm like: Oh, right. Ken, it was in the

1 paper or stuff.

2 Q. But did you recognise him from an occasion when you were
3 at Tam's?

4 A. Yeah, I'm sure --

5 Q. And were you at Ponton House at that time?

6 A. Yeah, I would have been at Ponton House.

7 Q. Okay. So that's why you said on these earlier occasions
8 that the two were actually judges, because that's the
9 way you put it on last occasion, you said some claimed
10 to be judges or professional people, but that's the
11 basis of that answer that you gave before?

12 A. Yeah.

13 Q. Okay. And these parties -- you've given us
14 a description of what generally happened at
15 [REDACTED]. When you did go to Palmerston Place
16 I know you said nothing happened to you, but were there
17 parties of that kind going on?

18 A. Nah, not really, no. You know, not that I can remember.
19 It was basically you got taken out to Tam's.

20 Q. The parties were at Tam's?

21 A. Aye.

22 Q. And these parties, I think you said you went on a few
23 occasions when you were at Ponton House to these
24 parties?

25 A. Yeah, 'cos everybody else was going.

1 Q. I think you also said it wasn't always the same older
2 men who were present?

3 A. No, it wisnae always.

4 Q. But were there some regular attenders?

5 A. Yeah.

6 Q. Familiar faces?

7 A. Yeah.

8 Q. I mean, you might not know who they were --

9 A. Nah, I wouldnae know who they were but I --

10 Q. -- but you would see them on more than one occasion?

11 A. Yeah.

12 Q. And the impression you were given, was that by Tam or
13 simply from the way they spoke or whatever, that they
14 were professional people?

15 A. Yeah, the way they spoke. You know, you would see them
16 coming in with their suits and their fancy cars.

17 Q. Yeah. So they were quite expensive cars?

18 A. Oh, aye.

19 Q. And they were wearing what appeared to be expensive
20 clothing?

21 A. Mm-hmm.

22 Q. And I think you said on the last occasion --

23 A. And back then nobody wore a suit -- I'm sorry -- you
24 know what I mean, nobody wore a suit. I mean it was all
25 the mods and punks and things like that, you know what I

1 mean. It was all like --

2 Q. But they'd obviously travelled and they travelled in
3 what appeared to be expensive cars. And I think you
4 said on last occasion that these older men were kind of
5 ages maybe with -- I know it's hard to gauge these
6 things, were ages with Nott and Wilson?

7 A. Yeah, and Tam.

8 Q. Because Tam was 41 by then, I think, he was born in 1938
9 and Wilson was born in 1941, so he'd be just late 30s.
10 So were they in that kind of age bracket?

11 A. Yeah, some older, and there was people fae the TV.
12 There was two people, Australian people, guys, you know,
13 from the TV and the industry and that as well that came
14 up to Tam's.

15 Q. And do you remember whether there was anyone at these
16 parties called GWW ?

17 A. GWW .

18 Q. If the name means nothing to you --

19 A. I'm sorry, it doesn't mean anything.

20 Q. What about GWX ?

21 A. GWX , I recognise the name, but I can't -- I dinnae
22 want to say 100 per cent.

23 Q. If that person a shop, would mean anything,
24 a convenience shop?

25 A. I don't -- what's the name of the street? It was on the

1 corner of the roundabout, aye.

2 Q. That does ring a bell?

3 A. The shop you're talking about, aye. I can also say the

4 guy that [REDACTED] the travel agents as well.

5 Q. Okay.

6 A. He was there a lot, an awful lot.

7 Q. Was there anyone known as 'GWW [REDACTED]'?

8 A. Er, no, there was the guy that was, what do you call it

9 when they put you under a spell? No, 'GWW [REDACTED]',

10 I don't know but I seem to remember it was -- was it no

11 [REDACTED]?

12 Q. [REDACTED], okay. And you mention Gordon Knott. Did you

13 see him at parties at Tam Paton's?

14 A. Yeah.

15 Q. When you were at Ponton House or later?

16 A. I seen him at Ponton House. I seen him at Tam's a few

17 times.

18 Q. When you were there --

19 A. At Ponton House.

20 Q. -- in 1980?

21 A. Yeah, aye, but it must be, aye. Dates, dates, aye.

22 Q. Well that's the thing, when you -- but you certainly saw

23 him there?

24 A. Saw him there, yeah.

25 Q. At one of these parties?

1 A. Yeah, quite a few of them, aye.

2 Q. Does the name [REDACTED] mean anything to you?

3 A. [REDACTED] -- [REDACTED], I recognise the name, aye.

4 Q. Okay. What do you know about him?

5 A. That's a name. It's --

6 Q. It's a name that --

7 A. Aye. I'll be honest, I mean we went to parties, we were

8 out our face before we even got there half the time,

9 'cos --

10 Q. But the name does mean something to you?

11 A. I means something to me, aye. I don't know how [REDACTED]

12 means, aye.

13 Q. Would it be a name that you associate with Tam Paton and

14 John Wilson?

15 A. Aye.

16 Q. And would these other names I've mentioned that you know

17 of, would they also be names that you associate --

18 A. Yeah, yeah, and the guy, as I say, the guy from the

19 estate agents, I can't remember his name, the big one in

20 Edinburgh -- massive estate agents in Edinburgh, not

21 estate agents, travel agents.

22 LADY SMITH: Travel agents.

23 MR PEOPLES: Travel agents.

24 A. Oh, my God, sorry, I think I need to take a holiday.

25 LADY SMITH: You said travel agents before, don't worry.

1 MR PEOPLES: Yeah, sorry, you did. Does the name [REDACTED]
2 [REDACTED] mean anything to you?
3 A. Not off the top of my head, I'm sorry.
4 Q. No. Okay.
5 Do you know anyone by the name of [REDACTED]?
6 A. I'm sorry, my head's went blank today.
7 Q. I just wondered if he maybe came from the same area as
8 you, a boy, a bit older perhaps?
9 A. [REDACTED].
10 Q. Oh, no, sorry, maybe a bit younger, actually.
11 A. It doesn't ring a bell, sorry.
12 Q. Okay. No, that's fine. And so far as places you went
13 to, you've told us that Tam had flats in
14 Palmerston Place and indeed I think he and perhaps his
15 brother had flats in other parts of Edinburgh?
16 A. Yeah.
17 Q. Did he have a flat near the university?
18 A. What, what university?
19 Q. Edinburgh.
20 A. No, sorry (inaudible) about Heriot-Watt but I think --
21 Q. No, no, not Heriot-Watt.
22 A. Not that I can remember. The flats I remember was
23 Ponton House, the ones at Haymarket, there was a couple
24 there and down Leith, is the ones I remember.
25 Q. And apart from Ponton House and [REDACTED] and

1 you did have a visit to Wilson's house in Loanhead, did
2 you ever go to any parties at any other places in the
3 Edinburgh area?

4 A. No.

5 Q. No. Were you ever asked to go to a place and meet a man
6 and have money exchanged; was anything like that ever
7 suggested you should go?

8 A. Not for sex but for drugs.

9 Q. For drugs, okay. But is that something that might --
10 that was happening at times?

11 A. Yeah, yeah. I had a friend that was a rent boy, they
12 called him.

13 Q. Well, I think the person that Mr Duncan, in 1990, in
14 January, who was living in Palmerston Place at number
15 █, had abducted a boy who was in care and he and three
16 others indecently assaulted him, as I've said earlier,
17 at Palmerston Place and at other addresses in Edinburgh
18 and money was exchanged. That's not unfamiliar to you,
19 that scenario?

20 A. It's not unfamiliar, no.

21 Q. Was that something that Paton was involved in?

22 A. It would have been for these flats. Yeah. He'd have
23 got something out of it. He got something out of
24 everything that was to do with these flats. There were
25 a lot of things that happened in they flats.

1 Q. Well, yes. Would he be aware --

2 A. Oh, he'd be aware, aye. He'd be aware of all that, aye.

3 Q. -- of what was happening. And you feel he might have

4 got something out of it?

5 A. Oh, he would of. 100 per cent.

6 Q. That was the sort of man he was?

7 A. Yeah. He got something out of The Dungeon as well.

8 Q. The Dungeon?

9 A. Yeah, that was a club for the paedophiles, basically, in

10 Edinburgh.

11 Q. Right. And did he go there?

12 A. We used to supply drugs to it later on, not, you know,

13 when I got out of, like, Rossie and all that.

14 Q. I mean, you do say that apart from Wilson and Nott, who

15 were inside Ponton House, and you've told us about one

16 incident involving Wilson and possibly Nott, but I think

17 you say in your statement that Paton would from time to

18 time park his car outside, but he didn't go in?

19 A. He would never come in.

20 Q. Why was he parking outside?

21 A. To pick people up.

22 Q. What, boys?

23 A. Boys, aye.

24 Q. To take them where?

25 A. To his house, to his flat.

1 Q. To do what?

2 A. Have parties.

3 Q. Of the kind you've described?

4 A. Aye.

5 Q. That was how he worked?

6 A. That's how I got involved.

7 Q. Because I think we have heard evidence from others in
8 this Inquiry that he, for example, would stop at a bus
9 stop on Ferry Road and chat to schoolboys?

10 A. Aye, aye, sickening.

11 Q. In the hope, was it, that he could entice them?

12 A. Mm-hmm.

13 Q. Was that the way he operated?

14 A. Yeah. Yeah.

15 Q. Because you knew him quite well eventually because the
16 association continued, to an extent, until he died?

17 A. Yeah, yeah.

18 Q. So you can vouch that that's sort of man he was?

19 A. Yeah, aye. And 'Sticky' Wilson used to bring what he
20 called his 'wee chickens' up for Tam. I mean, even
21 eventually, I mean, after a couple of incidents and
22 I got out of Rossie and that, I was basically told:
23 'You'll be doing this for me. You're due me this.
24 You're due me that'. So there was a lot of violence
25 involved. I eventually became like -- I suppose --

1 Q. An enforcer?

2 A. An enforcer, me and another few guys --

3 Q. But you --

4 A. -- and we seen things, but obviously because they

5 were -- what he had on us, you know, you turned a blind

6 eye. It was disgusting, but you turned a blind eye

7 because by that time, and when I got married and my kids

8 and my wife all thought Tam was a great guy.

9 Q. I mean, are you in any doubt personally that what was

10 happening at these parties were the activities of what

11 would be called a paedophile ring?

12 A. 100 per cent, yeah.

13 Q. And that Tam Paton and the other older men were members

14 of that ring?

15 A. Yeah. See when Tam got the jail, I was out and I took

16 a phone call from Jonathan King -- am I allowed to

17 mention?

18 LADY SMITH: Go on.

19 A. Who was screaming down the phone because somebody had

20 told him that Tam was going to expose them all. So it

21 was huge. It was huge. It wisnae just, you know,

22 local.

23 MR PEOPLES: He would have acquired a certain amount of

24 knowledge about important people?

25 A. Oh, aye.

1 Q. And what they did?

2 A. Mm-hmm.

3 Q. At his parties?

4 A. Yeah. I seen them.

5 Q. And he would use that knowledge to his advantage?

6 A. Later on, obviously -- you know, later on I was sort of
7 dragged through or -- I want you to come through. And
8 they'd be going through because he'd have a, you know, a
9 top copper or something just to show -- basically to
10 show me, you know, 'This is who I've got in my pocket.
11 You'll do what you're told', or if I got a bit sort of
12 narky that I wisnae doing this or I wisnae doing that.

13 Q. He could make things happen because he knew important
14 people?

15 A. Oh, aye, I walked out a police station after being
16 caught with a gun. Now, back in maybe, I was 19/20,
17 I'd have got 20 years for that and I walked -- me and
18 another guy walked out a police station. Straight out
19 not even an hour, we walked out a police station.

20 Q. And he sorted it out?

21 A. Obviously. That's what he told us. We walked out the
22 police station.

23 LADY SMITH: So just to be clear, 'Murphy', you are saying
24 that it seems to you that you were incredibly lucky in
25 not getting charged and prosecuted --

1 A. Oh, aye.

2 LADY SMITH: -- for something that was very serious --

3 A. You know yourself, Lady -- sorry?

4 LADY SMITH: -- I was going to say the only explanation you

5 --

6 A. Back in those days you'd have been away for a long, long

7 time.

8 LADY SMITH: -- you can come up with is that Tam Paton was

9 able to speak to friends in high places, whatever the

10 high places were --

11 A. That's what he told us and what happened obviously --

12 LADY SMITH: -- he said that to you?

13 A. Yeah. Tam was a man that liked to tell you what power

14 he had, tell you -- he didnae hide the fact who he knew

15 or -- I mean, I seen people in his house later on in

16 life, big stars I'm just -- I'm talking, you know, big

17 stars and their managers and he used that.

18 A lot of people started to sort of distance him the

19 more and more he got into drugs, you know, what he did,

20 you know, but, I mean, by that time I'd -- I was so tied

21 up.

22 LADY SMITH: Mr Peoples, I did promise 'Murphy' a break.

23 MR PEOPLES: It might be a good point just to break at this

24 point.

25 LADY SMITH: 'Murphy', let's take a breather just now and

1 'That's him there'.

2 Q. So you felt you recognised him --

3 A. Felt I recognised the picture I saw of him.

4 Q. And you'd seen a photograph. And just again to put the

5 context in which you were faced as a 14/15-year-old boy

6 in 1980, you told us about the assault that happened at

7 Paton's house in paragraph 141 and I'm not going to go

8 back over that, but you also told us on the last

9 occasion that threats were made by Tam Paton and you

10 were told there were photographs of you engaging in

11 sexual activity with him, which would be shown to your

12 parents and social workers if you didn't do as you were

13 told by him?

14 A. Yeah.

15 Q. That's --

16 A. Aye.

17 Q. And indeed I think you said later on you would get

18 visits from Tam's men when you were in Howdenhall --

19 A. Yeah.

20 Q. -- and indeed on two occasions --

21 A. Yeah.

22 Q. -- to keep you silent?

23 A. Yeah, which was strange because you werenae allowed

24 visitors, not even a social worker --

25 Q. But they found their way in?

1 A. Yeah.

2 Q. And basically tried to tell you to stay silent?

3 A. Shut my face, aye.

4 Q. And also you were told by Paton to get boys from
5 children's homes and hostels and things like that, to
6 come to parties at his house and if you didn't do so,
7 you'd also be dealt with in other ways?

8 A. Yeah.

9 Q. I think we can perhaps work out what the threat was, was
10 that a threat of violence?

11 A. Yeah.

12 Q. And I think you tell us in your statement, or you told
13 us on the previous occasion, you were at that time
14 scared of Tam Paton and you took these threats
15 seriously, so you did get boys to go, is that right?
16 I think you felt -- you're not very proud of that now,
17 but that's what you did?

18 A. I'm no proud of it now. There was an incident once
19 with a guy who was older than me, was one of
20 'Sticky' Wilson's friends, who -- when you went out the
21 back I went out Tam's and I was taken round the side and
22 I was threatened with a knife and basically told, you
23 know, 'cos I'd stepped out of line and so I went,
24 'I'm not doing this'. And it was like: 'You will do as
25 you're telt'. And obviously -- I've no got anybody else

1 to go to, have I, at that time?

2 Q. So these boys that you would have to get, would some o
3 them --

4 A. Just asked them: 'You want to go to a party? Come on,
5 do you want to go to Tam's for a party?', you know --
6 fuck. Sorry.

7 Q. Were these boys in care though?

8 A. Yeah, some boys in care, yeah.

9 Q. You would be able to work out who they were and where
10 they were at the time?

11 A. Yeah.

12 LADY SMITH: 'Murphy', how did you get in touch with these
13 boys?

14 A. Just guys that I knew **Secondary Institutions - to be published later**
15 **Secondary Institutions - to be published la** you know, you all sort of hung
16 same places, same things --

17 LADY SMITH: Okay.

18 A. -- you know.

19 MR PEOPLES: When you were out and about you gathered
20 together in places?

21 A. Yeah, a lot of times, yeah.

22 LADY SMITH: You told me that you did what Tam said you had
23 to do, because he threatened you. What did you think
24 would happen to you if you didn't obey him?

25 A. I'd have disappeared.

1 LADY SMITH: Yeah.

2 A. At least probably got a kicking, but --

3 LADY SMITH: That could have been the end of your life, is
4 that what you're telling me?

5 A. Aye. I don't know if it's true, but it was, you know,
6 he'd make things -- it had happened before, you know:
7 I'd done it before. Later on in life I done it to other
8 people, not young boys at the time, but, you know.

9 LADY SMITH: But what I'm particularly interested in is how
10 he made you feel.

11 A. Petrified. 'Cos I'd nobody. I had no mum and dad to
12 turn to.

13 MR PEOPLES: And you said that at least you can recall one
14 occasion when one of his 'chickens' or boys, a bit
15 older, pulled a knife on you and basically --

16 A. Aye, outside Tam's.

17 Q. -- told you to do what he was -- Tam told you?

18 A. Yeah.

19 Q. So that was -- I don't suppose you saw that as just
20 a bit of a joke?

21 A. No, it was a threat, yeah.

22 LADY SMITH: 'Murphy', when you tell me that was outside
23 Tam's --

24 A. Outside his, like, [REDACTED] had a wall round
25 it.

1 LADY SMITH: Uh-huh.

2 A. I think at one time it was the old -- there was a big
3 building -- [REDACTED] house's orchard or
4 something, it had big walls round it and it had like a
5 fence, barbed wire fence at the top and had a massive
6 gate at the front. So there was only one way in and one
7 way out. And his house sort of sat, not quite in the
8 middle, but almost the middle. There was a bungalow and
9 you came out. I was taken out and round where the
10 carport was and told to -- unless I cannae --

11 MR PEOPLES: Just on the question of knowledge, you say at
12 148 of your statement, staff at Ponton House knew what
13 was going on with people like Nott and Wilson and Paton
14 and what they were doing to boys at Ponton House, but as
15 far as you're concerned, they just turned a blind eye.

16 A. As far as I'm concerned, they did, yeah, aye.

17 Q. And indeed you say that you knew that one of the staff,
18 HZU [REDACTED], had been at Tam's house because he
19 spoke of being there but you hadn't -- you didn't -- you
20 don't recall seeing him --

21 A. I never seen him there.

22 Q. But he said he'd been there?

23 A. He said he'd been, yeah.

24 Q. And indeed he reacted in a certain way after the
25 incident with John Wilson that resulted in the

1 conviction. What did he say when you -- I think you
2 reported that you thought you'd been raped; is that
3 right?

4 A. Aye, and he basically just went: 'You must have wanted
5 it', or --

6 Q. Words to that effect?

7 A. Words to that effect, yeah.

8 Q. So he'd worked out what had happened?

9 A. Yeah.

10 Q. And that was his response?

11 A. Aye.

12 Q. 'You must have wanted it'?

13 A. That's why I thought I was getting put away, because,
14 you know, in Rossie and things like that, because, you
15 know.

16 Q. But they would have known that this was happening over
17 a period of months, because you were there for quite
18 a while?

19 A. Aye.

20 Q. So they didn't take instant action to get you into
21 a place of safety?

22 A. I wisnae told -- I actually wisnae even told -- the day
23 I got take away up to the assessment centre, up to
24 Rossie, I didn't even know I was going.

25 LADY SMITH: 'Murphy', thinking back, when you got involved

1 with these men, and we've talked particularly about
2 three of them, obviously Tam Paton, 'Sticky' Wilson and
3 Nott, what was it that made you go along with what they
4 were wanting you to do, apart from -- you've talked
5 about --

6 A. At first -- at first it was the guys from the flats and
7 the boys in the Ponton House: 'Come on, we're going to
8 a party, we're going to do this, we're going to do
9 that'. And just being young and, you know, I suppose in
10 a way, looking into them as my big brothers or what they
11 wanted to -- whatever, you went along. And then it
12 was -- from then on it was, you know, I've got pictures
13 and you'll be coming out and here's some drugs and --

14 LADY SMITH: Yes. And you got alcohol you didn't have to
15 pay for.

16 A. Yeah. Yeah.

17 LADY SMITH: You got drugs you didn't have to pay for.

18 A. Yeah.

19 LADY SMITH: Did they feed you?

20 A. Aye, you got food and you got thingmy and --

21 LADY SMITH: Did it feel like fun at the time?

22 A. It did, yeah, probably, aye, to start with, yeah.

23 LADY SMITH: As you saw it through your teenager's eyes, it
24 was, and I'm not trying to put words into your mouth,
25 but was it a 'what's not to like' situation?

1 A. Aye, at first, yeah. And then it became sexual and --
2 'cos it wasn't sexual to start with, it was, you know,
3 party, you got drugs, you got: 'Oh, take a bit of that,
4 take a bit of that to this one, do this, do that'. And
5 then it was just suddenly it was, you know, we'd come at
6 night, come later and -- it's like you were, what's the
7 word, 'groomed' into it, probably. Is that the word? I
8 don't know.

9 LADY SMITH: Mm, mm-hmm, groomed.

10 A. You were, you know, it wasn't like you were taken in,
11 there was a party and there was all these guys and they
12 were all touching you and it was like: 'Oh'. It was
13 like, you know, a lot of times through the day, you know
14 what I mean, and suddenly you're getting drink and then
15 it was: 'All right, get rid of you'. And then later on
16 it would be you're there at night and, and that's what
17 it is.

18 LADY SMITH: Did you think they were your friends?

19 A. Probably, yeah. Later on in life I called Tam
20 'faither'. That's how -- god, I was so stupid.

21 LADY SMITH: Mr Peoples.

22 MR PEOPLES: When you went to Ponton House, I think you said
23 on the last occasion, but correct me if I'm wrong, that
24 you went there and you were someone that was then taking
25 alcohol?

1 A. Mm-hmm.

2 Q. But by the time you left Ponton House, due to the
3 activities that you've described, you were also taking
4 drugs?

5 A. Yeah.

6 Q. So you got drawn into that --

7 A. Yeah.

8 Q. -- through your association with Paton, Wilson and all
9 the others, which was a gradual introduction, but then
10 led on to things you didn't really want to do, but you
11 effectively felt forced to do?

12 A. Yeah.

13 Q. Because of the threats and so forth?

14 A. Mm-hmm.

15 Q. Is that the way it was?

16 A. Yeah. It was like a -- Ponton House when I was there,
17 it was like part of a gang in a way. We done robberies.
18 I mean, I was the youngest so I was like, you know:
19 'You're coming with us, you're doing this, you're doing
20 that'.

21 Q. Now, I mean, it might be suggested that -- I think you
22 have already said Tam had told you he had friends in
23 high places and things could disappear or you could get
24 off what appeared to be tricky situations and when you
25 got into trouble.

1 I suppose though, looking back, by the time you got
2 to Howdenhall, the net was closing on him a bit, because
3 clearly the police spoke to you then?
4 A. Yeah.
5 Q. And we know there was an investigation and we know that
6 ultimately Wilson and Paton were tried together?
7 A. Yeah.
8 Q. Initially Wilson pled, and Paton pled not guilty?
9 A. Uh-huh, aye.
10 Q. So there was -- Wilson was then sentenced and I think he
11 indicated that he was willing to speak against Tam Paton
12 at the time?
13 A. Aye, he went and turned Queen's or something, they call
14 it.
15 Q. Well, don't worry what it's called --
16 A. Aye.
17 Q. -- but he was willing to give evidence against Paton who
18 was pleading not guilty; he had pled to certain charges?
19 A. Yeah.
20 Q. And what happened then was that there was a second trial
21 where it was only Paton on the indictment?
22 A. Aye.
23 Q. There was a lot of charges, but some very serious
24 charges were dropped?
25 A. Yeah.

1 Q. And Paton pled to certain, I hesitate to call them
2 'lesser' charges because they weren't insignificant?

3 A. Aye, aye.

4 Q. But they were lesser in terms of this -- the spectrum of
5 offences, because they took out all the unnatural carnal
6 connection with young males?

7 A. Mm-hmm.

8 Q. Effectively. And Paton pled and he got, I think in all,
9 a cumulative sentence of three years; is that right? It
10 was about that?

11 A. Aye, something like that, yeah.

12 Q. And that's how it ended up.

13 So to that extent he wasn't able to escape justice
14 entirely?

15 A. No.

16 Q. But you might -- some might say he escaped --

17 A. He got off light.

18 Q. He got off light?

19 A. Aye, I mean -- aye.

20 Q. Have you got any suggestions of how -- how did he manage
21 to not avoid a trial at all, if he had friends in high
22 places?

23 A. I think he just went too far. By that time he was
24 getting involved with drugs. You know, this is going to
25 sound thingmy, but I suppose in a way the sexual side of

1 it is looked upon by some as being okay or whatever, but
2 when it comes to your drugs, your harder drugs, that's
3 when the house started to get more and more empty and,
4 you know, less and less people would be involved and
5 come near, and I think that he maybe just pushed it too
6 far. I don't know. I don't know. Or somebody
7 somewhere went --

8 Q. I think, even if we look at the Neil Duncan situation in
9 1991, there was a big trial, lots of accused, lots of
10 young boys on the indictment. 57 offences. Only four
11 men were convicted. Duncan was seen as the ringleader,
12 got four years. I think most of the others got
13 community service or something, community sentences, for
14 shamelessly indecent conduct towards young boys?

15 A. I mean, surely --

16 Q. Or one boy, sorry, a boy in care?

17 A. When you look at all the cases, including Tam's, surely
18 somebody somewhere is bound to go: no, what's going on
19 here? You know, somebody like Tam, that used that as
20 a power, look what hap -- you know, walked away,
21 basically.

22 I mean, all he done there was made more friends when
23 he was in there, you know, and got involved in more
24 drugs and he got -- I mean, he was a powerful man, with
25 loads of money. I mean, later on in life, I mean, the

1 guys I saw were, you know, full part gangster-type. I
2 was never that, but you know, he got involved in a lot
3 of things later on.

4 Q. Now, can I go to your statement again, 'Murphy', at
5 paragraph 279. I think you perhaps put your finger on
6 matters by saying that social work made a big mistake
7 putting you in Ponton House when you were 14 years old,
8 which was, or at least was treated as a place for
9 adults:

10 'I was around abusive adults like Nott and
11 'Sticky' Wilson hanging around who took boys to Tam's
12 house to get abused. The staff did nothing about it.
13 I was raped, got hooked on drink and drugs and became
14 a violent criminal as a result of Tam Paton, his men and
15 the violence I experienced in all the care
16 institutions.'

17 So, I mean, that was a significant point where
18 things went very badly wrong?

19 A. Mm-hmm.

20 Q. I mean, you had been abused before and you've told us
21 about that, but that really was the final straw, was it?

22 A. Aye.

23 Q. Now, can I finally ask you something totally different,
24 because it's a matter I've been asked to raise by the
25 Ponton House Trust who took over the sale proceeds of

1 Ponton House when it was sold in 1981 and the
2 investments, and they run an existing charity.

3 Now, at paragraph 283, under 'Reporting of Abuse',
4 you do tell us you spoke the police, but you also say
5 that your lawyer contacted Ponton House for information
6 and that what they got back was an email that denied
7 knowing who you were, but in the same email said you had
8 been moved from there because you were violent and
9 suspected of being homosexual, and that that was a clear
10 contradiction.

11 Now, I've spoken to you in advance of today of these
12 questions --

13 A. Yeah.

14 Q. -- to say that I have been given the email exchanges
15 between the lawyers for the trust and your agents,
16 Digby Brown. And can I assure you that, having looked
17 at them, there is no email to that effect. So however
18 that arose, I just want to put it on record that I think
19 that that is factually incorrect. It may be that there
20 was a misunderstanding between you and your lawyer on
21 what was being said and what was being done, because
22 I think he got hold of records which showed some
23 information about why you were moved.

24 A. Aye, well, aye, I mean that really upset me when --
25 I mean, I spoke to my wife. There was some -- we did

1 get an email and we spoke about it, and that annoyed me
2 because -- especially the side of the suspected being
3 homosexual and they made this thing out that Stonewall
4 would be interested in that and all that sort of stuff
5 and I'm thinking: what?

6 Of course, we're getting said to one of the staff
7 that, you know, 'Oh, you must have wanted it', and you
8 can imagine where my head was going, I was like, what?
9 'Cos I had no idea why I'd been moved out of
10 Ponton House.

11 Q. But can I say this to you, 'Murphy'.

12 A. Yeah.

13 Q. It's fair to say that the records, whatever you think of
14 the records --

15 A. I -- I --

16 Q. -- do mention a concern that caused you to be moved.
17 One of the concerns was what was described as
18 a homosexual friendship with a well-known adult in the
19 area, with whom you appeared to be spending a great deal
20 of time, and that you were skipping school, and also
21 they felt that you were taking too much alcohol.

22 So it's there in the records. You may disagree with
23 it or you may not have known about it, but I'm just --

24 A. Mm-hmm, I didn't know about it.

25 Q. -- trying to point that out to you because I don't think

1 you've seen those records?

2 A. No, I've not.

3 Q. So, but I'm also trying to put this point that I think

4 you can be assured that there wasn't an email along the

5 lines that you thought there was when you provided us

6 with the statement.

7 A. I've got a copy -- I've got an email from somewhere --

8 I don't know.

9 Q. Well, it could have been your own solicitor and it may

10 have contained the wrong information.

11 A. Aye, right.

12 Q. I'm just --

13 A. There's maybe been a misunderstanding somewhere, but

14 that's how -- there is an email and it really upset me

15 'cos I was like --

16 Q. But I think in fairness to those --

17 A. And my wife actually.

18 Q. In fairness to those that were writing the emails,

19 because I've seen the emails that I think I've -- I've

20 been asked to correct that and that's all I'm doing at

21 this stage, before I finish my questions, because I --

22 A. So they knew that things were going on?

23 Q. Well, you're right. The records show that they had

24 a knowledge of your friendship and somehow they seemed

25 to have let it, the situation, continue in one shape or

1 form for a time, although you eventually went to Rossie,
2 but it wasn't a great experience there either as you
3 told us on the last occasion.

4 A. Aye.

5 MR PEOPLES: So, 'Murphy', I'm very grateful for coming
6 back -- for you coming back to answer more questions in
7 what's a very difficult situation, and fairly quite
8 searching questions at times. But I thank you for the
9 assistance you've given us today and I hope you can have
10 a more peaceful afternoon and weekend.

11 A. Yeah.

12 LADY SMITH: 'Murphy', let me add my thanks. I'm really
13 grateful to you and we have both said already we're very
14 conscious of the fact that this is your second
15 appearance.

16 A. Uh-huh.

17 LADY SMITH: But it adds such value to the work we're doing
18 here that now we're at this stage in our investigations,
19 being presented in case study hearings, to hear from you
20 in person, rather than just read in the part of your
21 statement that deals with Ponton House.

22 A. Yeah.

23 LADY SMITH: And it's wonderful that you've been able to
24 expand today on some of what's already there.

25 A. Yeah.

1 LADY SMITH: Thank you so much. Safe journey home.

2 A. Thank you very much. Thank you.

3 (The witness withdrew)

4 LADY SMITH: Now, before I stop for the lunch break, there
5 are one or two things I want to say about people who
6 have been identified in our evidence this morning.

7 First of all, HZU [REDACTED]. Then a [REDACTED]
8 [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

9 Now, these are all people whose identities are protected
10 by my General Restriction Order and they're not to be
11 identified as having been referred to in our evidence
12 outside this room.

13 Now, I'm conscious of the fact that we also
14 mentioned quite a number of other names, identifying
15 maybe half a dozen different people in the course of
16 'Murphy's' evidence, and let me put it this way: whilst
17 Tam Paton, 'Sticky' Wilson, Gordon Knott, Neil Duncan
18 can all be identified outside this room, at the moment
19 we're double-checking all the other identities, so
20 please assume for the time being that they're not to be
21 identified either.

22 So, just to repeat: Tam Paton, 'Sticky' Wilson,
23 Gordon Knott and Neil Duncan can be identified, but
24 otherwise the names we've referred to are not to be
25 identified, at least at the moment.

1 Thank you very much. I'll stop now for the lunch
2 break.

3 (12.46 pm)

4 (The luncheon adjournment)

5 (2.00 pm)

6 LADY SMITH: Good afternoon. Mr Peoples.

7 MR PEOPLES: Good afternoon. The final witness today and
8 for this block, I think, is David Reith, who is the
9 witness on behalf of the Ponton House Trust.

10 LADY SMITH: Thank you very much.

11 David Reith (sworn)

12 LADY SMITH: Thank you for coming along this afternoon. Can
13 you help me with this: how would you like me to address
14 you? I'm happy to use Mr Reith or if you prefer your
15 first name, I can use that.

16 A. David's fine.

17 LADY SMITH: Well, thank you, David.

18 It's really helpful to us that you've been able to
19 engage with us as you have done in relation to the
20 Ponton House Trust, and I do appreciate that you only
21 got involved with the Ponton House Trust a short
22 period -- a short time, a couple of years, I think,
23 before it was closed. So don't worry, I know you're not
24 life-long immersed in its operation and history.

25 Nor, indeed, are we going to take you through

1 everything word by word that's in the red folder there
2 that relates to the work of the Ponton House Trust, but
3 there are some aspects we'd like to explore with you, if
4 that's all right.

5 The plan is to run with your evidence until about
6 3 o'clock. If we haven't finished it by then I'll take
7 a break, but if you want a break at any other time just
8 say, will you?

9 A. Yeah.

10 LADY SMITH: Or if you've got any questions, please ask.

11 A. Yes.

12 LADY SMITH: I'll hand over to Mr Peoples and he'll take it
13 from there, if that's okay.

14 Mr Peoples.

15 Questions from Mr Peoples

16 MR PEOPLES: Good afternoon, David.

17 A. Good afternoon.

18 Q. I think you have a copy of the report that was provided
19 by the Ponton House Trust in front of you, and it
20 probably will come on the screen. I'll perhaps give it
21 a reference. It's PON-000000002. I think that's the
22 report that you have in front of you.

23 Now, as her Ladyship says, I'm not planning to go
24 through this in any depth, but if you want to refer to
25 it or if I miss out something you think is important,

1 please say so.

2 I would just like to begin to get just some general
3 chronology here and I think that, I'm conscious that
4 you've told us in report that you have very few records,
5 even despite searches, and indeed searches with the
6 National Records and so forth.

7 But what we do know, I think, from the information
8 you've been able to glean is that what became
9 Ponton House was established in 1867, I think that's
10 correct?

11 A. Correct.

12 Q. And I think that -- we were able to get hold of some
13 annual reports for the establishment in the 1940s, which
14 are in our bundle. I'm not going to take them to you,
15 but I think what they show -- I can maybe just give the
16 reference, but it doesn't need to be brought up. It's
17 SGV-001033830.

18 These were three reports, I think 1945, 1946 and
19 1947, and what they show I think is that Ponton House,
20 first of all, was not in Magdala Crescent in Edinburgh,
21 but at 1 Ponton Street in Fountainbridge?

22 A. Yes.

23 Q. Which is presumably where the name comes from?

24 A. That's the origin of the name, yes.

25 Q. Yes, because it did have other names, I think, before

1 then.

2 So, and it was a large institution historically
3 I think, because according to these reports, I think
4 it's -- there were 87, I'll call them boys at the
5 moment, if I may. There were 87 boys in residence on
6 31 July 1945, which, according to the annual reports,
7 was the highest number since 1933. So clearly it had
8 been a big place in the past.

9 And I think the Fountainbridge property was a lot
10 larger than Magdala Crescent, which was effectively,
11 Numbers 6 and 7 were two townhouses which were
12 internally reconfigured to create a hostel?

13 A. Yes.

14 Q. Essentially for 'working youths', I think is the
15 expression that's sometimes used?

16 A. Yes.

17 Q. Now, post-war, according to these reports, there seems
18 to have been an admission of younger boys to the hostel,
19 some of whom were still at school, and it's explained
20 that that was because after the war there was National
21 Service, a lot of boys who would have been of the
22 eligible age before the war were doing National Service
23 and they were taking in younger boys, some, it would
24 appear, who were still at school.

25 So, and the -- I suppose the other thing to remember

1 is that the leaving age in the 1940s was raised to 14 in
2 1946.

3 A. Okay.

4 Q. And it remained at 15 until, I think, the early 1970s,
5 if my memory serves me well.

6 LADY SMITH: Yes. Later than we often think, actually, yes.

7 MR PEOPLES: So, but boys were leaving school at 14 until
8 1946 and in that year I think it became 15.

9 But it does look as if post-war in that period that
10 younger boys were being admitted to what we are calling
11 Ponton House.

12 And then, and I think there was a recognition that
13 because of their younger ages, they would require more
14 guidance and personal care, which is perhaps a point
15 that one might bear in mind, I think, given what we've
16 heard about what happened subsequently by the evidence
17 that we have listened to today and yesterday.

18 Then in 1962, I think, and you tell us that in your
19 report, that Ponton House moved to Magdala Crescent, and
20 the evidence we have, apart from the reports I think,
21 all concerns residents who were accommodated there, not
22 at Fountainbridge.

23 And I think you were able, from a request with
24 National Records of Scotland, to ascertain if there were
25 any surviving records. You were able to get back from

1 them one single inspection report from 1969?

2 A. Yes.

3 Q. Which is in the bundle that we have. Again, I'm not
4 really sure that there's much to be gained by actually
5 taking you to that document, but what it does say is
6 that there were two schoolboys at that time, but that no
7 more schoolboys were to be admitted in the future as
8 a matter of policy. And I think that the inspector was
9 happy with that as being a sensible policy.

10 That said, as we learned today, the resident we have
11 been calling 'Murphy' was admitted in 1980, shortly
12 before closure. He was still aged 14 and was still at
13 school. So it would appear that over time that the
14 policy wasn't strictly adhered to, perhaps because of
15 pressure of getting numbers to fill vacant beds and so
16 forth. It's not an uncommon situation, I think we find
17 that.

18 A. No, I think that's exactly the position. I think that
19 possibly post-1969 they were not taking boys who were
20 still at school, but with the change in policy at social
21 work, numbers began to fall and I think they, in
22 order -- from a financial point of view, just took
23 anybody they could, which included younger people.

24 Q. Because I think we know that certainly in the 1960s,
25 they were beginning to move away from the idea of larger

1 institutions. They wanted to either put people in what
2 would be called small group homes or foster care --
3 A. Yes.
4 Q. -- or preferably at -- stay at home under some
5 supervision. So that was the trend.
6 A. Which then put pressure on the management to fill the
7 places.
8 Q. Yes. And to an extent, I think, it was funded to
9 a large degree by either donations or subscriptions, to
10 an extent by the wages of the working youths?
11 A. Yeah.
12 Q. And in some cases, if that wasn't sufficient, if the
13 youths weren't earning enough, the local authority would
14 make a contribution towards, effectively, their support,
15 but it would go towards their maintenance at
16 Ponton House?
17 A. That's correct.
18 Q. Yes. And I think in 1969, the report tells us that it
19 was registered for 25 young males and it was essentially
20 to be, going forward, for working youths aged 15 to 18.
21 And I think it was said at that time that the
22 superintendent of the day thought that 20 was a more
23 appropriate number and the inspector agreed?
24 A. Correct.
25 Q. And the other thing that was picked up, I think, in that

1 report was that one of the bedrooms had nine beds, which
2 was quite unsuitable in the opinion of the inspector.
3 And I think obviously, if it was accommodating boys of
4 different ages in a single room, with nine beds,
5 I suppose we've learned from other case studies that
6 that can be a recipe for disaster?

7 A. Yes.

8 Q. And the other thing that was said, I think, in that
9 report is that, given this expression of policy of not
10 admitting more schoolboys, it was said by the inspector,
11 I think, that 'the regime is now geared to working
12 youths who have much freedom'.

13 So I suppose it was envisaged on both sides that
14 there would be a lot of freedom for those that were
15 accommodated in the hostel?

16 A. Yes. The impression I get is that it was almost like
17 providing board and lodging. The boys would go out to
18 work during the day, come back, be given some food and
19 really could do what they liked. And there was perhaps,
20 as has been said this morning, a lack of control of what
21 the boys were actually allowed to do or doing.

22 Q. I think there's some suggestion in some of the other --
23 the statements from the 1960s that those in charge may
24 have had certain rules, such as: 'Don't be back after
25 10 o'clock', and things of that nature, very

1 rudimentary, basic rules, but in broad terms it does
2 appear that those accommodated did have a lot of freedom
3 and very little supervision --

4 A. Yeah.

5 Q. -- by the staff?

6 A. Yes.

7 Q. And I think, in fact, the evidence of 'George' that was
8 read out yesterday, he was there in the mid-60s, he said
9 at paragraph 136 something along the lines that the
10 youths there were considered to be young adults, they
11 weren't really considered to be children, so that in
12 a sense it was geared towards -- or the perception was
13 that they were dealing with adults who perhaps were
14 expected to take care of themselves, to a large extent,
15 rather than children who may have to get more special
16 care, protection and attention?

17 A. Yes. I don't think Ponton House was catering for
18 children. They were talking about boys who had left
19 school --

20 Q. Yeah.

21 A. -- and who were going out to work in Edinburgh every
22 day.

23 Q. Just looking at the period in the 1960s, and I don't
24 want to go into the evidence in depth because I think
25 it's fresh in everyone's mind, is that it does seem

1 clear from 'George's' evidence that the staff knew that
2 abuse was happening, because he said he was abused by
3 three older boys and subsequently he got a visit from
4 the superintendent. He hadn't reported it to anyone.
5 And the superintendent mentioned it and he said he got
6 the impression he knew and in fact he thought he might
7 have been trying to tell him not to say anything,
8 rightly or wrongly that was his impression. And so
9 clearly there seems to have been then a knowledge that
10 it might be, to an extent, an unsafe place at times?

11 A. Clearly, it was. I think that was a case of bullying by
12 older boys.

13 Q. And in fact beyond that. It was sexual abuse --

14 A. Indeed.

15 Q. -- and I think they dragged them into cupboards.

16 A. Indeed it was.

17 Q. It was quite a serious incident?

18 A. Yes, it was clearly a violent and tough environment to
19 be in.

20 Q. And I think in some ways what he's describing there is
21 not dissimilar to what we heard this morning, that
22 there's a place which is a risky place for young people
23 to be and indeed it's a place however -- where it
24 appears that the staff had knowledge that things were
25 happening that shouldn't be happening, either in the

1 place or outwith the place. I think that's seems to be
2 what we can take from 'Murphy's' evidence?

3 A. Yes, I agree.

4 Q. And indeed in between those -- the 1960s and the 1980s,
5 we have some evidence, perhaps less so, that there was
6 at times abuse, both sexual and physical, by staff.
7 I'm thinking, for example, there was the evidence of --
8 I'll call him [REDACTED], that's in a police statement and
9 it's part of the bundle, where he talks about sexual and
10 physical abuse by staff, being locked in a room,
11 verbally abused and beaten for bed-wetting. So the sort
12 of things that that's what he was saying happened to
13 him.

14 So I'm not suggesting we can just say that there's
15 a complete thread, but you can see in each decade we're
16 seeing people who have abusive experiences?

17 A. Yes. I've not seen -- had the benefit of seeing that
18 statement, but I can agree with the general thrust of
19 what you're saying.

20 Q. Yeah. Okay. And then we move forwards, as I say, we
21 have the evidence of 'Murphy' in 1980 and the impression
22 one gets there is that what he's describing in 1980
23 wasn't a situation that first arose in 1980, because his
24 description of what was happening and how he was drawn
25 into a situation of being abused, looks to be a state of

1 affairs that was happening for quite some time before
2 then at Ponton House and it might seem at other places
3 for children or other hostels. That was -- I think
4 that's what one can take from what he was saying, that
5 he didn't walk into a situation that was new. This had
6 been going on for some time?

7 A. Yeah. What was shocking about 'Murphy's' evidence this
8 morning was the way in which the people who were in
9 charge of the home allowed people to come and go --
10 I mean non-residents, visitors, to come and go without
11 any control at all. That's obviously shocking to hear.

12 LADY SMITH: They didn't have to sign in. They didn't have
13 to sign out.

14 A. There was no visitors' book, as you said this morning.

15 LADY SMITH: They also didn't seem to keep much check on
16 where the residents were, other than maybe them having
17 to be in by a particular time at night.

18 A. I think that was the culture of the time, yes.

19 MR PEOPLES: And we have a boy who was -- well, he became 15
20 shortly after he was admitted, but he was still supposed
21 to be going to school. He wasn't going to school, he
22 was mixing with all sorts of bad company, as it were.
23 He got drawn into the Paton situation as well, as he
24 quite graphically described this morning, and then even
25 when he said something about the incident that happened

1 at Ponton House, he said the reaction of the member of
2 staff was: 'You just wanted it'. And indeed he said
3 that member of staff had said openly that he had been to
4 Mr Paton's house.

5 A. Yes.

6 Q. So --

7 A. Shocking.

8 Q. Yes. So I think overall, I don't think you would
9 disagree, that that evidence, without going into the
10 depth of it, is certainly showing a degree of knowledge,
11 but it is also showing that young people were not
12 adequately protected over the years, taking your point
13 that it was for youths who were working, but it still
14 should have had some basic safeguards?

15 A. Yes.

16 Q. Particularly for ones who were at school and were on the
17 younger end of the spectrum?

18 A. Yes, it was clearly not a safe environment for them.

19 Q. And indeed, we've got an early piece of evidence from
20 Mr Swistchew who was there in 1966, of -- his evidence
21 is to the effect that there was sexual abuse by two
22 senior members of staff and one of them was seeking to
23 persuade young males to involve themselves in sexual
24 activity with older men in return for money.

25 Now, that very much echoes what we heard this

1 morning, which -- so it wasn't necessarily just
2 a problem in 1980. It seems to have been a problem in
3 the mid-1960s?

4 A. That seems to be the case.

5 Q. Now, so far as your involvement's concerned, I think
6 that you are currently the Trust Secretary of the
7 Ponton Trust, I think we call it SCIO for short, which
8 is a Scottish Charitable Incorporated Organisation?

9 A. Yes.

10 Q. And you, of course, David, were for a long time
11 a partner in Lindsays between, I think, 1979 and 2017,
12 is that correct?

13 A. Yes, long time.

14 Q. Long time. And then I think that you tell us that, and
15 I'm just trying to tie this in with the report, that
16 between 1979 and 1981 you were a member of the
17 management committee for the Ponton House Boys'
18 Residence before its closure in 1981, is that correct?

19 A. Yes.

20 Q. For a fairly short period?

21 A. Yes.

22 Q. And was that really the dying days of Ponton House?

23 A. It was really.

24 Q. I mean, I don't know, do you remember at that time there
25 being discussions about people like Paton? Because

1 there's a lot going on then and, indeed, I mentioned
2 this morning there was a police investigation that seems
3 to have brought in 'Murphy' for questioning when he went
4 from Ponton House to Howdenhall in 1980 and it seems to
5 have culminated in this trial in 1982. I'm just
6 wondering if you can have any recollection of
7 Ponton House even being approached or asked about
8 activities?

9 A. No, no, I don't have any recollection, only many years
10 later that I heard about it.

11 Q. So then Ponton House did close in 1981?

12 A. Yes.

13 Q. It was sold off and the proceeds or net proceeds and the
14 investments held were then transferred to a separate
15 entity, the Ponton House Association, is that right?

16 A. Yes.

17 Q. And I think that, if I'm correct, that association was
18 formed in 1982 and continued until 1993?

19 A. Correct.

20 Q. And then -- I should say, my Lady, this is very similar
21 to Widowers'?

22 LADY SMITH: It has that flavour.

23 Q. It has that flavour so you'll perhaps be familiar with
24 the --

25 LADY SMITH: So you may or may not be familiar, David, with

1 the charity loosely referred to as 'Widowers'.

2 A. Yes.

3 LADY SMITH: I can't remember the full title of it now.

4 Q. Well, Widowers' Children's Homes --

5 LADY SMITH: Widowers' Homes.

6 Q. WCT -- no, WCH Trust, I think it became.

7 LADY SMITH: And they also ran a children's home in

8 Edinburgh, but it was children rather than this sort of

9 set-up.

10 Q. Yes. So we have the assets, as it were, being

11 transferred to this new, unincorporated association?

12 A. Yes.

13 Q. And it is formed and operates until 1993 and at that

14 point, there was a new trust, the Ponton House Trust,

15 created in 1993 to which the -- effectively the assets

16 were transferred and that that trust survived until 2023

17 and that in 2023, and this is the current position, the

18 Ponton Trust Scottish Charitable Incorporated

19 Organisation was incorporated and registered as

20 a charity on 8 December 2023 and the Ponton House Trust,

21 the existing one, was wound up and assets transferred to

22 the new SCIO, if I can call it that, is that what

23 happened?

24 A. That's correct.

25 Q. And I think we know the purpose of a SCIO. It did -- in

1 2016 legislation allowed people carrying out charitable
2 activities as trustees to form an incorporated body with
3 limited liability and it gave a measure of protection,
4 I think, to people who had volunteered to serve as
5 trustees for good causes, essentially?

6 A. Yes, and it was something which was encouraged by OSCR
7 as a modern structure for charities.

8 Q. And it would also perhaps, particularly in the times
9 we're living in, have made it easier to recruit
10 trustees --

11 A. Probably, yes.

12 Q. -- because of the historical claims that might be laid
13 at the door of trusts and unincorporated associations?

14 A. Exactly.

15 Q. Now, just on the matter of records, because as I say,
16 the report does say that there were very few records and
17 therefore limited knowledge of the operation of
18 Ponton House when it was still running, and I think you
19 tell us in the report that no records were transferred
20 at that stage to the Ponton House Association, so far as
21 you can recall. And indeed you mention a firm of
22 solicitors, Simpson Kinmount & Maxwell WS, a name that
23 doesn't mean anything to me because I think it was
24 before my time, I think it was a long-standing firm, but
25 I don't think it had survived -- well, it certainly

1 survived until 1981, but I don't think it was --

2 A. It didn't survive for very much longer than that. They
3 were the secretaries of the Ponton House at
4 Magdala Crescent and so they kept all the records and
5 when the Ponton House Association was set up, I was
6 instrumental in setting that charity up and we received
7 all the assets, as you said, but we didn't receive any
8 papers from them.

9 Q. Did you find that surprising?

10 A. Not really, because we weren't concerned with the old
11 house and anybody who needed to keep the papers should
12 have been Simpson Kinmount & Maxwell, as the
13 Ponton House at Magdala Crescent had been their clients.
14 So they should have kept the papers.

15 They wound up not very long after, a few years
16 later, and at some stage, when somebody asked me about
17 the records, I tried to contact them and there was no --
18 there were no records that they could provide us with.

19 Q. And maybe this is a good time to just ask you about
20 a point that I think I maybe gave you a little warning
21 of, there's something that was said by Mr Swistchew just
22 so I can maybe just deal with it this stage, shortly.

23 His statement is WIT.001.002.5193 and the only part
24 I want to just ask you about is paragraph 94, which is
25 to do with records. And all he says is that he was

1 trying to get hold of certain records, including records
2 from his time in Ponton House, and he says he received
3 a communication from the Ponton Trust, he doesn't say
4 when, that a large number of records were relocated to
5 a storage area near an old swimming pool, and there had
6 been a flood which destroyed the records stored there.

7 So I don't know if you can help me with why he's
8 saying this. Do you recall a communication to that
9 effect?

10 A. I don't recall the communication, but for a long time
11 I thought that the records had been destroyed in a flood
12 and I thought actually that it was a flood in the
13 cellars of the offices at Simpson Kinmount & Maxwell had
14 had. I'm not -- I don't know how I think that, though.
15 So I'm not sure that that's correct. I don't really
16 have any knowledge as to what happened to the records.
17 And I am not sure that it was a flooding. I think
18 I thought that for a number of years, but I've begun to
19 think that I was wrong about that.

20 Q. I don't know if you can help us, do we know what
21 happened to the firm itself? You say it didn't survive,
22 but did it get merged or subsumed?

23 A. No, the firm wound up. I think there were about three
24 partners. I think one retired. One joined Lindsays and
25 another one, I don't know what happened to the other

1 partner.

2 Q. Did they operate from Hanover Street?

3 A. From Albyn Place.

4 Q. Albyn Place. So essentially it's a mystery what
5 happened?

6 A. Yes, it is.

7 Q. But there would have been records?

8 A. Well, I presume that -- the partner in Simpson Kinmount
9 & Maxwell was somebody called Ian Boyd. He was the
10 secretary of Ponton House and he was the one who kept
11 the minutes and arranged for the accounts to be prepared
12 and so forth, so he should have had all those papers.

13 Q. I mean, it's difficult to know what records they would
14 have had, because I think -- but you would expect there
15 would have been some form of records kept about the
16 operation of --

17 A. At the very least there should be minutes, but he
18 handled everything really for the management committee.
19 He handled the insurance and all those sort of things
20 and contracts of employment.

21 Q. The only thing I did pick up was that in the 1969
22 report, the inspector was a bit critical of Edinburgh
23 Corporation saying that this was the one local authority
24 that wasn't supplying background information on the
25 youths that they were referring to Ponton House. So it

1 does suggest that there was maybe some attempt to have
2 some sort of record for those accommodated although
3 you -- do you know whether there was a register even?

4 A. No.

5 Q. You don't know?

6 A. No, no. I don't know.

7 Q. No. And I suppose now it would have been great to have
8 had a visitors' book?

9 LADY SMITH: If it had been used.

10 MR PEOPLES: Yes, if it had been used. A blank one wouldn't
11 have been of much assistance to us.

12 So that's really the position on records. And
13 indeed, so you have very few records that you provided,
14 but you have provided them and -- but they're
15 essentially deeds of trust and constitutional documents.
16 They're not showing the day-to-day running of the place
17 or the treatment of children?

18 A. No.

19 Q. Sorry, youths, maybe young people --

20 A. Yeah.

21 Q. -- on a daily basis or punishment books, if there was
22 such a thing or anything of that nature?

23 A. No.

24 Q. No.

25 Now, 'Murphy' was -- his agents were in

1 correspondence at one point with Lindsays about a claim
2 which I think started in 2021 and we have been provided
3 with the exchanges between Digby Brown and Lindsays and
4 I think you will have heard I raised those exchanges
5 this morning and I don't want to go back to them.

6 You also provided, I think, a note that you wrote in
7 February 2023. It's PON-000000070, which I think is in
8 the bundle. I don't really need to go to it, but it's
9 a long note, but I think what you said at that time is
10 that whether there was any abuse in Ponton House Hostel
11 50 or 60 years ago is a complete unknown.

12 I suppose my question would be: does that in essence
13 remain the position of the trust? They've obviously
14 listened to the evidence, but it's really on the basis
15 of the evidence that we would have to make these
16 decisions?

17 A. No, it's not our position any more. That was written at
18 a time when we had very limited information about what
19 had gone on at Ponton House. Obviously we've had the
20 benefit of reading the witness statements that have
21 recently been provided to the Inquiry, speaking about
22 the abuse that people have suffered, is obviously not
23 easy for them. It's been shocking to read some of those
24 statements. So, yes, from our point of view it's clear
25 there was abuse of one kind or another at Ponton House,

1 particularly bullying and violence between boys and we
2 acknowledge that. And I would just like to apologise on
3 behalf of our trust for the suffering it has clearly
4 caused some of the survivors.

5 Q. I think you have said before that the trust accepts, on
6 the basis of that evidence, that it wasn't a safe place
7 for residents, particularly the younger residents,
8 either in the 1960s or, indeed, towards the end of its
9 life in the 1980s?

10 A. Yeah, which was very clear from what 'Murphy' said this
11 morning.

12 MR PEOPLES: Yes.

13 Well, I think that's really all I wish to ask,
14 unless, David, you want to add anything beyond what?

15 A. No, I think when I apologised for the abuse, that's what
16 I really would want it to be clear from, that that's
17 what -- the trustees' position.

18 LADY SMITH: And you've also made it quite clear, David,
19 that so far as you're concerned, there are no documents
20 or records that can help us beyond the very few that
21 we've managed to find ourselves.

22 A. No, and I'm sorry about that.

23 LADY SMITH: I don't imagine that you've got them somewhere
24 or that you've been shredding them.

25 A. No. No.

1 LADY SMITH: Thank you very much for coming today and
2 helping us with your evidence. I'm really grateful to
3 you and safe travels back home.
4 (The witness withdrew)
5 LADY SMITH: Mr Peoples.
6 MR PEOPLES: Well, I think that concludes the business today
7 and, indeed, concludes block 4.
8 LADY SMITH: Yes, that's right.
9 MR PEOPLES: If I've got that right?
10 LADY SMITH: Yes, it's block 4 of Phase 10.
11 MR PEOPLES: Of Phase 10, yes. And I think block 5 will
12 start some time in May. 14 May, I'm told.
13 LADY SMITH: Yes. We're in May already, Mr Peoples as of
14 today --
15 MR PEOPLES: Yes, how time flies.
16 LADY SMITH: -- believe it or not.
17 MR PEOPLES: I must have felt I was still at the end of
18 April -- but, yes. So we will be starting after a break
19 in the middle of May --
20 LADY SMITH: Yes, 14 May.
21 MR PEOPLES: -- with other establishments.
22 LADY SMITH: Thank you very much.
23 I'll rise until then.
24 (2.35 pm)
25 (The Inquiry adjourned until 10.00 am

on Thursday, 14 May 2026)

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