

I N D E X

VOLUME 12

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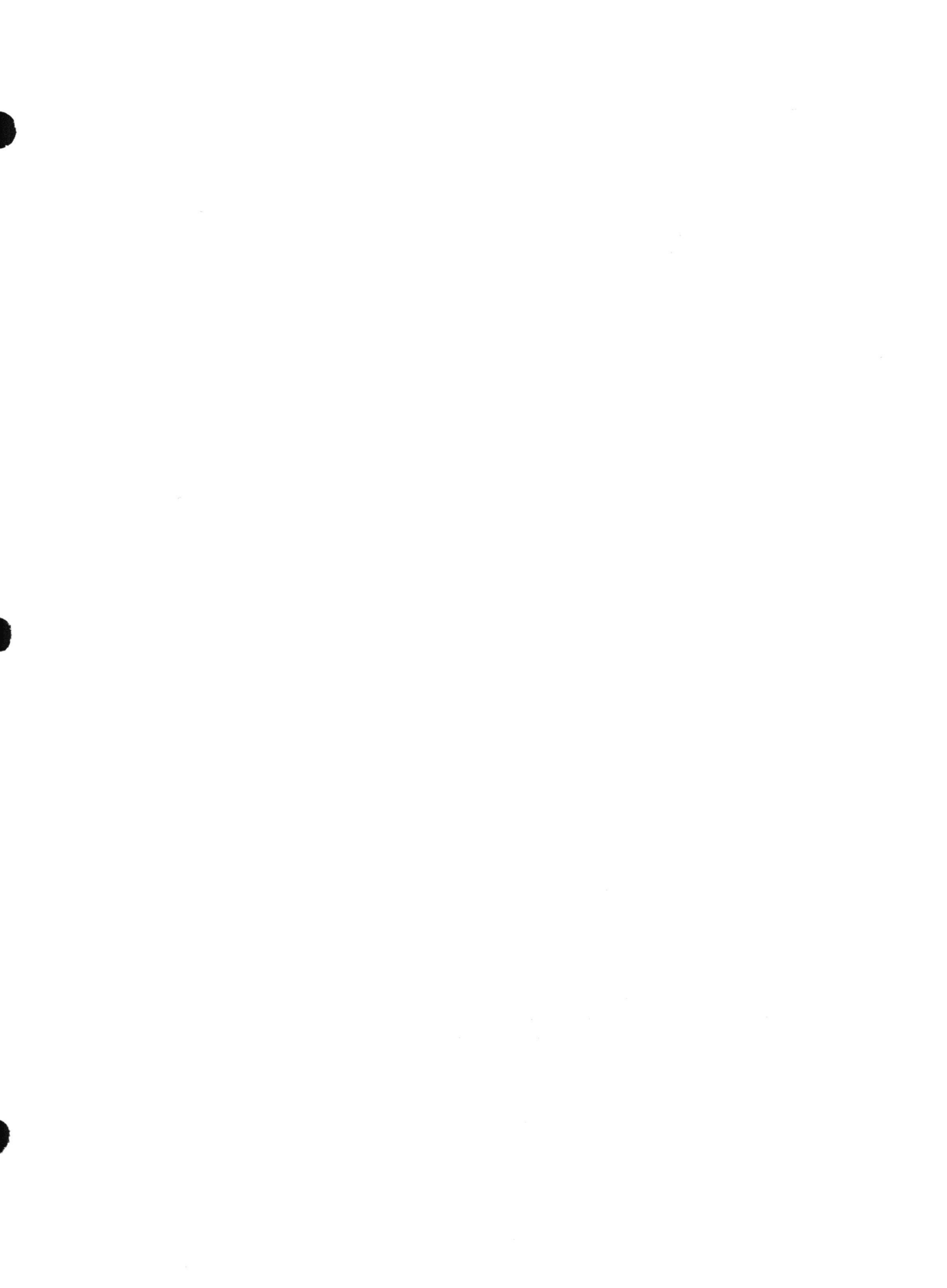
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PAGE

SUBJECT

RCMP2 9

CASE No.

C O P Y

May 30, 1971 - 5:15 P.M.

Statement of Maynard Vincent Chant - age 15 yrs., residing at Main St. Louisburg, C.B.

Friday night I was in town and I left the Bus Terminal on Bentinck St. about 11:40 P.M. I walked down Bentinck St. I came over Byng Ave. and started to cross the tracks. I got half way across the tracks - first I seen 2 fellows walking and 2 more were walking kind of slow talking. The 2 fellows who stabbed Donald Marshall and Sandy Seale - they talked for a few minutes over on Crescent St. One fellow hauled a knife from his pocket and he stabbed one of the fellow - so I took off back across the tracks to Byng Ave. and started to walk towards the bus terminal. Then I seen Donald Marshall coming down. I turned around and started to walk the other way. Donald caught up to me and said look what they did to me. He showed me a long cut on his left arm. Then he said help me - my Buddy is over on the other side of the park with a knife in his stomach. Then we started to look for more help. We met some boys and girls - one of the girls gave Donald a handkerchief - we got a car to take us over to where Seale was lying on the pavement. I took my shirt and put it around his waist and Donald went to a grey house and asked the man if he would call an ambulance.

About ten minutes later, I went up and asked the man in the house to call again and I knelt down beside Sandy Seale and he said it was hot. I unbuttoned his jacket. I then discovered his stomach was cut. I took my shirt and put it where the cut was and made him comfortable. Then the police arrived. They called for the ambulance. He was taken to the hospital.

Q. Did you know those other 2 men

A. No

Q. Did you know Donald Marshall

A. I knew him to see him

Q. Did you know Sandy Seale

A. no

Q. Could you give me a description of these other men

A. one man about 6'2 - light brown hair; dark pants; suit coat - over 200 lbs. the other fellow 6' tall - dark pants; dark hair - 165 lbs.

Q. Did you see their faces

A. No

Q. Would they be young or old

A. I was not that handy

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CONTINUATION REPORT

RCMP 29

AGE

SUBJECT

CASE No.

page 2 - continued - statement of Maynard Vincent Chant -----

Q. Was there just 4 men there
A. Yes

Q. Did you see any knife
A. Yes it was a figure of a knife

Q. How far away would you be
A. 45 ft. or more down the tracks

Q. Could you tell if Marshall was drinking
A. I would not say he was

Signed: Maynard Chant

time 5:35 P.M.

Sergt. Det. J.F. MacIntyre

SUBJECT

CASE No.

COPY

June 4, 1971 - 2:55 P.M.

Statement of Maynard Vincent Chant, age 14 yrs., residing at Main St., Louisburg, C.B.

Last Friday night after 11:30 P.M., I left the Acadian Lines on Bentinck St. and walked down Bentinck St. to the tracks. Then I started down the tracks towards George St. I noticed a dark haired fellow sort of hiding in the bushes about opp. the second house on Crescent St.

Q. Did you know him.

A. No. I did not know his name but I seen him before out at the dances in Louisburg

Q. Did you see him since

A. Sunday afternoon at the Police Office in Sydney. I walked by this fellow on the track. I looked back to see what he was looking at. Then I saw 2 fellows standing about 1 1/2 ft. from each other on Crescent St. near the house with the railing up the middle of the steps. The same house which I called the police from. An old man with grey hair & glasses answered the door

Q. Were they the same size

A. One was taller than the other

Q. Which one was facing you

A. Short dark fellow was facing the tracks

Q. The taller man was facing the houses

Q. At this pt. did you recognize either of these men

A. The only man I recognized was Marshall

Q. What was he wearing

A. Dark pants and I think a yellow shirt with the sleeves up to the elbows. I wish to say that when he was arguing I mean Donald Marshall with the other men his sleeves were down to his wrist at that time.

SUBJECT

CASE No.

continued - page 2-----

Q. How long were you on the tracks watching them

A. About 5 minutes

Q. Could you hear what they were talking about

A. No. I just heard a mumbling of swearing. I think Marshall was the one who was doing most of the swearing. Then I seen Marshall haul a knife from his pocket and jab the other fellow with it in the side of the stomach.

Q. What side

A The right side - I seen him jab it in and slit it down

Q. How could you tell it was a knife

A. By the figure of it - it was shiny and long

Q. What happened then.

A. When Marshall drove the knife in, Seale, he bent over. Then I ran toward George St. down the ~~xx~~ tracks. I went into the Park, through the Park; then up to George St.; crossed the tracks and then on to Byng Ave.-about 3 houses over I met Donald Marshall and he said look at my arm. It was his left arm; his sleeve was up. The cut was on the inside of his arm - it was not a deep cut and it was not bleeding at that time-until we caught up to 2 boys & 2 girls who were walking. Donald said could you help us. One of the fellows said what is wrong. Then he said look what they done to me.

Then the other guy said "who" and Donald Marshall said the 2 fellows. He said my buddy is on the other side of the Park with a knife in his stomach. They ~~they~~ said they would try and help us. At the time a car came along and Donald stopped it and we asked for help. They picked us up and drove to the other side of the Park and we stopped about 6 ft. away from Seale. At this time, Seale was lying on the opp.side of the street. Donald Marshall got out; came over near the body of Seale and stood there. There was another man came along and knelt by Seale and then went over to a house and called an ambulance. Then he came back and knelt along side of me about 5 minutes. I asked this dark haired fellow to look

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SUBJECT

CASE No.

continued - page 3-----

after Seale while I went up and called again. I forgot to state that the minute I got to Seale, I put my white shirt on his stomach. I said hold it and he mumbled. Police and ambulance arrived and he was taken to hospital.

Q. Did Donald Marshall call the police or ambulance at any time

A. No

Q. Did you

A. Yes, first at the house with the railing coming down the center of the steps

Q. Who was with you

A. Marshall stayed on the sidewalk

Q. Was there any other conversation between you and Marshall at that time

A. He said - there were 2 men - tall one had brown hair done the stabbing.

Q. This of course is not true

A. No

Q. Did he know you were over the tracks

A. No - he did not.

Signed: Maynard Chant

3:45 P.M.

By: Sergt. Det. John McIntyre

Sergt. Det. Wm. Urquhart.

SUBJECT

CASE No.

Mrs. Beulah Chant - mother

Lawrence Burke - Probation Officer
Juvenile Court

Chief Wayne R. McGee

Urquhart and myself.

Q. How long have you known him?

A. About a year.

Q. What was he wearing?

A. A light jacket and dark pants.

Q. After this conversation you had with Mr. Marshall, what did you do?

A. I walked Patricia home.

Q. Where is her home?

A. 5 King's Road.

By Mr. Khatter

Q. Mr. Gushue, did you see anybody else in the park the time you were there, other than the other person?

A. Yes, I saw four of my friends, Gussie Dobbin.

Q. Where was he?

A. He was in the park, he was walking down by the bandshell and I asked him for a match.

Q. How long were you at the bandshell, what were you doing?

A. Just talking and I had a cigarette.

Q. Was there anybody else there besides your friend?

A. Robert Patterson.

Q. Was he sitting with you and your girl friend?

A. No, I seen him walking back and forth.

Raynard Vincent Chant

BY THE COURT

Q. How old are you?

A. Fourteen.

Q. What grade are you in?

A. Six.

Q. What school do you go to?

A. Louisbourg.

Q. You live in Louisbourg, do you?

A. Yes.

TESTIMONY
JULY '71
DMPRE 13

Q. Do you know what it is to take an Oath on the Bible?

A. Yes.

Q. What does it mean?

A. To tell the truth.

Q. What happens to people who don't tell the truth?

A. They commit perjury.

Q. And what happens to people who commit perjury?

A. They have to pay a fine.

Q. Besides paying a fine, what else can happen to them?

A. They can be sent to gaol.

Q. They can be sent to gaol anywhere else?

A. No.

Q. You are in Grade 6, how old are you, four teen, have you missed any grades?

A. Yes.

Q. How many, are you still in school?

A. Yes.

Q. And you know what it means to take an Oath then, do you?

A. Yes.

Q. What does it mean let us have it again?

A. To tell the whole truth and nothing but the truth.

Q. If you don't tell the truth?

A. You will be charged for perjury.

WITNESS SWORN

By Mr. MacNeil

Q. What is your full name Mr. Chant?

A. Maynard Vincent Chant.

Q. And you reside, where?

A. Louisbourg.

Q. And how old are you?

A. Fourteen (14).

DMPRE 13

5
10
15
20
25
30

Q. And were you in the City of Sydney on the evening of the 28th day of May, 1971?

A. Yes I was.

Q. What day of the week was that?

A. Friday.

Q. And where were you, I don't want to know all your activities, say about half past eleven on the evening of the 28th of May, 1971?

A. I had just come from the bus terminal and I was going down towards the park area.

Q. Now where is the bus terminal?

A. I took the street just down from the bus terminal.

Q. You walked down?

A. Yes.

Q. What time of the night would this be?

A. I guess around 12.

Q. Where did you go?

A. I went across the bridge like two sides of the park join, sort of, and I walked down there and I walked down the tracks.

Q. And you walked down the railway tracks in what direction?

A. East.

Q. Toward what street?

A. George Street.

Q. And as you walked along the tracks what did you observe?

A. The first thing I noticed was a guy hunched over in the bushes watching something.

Q. Did you recognize that man?

A. Not at first but after I did.

DMPRE 13

Q. Can you identify him today?

A. Yes.

Q. Do you know his name today?

A. I don't think I can remember.

Q. Would you point him out to the Court, please.

Witness points to John Fratico

Q. Is that the man?

A. Yes.

Q. That is the man you saw behind the bush watching something?

10 A. Yes.

Q. In which direction was he looking?

A. He was looking down that way, he was looking towards the street.

Q. Do you know which street?

15 A. I think it was Crescent Street.

Q. What did you do?

A. I looked back to see what he was looking at, then I saw two guys talking to one another.

Q. And do you know who these two guys were?

20 A. I didn't know Sandy Seale at the time but I didn't recognize Donald Marshall at the time either, until afterwards.

Q. After what?

A. After what happened.

25 Q. Tell me, what did you see take place, if anything?

A. Well first, the only thing I saw, I saw them talking and I guess they were using kind of profane language. Donald said something to the other fellow and the other fellow said something back to Donald and I saw Donald haul a knife out of his pocket.

30

DMPRE 13

Q. That's Ronald Junior Marshall who you see in Court here today? Would you point him out to the Court please?

A. Witness points to the accused

Q. You saw him what?

A. Haul a knife out of his pocket,

Q. What, if anything did he do with that knife?

A. Drove it into the stomach of the other fellow.

Q. What?

A. He drove it in the stomach of the other fellow.

Q. What did the other fellow do?

A. Well I just saw him keel over and I ran.

Q. In which direction did you run?

A. I ran down toward George Street.

Q. Where did you go?

A. I cut across, I didn't go exactly toward George Street, there was a path on the other side of the tracks, the bridge like, I went up that path up that way towards the bus terminal again.

Q. Can you read a plan, sir?

A. Yes.

Q. I show you Exhibit K/1, sir, now do you see what that is?

A. Yes tracks ...

Q. Would you explain to his Honor, please?

Q. You ran down, where did you get on the tracks?

Witness points to plan. That's at the corner of the

tracks and Bentinck Street. And which direction did you walk down?

A. Down this way (points to plan)

Q. How far down did you walk when you saw this man behind the bush.

A. Right about here (points to plan)

Q. Did you stand behind him?

A. Behind the man.

DMPRE 13

Q. Yes?

A. I was about 35 feet down below him.

Q. You walked past him that is where you stopped and made your observations?

A. Yes sir.

Q. After the incident took place?

A. I ran down the tracks crossed the bridge and started to walk up there.

Q. The area designated as being a walk on this plan?

A. Yes.

Q. And you got up to where?

A. Up to about there, I was going to go up there and I saw Donald Marshall running this way.

Q. Running North on Bentinck Street down to Byng Avenue?

A. Yes.

Q. What did you do?

A. I turned around and started to walk the other way and he caught up to me, right around here?

Q. Is that the area of a house which is marked there as being M. Matheson.

A. Yes.

Q. What took place there?

A. He told me, he said, "look what they did to me."

Q. What did he show you? any after the shooting?

A. He showed me his arm.

Q. What did you observe about his arm if anything?

A. It had a long cut from his wrist up his arm to his elbow.

Q. And was there any blood from this cut? then and he used

A. Not right at that moment but after a few minutes it started to bleed.

He got into the car and drove over to Crescent

DMPRE 13

Q. What did he tell you?

A. He told me, first, "look what they did to me," and I said, who, and he said, "the two fellows over at the park," then he said, "my buddy is over at the park with a knife in his stomach".

Q. What was Donald Marshall wearing that night?

A. Well it looked like to me that he was wearing a yellow jacket with the sleeves rolled up.

Q. And did you know Donald Marshall before?

A. I knew him to see him.

Q. Could you remember, sir, how the sleeves were in his jacket when you first observed him over on Crescent Street?

A. They were shoved up like that, I think they were up to there

Q. Up to the elbows?

A. Yes.

Q. Tell me, did you observe, after the incident that you have described, which direction Mr. Marshall ran in?

A. In which direction?

Q. Yes?

A. Well, he ran toward Bentinck Street... toward Bentinck Street west, I guess.

Q. Toward the Street that you had walked down?

A. Yes that is the only way I saw him coming over.

Q. But did you see him running after the stabbing?

A. No.

Q. What took place on Crescent Street?

A. After when he told me, we started to walk up and we met two girls and two boys and he stopped them and he asked them for help, they said they would try to help, as they walked on by there was a car, Donald Marshall flegged down the car and we got in the car and drove over to Crescent Street.

DMPRE 13

Q. And do you know who the driver of that car was?

A. No.

Q. What happened when you got to Crescent Street?

A. I got out of the car and he got out of the car, we
rushed over to where the other fellow was laying and I
knelt down beside him and I had my shirt and I put it
to his stomach.

Q. Did he say anything to you?

A. The only words he was saying that he was going to die
he was just mumbling every word out.

Q. Where was Donald Marshall while you were kneeling beside
the wounded man?

A. He was on this side of the street and Sandy was lying
facing down there and I was around his feet a little
farther, maybe, to the other side of the street.

Q. Did he come right up beside the body where you were
standing?

A. He walked around and I guess he went up to a house or
something, I don't know if it was him that went up to the
house, I am pretty sure it was him that went up to the
house and he called the ambulance.

BY THE COURT

You don't know that.

By Mr. MacNeil

Q. You don't know that?

A. Not really.

By Mr. MacNeil

Q. Then what took place?

A. After the police came, like he sort of flagged the
police down when they were coming over Crescent Street and
he told them what happened. They told him to get in the
car and they phoned for an ambulance to come over and
they took Marshall to the hospital.

DMPRE 13

Q. They took Marshall away from that area, did you accompany the vehicle?

A. No.

Q. Did you stay there until the ambulance arrived?

A. Yes.

Q. What happened then, when the ambulance arrived?

A. The ambulance arrived and like Sandy Seale tried to get over on his stomach and I didn't want to move him so I asked a couple of other fellows to help me move him over on his stomach so he was moved over on his stomach, the ambulance came they wrapped the blanket over him and put him on the stretcher.

Q. Did you recognize the man at this time?

A. No sir.

Q. You didn't know Sandy Seale before this evening?

A. No.

Q. Tell me, are you familiar with this area that this took place?

A. No.

Q. Do you know if there were any lights in the area?

A. Yes sir.

Q. How many?

A. Two, maybe three, I guess there was a street light, fifteen or twenty feet away from where there were standing at.

No questions by Defence

John Pratico, sworn

By Mr. MacNeil

Q. What is your full name, please?

A. John Lawrence Pratico.

Q. Where do you live?

A. 2001 Bentinck Street.

DMPRE 13

-67- MAYNARD CHANT, Dir. Exam.

THE COURT:

Are there any witnesses present?

MR. ROSENBLUM:

Your Lordship if you make a ruling that they should be excluded, it will be complied with.

THE COURT:

So made!

MAYNARD CHANT, testified as follows:

(10)

BY MR. MacNEIL: (Dir.Exam.)

Q. What is your full name, sir?

A. Maynard Vincent Chant.

Q. How old are you?

A. Fifteen.

Q. What grade are you in?

A. Seven.

Q. What school do you go to?

A. Louisbourg High School.

Q. Where do you reside at the present time? Where do you live?

(20)

A. Louisbourg.

Q. Were you in the city of Sydney on the evening of the 28th day of May, 1971?

A. Yes, I was.

Q. Where were you?

A. I just come from church.

Q. And come from church to where?

A. Went down the park - down the Pier, at that time to go on the bus with a fellow from Louisbourg. He was at another house so I walked around for a while down the Pier. Getting kind of late so I decided well I better go up and call for him and see if he was there. I went up and he already left

(30)

Q. What did you do?

A. I started out towards the bus terminal.

Q. What bus terminal?

A. Think it was Canadian Lines.

-38-MAYNARD CUNNET, Dir. Exam.

Q. Acadian Lines - do you know what street that's on in Sydney?

A. Bentinck Street.

Q. I see. You went to Acadian Lines bus terminal on what you believe to be Bentinck Street in the city of Sydney, County of Cape Breton, Province of Nova Scotia? What time of the day or night was this?

A. It was late at night.

(10) Q. Well what do you mean, late at night?

A. Well it was around twenty-five to twelve.

Q. Did you get your bus?

A. No I never.

Q. Speak up good and loud now.

A. No, I never.

Q. Why?

A. Because the bus had already left.

Q. What did you do then?

A. I started down - I started to go down Beacon Street toward
(20) the park -

Q. Beacon Street?

A. The street on the - the bus terminal street.

Q. Bentinck Street?

A. Yes, Bentinck.

Q. Yes.

A. And I crossed across the bridge and started to walk down
the tracks.

Q. The railway tracks?

A. The railroad tracks, yes.

(30) Q. Can you read a plan?

A. Yes sir.

Q. Now I'll show you this plan, exhibit 5 - would you stand before the jury. There's Bentinck Street, sir. Can you tell us where you proceeded on that evening?

A. Proceeded down Bentinck Street and up onto the tracks.

-89-MAYNARD CHART, Dir. Exam.

Q. That's down Bentinck Street in a southerly direction?

A. Yes.

Q. And you came to the railway tracks?

A. Yes.

Q. Then what did you do?

A. I started to proceed down the tracks.

Q. In what direction? There's north there, sir.

A. Northwest -

(10) Q. Look at that again.

A. There is north -

Q. Yes.

A. East -

Q. Yes, in an easterly direction?

A. Yes.

Q. You started to walk along the railway tracks?

A. Yes.

Q. Did you notice anything as you walked along the railway tracks?

(20) A. I noticed a fellow hunched over into a bush.

Q. Good and loud now.

A. I noticed a fellow hunched over into a bush.

Q. Where would that be on this plan?

A. Right there.

Q. You're pointing to a bush that is opposite a light -
(The Court directs to mark plan with "X")

A. (Witness marks plan) (Shown to the Court and Jury)

Q. The bush that you have marked with the letter "X" is the tenth bush from Bentinck Street when counting in an easterly direction along the railway tracks? That is the bush in front - between the houses marked E.P. MacDonald and N.A. McQuinn. Is that correct, the tenth bush?

(30)

MR. ROSENBLUM:

I think the witness has to do the demonstrating, My Lord and give the evidence instead of my learned friend who I know is trying to be helpful.

-90- HAYWARD CHAMBER, L.L.C. 2007.
 BY MR. MCGHEE:

Q. When you observed this man did you recognize him?

A. No sir.

Q. Beg your pardon?

A. No sir.

Q. What did you do?

A. Oh, I kept on walking down a little farther. I walked down a little farther and looked back to see what he was looking at. He was looking over towards the street. So I looked over and saw two people over there.

(10)

Q. Did you recognize either of these people?

A. No. And I guess they were having a bit of an argument.

Q. Why do you say that?

A. I don't have no reason why.

Q. Could you hear what they were saying?

A. No.

Q. What took place?

A. Well one fellow, I don't know, hauled something out of his pocket - anyway - maybe - I don't know what it was. He drew it towards the left side of the other fellow's stomach.

(20)

Q. What took place, when then?

A. Fellow heeled over and that's when I ran.

Q. You ran from the scene?

A. Yes sir.

Q. Can you describe these two men, what they were wearing?

A. The fellow what had heeled over, he had a dark jacket and pants and that on. The other fellow had, I thought it was a yellow shirt at first but after a while he caught up to me and it was a yellow jacket.

(30)

Q. Tell me, sir, before you ran from the scene did you recognize either of these two gentlemen?

A. No sir.

Q. Then what did you do?

A. I ran down the tracks and out across the path right onto - I don't know the name of the street - the street up from George Street - I started to walk up towards the bus terminal and I saw a fellow running towards me. I turned

-91- MAYNARD CHANT, Dir. Exam.

around and started to walk up the other way. He caught up to me and by that time I recognized him and it was a Marshall - Marshall fellow.

Q. Donald Marshall?

A. Donald Marshall.

Q. That's the accused in this case here. Do you see him in court here today?

A. Yes.

(10) Q. Would you point him out to the court please?

A. There.

Q. Let the record show the witness points to the accused. Whereabouts did he catch up to you?

A. I guess it was about two houses down, maybe three.

Q. Can you point out on exhibit 5 where he met you on Byng Avenue?

A. Right there.

Q. Around the area in which is noted what?

A. Red house, Mattson.

(20) Q. The area of the house shown as Mr. Mattson's on exhibit 5, on Byng Avenue. Now what took place there, sir?

A. He caught up to me and I stopped and waited. He said, "Look what they did to me." He showed me his arm. Had a cut on his arm and I said, "Who" and he told me there was two fellows over the park. By that time another couple, like two girls and two boys come along and he stopped them and asked them for their help, you know. They said, "What could we do to help?" and the girl gave him a handkerchief to put over his arm. He showed his arm and it was bleeding.

(30) So they kept on going. A car come along and he flagged that down -

Q. Who flagged it down?

A. Marshall. And we got in the car and drove over to where the fellow was at.

Q. Where was that fellow was at?

A. Over - the body on Crescent Street I guess and the fellow was at Crescent Street.

-92-

MAXNARD CHANT, Dir. ENRIS.

Q. Was this where you had seen the action you had described earlier in your evidence?

A. Yes sir.

Q. About the two men that were there and then one man kneeling over and so on, this area in which this took place?

A. Yes sir.

Q. Were there any street lights in the area?

(10) A. There might have been one or two. I think at least one, as far as I know of.

Q. Tell me, did you recognise Mr. Marshall as being the man that you had -

MR. ROSENBLUM:

No, wait now. Have to be very careful here.

MR. MacNEIL:

All right, let's have a ruling.

THE COURT:

I won't say any more except to say, don't lead the witness. What do you say as to such and such -

(20)

MR. MacNEIL:

I'll try not to lead him, My Lord.

BY MR. MacNEIL:

Q. You say you recognized Donald Marshall on Byng Avenue when he come up and talked to you?

A. Yes.

Q. What was he wearing?

A. He was wearing at that time a yellow jacket and dark pair of pants.

Q. I show you exhibit No. 3, what is that, please?

(30)

A. It's a jacket that Marshall wore.

Q. Jacket that Marshall wore and what colour is it?

A. Yellow.

Q. When Marshall caught up to you on Byng Avenue - I'm sorry, did you give us what he said - "Look what they did to me" did he say anything else?

-93-

MAYNARD CHEST, Det. EMER.

A. He said that his buddy was over at the park with a knife in his stomach.

Q. Then you say, sir, that Marshall flagged down a car and you went where?

A. Over to Crescent Street on the other side of the park.

Q. Back to Crescent Street?

A. Yes.

Q. Is this in the area in which you marked an "X" on exhibit 5?

(10)

A. Yes.

Q. What did you find there?

A. There was fellow keeled over on the street, he was laying down on the street. It was on this here street on the side where the tracks was at.

Q. Tell me, how long would this be after you saw the man keeled over that you mentioned, before you ran from the scene? How much time would have passed?

A. About ten minutes, fifteen minutes.

(20)

Q. What did you do?

A. I got out of the car, ran over to where the fellow was lying on the ground and jumped down beside him.

Q. Did you recognize that man?

A. No sir.

Q. You didn't know him before?

A. No.

Q. What took place?

A. Well, Donald Marshall got out of the car and come over to the body and at that time, he stood there for a minute; another fellow come over - I don't know if he or the other fellow went up and called the ambulance -

(30)

Q. Where did Marshall go when he came back? Did he go near the body?

A. No.

Q. Where did he stand?

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MARSHALL CHASE, D.S. MAN.

A. He stood behind the body for a minute and then he flagged a cop car down.

Q. Was he standing in front of Seale as he lay on the ground or the man that was laying on the ground or behind him?

A. Behind him.

Q. Behind him?

A. Yes sir.

Q. And did he assist you with Mr. Seale in any way?

(10)

THE COURT:

Mr. MacNeil -

MR. MACNEIL:

I'm sorry, My Lord.

BY MR. MACNEIL:

Q. - the man who was laying on the street?

A. Not that I know of.

Q. And what took place?

A. Well after he flagged the car down, the police got out and went over by the body and Marshall - Donald Marshall showed

(20)

'em his arm. He got in the police car and they took him to the hospital. And by that time the ambulance had arrived and they took the fellow up and put him into a - wait now,

a -

Q. Speak up now.

A. A stretcher and put him in the back of the ambulance.

Q. And then?

A. Then I started to leave to go home.

Q. Did you go home?

(30)

A. I was on my way going home when a truck picked me up and give me a drive far as the dance hall - St. Joseph's dance hall. I got out and started to hitch-hike, started to walk up Woodward Hill when a police car come along and stopped and asked me what my problem was and I said - I just got in the car and they said, "Was you down the park?" and I said "Yes". And they -

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MAYNARD CHANT, Dir. Exam.

MR. ROSENBLUM:

What was that?

MR. MacNEIL:

"Were you down the park?" and he said "Yes".

BY MR. MacNEIL:

- (10) Q. No more conversation though about what took place between yourself and the officers. What did you do then?
- A. The officers drove me down to the hospital and they said, "Wait for a minute" and they went out and got another police officer - forget his name - he come over in the car and sit down with me and asked me -
- Q. No, no - he asked you -

THE COURT:

No conversation, just what you did.

BY MR. MacNEIL:

- (20) Q. And what did you do then?
- A. After that, two policemen drove me down to the police station and the police officer called my father for me and my father come in and picked me up.

3:25 P.M. COURT RECESSED TO 3:55 P.M.

3:55 P.M. JURY POLLED, ALL PRESENT

BY MR. MacNEIL:

- (30) Q. Now Mr. Chant, let us return to the evening in question, 28th day of May, 1971, you said that you started to walk down the railway tracks?
- A. Yes sir.
- Q. And you saw - what was the first thing you observed as you walked along the tracks?
- A. A fellow into the bushes hunched over.
- Q. Did you recognize that man?
- A. No sir.

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MAYNARD CRISP, JR. D.D.M.

Q. Had you seen him before?

A. I might have.

Q. Do you know his name today?

A. Yes.

Q. Tell me, as you went down the tracks you stopped to look over to see what he was observing.

A. Yes.

Q. Now you say at that time you did not recognize either of the parties?

(10)

MR. ROSENBLUM:

Excuse me, My Lord. With all deference, My Lord, to my learned friend and yourself, we have already had this, Your Lordship, in direct examination. I don't think Crown Counsel has the privilege of having the witness examined in chief twice. Now this is the position we're in at this moment, My Lord, and whether repetition or emphasis will make it any stronger on the part of the Crown case, I leave to Your Lordship. But I feel that he is re-examining on evidence already elicited by his direct examination previous to the adjournment or recess.

(20)

MR. MacNEILL:

If Your Lordship please, I refer you to page 34 of the transcript of the evidence of the Preliminary Hearing. This is what I am laying the groundwork for.

THE COURT:

Are you asking that this witness be declared hostile?

MR. MacNEILL:

Yes, My Lord. Not necessarily hostile but hostile it may be or the previously sworn testimony that he gave in the court below.

(30)

THE COURT:

Inconsistent?

MR. MacNEILL:

Definitely what he is saying here today.

MR. ROSENBLUM:

Now, My Lord, we better have the jury out.

3:58 P.M. JURY WITHDREW

-97- MAYNARD CHART, Dir. DALL. (VOYE DIRE)

MR. MacNEIL:

Now, My Lord, on page 33 of the transcript of evidence of the Preliminary Hearing of this witness, I will read over to you what he said -

"As you walked along the tracks, what did you observe?
First thing I noticed was a guy hunched over the bush watching something.

(10) Did you recognize that man?
Not at first but after I did.
Can you identify him today?
Yes.

Do you know his name today?
I don't think I can remember.
Would you point him out to the court, please?
The witness points to John Pratico.
Is that the man?

(20) Yes.
That is the man you saw behind the bush watching something?
Yes.

In which direction was he looking?
He was looking down that way. He was looking towards the street.
Do you know which street?
I think it was Crescent Street.
What did you do?

(30) I looked back to see what he was looking at. Then I saw two guys talking to one another.
And do you know who these two guys were?
I didn't know Sandy Seale at the time but I didn't recognize Donald Marshall at the time either until afterwards.
After what?

After what happened.
Tell me, what did you see take place if anything?
Well first, the only thing I saw - I saw them talking and I guess they were using kind of profane language. Donald said something to the other fellow and the other fellow said something back to Donald and I saw Donald haul out a knife out of his pocket.

(40) That's Donald Junior Marshall who you see in court here today?
Would you point him out to the court please?
The witness points to the accused.
You saw him what - haul a knife out of his pocket-

DR. ROSENBLUM:

Excuse me. Now direct Your Lordship's attention for the purpose of the record that the witness who is about to be impured by my learned friend is on the witness stand listening to what my learned friend has to say. I just cast that to Your Lordship's attention and for the record.

-92- MAYNARD CHANT, Dir. Exam. (VOIR DIRE)

MR. MacNEIL:

- "The witness points to the accused.
 You saw him what?-
 Haul a knife out of his pocket.
 What if anything did he do with the knife?
 Drove it into the stomach of the other fellow.
 What?
 Drove it into the stomach of the other fellow.
 (10) What did the other fellow do?
 I just saw him keel over and I ran."

I'm submitting if Your Lordship pleases-

THE COURT:

Wherein is the inconsistency?

MR. MacNEIL:

- Well he said that he recognized the man behind the bush, that he had seen him before; that he didn't know his name but he recognized him and he pointed him out as being John Pratico. Then he also said that he saw Donald Marshall haul a knife out
 (20) of his pocket which my recollection of the evidence is that he didn't say today - plunged it into the stomach of the other man

THE COURT:

Question him now. Is John Pratico in the court room now?

MR. MacNEIL:

No, he is excluded, My Lord.

THE COURT:

All right, you question him again about the questions you were starting to ask him when Mr. Rosenblum objected.

BY MR. MacNEIL:

- (30) Q. Now you say that you - I believe I know where to pick it up. You started to walk down the railway tracks and you noticed this man behind the bush?
 A. Yes.
 Q. Did you recognize that man?
 A. No.
 Q. Did you know him by sight?
 A. The only time I knew him by sight was when he was up the post station that Sunday, that following day.

-99- MYNARD CHANT, Dir. Exam. (VOIR DIRE)

Q. All right now, as you stood there and watched these two men on Crescent Street, what did you see take place?

A. Saw two man arguing and one fellow hauled an object from his pocket.

Q. What was that object?

A. I'm not sure.

Q. And what did he do?

A. He drove it into the other fellow's stomach.

(10) BY THE COURT:

Q. Who was that man?

A. Pardon.

Q. Who was the man that hauled out the object and drove it-

A. Donald Marshall.

BY MR. MacNEIL:

Q. Pardon.

A. Donald Marshall.

THE COURT:

Did he say that before?

(20) MR. MacNEIL:

No, my Lord. He did not say that before. In his evidence he said he did not recognize him. I think in his evidence at the Preliminary Hearing of this inquiry he named Donald Marshall, the accused, and pointed him out to the court as the man who hauled a knife from his pocket and plunged it into the abdomen-

THE COURT:

What were you about to say, Witness?

WITNESS:

I didn't recognize him at that time but after I recognized him.

(30) BY THE COURT:

Q. After, when?

A. After when he met me on the other side of the street after I ran.

Q. You recognized him-

A. When he come up to me.

-100- MAYNARD CHANT, Dir. Exam. (VOIR DIRE)

Q. -as being Donald Marshall?

A. Yes.

Q. But more, what do you say about the man that you recognized as Donald Marshall and the person who you saw doing something hauling out something and putting it into the stomach of the other person: what do you say about that?

A. The only thing I know is-

(10) Q. Never mind - tell me, do you or don't you - what do you say as to who that person was?

A. I don't know who that person was.

Q. You say you don't know who the person was who pulled out the knife and stuck it in Seale's body?

A. No, I didn't.

BY MR. MacNEIL:

Q. And you don't even know now if it was a knife or not-

MR. ROSENBLUM:

This is cross-examination, my Lord!

THE COURT:

(20) Wait a moment!

Read me back again - did he say that Donald Marshall stuck the knife in the other man's body?

BY MR. MacNEIL:

"Tell me, what did you see take place if anything?

(Line 25, page 34)

Tell me, what did you see take place if anything?

Well first, the only thing I saw - I saw them talking and I guess they were using kind of profane language. Donald said something to the other fellow and the other fellow said something back to Donald and I saw Donald haul a knife out of his pocket.

That's Donald Junior Marshall who you see here in court to Yes.

Would you point him out to the court please?

The witness points out the accused.

You saw him what?

Haul a knife out of his pocket.

What if anything did he do with the knife?

Drove it into the stomach of the other fellow.

-101- MAYNARD CHANT, Dir. Exam. (VOIR DIRE)

"What?

He drove it into the stomach of the other fellow."

BY THE COURT:

Q. Did you say that in the court below?

A. Yes, I did.

Q. You said that?

A. Yes.

Q. What are you saying today?

(10) A. The only reason I knew his name, I mentioned his name because

I knew his name - well, I knew who it was after, but up the police station there - I don't know how to put it.

Q. The man you saw afterwards you recognized as Donald Marshall?

A. Yes.

Q. Did you see him do anything to the other man?

A. Yes.

Q. You did?

A. Yes.

Q. What did you see him do?

(20) A. I saw him haul an object out of his pocket and drive it into the stomach of the other man.

THE COURT:

That's what you say he didn't say earlier?

MR. MacNEIL:

That's right, my Lord. I'm saying that he said distinctly and clearly in his evidence, as far as I can read it in plain English.

"Well, at first the only thing I saw - I saw them talking and I guess they were using some kind of profane language. Donald

said something to the other fellow and the other fellow said

(30) thing back to Donald and I saw Donald haul a knife from his pocket.

Not an object, a knife! This is unquote-

MR. ROSENBLUM:

May it please Your Lordship, I must protect the rights of the accused by placing my objection on the record. We are now, my

Lord, going through a proceeding in the absence of the jury.

-102- MAYNARD CHELST, Dir. Exam. (VOIR DIRE)

whereby, with all deference, My Lord, and as respectfully as I can say it, you yourself have interrogated the witness; my learned friend has interrogated and cross-examined the witness; my learned friend has read out aloud in the presence of the witness the testimony in the court below and I say, my Lord that my learned friend's conduct at any rate, is now attempted to condition the witness for his testimony when the jury is brought back into this room. That's the position I want to have on the record.

(10)

THE COURT:

I have to satisfy myself, Mr. Rosenblum, if this witness in my opinion proves adverse - by leave of the court may prove that witness made at other times a statement inconsistent with his present testimony. Has he made a statement inconsistent with present testimony?

MR. ROSENBLUM:

Not in my opinion, no.

THE COURT:

(20) I regret that I defer you.

MR. ROSENBLUM:

Thank you.

THE COURT:

I will allow you to draw - in the presence of the jury when return - to draw the testimony that this witness gave in the court below, read it to him and then ask him if he said that if it is true. Bring back the jury.

(4:06 P.M. JURY POLLED, ALL PRESENT)

-103- MAYNARD CHANT, Dir. Exam.

BY MR. MacNEIL:

Q. Do you recall, Mr. Chant, giving evidence at the Preliminary Hearing of this trial on Monday, July 5, 1971?

A. Yes.

Q. And do you remember being asked the following questions and answers: I refer to page 34 - line 16 -

Q. What did you do?

(10)

A. I looked back to see what he was looking at. Then saw two guys talking to one another.

Q. And do you know who these two guys were?

A. I didn't know Sandy Seals at the time but I didn't recognize Donald Marshall at the time either until afterwards.

Q. After what?

A. After what happened.

Q. Tell me, what did you see take place if anything?

(20)

A. Well first, the only thing I saw - I saw them talk and I guess they were using some - were using kind of profane language. Donald said something to the other fellow and the other fellow said something back to Donald and I saw Donald haul a knife out of his pocket.

Q. That's Donald Junior Marshall who you see in the courtroom here today? Would you point him out to the court please? (The witness points to the accused). You saw him what - haul a knife out of his pocket. What did he do with that knife?

A. Drove it into the stomach of the other fellow -"

MR. ROSENBLUM:

(30) My Lord, is he going to read four or five pages and ask the witness, "did you say all that", or is he going to take it piece-meal?

MR. MacNEIL:

I can do it either way. Do you want me to do it individual questions, My Lord?

THE COURT:

It is up to yourself.

MR. MacNEIL:

I will do it individual questions, then.

(40) BY MR. MacNEIL:

Q. Do you recall giving evidence to the following questions that I am going to read to you -

-104- MAYNARD CHEMIST, DAN. ELLER.

"Q. What did you do?

A. I looked back to see what he was looking at and then I saw two guys talking to one another."

Do you remember giving that evidence?

A. Yes.

Q. And do you remember the question,

"And do you know who these two guys were?

(10) A. I didn't know Sandy Seale at the time, but I didn't recognize Donald Marshall at the time until afterwards."

Do you remember that?

A. Yes.

Q. Yes.

"Q. After what?

A. After what happened."

Do you remember saying that?

A. Yes.

Q. Do you remember the question,

(20) "Tell me, what did you see take place if anything?" and following answer, "Well first the only thing I saw - I saw them talking and I guess they were using kind of profane language. Donald said something to the other fellow and other fellow said something back to Donald and I saw Donald haul a knife out of his pocket."

Do you remember giving that evidence?

A. Yes.

Q. Is it true?

A. Yes.

(30) Q. All right now, do you recall the following question: "That's Donald Junior Marshall who you see in court today. Would you point out to the court, please. (A witness points to the accused.)"

Do you remember doing that?

A. Yes.

-105-

MAYNARD CHANT, Dir. Exam.

Q. And then the question was,

"You saw him what?

A. Haul a knife out of his pocket."

Do you remember that question and that answer?

A. Yes.

Q. And is it true?

A. Yes.

(10)

Q. "Q. What if anything did he do with the knife?

A. Drove it into the stomach of the other fellow."

Do you remember giving that -

A. Yes.

Q. - question and answer?

"What?

He drove it into the stomach of the other fellow."

Do you remember that question and answer?

A. Yes.

Q. Is it true?

A. Yes.

(20)

Q. "Q. What did the other fellow do?

A. Well I just saw him keel over and I ran."

Do you remember that question and answer?

A. Yes.

Q. Is it true?

A. Yes.

MR. ROSENELOH:

Now My Lord, has Your Lordship declared the witness to be adverse or hostile?

THE COURT:

(30)

I gave the Crown permission to do exactly what he has done.

-106- MAYNARD CHANT, Dir. EXEM.

MR. ROSENBLUM:

Well is this cross-examination, My Lord or not? I would like to have a ruling, My Lord, as to whether or not the witness has been declared to be hostile or adverse as the case may be so that I'll know how to treat the witness myself.

THE COURT:

- (10) I would not have permitted Mr. MacNeil to read these questions if I did not in my opinion consider that by his contradiction, by his contradiction, from the evidence that he gave previously with the evidence that he gave in the court below that to that extent he was adverse and I gave leave to the Crown to prove that the witness made at other times a statement inconsistent with the testimony he gave this afternoon, but before such last mentioned proof can be given, circumstances of the supposed statement sufficient to designate the particular occasion shall be mentioned to the witness and he shall be asked whether or
- (20) not he did make such a statement. And that's my ruling!

MR. ROSENBLUM:

Thank you.

THE COURT:

Any further questions?

MR. MACNEIL:

No further questions, My Lord.

BY MR. ROSENBLUM: (CROSS-EXEM.)

- Q. Now Mr. Chant, you're fifteen years of age. You'll have to speak up because the jury have to hear you as well as His
- (30) Lordship. And you're in grade seven?
- A. Yes.
- Q. Did you miss any grades in school or have to repeat any grades?
- A. I repeated grade six and grade two and I think grade five.

-107- MAYNARD CHANT, CROSS-Exam.

- Q. So out of the seven grades that you're in, you repeated three grades, two, five and six?
- A. Yes.
- Q. What school is it that you've been going to?
- A. High school at Louisbourg.
- Q. I thought that the high school was for higher grades. Perhaps I'm wrong. It was in my day.
- A. The junior high -
- (10) Q. Oh, yes. Were you in grade six last year?
- A. Yes.
- Q. For the second time?
- A. I got promoted from grade six this year into grade seven.
- Q. Yes, but you had been repeating grade six?
- A. Yes.
- Q. Now, do I understand you to say - and anything that I ask you that you don't understand, don't answer me until you ask me again, will you. I want you to be sure of what I'm asking you?
- (20) A. Yes.
- Q. Now take your hand down. That's better. Now do I understand you to say that you recognized Donald Marshall when you met him on Byng Avenue as you were going toward George Street to try and get a lift to Louisbourg; is that correct is that what you're saying?
- A. Well -
- Q. Is that what you're saying?
- A. I don't understand.
- Q. Good, I'll ask you again. You met up with this man here,
- (30) Donald Marshall, Jr., when you were heading for George Street to try and get a lift to Louisbourg; is that right? Did you?
- A. After what happened?
- Q. Yes.
- A. Not - well I headed for the bus terminal.

-103- MANUEL CHANT, Cross-Exam.

- Q. Well where did you meet Donald Marshall after whatever you saw?
- A. I saw him coming - running over the bridge and I turned around and started to walk -
- Q. Where did you meet Donald Marshall?
- A. On -
- Q. Where did you meet him? You said you met him. You flagged down a car. You drove with him.
- (10) A. I don't know the street. Well you go down the street from the bus terminal and you turn off, the street towards George Street - it's on that street there -
- Q. Let me show you the plan because I think you told my learned friend that you can read a plan. Take the plan. You show us the street where it was that you met him. There's Bantnick Street over there.
- A. There -
- Q. All right, what's the name of it?
- A. Byng Avenue.
- (20) Q. Byng - B-Y-N-G - is that right?
- A. Yes.
- Q. All right. So I'm suggesting to you that you met - what you're saying is - at Donald Marshall on Byng Avenue as you were heading for George Street to try and get a lift to Louisbourg. Right?
- A. Yes.
- Q. And the first thing he said to you, was, "Look what they did to me!", isn't it?
- A. Yes.
- (30) Q. And there was blood on his arm then, wasn't there?
- A. No -
- Q. Well you saw -
- A. - a few minutes after there was blood.
- Q. A few minutes afterwards, okay. Now, this question, and you know you're under oath and I know you're not enjoying this. Under oath as you are, can you swear before God that Donald Marshall when you met on Byng Avenue is the man you saw previously: are you sure of that, under oath before God?

-105- MAYNARD CHANTZ, Cross-Exam.

A. Uh, you mean, like, uh - Donald Marshall, when I seen him on that there street that you were talking about, is the same fellow over on Crescent Street?

Q. Yes.

A. No, I'm not sure.

Q. You're not sure. So in other words, Maynard, that is your first name?

A. Yes.

(10) Q. When you were talking about the fact that you saw two men over there on Crescent Street arguing, you can't swear that one of those men was Donald Marshall, can you?

A. No sir.

Q. No! All right. Now, and as a matter of fact you can't swear under oath - just take your hand down and the jury will hear you better because a lot of people do this - that the man whoever he was, that he pulled out a knife; you didn't see a knife or anything like that, did you?

A. Well -

(20) Q. You didn't see a knife -

A. Listen -

Q. Go ahead.

A. I saw a long shiny object -

Q. Yes, but you can't say it was a knife, can you?

A. I appeared to myself that it was a knife.

Q. You thought it was.

A. Like the statement I gave here today -

A. Ah, I don't care what you said today. I'm asking you -

MR. MacNEIL:

(30) Let him answer the question, My Lord.

MR. ROSENBLUM:

I'll let him. I'll let him. I won't be unfair to him, My Lord. He is young and I was young once.

BY MR. ROSENBLUM:

Q. You thought it was a knife?

A. Yes.

Q. You thought it was a knife. All right. Well, as Donald Marshall met up with you or you met with him on Syng Avenue?

-110- MAYNARD CHANA, Cross-Exam.

- A. Yes.
- Q. And the first thing he did was, he said, "Look what they did to me!" and he showed you the scar on his arm and from which blood showed a few minutes later?
- A. Yes.
- Q. And then the next thing he did was he flagged down a car didn't he?
- A. No. There was a couple walking by -
- (10) Q. A couple walking by.
- A. And he stopped the couple and asked them for help.
- Q. For help?
- A. Yes.
- Q. And did you get a drive then in somebody's car?
- A. After a few minutes later -
- Q. Got a drive -
- A. After they left, yes.
- Q. A drive up to Crescent Street?
- A. Yes.
- (20) Q. And that's where you saw the body of Sandy Seale or the body of a man laying on the street?
- A. Yes.
- Q. All right. When you got there, when you got there - now we're up on Crescent Street, Donald Marshall then tried to - not only tried but he succeeded in flagging down a police car, didn't he?
- A. Yes.
- Q. He flagged down a police car?
- A. Yes.
- (30) Q. And he was telling them about these two men who had stabbed Seale and stabbed him, wasn't he?
- A. Yes.
- Q. And not only that, not only that, how many police were there?
- A. At that time?
- Q. At that time?
- A. I think there was only two.

-111- MAYNARD CHANT, Cross-Exam.

Q. Two police. All right. Then you tried to help the man on the ground?

A. Yes.

Q. Now how many police arrived after that?

A. Two more.

Q. Two more police. And the ambulance - were you there when the ambulance came?

A. Yes.

(10) Q. And the police were there then?

A. Yes.

Q. Now Maynard, at no time that evening, at no time that evening in the company of at least four policemen which you were, weren't you -

A. Yes.

Q. - did you say to any of those policemen, that this boy here stabbed the man on the ground, did you?

A. No, I didn't.

Q. And how long would you say that you were in the company of Donald Marshall that night?

(20)

A. Oh, 15, 20, 25 minutes, something like that.

Q. Maybe half an hour and then finally you saw Donald Marshall being taken to the hospital for attention to his wounds?

A. Yes.

Q. And then you headed for home?

A. Yes.

Q. And the police picked you up?

A. Yes.

Q. So you were brought back to the police station?

(30) A. Yes.

Q. About what time would that be, Maynard? You know, roughly I know you can't tell me for sure.

A. Between one and two.

Q. Between one and two and how long did you stay at the police station between one and two, how long were you there?

A. Oh, five minutes.

Q. And how many police talked to you there?

-112- MAYNARD CHANT, Cross-Exam.

A. Three.

Q. Do you see any of them here today? Stand up, Mike.

A. Yes, Mike.

Q. Would you say this was one of the officers here, he was one of them?

A. Yes.

Q. He was one of them. Det. Sgt. MacIntyre, here was he one of them?

(10) A. No.

Q. He wasn't. All right, do you know the names of the other two were speaking to you?

A. No.

Q. And at no time did you tell any of those officers on that occasion that this boy, Donald Marshall, Jr., was the one who stabbed the fellow who was laying on the ground, Sandy Seale.

MR. MacNEIL:

(20) Objection, if Your Lordship please, register it for the record.

MR. POSENBLUM:

Answer me first.

MR. MacNEIL:

Don't answer first!

MR. POSENBLUM:

All right.

MR. MacNEIL:

(30) If Your Lordship please, in connection with the argument that we had before, the presence or absence of the accused I know Your Lordship indicated before that you were going to overrule me but I would like to have it on the record that I object to any conversation that took place in the absence of the accused.

THE COURT:

He is now perfectly within his rights to cross-examine the witness on the subject matter that he was proceeding with.

-113- MAYNARD CHANT, CROSS-Exam.

MR. ROSENBLUM:

Thank you.

BY MR. ROSENBLUM:

Q. Now, your answer to my question.

A. No.

Q. You didn't tell them. And so, how did you get home - how did you get home the early morning hours of that morning?

A. My father.

(10) Q. Your father came in and took you home?

A. Yes.

Q. When did you next see any police officers?

A. I think it was Sunday.

Q. That would be the next day. You know it was early Saturday morning that you were at the police station -

A. Yeah, the next day then.

Q. Yes, so it would be Sunday. Where else did you see them?

A. They come out -

(20) Q. They come out to Louisbourg, yes. And how long were you talking to them Sunday?

A. Oh, wasn't too long.

Q. How many police officers were you talking to?

A. Two.

Q. And were they the same police officers that you were talking to in the police station in the early hours of Saturday morning?

A. No, it wasn't.

Q. They were two different police officers?

A. One was the same one.

(30) Q. Would that be Sgt. Michael MacDonald?

A. Yes.

Q. And at no time did you tell Sgt. Michael MacDonald or Sgt. [unclear] or the other officer or anybody else that it was Donald Marshall who stabbed wife before the fall down on the 11th?

-114- KAYNARD CHANT, Cross-Exam.

MR. MacNEIL:

Objection - for the record, My Lord!

THE WITNESS:

A. No.

BY MR. ROSENBLUM:

Q. All right. Now on Monday, did you see police again? You know, the following Monday. You see, we talked about Friday night, Saturday, Sunday in Louisbourg, and now we're
(10) talking about Monday.

A. I can't remember.

Q. How about Tuesday?

A. (Response Inadmissible.)

Q. No. All right. Now just to clear up something and to help the court and the jury and everybody concerned with this case, the only reason, I'm suggesting to you, that you mentioned in the court below, in the magistrate's court, from which my learned friend read to you, that it was Donald Marshall who pulled out this object that looked to be a
(20) knife was because the police told ^{you} it was Donald Marshall who did it.

A. No, I never.

Q. They're the ones who told you the name Donald Marshall. Don't look at them! Look at me!

A. No.

Q. What?

A. Uh -

Q. Is that the only reason you said that in your evidence in the magistrate's court, was because it was the police told
(30) you it was Donald Marshall who did that?

A. Police didn't tell me Donald Marshall did it at all.

Q. No, and you didn't tell the police that he did it?

A. No -

Q. No -

A. Not until afterwards.

Q. Oh.

A. See, I told them a story that wasn't true.

-115- HAYWARD CHEIT, CROSS-EXAM.

Q. Oh! I'm coming to that. When did you tell this untruthful story? When did you tell them that?

THE COURT:

Now may I just make one point clear. This is not a TV program and if there will not be absolute decorum, the whole court room will be cleared. This is too serious a matter for any levity. Please keep that in mind. I don't mean to say that people can't speak and whisper if they wish but I do not want any expressions such as I have heard at this moment.

BY MR. ROSENBLUM:

Q. When did you tell that untrue story to the police, Haymax?

A. Sunday afternoon.

Q. When?

A. Sunday afternoon.

Q. That was in Louisbourg?

A. That was in Sydney.

Q. Oh, I thought you met them in Louisbourg Sunday -

(20) A. I did, but they took me in -

Q. Oh, they took you in to Sydney. How long did you stay at the police station in Sydney on Sunday afternoon?

A. Six o'clock.

Q. How long a period of time - a half hour, an hour, two hours?

A. Oh, approximately two hours.

Q. Two hours. And who was questioning you at the police station on Sunday afternoon after you had been speaking to the police in Louisbourg in the earlier afternoon? Who were the police then?

(30)

A. I don't know the policeman's name.

Q. Do you see anybody here?

A. Yes.

Q. Would you point him out, please?

A. I'm not too sure but I think it was that one there.

Q. You mean Det. Sgt. John MacInyre here?

A. Yes.

-116- MAYNARD CHANT, Cross-Exam.

Q. Was he one of them?

A. Yes.

Q. Was that your first contact with him?

A. Yes.

Q. Sunday afternoon, in Sydney?

A. Well I met him earlier in the morning but I didn't tell him the story until the afternoon.

Q. It was in the afternoon you had the long talk with him?

(10) A. Yes.

Q. He was questioning you?

A. Yes.

Q. And another police officer was questioning you. There was two of them?

A. Yes.

Q. And for several hours?

A. Yes.

Q. That's all My Lord.

BY MR. MacNEIL: (Redirect Exam.)

(20) Q. You told my learned friend in your evidence that you told the police an untrue story. Why did you tell them an untrue story?

A. Because I was scared.

MR. ROSEBELUM:

Excuse me, just a moment. Now, My Lord, we're going into the recesses of a man's mind. There's an old saying that even the devil doesn't know what's going on in a man's mind, it's not tryable and for him how to give explanation as to why he did something or why he lied or why he lied or why he lied yesterday or why he lied in the police station -

(30)

THE COURT:

I know. Any further questions?

MR. MacNEIL:

No, no further questions but do I understand that Your Lordship won't allow that question.

-117- MAYNARD CHEWNT, Redir.Exam.

THE COURT:

That's right. Now I want to get something for my record.

BY THE COURT:

Q. When was it that you told them the untrue story?

A. On Sunday afternoon.

Q. On Sunday afternoon in Sydney?

A. Yes.

Q. Did you at any time tell them the true story?

(10) A. Yes.

Q. When was that?

A. I don't know what day it was.

Q. Was it after you had told them first the untrue story?

A. Yes.

Q. Now witness will you look at that - when you saw those two people, you saw one man do something to the other.

A. Yes.

Q. Do you recall anything about the clothing that was worn by the man who did that something to the other person?

(20) A. Yes.

Q. What do you recall?

A. That he had a yellow jacket on and a dark pair of pants.

Q. What if anything do you say as between the clothing that was worn by this man whom you saw do something and the clothing that was worn by the accused, Donald Marshall?

A. I don't understand.

Q. What do you say about the clothing that was worn by this man whom you saw do something as regards the clothing that was worn by Donald Marshall whom you saw a few

(30) minutes later?

A. They had the same clothing.

(THE WITNESS RESPONDED)

PL. OBJ. N

PAGE 1

Statement of: Maynard Vincent CHANT (B: 14 OCT. 56)
Louisbourg

RCMP 2 7

Taken: 82-02-16

"ATTACHMENT # 18"

In 1971 I would have been 14 years old. I went to Sydney with my parents to church. I skipped out of church and went to the Pier. From the Pier I went to the bus station and the bus had left to Louisbourg; I walked down Bentick to the Park.

I was going to take a short cut across the Park to George Street and hitch hike home. I had not quite made it to the Park and a guy in a yellow jacket came running up to me. He showed me his arm where it was cut and told me his friend was stabbed over in the Park. We met some other people and he told them the same thing. We flagged down a car a brown Nova and went over to Crescent Street where the other guy was.

This was Sandy SEALE and he had been stabbed in the stomach. The fellow that I later learned was Donald MARSHALL did not go near the body. There was no blood from the cut on his arm and he showed several people. I thought his actions were quite suspicious at the time. SEALE was still alive and I put my shirt on the wound. The police interviewed me that night and I repeated what MARSHALL had told me. I don't know why; I had to say something, I told the Police I saw everything referring to the cut. I definitely did not see the murder. Everything was over by the time I got over where SEALE was.

Sometime later I was taken to the Park and they asked me where I was standing. I more or less showed them what they wanted to get it over with. I wasn't in the park around the murder. I was interviewed by 2 Detectives, my mother was also there. In the second statement I told the Detectives I saw the murder. They told me that another guy had seen me in the Park and I had to see it. So that's what I told them.

I really felt MARSHALL did it. During the time MARSEALL was in jail a friend told me that MARSHALL was gloating about killing SEALE. I also felt that the Indians were all out to get me. During the time I was giving evidence in Court, they kept going over and over it, the evidence. I remember once the Crown Prosecutor really

SI-08/71

Statement of: Maynard Vincent CHANT (B: 14 OCT. 56)

RCMP 7
cont'd

was mad at me.

I can not explain what made me lie about this other than I was young and scared at the time.

Maynard CHANT

Louisbourg, Main St. at 6:16 P.M.

Witnesses: Cpl. J.E. CARROLL

This is the paper writing marked "B" referred to in the affidavit of Maynard Chant sworn before me this 14 day of July 1982
Elaine NePherse
Clerk of the Supreme Court of

STATEMENT OF MAYNARD VINCENT CHANT, DB: 56-10-04,
TAKEN AT LOUISBOURG, N.S. 5:05 P.M. 82-04-20

On the night of the SEALE stabbing, I was in Sydney at church. I missed the bus around 11:00 P.M. I went down into Wentworth Park. I was on Bentinck St. when I heard someone running up behind me. The fellow, later known to me as Junior MARSHALL, shouted to me, "Look what they did to me". He showed me a cut on his forearm, the underarm, there was no blood. He also said his buddy was over in the Park and had been stabbed. Patricia HARRIS was there and gave him a Kleenex. We flagged a car and went to SEALE. SEALE went to the hospital by ambulance. I started for home. By this time I was out past my curfew and probation. A police car drove up, we had a conversation, and I told him I had seen everything, meaning the wounds on SEALE and MARSHALL. They obviously thought I had seen the stabbing. I went to the Station with the policemen. I was in the waiting room for a while. MARSHALL came out of the office with two others, policemen, I believe. MARSHALL came over to me and said, "There was two of them, eh?". I said, "Yes". I didn't know what else to say. I don't remember if I gave a statement then. My father arrived and I went home with him.

Two policemen came to my home on Sunday. I gave a statement to them in their car, basically what MARSHALL had told me that night in the Park and in the car going to see SEALE. There was no pressure from the police at that time. I did not tell them my information came from MARSHALL. About a week later, I went to the Louisbourg Town Hall with my mother, there was at least one policeman there. I remember others present but can't recall who they were. The policeman was very aggressive, making statements that I had lied because a witness had told them he had seen me there in the Park that night. He told me he knew I was on probation and that I could get from two to five years for perjury. I didn't even know what perjury was and

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STATEMENT OF MAYNARD VINCENT CHANT - CONT'D

..just about crying, my mother was outside the room. There was something the witness had told the police that they mentioned to me at that time that caused me to give the second statement. I don't remember what it was now.

The Crown Prosecutor, I believe his first name was Danny, came to my home and drove me to his office which, at that time, was in the new court house on the ground floor. John PRATICO and two plainclothes policemen were with us in the same room. The Prosecutor kept repeating our stories until they were fresh in our minds. We went in to Court, I believe it was the same day after the meeting in the office. John and I repeated the same story in court. A couple of times before the jury trial, two detectives came to my home and drove me to Wentworth Park. They wanted me to show them where PRATICO had been hiding on that night, and where I had been standing on the tracks. They marked the spots in chalk, they were suggesting different spots and I agreed with them. Basically, I felt they were trying to help me rather than pressure me. I stayed one night at John PRATICO's house but didn't talk to him. John was in bad shape then. I believe that was when the trial was on. It was in cross-examination by ROSENBLUM that questions were asked about if I was sure the man Junior MARSHALL was the one I saw stab SEALE. At that point I realized I couldn't lie any further and said, "No". They had a recess and then they came back in the room. I had to stay in the witness chair. I was declared a hostile witness then and stepped down. I sat down outside. SEALE's brother came outside and told me MARSHALL was on the stand and was really getting his story mixed up. I felt relieved

STATEMENT OF MAYNARD VINCENT CHANT - CONT'd

....because MARSHALL was hanging himself. I felt he was guilty at that time but didn't want to put him away on my false statement. That was it for my evidence. I had no further contact with the police.

In conclusion, I did not see the murder at all. I was not in the Park at the time. MARSHALL had told me the little bit I did know. He suggested there were two suspects at the police station in the presence of policemen. I was afraid to change my story. I was totally afraid of MARSHALL and the police at that time, and scared because I broke my probation.

(SGD) Maynard CHANT

WITNESS:

J.E. CARROLL, Cpl.

D. HYDE, Cst.

S.C.C. No. 00580

IN THE SUPREME COURT OF NOVA SCOTIA,
APPEAL DIVISION

IN THE MATTER OF A REFERENCE PURSUANT TO SECTION 617 OF THE CRIMINAL CODE BY THE HONOURABLE JEAN CHRETIEN, MINISTER OF JUSTICE, TO THE APPEAL DIVISION OF THE SUPREME COURT OF NOVA SCOTIA UPON AN APPLICATION FOR THE MERCY OF THE CROWN ON BEHALF OF DONALD MARSHALL, JR.

AFFIDAVIT

I, Maynard V. Chant, of Main Street, in the Town of Louisbourg, County of Cape Breton and Province of Nova Scotia, make oath and say as follows:

1. That I was born on October 14, 1956 and on the date of the murder of Alexander (Sandy) Seale, May 28, 1971, I was fourteen (14) years of age and in Grade 6 at school.
2. That I was a witness at the Preliminary Hearing and subsequent Trial of Donald Marshall, Jr., who was convicted of the murder of Alexander (Sandy) Seale on November 5, 1971.
3. That on February 16, 1982, I was interviewed by R.C.M.P. Cpl. J.E. Carroll, and gave a free and voluntary written statement to the said Cpl. Carroll, a copy of which is produced herewith and marked Exhibit 'A', directly relating to my knowledge of events surrounding the murder of Alexander (Sandy) Seale on the night of May 28, 1971.
4. That on May 30, 1971, I was interviewed by then Det. Sgt. J.F. MacIntyre of the Sydney City Police and gave a written statement to the said MacIntyre, a copy of which is produced herewith and marked Exhibit 'B', concerning my knowledge of the circumstances relating to the murder of the said Sandy Seale.
5. That my statement, referred to herein as Exhibit 'B', is not entirely true and that the facts contained herein with reference to my having seen the murder of Sandy Seale are not

- 2 -

true, as I did not personally witness the said murder, nor was I present at the place and time of the murder.

6. That the facts relating to having seen the Seale murder as referred to in Exhibit 'B' herein were told to me by the Appellant, Donald Marshall, Jr. immediately after the murder occurred when I met the said Appellant running towards me, as I was approaching Wentworth Park in the City of Sydney, all of which occurred on May 28, 1971.

7. That on June 4, 1971, I was questioned in Louisbourg by Det. Sgt. J.F. MacIntyre and then Sgt. William Urquhart of the Sydney City Police and gave a second written statement to the said MacIntyre and Urquhart, a copy of which is produced herewith and marked Exhibit 'C', again relating to the events surrounding the murder of Sandy Seale and my knowledge thereof.

8. That my statement, referred to herein as Exhibit 'C', is not entirely true and that the facts contained therein with reference to my having seen the murder of Sandy Seale are not true, as I did not personally witness the said murder, nor was I present at the place and time of the murder.

9. That I gave the statement referred to in Exhibit 'C' herein, to the said MacIntyre and Urquhart, knowing its contents were not true, because of pressure from the said MacIntyre and Urquhart who insisted I had witnessed the Seale murder, although I had not in fact witnessed same.

10. That my testimony at the Trial of Donald Marshall, Jr. relating to the murder of Sandy Seale, at Pages 86-117 of the Transcript of the said Trial, is not true insofar as I stated I had witnessed the murder of Sandy Seale; the truth being that I was not a witness to the said murder.

11. That the reason for giving the testimony referred to in Paragraph 10 herein, was because I was afraid and because MacIntyre and Urquhart of the Sydney City Police told me that I had witnessed the murder and was seen by another witness, who I believe was John Practico.

12. That subsequent to the Preliminary Hearing in this matter in July, 1971, I spoke with the Crown Prosecutor, the late Donald C. MacNeil, Q.C., who informed me that if I changed my statement that I had seen Donald Marshall, Jr. stab Sandy Seale, that I would be charged with perjury.

13. That I did not know the said John Practico prior to the said murder and did not in fact see the said John Practico at any time on the night of May 28, 1971 contrary to my testimony at Page 89 of the Transcript of the said Trial of November, 1971.

14. That approximately two years ago, I informed my mother that I had lied at the Trial of Donald Marshall, Jr., as I had not in fact seen Donald Marshall and Sandy Seale together nor had I seen the actual stabbing of Sandy Seale.

SWORN TO at)
 in the County of Cape Breton,)
 Province of Nova Scotia,)
 this 14th day of July, A.D.)
 1982, before me,)

Elaine MacPherson)
Elaine MacPherson)
 A Barrister of the Supreme)
 Court of Nova Scotia)

A Commissioner of the Supreme Court
 for the Province of Nova Scotia

Maynard V. Chant
 MAYNARD V. CHANT

- 171 - MAYNARD V. CHANT, by Mr. Aronson

MAYNARD VINCENT CHANT, being called and duly sworn, testified as follows:

BY MR. ARONSON: Direct Examination

Q. Would you state your full name to the Court please?

A. Maynard Vincent Chant.

Q. And where do you live?

A. Louisbourg.

(10) Q. When were you born?

A. October 14th, '56.

Q. I'm sorry?

A. October the 14th, 1956.

Q. Have you always lived in Louisbourg?

A. No.

Q. How long have you lived in Louisbourg?

A. Sixteen years.

Q. Sixteen years. Are you presently married?

A. Yes.

(20) Q. And do you have any children?

A. Yes.

Q. What do you do for a living, Mr. Chant?

A. I'm a fish filleter.

Q. And how long have you been employed in that occupation?

A. Three years.

Q. What education do you have?

A. Grade seven.

Q. And when did you complete that education?

Can you recall the year?

(30) A. '70.

Q. 1970? And can you recall how old --

A. No, excuse me, no. I really -- I can't recall right off hand.

Q. Okay. Do you recall how old you were when you completed your last grade?

A. Fifteen.

- 172 - MAYNARD V. CHANT, by Mr. Aronson

Q. Do you recall the night of May 28th, 1971?

A. Yes.

Q. Where had you been approximately eight or nine on that particular evening?

A. I was in church.

Q. And where is that church located?

A. Ashby Corner in Sydney.

10) Q. In Sydney, and do you recall the name of the church?

A. Pentecostal Church.

Q. And had you at the time attended that church before?

A. Regularly.

Q. I see, and subsequent to that night, did you have occasion to go back to that church?

A. Pardon me?

Q. Do you -- are you now a member of that church?

A. No.

Q. Do you still continue to go to a church?

20) A. Yes.

Q. And how long have you been regularly going to church or attending church?

A. About four and a half years.

Q. Now you've indicated that on Friday, May 28th, you were in church. What happened -- how long did you stay at church?

A. Just about until the service was over.

Q. And do you recall at approximately what time that took place?

30) A. About nine-thirty, I would say.

Q. And so you would have left shortly before nine-thirty?

A. Right after.

Q. Just after nine-thirty. Where did you go from church?

A. I went to Whitney Pier.

Q. And how long did you stay in Whitney Pier?

A. About an hour.

Q. And what were you doing in Whitney Pier?

A. I was supposed to meet a friend there and we were going from there to Louisbourg.

Q. And did you meet that friend?

A. No, I never.

Q. And what happened after you had gone to Whitney Pier to meet your friend or try to meet your friend?

A. Well after I couldn't get a hold of him, I hitch-hiked from the Pier up to the bus terminal to see if I could get home from Sydney to Louisbourg on the bus.

Q. And did you manage to get a drive from the Pier to the bus station?

A. Yes.

Q. What happened when you arrived at the bus station?

A. I found out that the bus had already left.

Q. Can you say what time that was when you arrived at the bus station?

A. Roughly about half past eleven.

Q. Is there any particular reason that you'd give that time as opposed to any other time?

A. I believe -- it's not really in my mind to remember but I remember there was a certain time after eleven o'clock that the bus would leave for Louisbourg which would be the last bus.

Q. And do you recall what time that bus supposedly left?

A. It was -- the best I could do for you would be between half past eleven and quarter to twelve.

Q. I see. Now you'd missed the bus. What did you do after you had missed the bus?

A. Well I thought since I had missed the bus I would have to hitch-hike to Louisbourg so I started down Bentinck Street.

- Q. Is that where the bus station is located?
- A. Yes.
- Q. Continue.
- A. I started down Bentinck Street and towards the park area. I was gonna cross over on the park side. That was when I met up with Mr. Marshall, Donald, and he explained to me that him and his friend had been -- should I say, his friend was stabbed and if I could give him some help.
- Q. Okay, do you recall if I showed you a plan numbered, I believe it's R-2 -- would you take a look at that plan, Mr. Chant? Have you ever seen that plan before?
- A. Yes, I have.
- Q. Okay, do you want to take a look at it and see if you are able to mark where on that particular plan or if it's on that plan at all you bumped into or met Donald Marshall Junior? If you'd like, you could just put your initials. Again, if I could indicate, the witness has marked the letters MC on Byng Avenue near the intersection of Byng and Bentinck. Now you've indicated to the Court you had a conversation --
- A. Yes.
- Q. -- with Mr. Marshall? Can you say what the conversation concerned?
- A. Well the conversation was mostly concerning Marshall's friend which would be Mr. Seale and it was mostly concerning of getting an ambulance or getting help to help his friend because of what had happened to him.
- Q. Okay. Now did you know Donald Marshall prior to that night?
- A. No, I -- no.
- Q. You've mentioned the name Sandy Seale. Did you know Sandy Seale on that particular night?

A. No.

Q. Now can you say what if anything you noticed about Marshall's appearance on that particular night when you met him?

A. He had one -- he had both sleeves rolled up and he had a rather large gash on his arm inside of his arm, his forearm.

(10) Q. Now you've indicated he had his sleeves rolled up. What was he wearing? Do you recall?

A. He was wearing a jacket, like a parka.

Q. Do you recall the colour of the jacket at all?

A. All I knew -- all I know is that it was a light colour, really.

Q. With respect to the gash that you've described, what do you say as to whether or not that there was blood in or around that gash?

A. I didn't see any blood at the time.

(20) Q. You didn't. Are you saying that there was no blood or are you saying that you don't remember?

A. Well basically what I'm saying is what I met Donald, there was no blood and as we proceeded down the road, we met up with a girl and her boyfriend, another boy and her girl friend and that's I guess when his arm started to bleed because the young girl had given him a handkerchief for his arm.

Q. Now if we can go back to the point where you had met Marshall, what happened after you met Marshall and after you had your conversation with him?

(30) A. Well we proceeded down Byng Avenue, I believe. I'm not sure and -- to get help for his friend.

Q. And did you -- can you say whether or not you saw anyone as you were trying to get help?

A. Yes, we met up with two couples and just at that time

there was a car coming by and we had flagged that over and they took us over to where Mr. Seale was laying.

Q. I see. And what happened after that?

10) A. We had got out of the car. We went over to where Sandy was laying and I believe Donald ran up to call an ambulance at a nearby house. And he had come back and was rather behind the body about maybe fifteen feet on his shoulder side, I would imagine, and the ambulance was taking a little long so I went up to see if they had called the ambulance. They had reassured me that they had called the ambulance and that was when I went back to the body or to the --

Q. Can you show us on the survey if you're able to, the plan or survey, R-2?

A. It's right here.

20) Q. Can you recall approximately where you saw Seale's body on that particular night? Possibly you could mark it with "S.S.". For the record, the witness has marked the initials "S.S." on the plan or survey marked R-2 on Crescent Street approximately between the green apartment building and the house above which is written the words, "Gray house, D. W. Campbell". Now can you recall what happened after the ambulance arrived?

A. Yes, I can.

Q. What happened?

30) A. After the ambulance had came and they had got Mr. Seale safely into the ambulance, I had took my shirt and I proceeded to continue to hitch-hike to Louisbourg. Just as I got onto George Street, the police had stopped me and they saw the blood on my shirt and they asked me where was I. And I told them that where I was and they

- 177 - MAYNARD V. CHANT, by Mr. Aronson

asked me did I see anything and I said, yes, I'd seen everything.

Q. I don't know. I don't believe the Court wishes to go into any conversation concerning what was said to you.

A. Okay.

Q. Did you on that occasion provide the police with any statements at all?

A. Yes.

Q. Can you recall how many statements you provided the police with?

A. That night?

Q. All together.

A. Two.

Q. And can you recall when those statements were given?

A. One the night it happened and one -- one three days later.

Q. Are you sure?

A. No, I'm not.

Q. Can you recall at what location those statements were given?

A. Yes.

Q. Where was the first statement you've referred to given?

A. In Sydney at the police station.

Q. And the second statement?

A. Louisbourg at the Town Hall.

Q. Do you recall who was present while the second statement was being given?

A. My probation officer.

Q. What was his name?

A. Larry Burke. My mother, Beulah Chant; Chief of Police Wayne Magee. That's it.

BY THE COURT:

Q. That's of Louisbourg?

A. Yes.

BY MR. ARONSON:

Q. Now do you recall giving testimony at the trial of Donald Marshall Junior in 1971?

A. Yes.

Q. Do you recall generally what you said at the trial in 1971?

A. Yes.

Q. Are there any differences between what you said at that trial in 1971 in your testimony then and the testimony that you have given today in Court?

A. Yes, there is.

Q. What are the differences?

A. The differences are in that I recall witnessing the murder in '71 and the statement which I am now giving I did not witness the murder.

Q. How do you account for this particular discrepancy?

A. Excuse me, I don't understand.

Q. How do you account for the difference in the testimony that you gave at Donald Marshall's trial in 1971 and the testimony you have given today in Court?

A. First of all I was -- I was scared. The second of all, I felt pressured into giving a statement that I didn't normally want to give which caused me to give the different statement to what I'm giving today.

Q. I have some difficulty in following you. Could you please try and explain it a little better?

A. The statement that I gave in '71 --

Q. Now what statement are you referring to now?

A. The statement that I've given in '71, the first statement of the trial or the trial statement pertaining to seeing the murder was -- the reason why I said that was because as I have said I was scared and I was

pressured into giving a statement that I -- when I was being questioned at the town hall in Louisbourg I didn't want to give. And the statement that I'm giving today is actually or exactly what I saw pertaining that I didn't see the murder take place.

Q. Okay, so what you're saying is that you did not see Donald Marshall stab Sandy Seale. Is that correct?

(10) A. That's correct.

Q. And can you provide any other reasons for your failure to give the testimony that you have said today in Court and the testimony that you gave at the trial in 1971? Are there any other reasons?

A. When I had tried to begin to tell the truth, that I didn't see anything, the people that were taking the statements or that -- that I had given, wouldn't believe me so I didn't know what to do and resulting, I had given a false statement.

(20) Q. Can you say who those individuals were who -- I think I have your words correct, pressured? Who were the people who you say here today pressured you?

A. All I know is that they were two policemen. I don't remember their names.

BY THE COURT:

Q. This was in Louisbourg?

A. Yes.

Q. At Louisbourg?

A. Yes.

(30) BY MR. ARONSON:

Q. Subsequent to the trial in 1971 and Donald Marshall's conviction, did you ever have any occasion to tell anybody about the difference in your testimony?

A. No.

Q. Can you say when if ever you told someone about any

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discrepancy in your testimony?

A. Four years ago.

Q. Can you say who you said that to or who you indicated that to?

A. My parents.

Q. Anyone else?

A. About a year and a half later I told it to my pastor. That was it.

10) Q. Can you give any reason for having waited for such a length of time in indicating that you did not witness the Seale stabbing?

A. All that was going on and the talk, even though I didn't witness the murder, I -- I figured he was guilty because of what was -- what had been told to me and what I had acquired through friends that were doing time in the Correctional Centre the same time Donald Marshall was doing time.

20) Q. I see. Now can you give any reason to the Court today why you should be believed as to your testimony that you have given in Court today as opposed to the testimony you gave in Court in 1971?

A. Roughly four and a half years ago, I became a Born-Again Christian. I accepted Jesus Christ as my Lord and personal Saviour. And this book that is being or used today to swear truth I hold very sacred in my life and I vow my life to it and I act the will that is in the Bible according to the commandments that Jesus Christ has given. That's why I speak the truth today.

30) Q. Do you know an individual by the name of John Pratico?

A. Yes.

Q. When did you come to know him?

A. At the trial.

Q. Did you know him prior to the trial?

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A. No.

Q. Had you ever seen him prior to the trial?

A. No.

MR. ARONSON:

I have no further questions of this witness, My Lord.

BY MR. EDWARDS: Cross-examination

(10) Q. Mr. Chant, you say that the Court should believe you now because you're a Born-Again Christian. Is that what you've just finished saying?

A. Yes, it is.

Q. And isn't it true, didn't you also say that you were coming from church on the night of the stabbing?

A. Yes, I had skipped church.

Q. You had skipped church that night.

A. Just as soon as the service had ended, I had skipped church.

Q. But you were a church-goer at that time?

(20) A. Only because my parents made me go.

Q. I see. You really didn't believe in the teachings of Jesus Christ at that time?

A. Well, I really -- I believed in the teachings of Jesus Christ but I hadn't submitted myself to them.

Q. I see. Okay, so you are now saying with absolute certainty that you did not witness the stabbing.

A. Yes, I am.

Q. You're sure about that?

A. Yes.

(30) Q. You're sure you didn't know Donald Marshall before then?

A. No. Not personally, no.

Q. Did you know of him?

A. Not really.

Q. Well --

A. No, excuse me.

Q. Did you know him to see him then?

A. No.

Q. Do you recall giving evidence at the preliminary inquiry on July 5th, 1971?

A. Yes.

Q. You were being asked about the incident in question, about the stabbing. You were asked this question:

You saw him what?

A. Haul a knife out of his pocket.

And from the context, it's obvious you're referring to Donald Marshall at that time.

Q. What if anything did he do with that knife?

A. Drove it into the stomach of the other fellow.

Q. What?

A. He drove it in the stomach of the other fellow.

Do you recall giving that testimony?

A. Yes, I do.

Q. You were pretty definite at that time about what you had seen. Would you agree with that?

A. No.

Q. Well anyone reading those words would get the impression you were pretty definite, wouldn't they?

A. They probably would, yes.

Q. And you recall -- you may not recall the precise date but you recall that the preliminary inquiry was in July of '71?

A. Yes.

Q. And you recall that the night of the stabbing was May 28th, almost six weeks earlier?

A. I remember the incident.

Q. Well, if I suggested to you that it was May 28th, 1971, you wouldn't disagree with that?

A. No.

Q. And you told my learned friend that you gave a statement on the night in question?

A. Yes.

Q. And I suggest to you that you gave the next statement on the fourth of June, a few days later?

A. Yes.

Q. In 1971. So that after you gave that second statement you had about a five week period between that statement and the preliminary inquiry. Right?

A. Yes.

Q. And you thought about what you had said in the statement. You're nodding your head yes.

A. Yes, oh, excuse me.

Q. And you thought what -- about what you were going to say at the preliminary inquiry?

A. Yes.

Q. But yet you got on the stand at the preliminary inquiry and gave that evidence I just referred to?

A. Yes.

Q. And did you give that without any hesitation at all at that time?

A. No.

Q. You did hesitate? When did you hesitate?

A. At the last of it. When I was -- as I was all through the testimony, I knew I was doing wrong and --

Q. Now are you referring to the testimony at the preliminary inquiry or the trial --

A. The trial -- both.

Q. Direct your comments to the preliminary inquiry for a moment.

A. Okay.

Q. So you were saying -- you were telling me that you had hesitated at that time. Did you express that hesitation to anybody?

A. No, I never.

Q. No. I see. You were more nervous about having to get on the witness stand than anything at the time, weren't you?

A. I don't know.

Q. I mean you told my learned friend that you believed Mr. Marshall was guilty at the time. Right?

A. Yes.

Q. So you didn't really believe that your statement was the crucial factor in deciding what fate he was going to meet, did you?

A. Yes, I -- I thought my statement that I was giving was a very damaging piece of evidence pertaining to Donald Marshall.

Q. Right, but you believed he was guilty anyway?

A. Yes, I did.

Q. Okay. And the second, the second statement you gave when you changed your first one -- well, do you remember the differences between the two statements or do you wish me to refresh your memory on it?

A. No, I do remember them.

Q. Yes, and could you just tell --

A. Could I give you the difference?

Q. Yes.

A. Okay, they had -- could I start from the beginning or do you just want the two statements or --

Q. Just answer the question, Mr. Chant, as best you can.

A. The difference between the two statements are that the first statement that I had given in the police

(10)

(20)

(30)

station, I had given the story that Marshall or Donald had told me pertaining to what had happened to him in the park. The reason for this when the policemen had picked me up and I -- they asked me what I had seen, I said I seen everything. I was referring to the wound on Sandy Seale's stomach. They took me to the hospital first. Then they took me from the hospital to the police station where I was to give the statement. Just as I had arrived, Donald was coming out of the questioning room, came over towards me and stated: There was two of them, wasn't there?" I was very afraid and I said yes. That's why I gave the story to what Donald had told me. My parents came in and picked me up. They took me home. A couple of days later two policemen came out. They took me in a room in the Town Hall along with my mother and a gentleman that I've just mentioned or previous and they began to question me. As a matter of fact they told me that I had committed perjury pertaining to the statement that I'd given that night in the cop station and that they had a fellow or a young man that said that he saw me there and I had seen -- that he said I had seen everything that he had seen and --

Q. Who were they referring to at that point, do you know?

A. At that point I didn't know but now I know.

Q. Would that have been John Pratico?

A. Yes.

Q. Okay.

A. And that's when they -- just after that, they put my mother out of the room where I was being questioned and they begin -- my probation officer was there and they begin to tell me my record of probation and the trouble that I was into and they told me again about the young fellow that had seen me there. I told them

I -- that's when I opened up and begin to tell them I never seen nothing. One of the men leaned over and said: "You had to see something. Tell us what you saw." I told him again I didn't see nothing. It went on like that. Then they -- I said: "What did the other fellow see?" I don't remember if they told me what the other fellow seen but I remember somehow or another getting a statement -- giving a statement concerning what the other fellow had seen to correspond with the statement that I had given falsely that day.

- 10) Q. So to summarize, your first statement given on the night of the stabbing, that statement -- the gist of it is that you didn't see the stabbing. Right? And the gist of the second one is that you did see Donald Marshall do the stabbing. Now this conversation at the Louisbourg Town Hall, you said that your mother was there, your probation officer was there, Wayne Magee was there. He was then the Chief of Police of Louisbourg. Is that correct?
- A. Yes.
- Q. Yes. The two policemen whose names you don't know, do you know what police department they were from?
- A. City.
- Q. They were City -- Sydney City Police Detectives, weren't they?
- A. I would imagine.
- (30) Q. And isn't it fair to say that what they were trying to tell or what they told you at the time was they communicated to you the seriousness of telling lies about what you had seen? They were after your true statement, weren't they?
- A. They were after the truth.

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Q. Yes, there's no question about that. They were after the truth, right?

A. Yes.

Q. And so you gave them that second statement. You stuck to that at the preliminary inquiry and then

--

A. Yes.

(10) Q. -- at the trial, do you recall the sequence of events at the trial?

A. Not really.

Q. Do you recall that you were declared a hostile witness?

A. Yes.

Q. And your preliminary inquiry was put to you?

A. Yes.

Q. The part that I just read?

A. Yes, yes.

Q. Right. So --

(20) THE COURT:

Excuse me, Mr. Edwards. You referred to the first statement, the one on May 30th. I think you suggested to the witness that in it he said he didn't see anything. I think you'd better clarify --

MR. EDWARDS:

Yes, a point well taken, My Lord.

THE COURT:

-- just what he did say there.

MR. EDWARDS:

(30) Yes.

BY MR. EDWARDS:

Q. I'll just read you from your statement of May 30th, 1971, which is attached as exhibit "B" to the affidavit you swore on July 14th, 1982, Mr. Chant.

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Friday night I was in town and I left the bus terminal on Bentinck Street about 11:40 p.m. I walked down Bentinck Street. I came over Byng Avenue and started to cross the tracks. I got half way across the tracks - first I seen two fellows walking and two more were walking kind of slow talking. The two fellows who stabbed Donald Marshall and Sandy Seale - they talked for a few minutes over on Crescent Street. One fellow hauled a knife from his pocket and he stabbed one of the fellow - so I took off back across the tracks to Byng Avenue....

So in fact in your first statement, you were saying that you saw someone other than Donald Marshall do the stabbing. Right?

A. Is this referring to the statement that I had given at the police station, the first?

Q. Yes. Would you like to look at it?

A. I don't recall saying anything like that.

Q. Perhaps I should show it to you, then.

A. Okay, yeh.

Q. You recognize that statement?

A. Yes.

Q. And that is the one you gave on the night of the stabbing to the police?

A. Yes.

Q. Yes, so just to clarify and I'm sorry I misdirected you before, --

A. That's okay.

Q. -- but you said at that time you saw someone other than Donald Marshall do the stabbing?

A. The story that I had given at that time was one that I had gathered from what Donald had told me or Donald had explained to me when I had met him what happened and that's where I got that story at.

Q. I see so when you gave that statement, you were repeating what Donald Marshall had told you?

A. Yes.

Q. But you didn't say that in the statement, did you?

A. No, sir.

Q. And then on June 4th, that's when you gave this statement which is attached as exhibit "C" to your affidavit, and on page two of that statement, you were asked:

Could you hear what they were talking about?

A. No. I just...

..I just heard a mumbling or swearing. I think Marshall was the one who was doing doing most of the swearing. Then I seen Marshall haul a knife from his pocket and jab the other fellow with it in the side of the stomach.

Do you recall saying that in your second statement at the Louisbourg Town Hall on June 4th?

A. I don't recall saying it at Louisbourg. I recall saying it at the trial. A lot of it has slipped away from me.

Q. I'll show you exhibit "C" on your affidavit, page two, the second question on the page.

A. Still, I don't remember saying -- giving that statement. Not that particular -- not --

BY THE COURT:

Q. I'm sorry, would you speak up please?

A. Oh, I'm sorry. I -- I don't remember saying that. I don't know why.

BY MR. EDWARDS:

Q. Okay, but you do remember giving a statement on June 4th at the Louisbourg Town Hall?

A. Yes.

Q. And you do remember that in that statement you said that Donald Marshall did the stabbing. You remember that much?

A. Oh, yes.

Q. So are you denying that this is the statement or are you simply saying that you just don't remember whether this is --

10) A. Oh, I don't deny that that isn't the statement. I'm just saying that I --

Q. You don't recall --

A. Yeh.

Q. -- those exact words?

A. Yeh.

Q. So just to conclude, Mr. Chant, would it be fair to say that when you gave that statement on June 4th and when you testified as you did on the preliminary inquiry and then the trial, that you were doing it because you thought it was the right thing to do?

(20)

A. I knew what I was saying wasn't right. I don't know why I said it, probably because I was scared. I don't -- I don't know what to say. Excuse me.

Q. You can't go beyond that. Thank you, Mr. Chant.

MR. ARONSON:

Nothing arising out of that, My Lord.

THE COURT:

I'd like to ask a couple of questions, please.

BY THE COURT:

(30)

Q. In your first statement of May 30th, 1971, you were asked:

Did you know Donald Marshall?

And your answer:

I knew him to see him.

• That isn't what you said today. Today you've said you

didn't know, if I understood your evidence earlier.

A. Yeh, I didn't know either Seale or Donald.

Q. But you did know Donald Marshall to see him at that time.

A. I used to do a lot of hanging around in Sydney. I used to --

10) Q. So you -- I'm just asking about your statement there that you said that you knew him to see him.

A. I knew of them but I didn't know them. I knew the Marshall -- I used to -- well, --

Q. The statement of May 30th which you made to the police, not the one in Louisbourg but the one before that which Mr. Edwards has just read to you, that is not -- you say that is not a true statement?

A. It's -- it's true -- well, it's true up until the part where I had said that I had witnessed the stabbing of another man stabbing Seale.

20) Q. It was not true there. Why did you not tell the truth to the police at that time?

A. Well, I was -- I told them what Donald was telling me about what had happened. I don't know. I was -- I guess I was sort of scared then. Donald came out of -- when Donald came out of the questioning room, I guess, he -- he come over to me and he sort of -- I shouldn't -- yeh, I guess he was mad and he said: "There was two of them, wasn't there?" I didn't know what to say so I said yes. When he had said there was two of them, that's the reason why I give the statement that he had told me when we met up with one another on Byng Avenue.

30) Q. But in that statement, you didn't say that that was what Donald Marshall told you. You said it was what you saw?

A. Yes.

Q. That was not true?

A. Yes, sir.

Q. What did you see that night when you were in the park?

A. The only thing that I did see -- I didn't see nothing pertaining to the murder, the actual murder. The only thing that I seen was Donald, when I met Donald on Byng Avenue. We went over. He -- me and him both tried to help Seale, get to the or get an ambulance for him. That was all I seen, Your Honour.

THE COURT:

Any questions arising out of that?

MR. ARONSON:

Nothing arising out of that, My Lord.

(WITNESS WITHDREW)

COURT RECESSED: 12:32 p.m.

COURT RECONVENED: 2:00 p.m.

MR. ARONSON:

I believe the next witness is Gregory Ebsary.

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Mr. Maynard Chant, sworn, testified as follows:

EXAMINED BY R. MURRANT

1. Q. Your name is Maynard Chant?
A. Yes.
2. Q. Middle name:
A. Vincent.
3. Q. And you live in Louisbourg?
A. Louisbourg.
4. Q. What's your address there, Mr. Chant?
A. Do you want the box number and everything?
5. Q. Street address.
A. Street address is Wolfe Street.
6. Q. Wolf?
A. Yes.
7. Q. W-O-L-F-E?
A. Yes.
8. Q. And how old are you now Mr. Chant?
A. I am 27.
9. Q. Are you married?
A. Yes.
10. Q. Employed?
A. Yes.
11. Q. Where do you work?
A. National Sea.
12. Q. And that's in Louisbourg?
A. Louisbourg, yes.

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13. Q. Now what was your date of birth?
- A. October 14, '56.
14. Q. In the year 1971 you had some involvement in the matter of the murder of Sandy Seale and the trial of Donald Marshall?
- A. Yes I did.
15. Q. And what I want you to do this morning, Mr. Chant, you appreciate that I represent the Canadian Broadcasting Corporation in this proceeding. What I would like you to do is to take your time and I would like you to take me through the events beginning that evening and to explain to me on the record as fully as you can what happened with respect to yourself. What happened to you, what you did, who you spoke to and if we can begin the night of Friday, May 28, '71, I understand you were in Sydney that evening?
- A. I was in church.
16. Q. How is it that you went to church in Sydney from Louisbourg?
- A. There is no--our particular denomination which is Pentecostal, there is no Pentecostal denomination in Louisbourg so we use to travel to Sydney every week for church so that is basically how I ended up in church, do you want me to continue.
17. Q. Is this Friday evening you're in church?
- A. Sunday--maybe there might have been special meetings, it is not really clear with me.
18. Q. Is this the night that all the--that the murder happened?
- A. I don't know to be truthful with you. I don't know if it was a Sunday or a Saturday, I don't recollect.
19. Q. Whatever day it was tell us the next thing that happened that day?
- A. Well that evening while we were in church, I decided to skip church, I wasn't really following my family's beliefs so I decided I would meet

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19. A. a friend of mine down at the Pier and we'd go do a little bit of--what do you do when you're young, partying or whatever you want to call it, so...
20. Q. What did you do, sneak out of the church?
A. Well I didn't sneak, I told my mother I was going. She told me not to go but you know how young people are, I said well I'm going and that is all there is to it so I left and I went down the the Pier to meet my friend and he never showed up so it was getting quite late while I was waiting around for him so I thought I would try to skip across town and catch the bus home. So when I got up to Bentinck Street to the bus station the bus had already left.
21. Q. This is the bus back to Louisbourg?
A. Yes it is a run back and forth.
22. Q. I guess you assumed your parents had gone home?
A. I didn't really care about them, I often hitchhiked so it didn't really bother me if I was to hitchhike. I had the money for the bus so I thought I would try the bus anyway.
23. Q. How old were you then?
A. I was just about 15 I guess or 15 at the time.
24. Q. Before we get into the events further along that evening. What was your situation with the law?
A. It wasn't good. I had--I was on probation at the time.
25. Q. What was that for?
A. It was for theft.
26. Q. This is something that happened in Louisbourg?
A. Yes.

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27. Q. Anything else?

A. I ran away from home. Basically that was pretty well it, I broke my curfew a couple of times, you know, basically stuff like that to keep me...

28. Q. What kind of curfew had you had?

A. I had to be in by 9:00 I believe.

29. Q. That's home by nine.

A. Yeah.

30. Q. If I follow your evidence correctly than this night in Sydney you would have been breaking your curfew?

A. Definitely. Like I was--like the way that it was put--I was under the influence of my parents, where ever they went I was allowed to go.

31. Q. When you snuck out of church that was...

A. When I snuck out of church well I was just..

32. Q. Okay, all right. So you left and you were going for the bus?

A. Right.

33. Q. Just pick it up there and tell us what happened?

A. Well I missed the bus so I decided I was going to hitchhike so I went down Bentinck Street and the street that runs parallel to that to go to George Street, I just entered that street and there was a fellow that came running, I guess, from the Bentinck Street across the bridge and started running towards me and caught up with me a couple of steps down that street. I can't remember what the name of the street was and he said you got to help me and I said what's the matter and he showed me arm where his arm was slit open and he said my buddy is over on the other side of the park, somebody stabbed him.

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34. Q. Did you know this man at the time?
A. No.
35. Q. Did you see the stabbing or ..
A. No I never.
36. Q. Or the wounding of this other guy that was showing you his arm?
A. I seen the wound of the fellow that showed me.
37. Q. He showed you?
A. I heard it to be Marshall later on that showed me his arm that it was cut.
38. Q. You didn't see how either of those things happened?
A. No I never.
39. Q. Take it from there.
A. That's when we met up with two couples walking. We were trying to flag down a car but in the meantime these two couples came and one had given him a handkerchief to put on his wound and so we flagged a car down and it was a brown Nova and then we turned around and went over towards where he said his friend was laying on the road stabbed.
40. Q. Who flagged the car down?
A. I think I did.
41. Q. Did you know the driver of the car?
A. No.
42. Q. Okay and then you went back to where the stabbed guy was?
A. Yes.
43. Q. What happens next?
A. Well we get--as we were approaching the car, like in the middle of the road laying over his stomach and we got out of the car immediately and ran over to him and I took my shirt off and put it to his side and then the fellow--Marshall ran up toward the house to get an ambulance so the

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43. A. ambulance
A. /came and you know, whatever the procedure goes on and they took him then I proceeded on home.
44. Q. Do you remember anything in that period of time of anybody calling the police? So Marshall--the guy you now know as Marshall ran to a house to get an ambulance. You and he stayed there?
A. Yes.
45. Q. Now tell me about your shirt, you said you put it on his side?
A. Well he was bleeding so much so I had^{do}/to something, I just had a jacket on so I just took my shirt off and put it at him so he wouldn't bleed, I tried to hold it up against his stomach so it wouldn't bleed so much but he was bleeding quite bad. He never really said anything, I just kept telling him to hold on. I think he was looking at me but never really said anything, I remember him mumble something like I'm cold or something like that, nothing where he was making, you know or saying anything.
46. Q. The ambulance came and after the ambulance people did whatever they do you left?
A. Right.
47. Q. Where were you going now?
A. I was going to continue home, I walked out to the street that he was on, I walked out to Argyle and I walked down Argyle to George Street and started to hitchhike.
48. Q. What about your shirt at this point in time?
A. It was pretty bloody. I had to take it with me.
49. Q. Did you put it back on?
A. No, no, I just carried it.

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50. Q. So you're now hitchhiking back to Louisbourg?

A. Right.

51. Q. What is next?

A. So two--car, you know, from the police station hauled over and asked me a few questions. They asked me, I guess they must have noticed on the shirt that I had and they said what did you see or something like that and I said I saw everything, well I meant, basically I was talking about--not the stabbing, but I was talking about the events around it and the stab wound and etc. stuff like that. First they took me up to the hospital.

52. Q. This is a Sydney Police Car?

A. Yes.

53. Q. And there is two officers in it?

A. Yes.

54. Q. Let me just back track a little bit, when they stopped you that night, you're on probation, your breaking you curfew and you got blood on your shirt?

A. Right.

55. Q. How did you feel when the police approached you all those things in mind?

A. It never really came to mind to be truthful, I never really thought of it, you know, it never even entered my mind, my curfew never use to bother me that much. Even probation never bothered that much, I was just that type of fellow, you know.

56. Q. Then you're going to the hospital with these...

A. I don't know why we went to the hospital for--I don't know really why we even went there, Marshall had went or something with the ambulance to the hospital and I don't know if they were going to pick him up and from there we went to the police station.

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57. Q. That night?

A. That night, the same night, the night after, like, coming from the hospital.

58. Q. Was there any conversation between you and the two officers going to the hospital and going to the police station?

A. Not that I can really remember or say what really happened, not that I can recall.

59. Q. Now take us to the--when you get to the police station?

A. Well I'm at the police station and I'm just sitting down waiting to go into see somebody, I don't know, I guess that would have been the Chief there at the time and the first thing I know who I learned to be Marshall came out of the office and came over to me and he was sort of, I was sort of sitting like down in the car, and he said there was two of them wasn't there, I said yeah there was two of them so I must have been scared at the time when he said it. He leaned over me as much--he was in quite a bit of anger I seen on his face and I said yeah there was two of them and I just pushed the pressure off at the time. So anyway they picked me up and I got up and they took me in and I sat down and gave a statement. I can't even remember to this day what the statement was I even gave. I believe the statement I did give was corresponding to Marshall's story.

60. Q. This is the night that this happened?

A. Yes.

61. Q. Do you know which officers you spoke to that night?

A. No I don't.

62. Q. I don't believe I have a copy of that statement?

A. I don't know where that statement went.

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63. Q. Have you seen It since?

A. No, I don't know where it went. I remember asking at one point in time about the statement and nobody even said anything to me about it so--I think the statement had to do with--like it was more or less holding up Marshall's story. I believe at a point in time he had begin to tell me what went on, like maybe between the drive in the car, to the car over to the scene, I know roughly between it all and I just basically told them what he had seen and parts of what I had seen.

64. Q. You used the word scared....

R. Pugsley: I don't think he did, did he. Oh I am sorry, did he use the work scared?

65. Q. Yeah. I was going to ask Mr. Chant who was scared of whom and for what reason that night you were there?

A. In which respect, me scared of Donald or scared of the police or scared of the....

66. Q. Or them scared of you..

A. I was just scared, a little kid and gets picked up by the cops and stuff like that. Just their appearance use to scare me just because of the fact of having run-ins with the law etc., etc. It was just my nature to be scared, I was tough, but actually I was just a little, I was scared just like everybody else I guess.

67. Q. Did this have anything to do with what you told them, the fact that you were scared?

A. I believe a lot of it was because--I remember Marshall when he came over me and stood over me and said, you know, there was two of them. I was scared then because I said there was two and I didn't even see that there was two and I got myself in a bind then, you know, probably I was more

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67. A. scared of the police than I was him that I just kept on going with the story that I....
68. Q. Now after you gave you statement that night, what is the next thing that happened to you?
- A. I don't know if it was a day later or two days later there was....
69. Q. Let me back track first.
- A. Go ahead.
70. Q. Giving your statement.
- A. I am sorry.
71. Q. It's late at night at the police station in Sydney?
- A. So they called my parents to come in and pick me up and took me home. There wasn't much discussed. I guess they had filled them in, Maynard was involved in--and stuff like that, my mother said to me I told you not to go and, you know, mothers stuff like that. Basically there wasn't too much more said than that. They understood that I was, you know, by that time my mind was gone, I was sort of a nervous wreck so they just wanted to get me home I guess.
72. Q. You go home to bed that night and what is the next thing that occurs with relation to this Marshall....
- A. In relation to this?
73. Q. Yes?
- A. There was two police officers that came to the door and said they would like to have a chat with me so mom asked if they were going to take me or whatever and they said yes, they wanted to take me down to the Town Hall. So she got dressed and came with me. So we went into one of the rooms there at the Town Hall, the old Town Hall and sat down and I remember the--my probation officer was there and the

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73. A. Chief of Police was there, Wayne Magee, my mother and I believe there was two other ones. I don't know if they were detectives or--I don't remember them being dressed in uniforms.
74. Q. Perhaps ^{before} you go on, I just want to clarify something here. Different statements that we have and there is one marked here May 30, 5:15 p.m. It says; "statement of Maynard Vincent Chant" and then--I'll get you to look at that and there is another one that is marked June 4th at 2:55 p.m.
- A. What was it, the other copy?
75. Q. I'll show you it's in a typed copy of June the 4th, 1971 at 2:55?
- A. That's in Louisbourg, yes.
76. Q. I know it's hard to reconstruct but I am trying to figure out which..
- A. I think--It didn't seem like it was around supper time. I was almost like it was around 2:55. I only gave one statement, that I can remember I gave. I never gave two statements, I only gave one statement.
77. Q. Did you sign one or more statement?
- A. The statments that I signed--I signed one the night of the crime and I signed one that afternoon in Louisbourg. This is the one I believe because I remember it was just after dinner when they took us down.
78. Q. Okay let's go to the one in Lousibourg. You were taken down to the Town Hall and you mentioned a number of people being there, Wayne Magee....
- A. I don't know if he stayed throughout the whole questioning but I remember him being there specifically at the time.
79. Q. Why was he there?
- A. I don't know why he was, maybe just because where he was the Chief of Police out there at that time. I don't know if he was there

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79. A. In my benefit or whose benefit he was there for. Maybe he was there for my benefit.
80. Q. You mentioned a probation officer?
A. Larry Burke was there.
81. Q. Do you know why he was there?
A. No, I don't know why he was there. All I know is that I was--by the sounds of things and by the looks of thing I was in pretty hard shape because when I got in the room they were all there, I don't know if they were all there at that time but they begin to come in.
82. Q. Okay the two officers were there?
A. Yes.
83. Q. What about your mother?
A. My mother was there for a little bit.
84. Q. Have you spoken with your mother since this about her involvement?
A. Not really.
85. Q. So you go down to the Town Hall, various people are there, tell us exactly what happened?
A. Well they began to say--I guess they must have acknowledged the fact that I was on probation and they said there was something about a couple of stories or something -- the story didn't quite add up or something and they had--basically the only thing that really--I don't remember a lot of the trivial talking. I just remember the things that were basically implanted into me and they said that they have a fellow who was there that said that--actually what they were telling me is that the story that I had given that evening at the accident or whatever happened, the stabbing, said that it wasn't accurate because the had a fellow who said he saw me there and I saw the same thing that he saw and right then and there I confessed up a bit, I said I didn't see

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85. A. nothing then.
86. Q. They said you had to see something because we got a fellow here that's--
I remember them going over that a couple of times and saying, we got a fellow here, you had to see something because this guy said he was there and he saw such and such and you had to see it to because he said he saw you there.
87. Q. Who was this guy, do you know?
A. I don't know if they gave me his name I came later to learn that it was John Pratico.
88. Q. But you didn't know this that day, did you?
A. I don't know if they give me his name or not. I don't think they did but anyway I kept saying--they said they had me for perjury because of my first statement...
89. Q. That's because it was...
A. Because like after I said I didn't see anything then they started saying that they had me for perjury because of my first statement and stuff like that and I could get into a lot of trouble, I could even go to jail or you know, I can't remember if they actually said two to five years but I know that they said I could be doing time because of where I was on probation and stuff, I think they brought the whole thing in. Well by then I was almost in tears, I was pretty scared so right then and there, they, I don't know why but they--I don't know if they put my mother out or they told her to go out, or , I know there was a point in time where she just got up and I don't know why she left but they put her out, I figured they put her out.
90. Q. You mentioned there that you were trying to confess up?

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90. A. I was just like, when it came head and head, I just wanted to get out of it and say hey man I didn't see a thing, you know.
91. Q. Is it true that you didn't see anything?
- A. Well I didn't see nothing, that's the point of it and I just--like having your mother by your side you feel a little more--so I said that, I made that statement to them, I said listen I did see nothing. It seems like a couple of minutes after that they begin to say what they said to me about doing time and being on probation and kept on stressing that I had to see something.
92. Q. After these things were said and after your mother left, just trying to figure this out but it seems that Mr. Magee was still there, Larry Burke was still there and two police officers?
- A. Yes.
93. Q. And you 15 years old?
- A. Yes.
94. Q. Tell us how you felt at that stage?
- A. Well I didn't--I was just at the point where I didn't know what to expect next. I didn't know what was going to--I heard so many stories, as your a kid, you know little guys getting beat up and etc., etc., but I knew I was sort of a little bit safe because my mother was just outside. Anyway they started the issue again about me having to see something. Surely this fellow wouldn't steer us wrong, this fellow said he saw you there and you saw what he saw and well you had to be there. I said something like where was he at and they said on the tracks, something like that. Like it seemed like the more I began to go a bit their way the less the pressure got me so in resulting that I just ended up giving a false statement and just wing the rest of it you know basically--I basically knew what was expected of me to

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94. A. say or you know. I don't know if they were seeking for the truth and they were trying to apply pressure to my to tell the truth but it ended up in me telling a lie anyway.
95. Q. If you could pass me back the second statement. This is the statement that you gave that afternoon which is the four page statement and just on page two it says; "I know I just heard a mumbling of the swearing. I think Marshall was the one that was doing most of the swearing and then I seen Marshall haul a knife from his pocket and jab the other fellow with it in the side of the stomach. Question: What side? Answer: The right side, I seen him jab it in and then slit it down. Question: How could you tell it was a knife? Answer: By the figure of it, it was shiny and long." That is part of a statement you gave, is that true, is that a true statement?
- A. It's not true, I don't know how I ever came up with it but it is definitely not true. I never seen any of that.
96. Q. Where did the information come from that went in that statement?
- A. I don't know I must have a real wild imagination or I don't remember if -- I don't know how the statement go to be the way they were basically. A lot of that stuff was pretty well away from me, I just can't grasp it, I can't recall how it came to be.
97. Q. When this interview was finished and when you completed that statement, did you appreciate that the statement was false?
- A. Pardon me.
98. Q. Did you know or appreciate or think of the fact that it was a false statement?
- A. Oh, yeah. I was pretty scared even after I'd given it. After I left or after I went home I was pretty, simply really screwed up, I really did something bad.

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99. Q. What were you afraid of?

A. Well I was, like I said, I was afraid of going into court and there was a lot of things going through my mind after I'd given the statement but I can say that after that, you know, I must say the cops and policemen made it pretty easy for me. They took me in and talked of the areas and I remember a few times where I said I was standing and they said well you couldn't have been standing there because you wouldn't have seen anything. There was a lot of things that helped, you know, that particular story to get into me. I remember sitting in the Crown Prosecutor's office with the other witness that said I was there and seen it, I guess it was Pratico and I remember them saying, what arm was it again and etc. etc., just drilling and drilling and drilling over and over again.

100. Q. What was this drilling for?

A. I don't -- I guess they didn't want us to make a ass of them up on the stand, I don't know. I guess they really wanted--maybe they didn't realize the age that we were at, they probably wanted to make sure that we got every down pat before we went into the....

101. Q. Was your mother there when you gave this statement?

A. No.

102. Q. After that day were there other references to perjury or changing your statement?

A. No, basically what was in my mind that I had done wrong.

103. Q. Now you testified at the Preliminary Inquiry with respect to Donald Marshall and how were you treated then, did you have contact with the police or the Crown Prosecutor?

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A. What do you mean at the appeal or at the...

104. Q. No, the first time around?

A. I've had--they treated me relatively good, they were, they did everything in my benefit that was possible to make me to get out, in and out of Sydney, etc., etc.

105. Q. And when you testified that time how did you evidence compare with your statement?

A. I don't know if it was accurate or not. There was--I guess the first time we went to court was pretty well, I was in and gave my statement and it was pretty well cut and dry and I was out of there.

The second time when I guess he was going to, there was two courts anyway and the second time I was in the court they held me there, I don't know if I refused to answer one of the questions or something. I think they asked me could you be certain this time that this was such and such a person that you met and I don't know if I said no or yes or something like that but I didn't want to answer it because you know-- I guess a lot of stuff that was going on began to sink in that I was doing quite a bit of injustice to this young fellow. I didn't even know him, I didn't know him personally and here he was, he had a life sentence, I didn't know if he did it or now. There was a lot of talk going on at the time that he did do it from the street, you know, a lot of fellows, a friend of mine that was in jail and he was in doing time while Marshall was in there and there was a lot of talk going on in there that he did do it, stuff like that, like it sort of eased my conscience a little bit but it was still, the thing that was there was hey man what are you doing to this fellow and you're really screwing this guy. Sort of like even, you know, when those thoughts use to come to me, it use to

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105. A. be the same thought that you're doing justice because you're putting away a fellow that's really guilty so it began to really screw me up inside, my mind and stuff like that.

106. Q. What, the trial itself, before the jury, you testified?

A. Yes.

107. Q. Did you have any contact with the police or crown prosecutor or any discussions with them before that trial to prepare your...

A. Like I said the only thing I can remember was being in the office, the first office you go in, the first court right across the isle, I guess it was the crown prosecutor's office and I remember me and John Pratico sitting down in there. I remember even one night I had stayed in, I stayed in at Pratico's place but we never really discussed anything, I guess we both/^{knew} what we were doing, we didn't want to start talking it over because we knew how much we were screwing up, you know, so basically--the only thing up to the court that I can think of is being in the office and then--pinpointing a certain amount of questions so that we wouldn't, so that we would be really on to them, hit the nail on the particular things, you know, on the stabbing, on the knife and you know.

108. Q. You testified at that trial and Marshall was convicted or the trial itself?

A. The preliminary, there was the first court and then there was the second and he was convicted at the second.

109. ~~Q. You would have known that he was convicted? You would have heard that?~~

A. Yeah I was outside and Sandy Seale's brother came out and told me that Marshall was on the stand and that he was screwing things up for himself. I guess they were all kind of disappointed because me not answering the last question, I guess they thought it was--well I guess it was a pretty important question.

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110. Q. What was that question?

A. After identifying a yellow jacket or something they had asked me just at the end of it, would this be the jacket, you know, was it the jacket that he was wearing, was it the same color and the same jacket and etc. going on like that. At first I refused to answer it and I think out of that they adjourned or something and came back into court and called me a hostile witness. Not much of an attribute where a fellow spends a lot of time in prison for you know, like I say, I didn't know if ^{was} he/guilty or not.

111. Q. You knew--I take it from what you're saying, you knew what you were doing was wrong and I am just wondering why you did what you did through the first hearing and the trial, giving that statement?

A. Well like I say, a lot of it, a lot of it was just because of the--I guess you could say sort of like peer pressure type of thing from you peers. Like from the police and like almost--I grew up in that fear of the police bit all my life, being in trouble so much and being, you know, in trouble with the law and having them come down hard on me that its gone for me, I've always got the bad end of the stick sort of speaking. I just, like, I was automatically, anything inferior to me, I was scared, I was brought up in that respect too to fear those who have the authority over you and etc. etc., so you know when that pressure came on and just, whatever was just to ease the pressure from myself I would give anybody what they would want, more or less. As you grow older you get a little wiser to the things but at that time I just wanted to get a lot of the pressure away from myself and a lot of the times like I though back to when I was giving the statement or why I kept going or why didn't I, you know, the first time I had to confess up to somebody, I never really got that close to anybody, it was sort of like I was all by myself most of the time, I

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111. A. lost a lot of my friends through the trial, because they felt I was doing such an injustice.
112. Q. Did anybody ever come to you back in those days with a copy of your first statement and ask you why they were different?
- A. A lot of that stuff, like I say, it's gone away from me and I can't even recollect it but I remember something to that effect but I don't remember what it was about or anything like that.
113. Q. Now to get the timing right on this. Marshall is in jail, you don't say anything for a number of years about this?
- A. Right.
114. Q. When do you first speak about it?
- A. After everything was all calm down and I was growing up a little bit and I started getting involved in transporting drugs, stuff like that and my life started to go away with myself and I started to get really in deep with the world and doing things in the world, etc. etc. and then I came to a point in my life where I got ripped off one time for quite an amount of drugs and in which I was dealing through. I had connections through Montreal and they were sort of heavies, you know, they were going to come down and they were going to do a job on me sort of speak and at that time I went back to my father's and mother's faith and, you know, true christianity and I asked the Lord to forgive me and see if he could straighten this mess out and if he would that I would serve him and after I gave my life to him and became a christian, everything began to unfold for itself that I had following up. he told my brother, he said tell you--I was more or less in hiding then. There use to be a little camp I use to go to when I was a young fellow involved in the church and that, and that's where I

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114. A. went away, that's where my father sent me to sort of--he said he would give me a couple of days to figure out everything. So I went up there and while I was up there I'd given my life to the Lord and told him I would serve him if he would straighten this mess out because I said my life is in danger and etc, but I don't want to get into it, but, so things worked out for the best and from then on in I was more or less--like after I became a christian I began to pray about that situation, it's funny you know, when you grasp a bit of the truth and come in to a real purpose in life, things like that they begin to interrupt your life again because of the injustice and the more I began to pray and you know, I asked the Lord what do you think I should, should I tell somebody and what should I do and I remember about a couple of months afterwards I took my father out, we went for a drive and I explained to him what took place and I guess he more or less didn't really didn't understand, didn't grasp it so a couple of months after that and I was still praying, and I was saying--I often thought about writing a letter away to Marshall or his--I didn't know his lawyers, but his father or something like that because I was always haunted with the fact, I've always had people trying to--people of his race coming to try to kill me at dances or stuff like that for a number of years and so a couple of months previous to the detectives from Halifax coming down, I told my pastor I sat down and told him the whole store and about the injustice I did and stuff like that. He said just to keep it quiet for a little bit and if the opportunity came for you to do something about it then do something about it but he told me that God has forgiven me but it would be much better for me to tell somebody with great authority. You know the opportunity every come to do so. So these

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114. A. two detectives came down from Halifax and they were saying that Marshall had to this very day said that he was innocent of the crime so they asked me, they said were you ever threatened by his friends or anything like that and I explained to them yes and they were more or less on the lines that they wanted to keep him there in prison and that's when they hauled out the statements and they began to review my statement and what I had said and I just told them, I said, fellows I got something I got to tell you. So I got out the paper and I began to tell them my story and they just told me to keep quiet until they got everything squared away and things like that. Like he kept telling me, do you realize what you're doing, do you realize what you're saying, I said yes.
115. Q. Did you realize that when you talked to them that at that point in time you really could be charged with perjury?
- A. Like it didn't really--I didn't care--if there was injustice to be served I was willing to serve it because that's just the way I felt about the matter and there as a lot of things. I didn't know that he was--that there was a lot of things that were going on that I didn't know nothing about, I didn't know they had other witnesses, I don't know if I was the first one or not but I just knew that I was, you know it was that time for me to start trying to straighten this thing out. Not only did it ease my own conscience but you know they'd be of some assistance.
116. Q. You gave another statement to these officers? I think it's officer Weaton and Carrol.
- A. Yeah, Weaton and Carrol.
117. Q. I'll come back to that in a minute, then you testified in the rehearing for Donald Marshall, in Halifax?

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117. A. Right.

118. Q. And were you asked in that hearing or was it discussed in that hearing why you had given these false statement or just that you did?

A. I think it was discussed--I don't think it went into detail why I'd given-- why I was giving basically the same statement that I had given here was the same statement about the out, you know, that was saying you know the policemen or detectives, applying a certain amount of pressure to me to give it. I don't know if they were even trying to get me to give a false statement. What I was thinking is what I told them and they are pursued to the truth, they ended up with a bad statement on their hands.

119. Q. You appreciate Mr. Chant that this proceeding concerns a radio broadcast about the Marshall case?

A. Uh-hmm.

120. Q. What I'm going to do is just go to the part of your statement that was in the radio broadcast and I think that I understand correctly that you didn't hear this on the radio?

A. No, never.

121. Q. This is what was on the radio and I'll read it to you and this was from a portion of the statement that you gave?

A. I remember giving this statement on the radio and he might have told me that it was being taped right there at the station and it was going to go live or something like that.

122. Q. This is a different one, this is take from a statement that you gave to officers Weaton and Carol.

A. Okay.

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123. Q. I'll read it to you. "I did not quite make it to the park, a guy in a yellow jacket came running up to me. He showed me his arm where it had been cut and told me his friend was stabbed over in the park." Now that I take is true?
- A. Right.
124. Q. "The police interviewed me that night and I repeated what Marshall had told me." I think we discussed that earlier, am I right?
- A. Yeah.
125. Q. "I don't know why, I had to say something. I definitely did not see the murder." I guess it's true now that you didn't see this?
- A. Right.
126. Q. "Everything was over by the time I got over where Seale was" and I take it that's right?
- A. Yes.
127. Q. Then the last part says; "In the second statement" which is one taken at Louisbourg?
- A. Yes.
128. Q. "I told the detectives I saw the murder, they told me that another guy had seen me in the park so I had to see it so that's what I told them." With respect to those last to sentences in the second statement; "I told the detectives I saw the murder and they told me another guy had seen me in the park and I had to see it, so that's what I told them."
- A. Yeah, those statements were two different, like they were almost two different time periods. Like the first was having to do with the statement that I had given that night and basically said what Marshall was saying, that there were two fellows over in the park and one of the

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128. A. guys stabbed him and the second one was I told them etc., well that was having to do with the statement that was taking place at Louisbourg.
129. Q. The statement that you gave to officers Carol and Wheatman, let's see if I can get my hands on it.... There's a copy of it here, Mr. Chant, just take a moment and look at that to confirm to me that that is the statement that you gave to those officers?
- A. Yes.
130. Q. And the, just a part of it there, it's the end of the paragraph, paragraph four, the fourth paragraph that you've read, is that true that you say there?
- A. "That some times later" or "that he told me"?
131. Q. The whole thing?
- A. Yes.
132. Q. Now you also signed an affidavit with respect to the rehearing of Donald Marshall and it's three pages in length, I'll just give you a copy of it. Just take a moment and identify that for me. The third page has what I believe is your signature. Does your signature appear there?
- A. Yes.
133. Q. If you look, Mr. Chant, at paragraph eight, eight, nine, ten and eleven.
- A. Okay.
134. Q. Are they true as well?
- A. Yes.
135. Q. Paragraph 11 you say' "that the reason for giving the testimony referred to in paragraph 10 was because I was afraid and because MacIntyre and Urquhart of the Sydney City Police told me that I had witnessed a murder and was seen by another witness I believe was John Pratico. That's why you gave this statement."

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135. A. Basically what they were saying is that you had to see something. They never actually said the statement that I had witnessed it but they were saying that you had to see something, that was ^{the} thing that was mostly, you know that I remember.
136. Q. Paragraph 12 of what you have here, you may now have just read it but I'll read it to you, "that subsequent to the Preliminary Hearing in this matter in July of 1971, I spoke with the Crown Prosecutor, the late Donald C. MacNeil, Q.C. who informed me that if I changed my statement that I had seen Donald Marshall Jr. stab Sandy Seale, that I would be charged with perjury.
- A. That was--like basically that was what was in the--they were saying--that was probably worded a little bit different there. They were saying to me that where I was on probation and because of the false statement that I had given but it was almost like leading up to me before the second statement was to come into effect of the actual trial and murder that, you know, I could be charged with perjury, definitely.
137. Q This is between the two hearings?
- A. Yeah.
138. Q. Earlier in your evidence you described peer pressure, would you just explain that a little further for me, what do you mean by peer pressure?
- A. Well by--just by, like, somebody with a more important position than I am and just being a kid and being, you know, almost like, peer pressure meaning they could get you to say anything just by using their authority and the position they hold.
139. Q. In the script of the broadcast, the last reference is,--there is a comment here about the decision the Court of Appeal reached when they freed Donald Marshall?
- A. Right.

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140. Q. Do you remember that coming out or reading about it or hearing about it?

A. I remember reading something to my--that--about my statement not being reliable, I don't know what it was really, I just can't remember. It really bothered me what was said, I don't know who said it, I don't know if the Post said it or who said it but I mean they dragged me all the way up to Halifax for the Preliminary or the Appeal, excuse me and asked me to give a statement in court and I go all through that and it comes out in the paper and said that my statement was unreliable or didn't hold water or something to that effect.

141. Q. That you were not a reliable witness?

A. Yes.

142. Q. How did you feel when you heard that?

A. Well I mean here I am and it's eleven years later and certainly--I didn't know the decision of perjury was waived then to no perjury but I realized the circumstances that I was getting myself into and I was willing to discredit myself. I was willing to be humiliated to the public and I was going up to Halifax to give a statement that I relatively was haunted with all my life and here they got enough nerve to say, hey buddy, it's got no, irrelevant almost to the trial.

143. Q. Okay, those are all my questions, unless there is something else you would like to add.

A. No, I'm just waiting for whatever has to be done, back to work.

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Mr. Maynard Chant, examined by R. PUGSLEY

1. Q. You work at National Sea Products, Mr. Chant?
A. Yes.
2. Q. What do you do there?
A. I'm a fish cutter.
3. Q. And how long have you been there?
A. I've been there about--going on five years.
4. Q. That's in the Louisbourg Plant?
A. Yeah.
5. Q. You are a married man?
A. Yes I am.
6. Q. Family?
A. Two children.
7. Q. You're living with your wife?
A. Yes.
8. Q. Does she work?
A. Yes she works for Modern City Dairy, she's a secretary there.
9. Q. When did you have this turn to Christianity, when did that occur for you?
A. I was-- '79.
10. Q. Seventy-nine, do you recall specifically when?
A. It was in the summer, I don't remember, it would have to be July 18th, roughly something like that.
11. Q. A specific day it happened I take it?
A. It was on a, I don't know if it was a Friday, it was in the evening, it was at night. Friday night or Saturday night.

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12. Q. And where were you at the time?

A. I was in Truro. The place is called Camp Evangaline, it's in Debert. It's a place where a group of, like, mixed denominations gather for spiritual growth, chance to relate with children or people your own age, stuff like that and they have christian activity, like sports that is really dominant to the sense of having fun and not particularly about winning the game but mostly just to get away, for people to get away and begin to take heed into what the Bible is saying and the truth that is really in it and applying it to your lives and morals and living it.

13. Q. Did God come to you at that time?

A. Actually I just went up there because as I was explaining I did a deal from Montreal to here and I got ripped off in the process of it but not for all of it, but most of it and my middle man, the fellow that was middling the deal for me gave a couple of days to try to figure out what had happened and if I didn't come up with -- if I didn't figure what was going on or who, I was going to possibly have a couple of legs broken or, you know, these guys that I was dealing with from Montreal were heavy enough to apply that type of force. So I, for the first time in my life I sat down one evening in my father's home began to explain everything to him, what I was involved in and he came to the conclusion that it would be good for me to get away for those couple of days to try to figure things out. So that's where I went. My brother was working for T.W. Curry at the time and he had a call to Halifax so I went up with him up there and booked a cabin up there to try to figure this thing out?

14. Q. There were other people there at the time, were there?

A. Oh, yes, there was a massive of about anywhere from a thousand, roughly

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15. Q. How many days were you there?
A. I was there--Sheldon had another run at the end of the week and I went up in the middle of the week, I was there Tuesday, Thursday, Friday, Saturday, roughly about four days.
16. Q. And did God come to you at that time?
A. I accepted Christ as my Lord and personal saviour on the last day there. I accepted him, you know, according to John 3 and 16 and according to Rome verse 10, 9 and 10.
17. Q. Did God speak to you?
A. What do you mean verbally?
18. Q. Yes?
A. No he didn't.
19. Q. Has he ever?
A. No he hasn't.
20. Q. You were a very frightened man when you went there?
A. I was very scared, I imagine anybody would be in that position. After I got things settled out in what had happened, it was just a matter of-- I was just basically waiting to go back, you know, catch the ride back from Halifax with my brother to explain everything to my middle man and he in return would sort of set up something that would account for what happened to the dope and things like that.
21. Q. You were purchasing dope, were you?
A. Yes.
22. Q. What kind of dope?
A. Hashish.
23. Q. What quantity?
A. A couple of pounds.

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24. Q. How much money?
- A. Street value was around sixty-five hundred roughly. It was probably, it was black hash, it was one of the best on the market at that time, it was roughly selling for about fifteen or sixteen, maybe fourteen dollars a gram, around that.
25. Q. Had you purchased dope before?
- A. Yes, I was a courier for a couple of years.
26. Q. For a couple of years?
- A. Uh-hmmm.
27. Q. How much money would you make in a course of a month with couriering dope?
- A. Well I--the thing about drugs and about dealing with dope, stuff like that, basically the money you'd, I'd be moving around seven, eight thousand dollars at a time within the circle of the transaction. The money that would be in there would be my money, like, other people's money, you'd be working with that money so you know your expenses would be covered and if you did any dope at all or any amount of it, you wouldn't have to worry about that but basically your money is more or less always into that pot and in that circular transaction way you deal with it and you work with it.
28. Q. Did you ever deal in anything other than hashish?
- A. No, mostly pot and hashish, I did like dealing with chemicals.
29. Q. Did you in fact deal in chemicals?
- A. No.
30. Q. Did you ever deal in cocaine?
- A. No.
31. Q. Or heroin?
- A. No.

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32. Q. You first started getting involved in the dope business when, in 1977?
- A. Well I turned about 16 I guess and I started to do drugs.
33. Q. Shortly after the Marshall trial?
- A. Yes.
34. Q. And how did you first getting involved in doing drugs?
- A. Well like at first I--I got it at school. Got my first contact with it in school.
35. Q. And what did you do, you arranged to buy?
- A. No, at first, like anybody else, I was going around doing drugs, buying it and using it and etc, etc., and then after a while I begin to come and say hey, why should I pay for my dope and that is when I began to buy and sell a little bit and have a personal smoke and then after opportunities came for me to enter into that culture of transporting.
36. Q. Yes, would you have done this pretty well from 1972 onwards then to 1979?
- A. Pretty well, off and on.
37. Q. Were you regularly employed at all during that period of time?
- A. I'd held down a couple of jobs basically just to cover up the money that I was taking in and...
38. Q. I see, were you living at home at this time?
- A. From time to time, I was moving back and forth to Montreal, Ottawa, Toronto, where ever I was....
39. Q. You started going to Montreal, Toronto and Ottawa to arrange for the purpose of the dope?
- A. Well the transporting of it.

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40. Q. I see. Well would you actually bring it with you?
A. Oh, yes.
41. Q. Would you go by car?
A. I never had a license until after I was saved so....
42. Q. I see.
A. I usually went by train or by plane or whatever.
43. Q. What did you carry the dope in?
A. Usually, well sometimes I would carry it on my person, sometimes I carried it in bags or suitcases. Basically--I can't be telling you all this man. Basically that just the way it's done.
44. Q. Would you be involved in the purchase and sale once a month during this period of time?
A. Oh, easy.
45. Q. What kind of money would you make out of these transactions?
A. Like I say, I made enough money to feasibly keep myself and whatever, you know, quantity of clothes or whatever I wanted, I could spend, you know, roughly \$300 a day and just bar hopping or something, trying to pick up where I had taken a score because there was always people being busted and etc. so you're usually trying to hunt around picking new contacts. The force of the law was there continuously.
46. Q. Did you ever get picked up by the police?
A. One time, yeah.
47. Q. Were you charged?
A. Well I was charged here in Sydney.
48. Q. Of what, possession?
A. Possession, yes.
49. Q. Were you convicted?
A. With an intent to traffic. There was two charges given and I grabbed the two charges hoping that I'd get off--well I got off with possession

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49. A. anyway. I got a \$100 fine and that's about it.
50. Q. Needless to say you didn't declare any of this money as income, you didn't pay income tax on the money you made from selling dope?
- A. No.
50. Q. Would you give me an estimate of how much money went through your hands in that period of seven years?
- A. Oh, man, I don't know what to tell you.
51. Q. What would you be making, about twenty or thirty thousand dollars a year?
- A. Well I'd be carrying about maybe--no not at first, maybe the last going off I might have been handling maybe, anywhere from--like in the circular, pushing the dope roughly maybe between 15 to 20 thousand. Moving around all the time.
52. Q. How did you carry the money?
- A. I never use to be carrying the money, I use to have money held for me.
53. Q. I see. Did you ever carry a gun?
- A. No, never.
54. Q. Or any weapon?
- A. Never.
55. Q. And something happend in 1979, something went wrong with a drug purchase?
- A. Yeah, there was a lot of things that were going wrong the last couple of months.
56. Q. In what sense?
- A. Well I got involved in doing quite a bit of drugs and stuff like that.

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57. Q. You mean doing them yourself?
- A. Well actually what I was doing is I was doing some chemicals and stuff like that to try to keep me going. Your insight on that stuff is just money, money, type of thing.
58. Q. Were you hooked yourself?
- A. Definitely.
59. Q. You were a drug addict?
- A. Yes.
60. Q. I see?
- A. I wasn't what you would call a heroin addict but I was just--I was what people would call on the streets, like a pot head, basically.
61. Q. What kind of money would this cost you a day?
- A. Well I was--it all depends on what type of drug, it would cost me anywhere from \$50 to \$100 or some days--some days I was like an alcoholic, some days you'd go without anything because of--you'd try to clean yourself a little bit and try to get your head together.
62. Q. From what period of time do you think you were a pot head, do you think you were a drug addict?
- A. Well from the time I started smoking. I think anybody that relatively-- from the time they begin to smoke.
63. Q. Do you mean smoke marijuana or ...
- A. Smoke marijuana or hashish, I think they come to the point where they do abuse it to the point where they are smoking it every day and a lot of them say they just need it to get them going and need it to make them happy, etc. I use it to escape sometimes, and use it to keep me going a lot.

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64. Q. Would you be out of it for days at a time?
- A. Not out of it. My mind was always--I was capable of circulating because, you know, I successfully pushed dope for a number of years, a couple of years without being busted so not that it rendered me mentally, like in captivity as far as working around me or not having the sense of awareness of what I was doing but physically it would wear quite bad. I would get down in the dumps every now and again.
65. Q. Who were you selling the dope to? Who were the purchasers?
- A. Various amounts of people, I can't say who they were.
66. Q. I'm not going to ask you to name names, but were they basically young people?
- A. No, no, you know, businessmen, people with a little bit of higher authority than that too sometimes.
67. Q. Some high school students?
- A. I never really, I was more or less like a turn over man, I never really got down to selling joints on the street. When I first started I did but after a while I was just like a turn over man. Just bring, you know, point A to point B.
68. Q. And you'd sell it to another guy and he would distribute it?
- A. Right.
69. Q. And he would distribute it to whoever he could sell it to?
- A. Yeah.
70. Q. Presumably some of the high school students?
- A. Possibly, I don't have an awareness of who it would be. Mostly I know-- I don't think the circular of drugs was that--I wouldn't allow--I never ever sold to the high school students. Most of the people that it was sold to, that my dope had any circular or went to was mostly to people in bars and if there was a student that got into the bar well that's...

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71. Q. His tough luck?

A. Yeah.

72. Q. Okay, so something went wrong and the boys from Montreal said they were going to break you legs?

A. Well they came down.

73. Q. They wanted money?

A. They wanted to know what was happening?

74. Q. They wanted money?

A. They wanted money for their dope.
much

75. Q. How/money did they want?

A. I think it was around \$2,500.

76. Q. Had you had that money?

A. No, well I had it backed up in some other dope but I wasn't willing to give that to them.

77. Q. So what did you do?

A. Well I actually--I asked the fellow who was middling the deal for me I met up with him and I arranged a meeting and asked him if they'd give me a couple of days to see if I could figure what was going on and they believed my story that I was ripped up, that I wasn't to haul a fast one but if I couldn't come up with any type of evidence to say that I was ripped well I was going to have to pay the consequences because you just don't let stuff like that slip.

78. Q. Did you come up with the money or provide them with a...

A. Nothing, like I said, I went away to try--I got it all figured out.

79. Q. Figured out in your own mind, you mean?

A. Well I figured out exactly what happened.

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80. Q. I see, someone screwed up somewhere?

A. Who did me in and etc.

81. Q. Did you get after him?

A. Well after the acknowledgement of receiving Christ as my personal saviour through the redemption of the cross to the sharing of the blood, I went home and my brother Roger came home and said to me. He said listen, such and such said don't worry about nothing, everything has all been taken care of. Apparently that fellow had confessed up to it.

82. Q. Your prayers had been answered, correct. That makes you a true believer I take it?

A. It never made me a true believer, well there is a lot more that happened that transpired in my life between that dramatic experience. When I first accepted the Lord, like I told you, I was quite a heavy drug user and...

83. Q. When you first accepted the Lord was I take it at this meeting in Debert?

A. Right.

83. Q. In July of 1979?

A. Right.

84. Q. And it was a couple of days after that acceptance that your brother Roger advised you that the guy had confessed?

A. Right.

85. Q. That was a very fast answer to your prayers?

A. Very fast. Pretty fast.

86. Q. Did you pray for the resolution of that problem?

A. Well this is the way I made my plea to God was that I was in quite a mess. I was in a mess not in the drug culture but I was in a mess

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86. A. physically and mentally because of the drugs and stuff and the abuse that I was causing to my body and I was down. Like I was up to smoking two and a half packs of cigarettes a day and plus like I say I was doing in drugs and drinking and everything else and partying, what people considered having a good time, I don't anymore but-- so I just said look at me man, I'm in a big mess and I said if you clean me up, I said if you really clean me up and take care of me, I'll serve you and from that point in time, I never went back to drugs or cigarettes or drinking or anything. From that point in time God had come in and cleaned my life up sort of speak, he gave me a bucket of wash, white wash and just cleaned me up.
87. Q. When you asked the Lord to clean you up and clean up the mess you were in, did you ask him to resolve the problem you had with the Montreal drug dealers who were going to break your legs?
- A. No, I just told him if , you know, I'd take it one step at a time and what he--like I wasn't really worried about that because I figured out and like I had, my name was well known enough that what I said was through the--like you know your name is--like when you do something good, right, you're a good lawyer, you present so many cases, you win so many cases, it is just like drugs, when you push drugs and you push a certainly of quantity of good drugs well you...
88. Q. You had a good reputation?
- A. A good reputation for what I said and what it is so basically I had that all straightened out but there was something more that I needed in my life. I had to straighten my own life out, that was all I was concerned about up there.

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89. Q. Did you tell the Lord about the problems you had with the Montreal Mobsters?
- A. Oh, yeah. I tell him every day about everything I do.
90. Q. Do you speak to the Lord every day?
- A. Well I pray to him every day.
91. Q. Well do you speak ..
- A. In prayer, and you know, in meditation and stuff like that?
92. Q. And does he answer?
- A. Through his words.
93. Q. You mean through the Holy Bible?
- A. Right.
94. Q. Does he answer you in any other way?
- A. He answers me through circumstances, like, remember what we were just saying. About--if you had a drug addict--if you had a drug problem and if you sought--say AA say there is a certain amount, you have to be taken down through a certain period of time, etc., etc., to get off, to kick this habit, right. Okay you kneel before God and you ask him to clean you up and forgive you of your sins and come in to straighten out your life and you don't go through any withdraw you can just kick the habit just like that, wouldn't you say that's an answer?
95. Q. I would say that's extraordinary.
- A. It would have to answer, not verbally but through circumstances that I was answered.
96. Q. What if he hadn't?
- A. I would probably be in worse circumstance than ^{what} I am today.

97. Q. I take it you would not have stayed with him too long if he hadn't answered your prayers?
- A. Well I wouldn't have believed in him I guess. We all have a general idea of who God is and it is like the President of the United States, we know him, we know of the President of the United States but we don't know him personally. Well I grew up with the general idea of who God is all my life. It was that specific evening I began to know his son personally Jesus Christ.
98. Q. You got to know God through out your life, I guess because of your parents and they're Petecostal experience.
- A. Well my grandfather was an Evangelist.
99. Q. Yes, from Cape Breton?
- A. Well he built chruches all over the place, North Sydney. One in Nova Scotia, out West, P.E.I.
100. Q. Which grandfather is that, is that your mother's?
- A. Sheldon Myers, yes my mother's father.
it one
101. Q. Is/your mother who is the religious/between your parents or are both of them?
- A. No, they both are.
102. Q. My father at the age of 14 was completely healed of TB. As a matter of fact he was just healed--he was due for surgery on a tumer, well he was going for a little bit of therapy but they registered him for a-- they had to take everything out from the prostrate gland right down to the testicles, etc., etc., because he had cancer to such an indept so through the prayer of faith, like he went up to go for his final examination and they couldn't find anything so he was just unbelievably healed these last couple of--within the last monthhe just received a healing.
103. Q. How old is your father now?
- A. My father is 53.

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104. Q. Really, that young?

A. Yes.

105. Q. And how old is your mother?

A. Pardon?

106. Q. How old is your mother?

A. Roughly about the same age, about 48.

107. Q. They are living together?

A. Yes.

108. Q. Is your father working now?

A. Yes.

109. Q. Where does he work?

A. He just started back to work at National Sea Products.

110. Q. Same place?

A. Yes, he's a cutter.

111. Q. You mentioned a brother Roger, do you have other brothers?

A. Yes I have one fellow who is a Minister up in New Brunswick.

112. Q. Minister of what Petecostal?

A. Petecostal, Church of God.

113. Q. Is he--to become a Minister in the Petecostal Church, do you go to (inaudible) school?

A. You go to a Bible College. You follow the same type of structurally leading as you would to apply to a degree in Art or something else.

114. Q. Just give me a few details now. You're Maynard and Maynard you are 27, are you not?

A. Yes.

115. Q. And your brother Roger is how old?

A. My brother Roger is about 31.

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116. Q. Any your brother the Minister is how old?
A. There is one in between which would be Sheldon.
117. Q. And Sheldon is how old?
A. Sheldon is 25.
118. Q. And...?
A. Wayne is 22.
119. Q. Yes?
A. Jamie 19.
120. Q. Yes?
A. And there is two sisters in there somewhere.
121. Q. And they are between Wayne and Jamie, are they?
A. Well one is between me and Sheldon and one is after Jamie.
122. Q. Are you particularly close to any one of your brother or sisters?
A. We are very close.
123. Q. You're very close?
A. All close.
124. Q. Have you always been close?
A. Yes.
125. Q. Since your childhood?
A. Yes.
126. Q. When you were born did you share a room with one of your brothers?
A. Yes.
127. Q. Who would that be Maynard?
A. Roger.
128. Q. I am sorry, Roger, of course.
A. Yes.
129. Q. And you were living in Louisbourg at the time you were born?
A. Well we were born in Lockport.

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130. Q. Lockport, Nova Scotia?

A. Yes. And we lived there for...

131. Q. Is Lockport near Shelburne or is it?

A. Yes, right next to it, about 30 miles. We lived there for a while and my father was an undertaker.

132. Q. Was an undertaker?

A. Is an undertaker and was an undertaker and the job opportunity came for them to come up--my grandfather was Ministering in North Sydney at the time so we all moved up here and he got work at the Fish Plant in North Sydney and and was helping out a Dooley's Funeral Home.

133. Q. When would that have been that you moved to this area?

A. I don't know.

134. Q. How old were you?

A. Nine, eight.

135. Q. How was your relationship with your mother as you were growing up?

A. My mother and father's relationship was excellent.

136. Q. Yes their relationship. But how was your relationship to them?

A. I don't, what can I say, you'll have to ask them that.

137. Q. I mean how did you feel about them?

A. How did I feel about them? I had a great deal of respect for them.

138. Q. Did you love them?

A. Definitely.

139. Q. Did you have a close relationship with them?

A. Yes.

140. Q. Is your father a fine and honourable man?

A. Oh, very much so.

141. Q. And have you always thought indeed in that way?

A. Yes.

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142. Q. So the night this occurred, you had gone to church with your parents in Sydney to the Petecostal Church?
- A. That's right.
143. Q. It is my understanding that this was a Friday night. Was it your practise...?
- A. I must have been a special meeting. There must have been a speaker in or something.
144. Q. Would you normally have spent Friday night at church?
- A. Ah..
145. Q. If there was a speaker?
- A. Well up until the age, you know, until I started doing for myself, I was more or less under their jurisdiction to do what they felt was right was for as spiritual matters or earthly matters. They were--they are very musical and they, at that time, were in the music for the church, they played the music for the church and stuff like that, you know, there was no, you go to church and that's it. Like a young boy, catholic fellow, you go to church son, that's it, bang, you just go to church.
146. Q. You were expected to go every week?
- A. That's right. Anything special coming up, well I was expected to go to that too.
147. Q. This occurred in the month of May in 1971, were you going to school at that time? I mean were you in school in the year 1971?
- A: Oh, yes.
148. Q. What grade would you have been in at that time?
- A. I don't know six or seven I guess.

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149. Q. How far did you go in school?

A. I went to grade seven, that was it. It seems like after everything happened, you know, about 15½, 16, everything just started to...

150. Q. Okay?

A. I started to follow my own influence, everything started to start to just, you know, I became a high school drop out, through the influence probably of drugs.

151. Q. Did you start using drugs at all before this incidence in Wentworth Park on May 31st?

A. No.

152. Q. How had you done in school up to that period of time, had you always passed?

A. I was fairly, I was what you'd call a regular student. School wasn't-- it never use to excite me but I was very smart when it became to art and math, that was basically my only two subjects that I really liked.

153. Q. Had you passed every year up to that point in time?

A. In those specific subjects I was very high. I passed--well I failed maybe once or twice, maybe I failed in grade six or something.

154. Q. Did you fail any other grades?

A. I don't know, grade six or seven or something. The year I failed I quit.

155. Q. Had you failed any earlier year? _____

A. Not that I remember.

156. Q. Now you say that you were on curfew at that time, that meant you had to be home at 9:00 or in the care of your parents?

A. Right.

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157. Q. And Wayne Magee, was he your probation officer?

A. No, Larry Burke.

158. Q. Burke, is it?

A. Yes.

159. Q. And Wayne Magee was who?

A. He was the town police, chief.

160. Q. The Town of Louisbourg Police Chief.

A. Yes.

161. Q. What kind of fellow was he?

A. All right, I guess.

162. Q. A decent fellow?

A. Well I have my thoughts about the law, people that I've been encountered with so I just like to keep (inaudible).

163. Q. Well I would like to have your thoughts about Wayne Magee.

A. You guys are hard. He was a pretty square level headed fellow but my objective of the law is like he was like anybody else man, like they could pressure you into doing something and they'd do it and that's all. I've ^{up}grew/under that influence all my life.

164. Q. Was the law the enemy?

A. To a point. Just like cowboys and Indians I guess.

165. Q. What kind of problems had you been in, what had you done to get yourself into problems with the law?

A. Just like--theft.

166. Q. Is that from a store you mean?

A. No from--is this very relevant to the case?

167. Q. I think it is and I'll tell you why I think it is and because I realize you're here without a lawyer and there is really no way at this hearing that I can compel you to answer any questions I put to you, I can apply to a court order to try and convince the judge to compel you to answer

167. Q. to my questions but there is no way that you have to respond to anything I ask you today. I'll tell you why I think it is relevant. I think everything about you is relevant. I'm acting for Chief MacIntyre and we're suing the CBC because we say that on this program the CBC said things about the Chief that are untrue. The CBC, I'm not going to try summarize what their case is but to some extent they are relying on you and John Pratico and Patricia Harris. I think it is important for me to know as much about you as I possibly can and so that is why I've gone this way and another reason to, I'll tell you why, Wayne Magee was present, he gave evidence yesterday here. He was present at the Town Hall in Louisbourg when you gave the second statement and I want to know what you think of him or what you've thought of him at that point in time, that's why I asked you that question.
- A. No, I don't mind answering a few questions but like, what I'm saying is you're going way indepth into my personal life between my parents and stuff like that that I don't feel is relevant to this case. I feel personally and I don't mind telling you as much as I can tell you, you know what I mean but when you start like you're--if you go back on that tape, you're way off.
168. Q. I'm way off, okay, I see. I'll try and keep on the track.
- R. Murrant: Maybe if we can take ten minutes
- R. Pugsley: Certainly, would you like to take a short break?
- Maynard Chant: No problem.
- R. Murrant: Then we can deal with the events of--I don't know if you're finished that part anyway. I leave it to you.
- R. Pugsley: Would you like to take a break.
- Maynard Chant: Go for it, I'd say go right through.
- R. Pugsley: Maybe we should take a few minutes then.

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169. Q. A long time has elapsed since May 28, 1971, time plays its tricks on peoples memories, do you agree?
- A. To a point.
170. Q. I take it you don't recall all the things that occurred in that period of time, May, June, July, August, clearly?
- A. A lot of thing that I've said--A lot of things that are really stuck out in my life are the things that have been more or less really have held me, you know, the principal things that have happened to me personally and what happened relatively speaking through fear and stuff like that, things like that, they just erase.
171. Q. Was the first time you were frightened that night when Donald Marshall came to you at the police station and stood over you and told you what to say?
- A. Well he basically--he must have told me something either between getting in the car and going over to the place where the murder was explained, it seems I remember some of it them, but when he stood over me I was pretty scared, I thought he was a big strap of a man but like I say, I'm grown up now and is about a big strapping of a man now.
172. Q. You are what, six?
- A. Six foot.
173. Q. What do you weigh?
- A. Me?
174. Q. Two ten, 220?
- A. Two fifty.
175. Q. Two fifty, you're a big boy now. How big were you then?
- A. I was about a 160 I guess and 5'6.
176. Q. And you were sitting in the police station and Marshall came up to you and leaned over you did you say?

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176. A. Well I was sitting like in the chair like this here and there was almost like there was--like I was sort of sitting like this and it was like almost like a kneeling thing in Church that you come up kneel up against, he was more or less had his arms over that and he was more or less looking down over me.
177. Q. With his face very close to your face?
A. Pretty close, about, about like there.
178. Q. And you and I are about two feet apart at the present time I would say?
A. Yes.
179. Q. And what did he say to you?
A. He said, there was two of them, wasn't there and I just said yes.
180. Q. You got the message?
A. Yeah.
181. Q. When you were talking to Mr. Murrant about this you said that he looked angry or he was angry or...
A. He was like he was on fire.
182. Q. Like he was on fire?
A. Yeah, he was pretty wound up.
183. Q. And then the police asked you in and you gave them a statement I take it?
A. A police statement, yes.
184. Q. And you told them what Marshall had told you to say?
A. Well I had told them basically what we had talked about. There was another police officer there at the time when he had come over and said that to me. I guess I should have said to him, hey man, I didn't see anything but I just went from there--everything happened so fast.
186. Q. Yes because when the police had first stopped you that night when you were leaving the park going out to hitch-hike and they stopped you and you told them you saw everything, I saw everything I think are the words

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186. Q. you used?

A. Yeah.

187. Q. And then you gave the police a statement and you gave them a statement as well and I don't believe you recall giving them this statement at least I don't think you recall in the course of your discussion with Mr. Murrant. This is a statement that is dated the 30th day of May, 1971 at 5:15.

A. Yeah...

188. Q. You don't recall that at all?

A. Did they say it was taken at, it just says Louisbourg.

189. Q. It doesn't say where, it's on a City of Sydney Police Department, it's apparently signed by you and I'll try to find a photostat of your signature and it's witnessed by Sergeant Detective MacIntyre.

A. Basically is that saying that he was the only one there.

190. Q. Just a second, I'll let you read it in just one moment. I'll just identify it for you. May 30, 1971, 5:15 p.m. and that's the beginning time and the ending time was 5:35 p.m. Now you just take a moment to read it.

A. Okay.

191. Q. I don't know if you've seen the second page, there is just a little bit on the second page, have you seen that Mr. Chant?

A. Yeah.

192. Q. Having read that two page statement, do you have any recollection about giving that statement?

A. Is the statement at 2:15 relatively the same as that statement.

193. Q. Let me show that to you. Do you mean the statement that you gave on June the 4th in Louisbourg?

A. Uh-hmmm.

194. Q. Let me just show that to you and here it is. That is a four page statement dated June 4, 1971, 2:55 p.m. Just take your time to read that.

194. A. It seems like I remember this statement but this one...

195. Q. You remember the June 4 statement, yes.

A. I remember this June 4 statement, this one seem to--I don't know if I gave it that night or if....

196. Q. It's dated May 30th, now May 30th would be the Sunday. The 28th was the Friday.

A. Let me think, let me think now. I think after this statement, I think there was...

197. Q. After the Louisbourg statement, the June 4 statement?

A. Right. I don't know if one of the detectives came out, I think on a Sunday and we went for a drive or something, I don't remember.

198. Q. Well May 30th was a Sunday.

A. I don't know if we went to Sydney or where we went.

199. Q. Let's just go back to this for a moment, this statement of May 30th. It says; "May 30th, 1971, 5:15" -- well assuming that the statement is correct when it says May 30th, that's two days after the incident in the park. Had you heard from Marshall since you last saw him in the police station in the early hours of the Saturday morning. When did you next hear from Marshall, did you hear from him ever again?

A. No.

200. Q. Never did?

A. No.

201. Q. Okay, fine. It says: "statement of Maynard Vincent Chant, age 15 years residing at Main Street, Louisbourg, C.B. Friday night I was in town and I left the bus terminal on Bentinck Street about 11:40 p.m. " That would be roughly right, would it?

A. Uh-hmmm.

202. Q. Answer, yes?

A. Yes.

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203. Q. "I walked down Bentinck Street, came over Byng Avenue and started to cross the tracks. I got half way across the tracks. First I seen two fellows walking and two more were walking kind of slow, talking."
Now that I take it is not accurate I take it?
A. Read it again.
204. Q. Sure, of course. "I got half way across the tracks. First I seen two fellows walking and two more were walking kind of slow talking."
A. That would have to be inaccurate because I never even seen that.
205. Q. That was untruthful?
A. Right.
206. Q. Okay. "The two fellows who stabbed Donald Marshall and Sandy Seale, they talked for a few minutes on Crescent Street." Now that was...
A. You know, that there statement reminds me on the statement that I gave on that night.
207. Q. I see, on the night of--you mean in the early hours of the morning?
A. That statement is pretty close.
208. Q. That statement--that night would have been May the 29th?
A. Yeah because I can't remember that actual--I don't even know a lot of what went on but that statement seems to bring, you know, recalling about, you know, something about what was said to me in the office or something, giving that type of a statement.
209. Q. The only assistance I can be to you is that it is witnessed by Sergeant MacIntyre and he apparently was not at the station that night on the 29th.
A. Wasn't he.
210. Q. No he wasn't and there is some evidence from one witness we examined earlier who says that he believes they went down on a Sunday to Louisbourg to have a chat with you, he and MacIntyre.

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211. A. Yeah, I remember going for a drive with them but I don't remember giving them a statement that I can recollect but this must be the statement that I had given on that day.
212. Q. I assume that it is, that's all I can tell you. "The two fellows who stabbed Donald Marshall and Sandy Seale, they talked for a few minutes over on Crescent Street." Now that was not truthful, was it?
- A. Right.
213. Q. "One fellow hauled a knife from his pocket and he stabbed one of the fellow." That wasn't truthful?
- A. No.
214. Q. "So I took off back across the tracks to Byng Avenue and started to walk towards the bus terminal. Then I see Donald Marshall coming to down. I turned around and started/walk the other way. Donald caught up to me and said, look what they did to me." Is that truthful?
- A. Yes.
215. Q. "He showed me a long cut on his left arm." Is that truthful?
- A. Uh-hmmm.
216. Q. Was his arm bleeding, do you know?
- A. Not really, not that bad.
217. Q. "Then he said help me, my buddy is over on the other side of the park with a knife in his stomach."
- A. Right.
218. Q. Was that truthful?
- A. Uh-hmmm, yes.
219. Q. "Then we started to look for some more help. We met some boys and girls, one of the girls gave Donald a handkerchief, we got a car to take us over to where Seale was laying on the pavement. I took my shirt and put it around his waist and Donald went to a grey house and asked the man if he would call an ambulance." Is that accurate.

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219. A. Yes.

220. Q. "About ten minutes later I asked the man in the house to call again and I knelt down by Sandy Seale and he said that it was hot." I think you said it was cold?

A. Yes

221. Q. He mentioned something about being either cold or hot I take it?

A. Yes.

222. Q. "I unbuttoned his jacket, I then discovered his stomach was cut, I took my shirt where the cut was and made him comfortable. Then the police arrived, they called for the ambulance. He was taken to the hospital." That's accurate?

A. Uh-hmmm.

223. Q. Answer yes.

A. Yes.

224. Q. "Question: Did you know those other two men? Answer: No.

Question: Did you know Donald Marshall. Answer: I knew him to see him." Was that correct, did you know Donald Marshall?

A. Well not like, you know, to know him to see him now I know him, like basically there was a lot of Indians around like going to dances and stuff so like it was--you know, basically to see, I don't know that fellows name but I know him after I seen him to know him. What more can I say there.

225. Q. "Question: Did you know Sandy Seale? Answer: No. Question: Could you give me a description of these other man." It says man meaning men, I take it. "Answer: One man about 6'2, light brown hair, dark pants, suit coat, over 200 pounds. The other fellow 6 feet tall, dark pants, dark hair, 165 pounds." Now you made that up completely?

A. Must have.

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226. Q. "Question: Did you see their faces? Answer: No. Question: Would they be young or old. Answer: I was not that handy. Question: Was there just four men there? Answer: Yes. Question: Did you see any knife? Answer" Yes it was a figure of a knife. Question: How far away would you be? Answer: 45 feet or more down the tracks. Question: Could you tell if Marshall was drinking? Answer: I would not say he was." Why did you give to the police this statement when you knew it was wrong?

A. Well basically I was more or less just repeating what Marshall had told me. You know, more or less because I got myself in a bind when he come out and said there was two of them. That statement reminds me of the statement I had given that night. That sounds like the identical thing that went on. Now I don't know--people say there was--you told me that there was--that statement that I had given that night was never ever recovered or never ever used or was never....

R. Murrant: Haven't seen one with that date on it.

A. Ever seen anything like that statement. That reminds me of the actual statement that I have given that night. Now I don't know if--maybe the statement that I had given that night wasn't accurate and he came out or that certain police officer came out later on that day and asked for the same statement again but this was the statement that--I don't remember this one but the only thing--the only recollection I can come to that statement would be the night that I had given him the statement.

227. Q. You don't recall the statement of May 30th?

A. No.

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228. Q. Now the statement of June 4th. The statement was given at the Town Hall in Louisbourg?
- A. Yes.
229. Q. And how did you get to the Town Hall?
- A. I believe the detectives took me and my mother down in the car.
230. Q. It is my understanding that Wayne Magee took you there?
- A. Well....
231. Q. Could well be?
- A. Could well be.
232. Q. And your mother?
- A. Uh-hmmm, yes.
233. Q. And you went in and it is my instruction, this is what I am told that detective MacIntyre said that he wanted to ask you some questions, he was interested in the truth and that it was important for you to tell the truth and I think he spoke those last few words to your mother and your mother said yes, or she agreed with that and then Detective MacIntyre started to ask you questions. Do you recall any of that?
- A. The only thing I can say I recall is sitting down with my mother there and I don't remember a lot of the conversation. Most of the conversations that would be trivial to me would be something like that type of a conversation that wouldn't have no bearing on me at all. I mean...
234. Q. Why is that?
- A. Well it's just so long ago, you know.
235. Q. I see, okay. Are you certain that your mother did not remain present throughout the entire....
- A. I am positive.

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236. Q. Because both Chief MacIntyre and Magee have sworn that your mother did remain throughout?

A. I don't care what they say.

237. Q. That's what they testified?

A. You can ask my mother, she'll tell you that she was put out.

238. Q. That she was put out?

A. I don't know--she wasn't booted out but she was asked something, would you leave or something. I don't know what the circumstances were, maybe they wanted to talk to me alone or....

239. Q. How long after your mother was there was she asked to leave?

A. I don't know. I think she was just there after to the point where they were saying that they had a witness there or something like this. That's when I told them, I said, look, I didn't see nothing.

240. Q. And you think she was asked to leave at that point?

A. She was asked to leave at that point.

241. Q. And she agreed to leave, did she? Did she make any fuss about it?

A. I don't know, I don't think she was aware of what was going on. She just went out under the instruction of the detectives I guess because--possibly something they had said to her, maybe relevant to me.

242. Q. Did you object to her leaving?

A. Like I say I was scared, I didn't...I was to the point I was so dumb-founded, I didn't know if I was coming or going I guess at that point, to the point to say, you know, to speak up for, hey buddy where are you taking my mother, she has a right to be here, you know.

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243. Q. And your mother didn't...

A. To look at me now and you were to put me in the same circumstance, I'd say listen, I'm not talking to you at all without my mother, etc. Being back then, you know, I just couldn't speak for myself.

244. Q. And your mother raised no objection either?

A. No, maybe they must have said something to her to cause her to have no objection.

245. Q. Was Wayne Burke there throughout?

A. Larry Burke?

246. Q. Yes.

A. Yes.

247. Q. He was there throughout the statement?

A. That I can recall.

248. Q. Yes. Now you gave a statement in 1982 before Corporal Carrol and in addition to that you swore an affidavit on July th 14th, 1982 and in that affidavit you say; "subsequent the the Preliminary Hearing in this matter in July, 1971, I spoke with the Crown Prosecutor, the late Donald MacNeil who informed that if I changed my statement that I had seen Donald Marshall stab Sandy Seale that I would be charged with perjury." You recall Donald MacNeil telling you that, do you?

A. I recall that on the day of questioning at the Town Hall when we were going to the questioning and I said I didn't see nothing and they were saying, they were implying that--something like, you know, you could be up for perjury or something like that because of the first statement you've already given.

249. Q. You're saying that occurred at the Town Hall?

A. I believe, yes.

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250. Q. Are you certain of that because you didn't mention it in the affidavit?
A. Didn't I.
251. Q. No, take a look at it.
A. Oh, I thought...
252. Q. Having read your affidavit which refers explicitly to the conversation you had with the Crown Prosecutor where the word perjury was mentioned to you, I say to you could you be mistaken?
A. The reason why I said the crown prosecutor because I thought the crown prosecutor was the fellow that came out with the detective at that time to give that statement in Louisbourg, right and
253. Q. Well no, it says subsequent to the Preliminary Hearing and that means after the Preliminary Hearing?
A. That means on the....
254. Q. That means after the Preliminary Hearing in this matter in July, 1971.
A. Uh-hmmm.
255. Q. You see the Louisbourg/^{statement} was in June of 1971.
A. Oh, I see. okay.
256. Q. It says; "subsequent to the Preliminary Hearing in this matter in July, '71, I spoke with the Crown Prosecutor, the late Donald MacNeil."
A. Yeah right, no problem, yeah.
257. Q. "Who informed me that if I'd changed my statement I'd be charged with perjury." You recall him telling you that?
A. Yes.
258. Q. I suggest to you that there was no mention of perjury at the Louisbourg Town Hall meeting in June, that if there was any reference it was only at the meeting with MacNeil?
A. Oh, is that right.

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259. Q. Well that's what I am suggesting to you and I want to have your comment on it?
- A. I--like the whole area of me being on probation was discussed to the reflection that I could be doing time if I didn't come up with a bit of truth.
260. Q. Are you saying that that occurred on June 4th?
- A. That occurred when they were having me questioned in Louisbourg.
261. Q. In Louisbourg at the Town Hall?
- A. Yes.
262. Q. Was your mother present at that time?
- A. No, she was put out.
263. Q. She was put out again.
- A. Well I should use the term put out because you seem to be expressing that word put out so ...
264. Q. Well I'm not here to...
- A. Let's say that she was--yeah I'm sorry, just a bad choice of words, she was--at that time she was out of the room.
265. Q. I see, okay. Was the word perjury mentioned at that time?
- A. I don't know if the actual word was mentioned at that time, you know, you can play on words to say--you know, was that specific word mentioned, well I couldn't say it was and I couldn't say it wasn't.
266. Q. The fact is that the police were not satisfied that your statement of May 30th was true?
- A. Right.
267. Q. And indeed your statement of May 30th, was not true?
- A. That's right.

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268. Q. So they were right in that suspicion?

A. They were definitely right.

269. Q. How big was the room in the Town Hall that you were in?

A. It was about twice the size of this room.

270. Q. I would say this would be oh, seven or eight feet wide and it is probably about 15 feet long, it would be twice the size of that, would it?

A. Yeah.

271. Q. And you were sitting at a table, were you?

A. Ah, yeah, a long table.

272. Q. A long table?

A. Right.

273. Q. And where were you at one end of the table?

A. I was on one side and I think my mother was next to me or around that area. My probation officer was on the other side, Wayne Magee and I think the two detectives or police officer was something like we are, abreast of one another.

274. Q. I see, they were opposite you, were they?

A. Yeah.

275. Q. Did both of them ask questions or just one?

A. I don't remember.

276. Q. When your mother left or was asked to leave, did Wayne Magee say, she shouldn't be put out, she has a right to be here?

A. Not that I can remember.

277. Q. Did the probation officer?

A. Nope, not that I can remember.

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278. Q. Do you recall signing the statement?
A. No, I don't, but I must have.
279. Q. Well let me show you a signature that appears on a document 000025 which says: "June 4th, 1971, 2:55 p.m., statement of Maynard Vincent Chant" Is it?
A. Uh-hmmm.
280. Q. "Age 14 years residing at Main Street, Louisbourg, Cape Breton." And then on the second page at the bottom is Maynard Chant, is that your signature?
A. Definitely.
281. Q. Definitely your signature?
A. Yeah.
282. Q. Do you recal signing that?
A. It's vague, but it's there, I think I do recall.
283. Q. Did you read those two pages over before you signed it?
A. Well I wasn't much of a reader then.
284. Q. You weren't much of a reader?
A. I don't remember reading it over.
285. Q. Could you have read them over?
A. I don't think.
286. Q. Again...
A. It wasn't my writing, it wasn't--I'd probably have a hard time reading it.
287. Q. You say you're not much of a reader, did you read english then?
A. Oh, yes.
288. Q. Yes, you were in grade seven in school?
A. Yes.

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289. Q. This was on June 4th, 1971. The Preliminary Inquiry was in July, 1971.
That was, I assume at the Court House in Sydney, the Preliminary Inquiry
- A. Yes.
290. Q. You gave evidence at that Preliminary Inquiry?
- A. Yes.
291. Q. You were sworn to tell the truth?
- A. Yes I was.
292. Q. The evidence you gave was false?
- A. Yes.
293. Q. You gave evidence at the trial in November, 1971?
- A. Yes.
294. Q. Do you recall being before a Grand Jury? Do you recall being...
- A. Yes.
295. Q. Yes and you gave evidence before the Grand Jury?
- A. Yes.
296. Q. And that evidence was false?
- A. Yes.
297. Q. And you gave evidence before the Petit Jury, the small jury and do you recall that and you were sworn to tell the truth?
- A. Between the two courts, yes, both statements were lies.
298. Q. Both statements were lies, yes. And -- when is your birthday?
- A. Fourteenth of October, '56.
299. Q. During the course of the giving of evidence, did you go up to Donald Marshall, senior?
- A. What do you mean?
300. Q. Did you speak to him?
- A. Where?

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301. Q. At the Court House?

A. In '71?

302. Q. Yes?

A. No.

303. Q. Did you speak to Donald Marshall's lawyers?

A. No.

304. Q. The police did not tell you that Donald Marshall committed this crime, did they?

A. I remember, I don't remember when exactly it was said to me that he had tried, Donald Marshall had tried to skip out or take off somewhere and the police had caught him in Whycocomagh or something like that, but I don't remember when exactly that was but they never specifically said listen, Marshall is guilty and we want him.

305. Q. During the course of the Appeal Court Hearing in December of 1982, you remember giving evidence there?

A. Yes.

306. Q. You never made any suggestion at that time that the police threatened you with jail or threatened to charged you with perjury?

A. At the trial.

307. Q. At the hearing in Halifax?

A. At the hearing. I thought I'd given a complete, when they were asking me the questions I thought I'd given the story that I was....

308. Q. This was in 1982, this was after you had your conversion to Christianity and this was in Halifax before five judges?

A. Right.

After I had given my statement I thought they asked me the question why did I lie or why did I do this or why did I do that.

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309. Q. Let's see the statement you gave.
A. Is this the trial statement?
310. Q. No, this is just a statement and first of all let's take a look at the statement. This is a statement that you gave in 1982 before Corporal Carrol.
A. Oh, yeah, okay.
311. Q. Carrol came to Louisbourg, did he?
A. Right.
312. Q. And saw you for some period of time, did he see you on more than one occasion?
A. I think he saw me twice.
313. Q. For what period of time?
A. He saw me--I think I seen him, one day he come down to the plant looking for me, I didn't have a chance to talk to him then that night he came over to the house.
314. Q. That would have been the same night you gave the statement?
A. Right.
315. Q. And how long was he at your house would you say?
A. Oh, about an hour I guess.
316. Q. When were you married?
A. I was married in '80 I think.
317. Q. In 1980?
A. Yes.
318. Q. Had you been going out with your wife for a period of time before you were married?
A. We knew one another.
319. Q. But were you going out?
A. We went together for about three weeks.

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320. Q. Just before you were married?

A. I see.

321. Q. In the statement you say and bear with me I guess it would be best if I read the whole thing. "In 1971 I would have been 14 years old. I went to Sydney with my parents to Church. I skipped out of Church and went to the Pier. From the Pier I went to the bus station and the bus had left for Louisbourg. I walked down Bentinck to the park. I was going to take a short cut across the park to George Street and hitch-hike home. I had not quite made it to the park and a guy in a yellow jacket came running up to me. He showed me his arm where it was cut and told me his friend was stabbed over in the park. We met some other people and he told them the same thing. We flagged down a car, a brown Nova and went over to Crescent Street where the other guy was. This was Sandy Seale and he had been stabbed in the stomach. The fellow that I later learned was Donald Marshall did not go near the body." He wouldn't go near the body?

A. No.

322. Q. Did you think that was strange?

A. Yeah.

323. Q. "There was no blood from the cut on his arm and he showed several people." That's accurate, is it, there was no blood from the cut on his arm?

A. Not, not right at that time. I know right after she gave--even when she gave him the hanky it didn't seem like, you know, it was bleeding that bad.

324. Q. "It thought his actions were quite suspicious at the time." What actions were those?

A. Like he never went near the body or nothing. I don't know if it was shock or what it was. I thought at the time, like, even I remember when

324. A. I was giving the--that I was in the court and stuff like that, that was the thing that really puzzled, like you know, he was saying it was his friend but he wouldn't--like he stood about as far as the wall away from him and I was over Sandy's shoulder away from him.
325. Q. And Sandy was still conscious at this time, was he?
A. Yeah.
326. Q. "Seale was still alive and I put my shirt on the wound. The police interviewed me that night and I repeated what Marshall had told me. I don't know why, I had to say something. I told the police I saw everything." Referring to the cut?
A. Right.
327. Q. Now I just want to make sure. Were the words that you used to the police, were they, "I saw everything."
A. Yeah, that's what I said.
328. Q. Yeah, okay. "I definitely did not see the murder. Everything was over by the time I got over where Seale was. Sometime later I was taken to the park and they asked me where I was standing, I more or less showed them what they wanted to get it over with. I wasn't in the park around the murder. I was interviewed by two detectives, my mother was also there." You don't say anything in that statement about your mother being absent from the room.
A. No, I just, they never came to that point in question. I guess I could have said something.
329. Q. "In the second statement I told the detectives I saw the murder. They told me that another guy had seen me in the park and I had to see it, so that's what I told them."
A. That's right.
330. Q. But there is nothing there with threatening you with perjury or threatening you with jail?

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330. A. Because it didn't come up. I--I think we talked about it afterwards, after the statement was given, they were asking me a few questions, they : never put anything down on record but they were asking me a few questions because I remember them saying to me, hey, you know, we're not, you know, I said something relatively speaking about all cops, I guess I was probably still a bit hurt, like this bit, you know, after coming out and saying what I said and stuff and I said, you know, I thought they were all like that, pressuring you to do things and stuff and he said, we're not like that, so you know, you could probably talk to him and he'll probably give you that suggestion to the conversation.
331. Q. Yes. Did you tell those fellows you were threatened with jail and threatened with perjury and your mother was ordered out of the room?
- A. Yes, as a matter of fact my father was there.
332. Q. You told Carrol?
- A. Yes.
333. Q. But he didn't put that down, obviously not?
- A. No.
334. Q. "I really felt Marshall did it."
- A. Yeah, I did, that's why I didn't think that I was--for sometime I didn't think that I was doing such and injustice.
335. Q. "During the time Marshall was in jail a friend told me that Marshall was gloating about killing Seale. I also felt that the Indians were all out to get me. During the time I was giving evidence in Court, they kept going over and over the evidence. I remember once the Crown Prosecutor really was mad at me. I cannot explain what made me lie about this other than I was young and scared at the time." You acknowledged in Mr. Murrant's questions to you that the police legitimately and honestly could have been trying to get at the truth?

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335. A. Yes, I told that to Carol.

336. Q. Did you?

A. Yes. I also said about an interview I had on radio.

337. Q. I see, you were on radio, were you?

A. Yes.

338. Q. You say in the evidence you gave before the Appeal Court on Page 186, "Question: Isn't it fair to say that what they were trying to tell or what they told you at the time was they communicated to you the seriousness of telling lies about what you had seen. They were after your true statement, weren't they? Answer: They were after the truth."

A. Yes.

339. Q. And that's accurate?

A. Yes.

340. Q. And again the next question is "Question: Yes, there is no question about that, they were after the truth, right? Answer: Yes."

A. Definitely, that's what I thought. That's what I thought all along even though I thought I was pressured I still felt that they were just doing that to get at the truth.

341. Q. Yes. Just one second Mr. Chant?

A. No problem.

342. Q. I take it that when Detective Carrol saw you which I think is February of 1982, the only people you had talked about, sorry--you had talked to or attempted to talk to up to that point in time was your father?

A. Yes.

343. Q. That's the only person?

A. My father and my pastor.

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344. Q. And your pastor, right. And you first tried to speak to your father, when?

A. I don't know a couple of months before I tried to speak with my pastor which was a couple of months previous to when I was speaking to Carrol, the detective.

345. Q. All right, let's put it this way then. If the statement, yeah, the statement if February 16, 1982, middle of February, '82; probably in December that you would have spoken to you pastor and probably say something like September that you spoke to your father?

A. No, I spoke to my father first.

346. Q. Yes. That's right.

A. I think it was....

347. Q. In the summer was it of '81 or something?

A. Yeah, roughly about there.

348. Q. And what did you say to your dad?

A. Well like, you know, we were just talking back and forth and sharing some personal things and I just said, you know, do you remember the time about the trial, Sandy Seale, I really didn't see anything at all, because we were talking about a certain individual who was a friend of mine, who became a friend of mine through Christianity which his name is Bill Paulette, he was one of the councillors with the Indian Affair and we weren't talking about the case but I guess he was kind of interested about what was going on and we were just taking, like if you were ever approached what I would tell him. Basically I was telling my old man, excuse me, my father that I would tell him what I was going to tell my dad which was I didn't see the murder.

349. Q. You and your wife live in your own accomodations now, do you?

A. Yes.

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350. Q. Did you and you wife ever live with your parents?

A. Yes we did.

351. Q. For the first part of your marriage?

A. Yeah well I guess about a half of year or something.

352. Q. And you were married in '81, did you say?

A. Yeah.

353. Q. And then you moved...

A. I must have been married in '81 or '80. I think it was in '80 I believe.

354. Q. I see, you lived with your parents for about six months?

A. Yes.

355. Q. And then moved up to your own place?

A. Well we moved, yeah, like two, two dwelling places. Now we're in our permanent residence.

356. Q. What did your father say when you said this to him?

A. Well I guess, just, you know, he's a good man, he sort of took it to heart and said you know. He never said what are you going do about it, he just said--he more or less took it in. I guess I wasn't being responsive enough for him to give advice. It was just sort of having somebody to you know--you talk to a phone the phone doesn't answer you back.

357. Q. He didn't give you any advice I take it?

A. No, not really, he just more or less just beared the burden with me.

358. Q. Are you a member of the Petecostal Church now?

A. Yes I man, I'm one of the...

359. Q. You're a Preacher, are you?

A. To a point and that I'm the president of the Church that I am with now, I one of the deacons of the church.

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360. Q. What church is that?

A. The Pentecostal, the Church of God in Louisbourg.

361. Q. Yes. One of the deacons would be in charge of the spiritual life of the church I take it?

A. Spiritual life, yes, and also like the major decision, you know, the council, the church council.

362. Q. How many members do you have in the Church?

A. We have 4 and the secretary, she would be..

363. Q. I am sorry, how many people come to the church?

A. How many people, between 30 and 60.

364. Q. You have services, what, once a week on Sunday?

A. yes.

365. Q. And then you spoke to your pastor of the church after you had spoken to you dad?

A. Yes.

366. Q. And what had your pastor tell you?

A. He told me to really make it a matter of prayer and if opportunity would arise for me to do something about it to ^{be}sure enough do something. He said just for now, he said, just really keep it in prayer and talk to the Lord about it and let him sort of work it out for you and maybe you might be able to fix it up a little later down the road, you know, if the opportunity ever came, but he was more or less, you know, he was like my father, he was more or less just bearing the burden of me telling him about the tragic mistake I made in my life.

367. Q. Did you discuss with your mother after you left the Town Hall what you told the police?

A. I don't remember.

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368. Q. You don't remember?

A. Not really, something about it but not would stick out in my mind right now.

369. Q. And you said, I believe, it was at the Louisa Town Hall, I think you said that the police said to you, you had to see something, am I correct that it was the Louisa Town Hall?

A. Well they'd say the exact words, "you must have seen something."

370. Q. You must have seen something. Okay, I suggest to you that that was not surprising that they would say that to you in view of the fact that you had told the police the night of the incident, I saw everything.

A. That's right, but they at that--I guess through that--what made me say, I didn't really mean like I seen everything, the murder. Basically what I was talking about was the scene of the accident, more or less having to do with being stabbed and stuff like that.

371. Q. You may not have meant that you saw it everything?

A. Right.

372. Q. But the police may well have assumed from your comment.

A. Basically, yeah. That's probably why I guess why, I don't know why they said what they said, basically I guess they must have said it because they realized that I didn't tell the truth in the first statement that they had taken that night so basically they were figuring, I suppose, holding out I guess.

373. Q. And in fact you were?

A. Oh, definitely.

374. Q. Thank-you very much.

A. Thank-you very much.

R. Murrant: No questions, you're free to go.

270.

0. MAYNARD CHANT duly called, sworn, testified:

DIRECT EXAMINATION

MR. EDWARDS: Sir, would you give your name, address and occupation to the jury, please?

5. A. My name is Maynard Chant, I live in Louisbourg, I work for National Sea Products. I'm a fish cutter.

Q. How old are you, Mr. Chant?

A. I am 28.

Q. So that would have made you how old in 1971?

A. 14.

Q. And at that time you were a school student?

10. A. Yes.

Q. What grade were you in?

A. I was in grade 6.

Q. And did you reside in Louisbourg at that time?

A. Yes.

Q. With your family.

15. A. Yes.

Q. Now I want to direct your attention to the night of May 28th, 1971. Do you recall where you were that evening?

A. Yes.

Q. Where were you?

20. A. On that specific evening we were having special services in Sydney. I went in with my family in the church. Do you want me to continue?

Q. Yes.

25. A. And a little later on in the evening I had asked would it be all right if I went down to meet a friend of mine in the Pier in Sydney and well, after a little bit, after the service, maybe around 9 or so I decided to take off from church and go down to the Pier and meet one of my friends, that we had planned earlier.

30. Q. Yes?

271.

10. MR. CHANT, Direct Examination

A. I couldn't locate him when I got down there so I had to hitchhike back from the Pier, I was going to try to catch the bus that goes out to Louisbourg from the bus terminal on Bentinck, and by the time I had got up there I had missed the bus so I decided well, I better find a way home so I walked down Bentinck and went out to George Street. Well, I never got out as far as George Street. As I walked down Bentinck Street . . .

5. Q. Bentinck Street is on the perimeter of Wentworth Park in Sydney, is that right?

10. A. Yes.

Q. So you were walking on Bentinck Street towards George.

A. Yeah.

Q. And George Street forms another boundary of Wentworth Park.

15. A. Um-hmm.

Q. All right.

A. And just as I got down to the corner of Bentinck And the street that runs parallel to Bentinck, which I don't remember the name of it, I just barely turned the corner and I was walking on this side of the park, I seen a fellow running from the bridge side towards me and I didn't know who it was, I just kept walking and he hollered to me and I turned around and he ran up to me and he just - he had his arms on his jacket rolled up and - the sleeves of his jacket rolled up - and he said . . .

20. Q. No, you can't tell us what he said.

A. Oh, I'm sorry.

Q. But do you know who that person was?

A. Not at the time. I didn't know.

25. Q. Have you learned since who he was?

30.

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0. MR. CHANT, Direct Examination

A. Yes.

Q. Who was it?

A. It's Donald Marshall.

Q. Donald Marshall Junior.

5. A. Junior.

Q. Yes. Now what if anything did you notice about his arms other than the fact that his sleeves were up?

A. He had a gash on his arm, it looked fairly deep and he told me what had happened and he wanted to know if I could help him. Can I go into detail what he said what happened?

10.

THE COURT: You cannot tell what he said.

MR. EDWARDS: You cannot tell us what he said.

A. Okay.

15.

Q. But you can tell us as a result of the conversation at the time with Donald Marshall Junior what did the two of you do?

A. Well, we flagged down a car. First we met- as we were walking towards to get a hold of somebody to help us out, to help his friend out, we flagged down a car. Just before that we met a girl, two girls and like two couples and they had given Marshall a handkerchief for his arm so at that . .

20.

THE COURT: Sorry, you're going a little too fast. I'm trying to write this down.

A. I'm sorry.

25.

THE COURT: You met a girl, and then you said two girls and then you said two couples.

A. I meant two couples, two boys and two girls, I'm sorry.

30.

MR. EDWARDS: And they gave him a handkerchief for his arm?

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0. MR. CHANT, Direct Examination
A. Yes.
Q. Yes?
A. So at that time we had flagged down a car and we drove around like to George Street up to where Sandy Seale was hurt.
5. Q. Do you know what street that was?
A. After you come off of George Street you turn onto Argyle.
Q. Yes.
A. You go up Argyle a way. Now the street that runs along the perimeter of the park, on the left side . . .
10. Q. Would Crescent Street. . .
A. Crescent Street, yeah, sounds familiar. So we got just about almost all the way like to the end of the road and there was a young man laying down on the pavement like, all hunched up and. . .
15. Q. Did you know that person?
A. No.
Q. Have you learned since who he was?
A. Yes.
Q. Who was he?
A. Sandy Seale.
20. Q. Describe his condition.
A. He wasn't saying much. After we got out of the car we went over to him. Marshall, Donald said that he would go for the ambulance and he ran up a couple of houses and went up the stairs and tried to get an ambulance and while I was there Sandy never said much, he just murmured a few words and said that he was cold.
25. Q. You can't tell us what he said. He was conscious.
A. Yes.
30. Q. And did you observe any injuries on him?

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0: MR. CHANT, Direct Examination

A. I noticed he had a lot - a lot of blood. I took my shirt off and put it to where the cut was on his almost like on his stomach.

Q. You're indicating your abdominal region.

5. A. Yes. And I didn't actually see the cut but there was a lot of blood at the time. We just waited there, I just told him to hold on. I just . .

Q. All right. So you're waiting with Seale. You say that Marshall went where?

10. A. He went to a house up the road, not very far, just a couple of houses.

Q. Yes.

A. And he said that he would call an ambulance.

Q. Well, you can't tell us what he said.

A. Okay.

Q. How long was he gone?

15. A. It wasn't very long, maybe five minutes.

Q. Yes.

A. And then he came back and sort of stood in back of Seale. He never said very much, he was just sort of standing there, I guess he was in a bit of a shock.

20. THE COURT: Look, I'll have to tell you at the beginning, all that you can tell us are facts that you saw or observed, you can't give us any opinions as to what you may think nor can you give us any evidence of what anybody said to you. All right?

25. A. Okay.

MR. EDWARDS: All right, so Mr. Marshall returned about five minutes later, you and Seale are there on the road on Crescent Street, he's standing behind. What happens then? Marshall, that is, is standing behind.

30. A. Marshall is standing behind. About a couple

275.

0. MR. CHANT, Direct Examination
of minutes later the ambulance comes.

Q. Yes.

A. And they just picked Seale up to take him to the hospital. And I proceeded on my way home and I got out to George Street and . . .

5. Q. Excuse me, before we leave Crescent Street you say the ambulance came and took Seale away.

A. Seale.

Q. What about the police? Did they arrive at that time?

10. A. I never really - I never really saw or seen the police there. All I remember is the ambulance and I don't even remember where Marshall went after that.

Q. Do you remember where Marshall was when the ambulance arrived?

A. He was right in back of Sandy standing up. Like I say he was just standing there waiting, I guess.

15. Q. So after Sandy is placed in the ambulance and taken away, you proceed where?

A. I proceeded to go home.

Q. By what route?

A. Well, I walked back Crescent, out Argyle and then from Argyle to George and I was walking up George Street there, up towards Hardwood Hill.

20. Q. How did you intend to get home to Louisbourg?

A. Hitchhike.

Q. Yes.

25. A. And just at the bottom of Hardwood Hill the police car rolled over and I guess they seen the blood on my shirt.

Q. Well, you can't say what they - what you guessed they thought. Anyway what did the police do?

A. So they picked me up and took me up to the hospital. I don't know why they took me to the hospital.

30.

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0. MR. CHANT, Direct Examination

They asked me . . .

Q. Well, you can't -

A. Okay.

5. Q. Before we leave this sequence do you recall approximately what time it would've been when you were first hailed by Donald Marshall towards the intersection of George and Bentinck?

A. It would be close to midnight. I think the last bus left the depot at 11:45 so it would be handy between 11 and 12.

10. Q. And about how many minutes or whatever had elapsed by the time the police picked you up at the base of Hardwood Hill?

A. Anywhere from a half hour to an hour.

Q. So the police picked you up and they took you to the City Hospital.

15. A. Right.

Q. And where from there?

A. From there they took me up to the police station.

Q. How long were you at the hospital?

A. Just a short amount of time.

20. Q. Did you see anyone there? Of course you saw someone, but did you see Donald Marshall there?

A. Not that I can remember.

Q. Did you see Sandy Seale?

A. No.

25. Q. So then you went to the police station.

A. Right.

Q. And who among the principals in this matter did you see there?

30. A. I don't remember the names of any of the detectives who I came in contact with to give a statement

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MR. CHANT, Direct Examination

0. depending upon what happened that night. I had just given a statement and my parents came and picked me up and took me home.

Q. And then subsequently did you testify at the preliminary inquiry and trial of Donald Marshall?

5. A. Yes.

Q. How if at all does your testimony given then differ from the testimony you just gave now?

10. A. Back in the '71 trial I had said that I had seen Marshall murder Seale and I never seen nothing bearing that at all. The actual sighting - anything I seen was to where I met Seale on Bentinck - the corner - Marshall on the corner of Bentinck Street. That was the only thing I seen involving the murder.

Q. Can you explain to the jury why you would have given that testimony at that time?

15. A. Well, the reason was because the police had - after I went home, a couple of days later or a day later, they came out and they said that hte statement that I had given . .

Q. Well, you can't say what the police told you. Without telling what anyone told you can you explain?

20. A. Well, the only thing that I can say is they took me down to a room in the Town Hall in Louisbourg and the thing was that I was on probation and first . .

Q. For what?

25. A. I was on probation just through personal crime, like, and that I - that they had information that . .

Q. Again, if you can't explain it without getting into what somebody said to you . .

A. Well, I could give up to it anyway. It came to the point where I had given a falst statement the first time and . .

30. Q. Why had you done that?

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0. MR. CHANT, Direct Examination

A. Mostly because I was scared, I guess. The night that I had given the first statement, when I went up to the police station Marshall was coming out and he had come over to me and leaned over to me.

5. Q. And you and he had conversation?

A. Yeah. And so that's why I gave the statement that I gave so they - I don't know how to explain this. So anyway resulting in I ended up giving a false statement and when I tried to tell the truth they wouldn't accept it.

Q. They - the police?

10. A. The police wouldn't accept the story when I begin to confess up to say I never seen nothing and they just kept pressing and like I was more or less saying it was rough for me where I had perjured and I could really get into a lot of trouble.

Q. Those were your fears.

15. A. Those were my fears. Those were the -

Q. Okay. When did you decide to come forward with the story that you told the jury in the first instance today?

A. Two detectives approached me in '82 - between '82 and . . .

20. Q. Who were they?

A. One was Jim - I don't remember.

Q. Would you know him if you saw him?

A. Oh yes. Yes. That was one of the gentlemen.

25. Q. I just had Corporal Carroll stand up and you said that's one of them. Do you remember the other name?

A. No.

Q. Okay. And why did you decide to tell them the story you told us?

30. A. They were very level. I had - between the time of the '71 trial and '82 or coming up to where they came

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0.

MR. CHANT, Direct Examination

to question me, I had become a Christian and it seems like the principals or the tragedy that happened way back I wanted somehow to straighten it out because I knew then that I did wrong and I just felt that it was time that I should tell the truth.

5.

Q. The jacket Mr. Marshall was wearing on the night in question, do you recall its condition? Do you recall anything about it?

A. All I remember is that it was a windbreaker and when he got to me the sleeves were rolled up even with the elbows. Other than that it seemed like it was in half decent . . .

10.

Q. I have no further questions, Mr. Chant, but Mr. Wintermans may have some.

CROSS-EXAMINATION

15.

MR. WINTERMANS: When this incident occurred back in 1971 you say you were 14 years old and in grade 6 at the time?

A. Um-hmm.

Q. And I believe that you had repeated grades 2, 5 and 6 at that time?

20.

A. Yes.

Q. Donald Marshall Jr., when you returned back to where Mr. Seale was lying, where did you say that Mr. Marshall went? You say he went to a house?

A. Yes.

25.

Q. Did you see that or were you looking at Mr. Seale?

A. I seen him run up the steps towards the house.

Q. But as to what he did you don't know for sure.

A. Not that I could remember.

30.

Q. And when he came back you say that he was standing behind where Mr. Seale was?

back?

0. 280.

MR. CHANT, Cross-Examination

A. Yes.

Q. How far behind?

A. Just a couple of steps.

5.

Q. Was it rather dark in that spot?

A. It seemed to be fairly dark.

Q. Fairly dark. And when you say behind

Mr. Seale do you mean if Mr. Seale were lying on the ground, above Mr. Seale's - in the direction of behind Mr. Seale's head or behind his back or what?

10.

A. Between like his back, between like his shoulders and his head, around that area. Up that way.

Q. Could you indicate as to whether or not Mr. Seale appeared to look towards Mr. Marshall at that point?

A. No.

15.

Q. Was Mr. Marshall positioned in such a way that Mr. Seale wouldn't have been able to see him?

A. See.

Q. Is that right?

A. Yes, that's right.

20.

Q. Did Mr. Seale say anything as to what had happened to him?

A. No.

Q. He was conscious, though.

A. Yes.

Q. He could talk at that time.

25.

A. Yes.

Q. You remained there until the ambulance arrived?

A. Yes.

Q. How long a period was that, do you recall?

A. Like I really couldn't say because you know, maybe five, somewhere around that area. It was - it all

30.

| mins.

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0. MR. CHANT, Cross-Examination

happened pretty fast.

Q. Five minutes you say?

A. At the longest anyway.

Q. That's the longest?

5. A. Like I really couldn't say as far as time.

Q. Thank you.

THE COURT: Any re-examination?MR. EDWARDS: No re-examination.WITNESS WITHDREW

10.

15.

20.

25.

30.