

MAYNARD VINCENT CHANT

- A. Seen outside 103 Byng Ave. in conversation with MARSHALL and others by Mr. M. MATTSON, shortly after 12 Midnight 28 May 71.
- B. Enters car with MARSHALL and proceeds to scene on Crescent St. MARSHALL relates his version of how the Murder occurred.
- C. Places his shirt over wound and stays with body until police arrive.
- D. Checked by police walking some distance from scene with bloody shirt.
- E. Advises police he saw it all, meaning body of SEALE. (SEE ATTACHMENT #1).
- F. Interviewed by Chief MacINTYRE, told story as related to him by MARSHALL. Gave statement saying he saw two fellows stab SEALE and MARSHALL. Statement dated 30 May 71, Attachment #2.
- G. Re-interviewed 4 June 71, now states he saw MARSHALL stab SEALE.
- H. Gives evidence as per "G" in Preliminary Hearing. Declared hostile witness as he would not repeat in Supreme Court and answers "yes" when previous evidence as per "G" read to him.
- I. CHANT interviewed by RCMP 16th Feb and 20 Apr 82, and states he lied on the stand. Was never in the Park, did not see Murder and was pressured by Sydney City Police and Prosecutor to give evidence. Attachment Nos. 3 and 4

CONTINUATION REPORT

SUBJECT

CASE No.

C O P Y

1971

May 29th - 1:00 A.M.

Maynard Chant, Main St., Louisburg, 15 yrs.

Car # 4 was on stand-by while cars # 1 and 3 were attending call to Wentworth Park. We were on George St. near Shandwick St. when we seen this boy who seemed nervous and was carrying a shirt in his hand. When we stopped the car he came over and asked for a drive to Louisburg. We asked him what was wrong and he in turn asked if we knew of a stabbing in the park and he stated he had seen what happened. The shirt he was carrying had blood on it and he was wearing only his jacket. He was put in the police car and taken to Det. M.R.MacDonald who was at City Hospital. After being questioned, by Det. M.R.MacDonald, he was taken to station where he called his father to come to Sydney to pick him up.

Signed: P.C. John Johnston and
Frank McKenzie

With reference to Maynard Chant, he was at the scene and took off his shirt and placed it on Sandy Seale's wound.

Signed: Cst. Walsh.

CONTINUATION REPORT

SUBJECT

CASE No.

COPY

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 not. 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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CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

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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 erguing I mean Donald Marshall with the other men his sleeves were down to his wrist at that time.

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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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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.

CITY OF SYDNEY POLICE DEPARTMENT
CONTINUATION REPORT

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SUBJECT

CASE No.

Mrs. Beulah Chant - mother

Lawrence Burke - Probation Officer
Juvenile Court

Chief Wayne K. McGee

Urquhart and myself.

-86- MAYNARD CHANT, being called was examined by the Court.

THE COURT:

I am perfectly satisfied that Mr. Chant appreciates the nature of an oath and can be sworn.

MAYNARD CHANT, was duly sworn.

MR. ROSENBLUM:

May it please Your Lordship, I move for the exclusion of all other witnesses who are to be called on behalf of the Crown and who have not already testified.

(10) MR. MacNEIL:

My Lord, I suggest to you that this motion certainly would have been appropriate at the beginning of the case. We've now gone through thirteen - the two parents - fifteen witnesses.

THE COURT:

Can you give me any authority?

MR. MacNEIL:

Not off-hand, I can't.

THE COURT:

(20) Motion granted.

All who may be called by the Crown and have been subpoenaed to give evidence in this case by the Crown who have not yet been called are asked to leave and you will be called in. Once you are called in and given your evidence, you may remain in the court room. For the time being, all who have not been called and are going to be called, must leave the court room.

(The Informant, Det. Sgt. MacIntyre permitted to remain)

MR. MacNEIL:

(30) I don't know. I just want to make sure that that also includes the witnesses for the Defence, exclusion for any witnesses for the Defence.

THE COURT:

Are you asking for that?

MR. MacNEIL:

Yes, I'm asking for that, My Lord.

-87- 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.

-88-MAYNARD CHANT, 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?

(20) A. I started down -- I started to go down Beacon Street towards 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 CHATT, 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 direct to mark plan with "X")

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

(30) 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.F. MacDonald and N.A. McQuinn. Is that correct, the tenth bush?

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.

-96- HAYWARD CHAMBER, Ltd. 2000.
BY MR. MACDONALD:

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 drove 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 cut 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. So they kept on going. A car come along and he flagged that down -

(30) Q. Who flagged it down?

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

Q. Where what fellow was at?

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

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MAYNARD CHANT, Dir. ENAM.

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 keeling 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 recognize Mr. Marshall as being the man that you had -

MR. ROSENELUM:

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?

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.

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

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 keel 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?

(30) A. Well, Donald Marshall got out of the car and come over near 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 -

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

A. No.

Q. Where did he stand?

MANNED CHANT, DIST. COURT.

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. MacNeill -

MR. MacNEEL:

I'm sorry, My Lord.

BY MR. MacNEEL:

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 '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 -

(20)

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 Hardwood 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 -

MAYNARD CHANT, Dir. Exam.

MR. ROSENBLUM:

What was that?

MR. MacNEIL:

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

BY MR. MacNEIL:

Q. No more conversation though about what took place between yourself and the officers. What did you do then?

(10) 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 came 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:

Q. And what did you do then?

(20) A. After that, two policemen drove me down to the police station and the police officer called my father for me and my father came 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:

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?

(30) A. A fellow into the bushes hunched over.

Q. Did you recognize that man?

A. No sir.

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HAROLD CAMP, -11.5.11.

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.

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

MR. ROSENBLUM:(20) 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.MR. MacNEIL:

If Your Lordship pleases, 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. MacNEIL:(30) Yes, My Lord. Not necessarily hostile but hostile it may be of the previously sworn testimony that he gave in the court below.THE COURT:

Inconsistent?

MR. MacNEIL:

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. DETA. (YOUR 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 -

- (10) "As you walked along the tracks, what did you observe?
First thing I noticed was a guy hunched over the bush watching something.
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?
Yes.
- (20) 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?
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.
- (30) 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-

MR. 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 draw that to Your Lordship's attention and for the record.

-98- 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 police station that Sunday, that following day.

-99- MAYNARD 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 men 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 today

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 something back to Donald and I saw Donald haul a knife from his pocket. Not an object, a knife! This is unquote-

(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

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 attempting to condition the witness for his testimony when the jury is brought back into this room. That's the position I want to

(10) have on the record.

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 the witness made at other times a statement inconsistent with his present testimony. Has he made a statement inconsistent with his 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 they 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, and if it is true. Bring back the jury.

(4:08 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 I saw two guys talking to one another.

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

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.

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

(20)

A. Well first, the only thing I saw - I saw them talking 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 court here today? Would you point him out to the court please? (The witness points to the accused). You told 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 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 CRANT, Dir. Exam.

"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 the 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 the 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 here today. Would you point out to the court, please. (And 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. ROSENBLUM:

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. Exam.

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 those 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-Exam.)

- (30) 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 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- HAYNARD 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 Lyng 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- MAYNARD 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 Bentinck 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 you met 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 whom you met on Byng Avenue is the man you saw previous; are you sure of that, under oath before God?

-106- MAYNARD CHANE, 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, so Donald Marshall met up with you or you met with him on Byng Avenue?

-110- MAYNARD CHAMP, 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.

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

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.

-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. ROSENBLUM:

Answer me first.

MR. MacNEIL:

Don't answer first!

MR. ROSENBLUM:

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 this 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 -
- Q. They come out to Louisbourg, yes. And how long were you talking to them Sunday?
- (20) 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 on Sunday or the other officer or anybody else that it was Donald Marshall who grabbed this fellow who fell down on the street

-114- MAYNARD CHANT, Cross-Exam.

MR. MacNEIL:

Objection - for the record, My Lord!

THE WITNESS:

A. No.

BY MR. ROSENBLUM:

- (10) 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 talking about Monday.
- A. I can't remember.
- Q. How about Tuesday?
- A. (Response inaudible.)
- 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 knife was because the police told ^{you} it was Donald Marshall who did it.
- (20) 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 you it was Donald Marshall who did that?
- (30) 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- HAYNARD CHEAT, 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. ROSEMELUM:

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

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 MacIntyre 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. ROSENBLUM:

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 now to give explanation as to why he did something or why he lied or why he lied today 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 CHELT, 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 WITHDREW)

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

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 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 it, the evidence. I remember once the Crown Prosecutor really

.../2

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

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

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

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

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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.

STATEMENT OF BEUDAH ELIZABETH (Mrs. Walter) CHANT
B.D. 33-10-22, Taken at Louisbourg, N.S. 82-04-20
4:04 P.M.

On the night of the stabbing in Sydney in 1971, we received a 'phone call from the Sydney City Police asking me to come in and pick up our son Maynard, who was 14 then. My husband went in. My husband told me there had been a stabbing and Maynard was supposed to be around when it happened. In the morning I asked him what was going on. Maynard said he didn't know anything. On Sunday, when we came home from church there were two Sydney policemen sitting in the yard, one was MacINTYRE, the other one I didn't know. They said they believed Maynard had lied to them. They wanted to question him again. We agreed. They talked to Maynard in the house for a short time but mostly out in the car. I told him to tell the truth and let them take him to the car alone. Maynard told us later they wouldn't believe him. Sometime later in the same week, the same two policemen came back out to see Maynard. They took him to the Town Hall for questioning. I went with him. They told me they had evidence Maynard was lying and they wanted to talk to him alone in the room. Maynard was on probation at the time. I believe Wayne McGEE was present at that time and a BOURQUE fellow. I think I went outside and waited. The police told me they had evidence that Maynard was lying.

It was in the afternoon, I think, when they questioned my son. I knew he was upset but I don't remember if he said he gave a statement or changed his story. I believe someone came from Sydney and took Maynard and I to the court house. I went to court for the first two days but my nerves couldn't stand it so I didn't go back. I didn't hear his evidence.

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STATEMENT OF BEUDAH ELIZABETH (Mrs. Walter) CHANT - CONT'D

There was at least one day when they took Maynard to court alone, for the trial. I felt the police had finally learned the truth from my son. It was actually the trial with the jury I attended. None of our family were with him at the first hearing. I remember one of the two policemen telling Maynard at some stage, that he couldn't say he saw a knife, only what looked like a knife. About two years ago, Maynard told me he had given false evidence at the trial, that he had not seen anything of the murder. He said he tried to tell the truth but they had him so scared he couldn't say anything different. They wouldn't listen to him. He told his father and Rev. William LEGGE, also the RCMP, when they came to our home about two months ago about the incident.

(Sgd) Beudah CHANT

WITNESS:

J.E. CARROLL, Cpl.

D. HYDE, Cst.