JAMES MacNEIL, by Mr. Orsborn

Α.	Yeh, right.
Q.	Where are you living now, Mr. MacNeil?
Α.	I'm living down at 222 Mount Pleasant Street, Whitney Pier.
Q.	222 Mount Pleasant.
Α.	In Sydney.
Q.	And how old are you?
Α.	Forty-one.
Q.	What's your birthday?
Α.	June the 25th, 1946.
Q.	1946. And if I've counted up correctly, this is about the
	seventh time you've given testimony under oath in a proceeding
	about this matter.
Α.	Yeh around seven times.
Q.	And an affidavit and a couple of statements as well.
Α.	Yeh, right.
Q.	Getting used to it?
Α.	Oh, I'm still a lttle bit nervous, camera shy, I guess.
Q.	Are you on any medication for your nervousness?
Α.	Yeh, I'm on blood pressure medication.
Q.	What medication are you on for your blood pressure?
Α.	Hydralazine.
Q.	And have you taken any today?
Α.	Yeh.
Q.	Are you on anything else for nervousness?
Α.	Diapan.
	Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. Q. A. A. Q. A. A. Q. A. A. Q. A. A. Q. A. A. Q. A. A. Q. A. A. A. A. Q. A. Q. A. A. A. Q. A. A. A. Q. A. A. Q. A. A. A. A. A. A. A. A. A. A. A. A. A.

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JAMES MacNEIL, by Mr. Orsborn

1	Q.	And have you taken any of that today?
2	Α.	Yeh.
3	Q.	When was the last time you took it?
4	Α.	I took it at dinner time. I'd seen the doctor and I told
5		him I'd be coming to the hearing again so I was a little
6		nervous so
7	CLA	YTON RUBY:
8	Wha	t was the name of that last
9	BY	MR. OSBORN:
10	Q.	What was the name of that last word?
11	Α.	Diapan.
12	Q.	Diapan?
13	Α.	Yeh, D-i-a-p-a-n.
14	Q.	When you take these pills for your nervousness, Mr. MacNeil,
15		do they affect your memory or your thinking in any way?
16	A:	Well, they make you a little drowsy, you know, like they
17		make you a little woozy by they don't affect your thinking
18		too much.
19	Q.	They don't affect your thinking?
20	Α.	No.
21	Q.	I see. Are you working now, Mr. MacNeil?
22	Α.	No, I was working part-time last summer but unfortunately
23		I'm not working at this time, you know.
24	Q.	So you haven't worked since the summer?
25	Α.	Since the summer, yeh.

JAMES MacNEIL, by Mr. Orsborn

1	Q.	Do you find that the exposure that you've had in this matter
2		has affected your chances of getting a job?
3	Α.	Indeed it has. Especially if you're applying for work or
4		anything like that and you mention your name, right away they
5		look at you and they say, "Well, that's that fellow that was
6		with that lunatic", you know, so it has a lot on my exposure
7		as far as finding work and that but I have to live with it
8		and keep on trying the best and
9	Q.	Sure. Yeh. Perhaps I might ask you if you can still perhaps
10		just move in perhaps a little bit closer to the microphone
11		because your voice is a little bit soft.
12	Α.	Yeh. Okay.
13	Q.	That's better. Thank you. What age were you, Mr. MacNeil,
14		when you left school?
15	Α.	When I left school I was sixteen.
16	Q.	Sixteen, and what grade did you finish?
17	Α.	I finished in grade five.
18	Q.	Finished in grade five
19	Α.	Yeh.
20	Q.	at sixteen. Did you go to work then when you were sixteen?
21	Α.	Yeh, I went to work. Yeh.
22	Q.	I'd like to take you back a number of years back to 1971,
23		and you would then have been about twenty-sixI guess, twenty-
24		five or twenty-six?
25	Α.	Yeh, around twenty-five, yeh.

JAMES MacNEIL, by Mr. Orsborn

1	Q.	In May of 1971?
2	Α.	Right.
3	Q.	Where were you living then?
4	Α.	I was living at 1007 rear George Street.
5	Q.	At 1007 rear George Street?
6	Α.	Yeh, in Sydney.
7	Q.	And were you living with your parents?
8	Α.	At that time I was, yeh.
9	Q.	Did you have any brothers and sisters?
10	Α.	Yeh, I had some brothers and sisters.
11	Q.	And were they living at home with you?
12	Α.	Some of them were and some of them were married like, you know.
13	Q.	How many did you have living at home?
14	Α.	Approximately about four or five. Four or five, yeh.
15	Q.	Do you remember in May of 1971 how your health was?
16	Ä.	In May my health wasn't that there good. I was very thin.
17		I weighed about roughly at that time about ninety-five or
18		a hundred pounds. At that time I was doing a lot of
19		drinking, you know, in them days like because there was a
20		lot of drinking going on up the house like. My father always
21		had people in with liquor and he liked drinking and always
22	e e	the violin going andyou know, so I was surrounded by a
23		lot of alcohol.
24	Q.	And you were ninety-five or a hundred pounds?
25	Α.	I was about ninety-five or a hundred pounds at that time.

JAMES MacNEIL, by Mr. Orsborn

1	Q.	Were you as tall then as you are now?
2	Α.	Pardon?
3	Q.	Were you as tall then as you are now?
4	Α.	I was as tall but I wasn't as good of health like. I was
5		like a
6	Q.	To your height and ninety-five or a hundred pounds, you
7		must have been very, very thin?
8	Α.	Very thin. I was a bean pole. There wasn't too much weight
9		on me, that's for 'sure.
10	Q.	Apart from the drinking were you sick at all?
11	Α.	Yeh, I landed in the Detox a couple of times, you know,
12		through alcohol and being sick, you know, just primarily
13		to smarten up and try to get off it and
14	Q.	Had you been in the Detox Centre before this incident
15	100	happened?
16	Α.	Before this No, I was not in the Detox before that
17		happened. It was just after that there happened. I was in
18		a Detox after that.
19	Q.	But before this incident happened were you still taking a
20		fair bit of alcohol around the house?
21	Α.	Oh, yeh, indeed I was, yeh.
22	Q.	And didn't you tell me before that you weren't working at
23		the time?
24	Α.	I wasn't working at that time, yeh.
25	Q.	Were you doing any studying of any kind?

JAMES MacNEIL, by Mr. Orsborn

1	Α.	No, I wasn't. No because I was surrounded by a lot of	
2		liquor. I was doing a lot of drinking at that time and my	
3		mother wasn't feeling too well, she was dying and	
4	Q.	Where would you do your drinking, just at home or outside	
5		anywhere?	
6	Α.	I would do it outside and at home, a lot at home. I drank	
7		a lot at home. I'd just hide away in the room with a quart.	
8	Q.	Did you have any close friends then that you can recall?	
9	Α.	Close friends that I can recall? Outside of my brother	
10		and Jack	
11	MR.	RUBY:	
12	Could you repeat that please. I couldn't hear that.		
13	BY	MR. ORSBORN:	
14	Q.	They're asking me to	
15	Α.	Jackie Ross and Mike, but they are mostly all married now	
16		and I don't know if, you know, like I see that much of	
17		them.	
18	Q.	Do you have any plans of any kind for your life?	
19	Α.	Not really. You know, not really. There's so much	
20		confusion going on, you know, and	
21	Q.	Am I to understand when you talk about the amount of	
22		drinking that was going on, sir, would you be drinking	
23		every day?	
24	Α.	Almost every second day I'd be drinking.	
25	Q.	And when you say drinking, what kind of alcohol are you	

JAMES MacNEIL, by Mr. Orsborn

1 referring to?

2	Α.	Mostly wine, wine and beer, wine and beer. There'd be
3		always somebody come up on the weekend anyway with a case
4		of beer. The Newfoundlanders were working over from
5		Newfoundland at that time and they loved fiddle music there
6		and every weekend they were up there and, you know, my
7		father was a lot older than my mother so, you know, when
8		they got married there was about twenty-five years in the
9		difference so he was pensioned off the Plant and he didn't
10		He was a happy-go-lucky.

Q. Can you give us some idea of the quantities of beer and wine that you might be drinking during one of these parties or weekends?

14 A. Oh, quite a bit.

15 Q. When you say quite a bit, what does that mean?

16 A. We would get drunk.

17 Q. You'd get drunk?

18 A. Yeh.

19 Q. So what you're telling us then is that probably every second20 day you would be drunk?

A. Every second or third day I'd have a drink, you know. Sometimes
I'd go for a week without it, you know. Like sometimes I'd
go to work and I'd be working for probably six months or
something like that and then I'd go back on the liquor, you
know, or I'd be drinking and there would be people drinking

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· JAMES MacNEIL, by Mr. Orsborn

1	1	with me or my brother would be drinking with me and
2	Q.	So at the times that you weren't working you were drinking
3		more than if you were working, is that what you're telling
4		us?
5	Α.	Yeh. Yeh, exactly. Yeh.
6	Q.	All right. When you would get drunk like that at one of these
7		parties or weekends would you be drunk that you couldn't walk?
8	Α.	Well, mostly when I'd get drunk like that I would probably
9		fall asleep and I couldn't walk.
10	Q.	Are you drinking now?
11	Α.	Pardon?
12	Q.	Are you drinking now?
13	Α.	Not as heavy as I used to. I have a snort now and then,
14		but not like before.
15	Q.	You're away from the fiddle now, are you?
16	Å.	Well, I got a good woman now so that makes a big difference.
17	Q.	Did you know Roy Ebsary in 1971?
18	Α.	Yeh.
19	Q.	Can you tell the Commission how you came to meet Mr. Ebsary?
20	Α.	I met him down at the State Tavern.
21	Q.	I'd like to know if this was the first time that you met
22		him, was it at the State Tavern?
23	Α.	The first time, yeh, down at State.
24	Q.	And about how long before this incident was that?
25	Α.	Oh, that wasn't too long. I guess I knew him about six

JAMES MacNEIL, by Mr. Orsborn

1	1	months before that?
2	Q.	Six months?
3	Α.	Yeh.
4	Q.	Were you a frequent visitor to the State Tavern?
5	Α.	Yeh, I was, yeh.
6	Q.	And in the six months between your first meeting Mr. Ebsary
7		and this incident did you meet him at the State Tavern
8		frequently?
9	Α.	Oh, yeh. Yeh. I met him because he used to supply the beer,
10		you know, he'd buy the beer and, you know, well, I didn't
11		like being around the house too much because there was a lot
12		that my father was that I was cursing and swearing and the
13		further I'd be away from the house, the better I liked it.
14	Q.	So you spent a fair bit of time in the State Tavern?
15	Α.	Yes, I did. Yeh.
16	ģ.	Would you spend time during the day there or just at night?
17	Α.	I'd spend time there in the day and sometime like in the
18		evening, you know.
19	Q.	Was that your favourite place to spend time?
20	Α.	My favourite place, the State, yeh.
21	Q.	And you would see Mr. Ebsary there on occasion?
22	Α.	Oh, yeh, yeh.
23	Q.	Did you like him?
24	Α.	I found him not a very bad man, you know, until I until
25		all this here

JAMES MacNEIL, by Mr. Orsborn

1	Q.	Sure.
2		And did you become friends with him?
3	Α.	Yeh, I became friends with him there and his wife and his
4		family.
5	Q.	So I take it then you visited his house?
6	Α.	Oh, yeh. Yeh, I visited his house.
7	Q.	Did you have occasion to listen to Mr. Ebsary tell you any
8		stories of his exploits in the war?
9	Α.	I heard him a few times talking about them war stories but
10		that went in one ear and out the other.
11	Q.	It went in one ear and out the other?
12	Α.	Yeh.
13	Q.	Does that mean that you didn't believe him?
14	Α.	I didn't believe him, no.
15	Q.	Why not?
16	A:	Because it would sound so ridiculous, you know, when
17		he'd start to talk pipe dreams and I didn't pay too much
18		attention.
19	Q.	I take it then that you did spend some time at his house?
20	Α.	Yeh.
21	Q.	Did you have occasion to go over there for meals?
22	Α.	Let me see now. I met his mother and Greg and his daughter
23		Donna. Yeh, I ate a few times over there, you know.
24	Q.	So you knew his wife and his daughter?
25	Α.	Oh, yeh. Yeh.

JAMES MacNEIL, by Mr. Orsborn

1	Q.	And his son?
2	Α.	Yeh.
3	Q.	Can you give us any indication of how often you might have
4		been over to his house in the run of a week? Would you
5		go once a week or once a month, twice a week?
6	Α.	Probably twice a week.
7	Q.	Twice a week?
8	Α.	Yeh.
9	Q.	I see. There's been some suggestion that at one time you
10		were asked to teach his daughter Donna how to drive. Do you
11		have any recollection of that?
12	Α.	Yeh, I have a recollection of that, yeh. He bought a car.
13		Either he bought a car or It was his wife or him that
14		bought a car and my cousin I took the car out there and
15		I drove it there once there and that was just before this
16	<u>.</u>	incident there happened and
17	Q.	So you drove the car once. Were you teaching Donna how to
18		drive?
19	Α.	Yeh.
20	Q.	She would have only been thirteen I think at the time?
21	Α.	Thirteen, yeh.
22	Q.	She was not young enough to not old enough to learn how
23		to drive, was she?
24	Α.	No. No.
25	Q.	Why would you teach her how to drive then?

JOHN MacNEIL, by Mr. Orsborn

1	Α.	Well, I probably wanted to drive the car myself really.
2	Q.	I see. Did you drive it very much?
3	Α.	No, just once or twice.
4	Q.	Did anybody else in the household drive?
5	Α.	I'm not quite sure now. I'm not sure if Donna if Craig had
6		his license or not.
7	Q.	When you and Mr. Ebsary would be at the State Tavern or
8		perhaps going to his house would you drive or would you
9		walk?
10	Α.	Walk.
11	Q.	You'd walk?
12	Α.	Yeh.
13	Q.	Were you ever in the car with Mr. Ebsary? Did you ever
14		drive with him?
15	Α.	No. No.
16	Q÷	Now, Mr. MacNeil, if you after testifying six or seven
17		times still have any picture in your mind of the night
18		of May 28th, 1971?
19	Α.	I guess I'll always have that in my mind.
20	Q.	I'll ask you a little later precisely what you do remember
21		but I'm just interested that you do even at this time have
22		an image or picture in your mind of what happened that night?
23	Α.	Yeh.
24	Q.	You do. Do you remember what you did during the day time of
25		that day? It was a Friday.

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JOHN MacNEIL, by Mr. Orsborn

1	Α.	I can't remember what I done in the morning.
2	Q.	What's your first recollection of that day?
3	Α.	My first recollection of that day is just going to the
4		Tavern.
5	Q.	To go to the Tavern?
6	Α.	Yeh.
7	Q.	And what time of day would that have been?
8	Α.	That must have been around five o'clock or something like that
9		in the evening.
10	Q.	Was that the State Tavern?
11	Α.	The State Tavern, yeh.
12	Q.	Would that have been before supper or after supper?
13	Α.	That'd be probably after supper.
14	Q.	So you would have eaten at home I take it?
15	Α.	Yeh.
16	Q:	Did you go to the Tavern by yourself?
17	Α.	Yeh.
18	Q.	And what do you recall after that? Did you meet anybody at
19		the Tavern?
20	Α.	No, well, I met a couple of fellows but like I can't recall
21		like their names. They're not, you know I can I
22		talked to a couple before I met Ebsary I talked to a
23		couple before I met Ebsary like but I can't recall their
24		names.
25	Q.	Perhaps again if I could ask you if you could slide your

JOHN MacNEIL, by Mr. Orsborn

1	l	chair a little under the table that might help.
2	Α.	Okay.
3	Q.	When did you first encounter Mr. Ebsary on that night as I
4		believe you did?
5	Α.	What time or
6	Q.	Yes.
7	Α.	In the evening.
8	Q.	And where was that?
9	Α.	In the State Tavern.
10	Q.	And did he just arrive at the State Tavern while you were
11		there?
12	Α.	I don't know if he was there when I got there or not, but I
13		just noticed him sitting down drinking and I just come over and
14		started drinking the beer then.
15	Q.	Do you remember that now?
16	A:	Pardon?
17	Q.	Do you remember now meeting him at the State Tavern or is
18		it has that sort of become engrained in your memory from
19		having testified over a period of time about that?
20	Α.	Well, I remember it now like.
21	Q.	You remember it now?
22	Α.	Yeh.
23	Q.	The reason I ask, Mr. MacNeil, is that Mr. Ebsary has
24		testified that he spent the whole night with your father,
25		I believe, having a bottle of wine and then you arrived home

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JOHN MacNEIL, by Mr. Orsborn

1		at about eleven-thirty and met him there?
2	Α.	That must have been another time.
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JAMES MacNEIL, by Mr. Osborn

1	Q.	That was another time?
2	Α.	That wasn't then.
3	Q.	And your recollection is that you indeed met him at the State
4		Tavern?
5	Α.	Yeh.
6	Q.	Were you drinking together that night?
7	Α.	Yeh.
8	Q.	Can you give us an indication of how much you had drunk
9		between the hour of five o'clock and when you eventually left
10		the State Tavern?
11	Α.	It's quite a bit. I had
12	Q.	I'm still having trouble hearing you, I'm sorry.
13	Α.	Quite a bit. I had about seven or eight, seven or eight
14		beer I guess plus, you know, like You know, about seven
15	0	or eight beer before we left.
16	¢:	When you say "plus" do you mean it could have been more than
17		seven or eight or there was some wine or other alcohol?
18	Α.	Well, it could have been a few more besides that like. It
19		could have been a few more besides that.
20	Q.	At that time how much beer did you require to make you drunk
21		to the point you were say staggering?
22	Α.	Not too much because my health wasn't that good, so it
23		wouldn't take too much.
24	Q.	It wouldn't have been too much?
25	Α.	No.

JAMES MacNEIL, by Mr. Osborn

	1	
1	Q.	Now when you say seven or eight glasses, how big are those
2		glasses that you're referring to?
3	Α.	I think they're at that time they were an eleven ounce
4		glass.
5	Q.	An eleven ounce glass?
6	Α.	Yeh.
7	Q.	So it would be certainly bigger than the small glass that
8		appears in front of you there?
9	Α.	Yes. Yeh.
10	Q.	And do you have any recollection of how much beer Mr. Ebsary
11		might have consumed in your company?
12	Α.	No, not right offhand, no.
13	Q.	Do you recall what you were wearing that night?
14	Α.	I was wearing one of them college jackets, a blue college
15		jacket, like with strips on it around the wrists, strips,
16	8	a little strip e like that.
17	Q.	Do you recall what Mr. Ebsary was wearing?
18	Α.	He was wearing like a shawl like. One of them there fashion
19		shawls there something like it goes over your shoulder like.
20	Q.	I'm not sure that I understand
21	Α.	I don't know what they are. I don't know what they are
22		anyway, but you see them. They go over your shoulder
23		like.
24	Q.	Would it be more like a coat or like a scarf?
25	Α.	Sort of like a coat jacket like, something like that.

JAMES MacNEIL, by Mr. Osborn

1	Q.	And was he wearing this while he was in the State Tavern with
2		you?
3	Α.	Yeh.
4	Q.	I see. Do you recall what time you left the State Tavern?
5	Α.	It must have been around ten-thirty or ten-thirty between
6		ten-thirty and eleven o'clock.
7	Q.	Ten-thirty and eleven?
8	Α.	Yeh.
9	Q.	Had the last call been given before you left?
10	Α.	Not that I recall. I don't recall.
11	Q.	Time is a very difficult thing to remember and I'm just asking
12		you if this is possible. You're saying now it was ten-thirty.
13		Could it have been as late as say eleven-thirty?
14	Α.	It could have been. It could have been.
15	Q.	When you swore an affidavit in 1982 in connection with the
16	5.	appearance in Court of Mr. Marshall when he was to get out
17		of prison, my recollection is that the time you said that
18		you left was about eleven-fifty which was a very precise time,
19		so are you telling us that the time could have been anywhere
20		between ten-thirty and mid-night?
21	Α.	Yeh.
22	Q.	I see. Were you wearing a watch?
23	Α.	No.
24	Q.	How then are you basing your assessment of time?
25	Α.	Well, just on I don't know. Just on a feeling I guess or

JAMES MacNEIL, by Mr. Opsborn

1	Q.	Would it be fair to say that the more you drank, the more
2		difficult it would be for you to assess the time at which
3		you left?
4	Α.	Yeh, it would be. Yeh.
5	Q.	Did you leave the Tavern in company with Mr. Ebsary?
6	Α.	Yeh.
7	Q.	What were your plans on leaving?
8	Α.	Going to his place.
9	Q.	And what did you plan to do at his place?
10	Α.	Stay there.
11	Q.	For the night?
12	Α.	Yeh.
13	Q.	Had you done that on occasion?
14	Α.	Yeh.
15	Q.	Was there a separate room that you could sleep in?
16	Α.	I used to sleep on the cot.
17	Q.	On the cot?
18	Α.	Yeh.
19	Q.	How many times had you spent the night there previously to your
20		recollection?
21	Α.	Oh, probably six nights, something like that.
22	Q.	I see, and do you recall now the route that you took to go
23		from the State Tavern to go to Mr. Ebsary's house?
24	Α.	We came down George Street and cut down through the
25		park, and there's a little bridge you go over. There was

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JAMES MacNEIL, by Mr. Osborn

1	1	a wooden bridge there at that time and you go over it and
2		up above, you come to Crescent Street and then you cross over
3		and go around the corner.
4	Q.	Perhaps I can help you by referring to the large map here.
5		The green street here, Mr. MacNeil, is George Street.
6	Α.	Yeh.
7	Q.	The yellow street is Crescent Street. These brown lines
8		running through here are the railroad tracks, and my belief
9		is that the State'Tavern would be in this vicinity towards
10		the top of the map?
11	Α.	Yeh.
12	Q.	So I understand you to say that you travelled along George
13		Street and when you came to the park, did you cross towards the
14		walkway here and this bridge in the middle of the creeks or
15		did you cross on the railroad track bridge?
16	À.	We crossed straight on the when we come just going down
17		to the park there's like a like where you just turn After
18		you cross the railroad crossings
19	Q.	Yes.
20	Α.	well, you'd just turn and you'd go down right through.
21	Q.	So you walked on George Street, crossed the railroad tracks
22		and then entered the park in the middle of the walkway?
23	Α.	Yeh. Yeh, right. Yeh.
24	Q.	I see, and then did you then cross to the other side of the
25		

JAMES MacNEIL, by Mr. Osborn

1		park across the bridge between the two creeks?
2	Α.	Yeh.
3	Q.	I see, and did you move to Crescent Street by way of the
4		walkway that's indicated on the map?
5	Α.	Yeh.
6	Q.	Now when you first entered the park on the George Street side,
7		do you have any recollection of seeing anybody?
8	Α.	No, no recollection at all. No.
9	Q.	I see. Do you recall whether or not Mr. Ebsary had any
10		conversation with anybody as you entered the park?
11	Α.	No.
12	Q.	Mr. Ebsary has testified that immediately upon entering
13		the park close to the George Street side, there were a number
14		of young people sort of lying about underneath a large tree
15		and he asked them for a match. Does that in any way refresh
16	×	your memory?
17	Α.	No. No.
18	Q.	Is it possible that that happened and you just don't remember
19		it?
20	· A.	It could be possible.
21	Q.	Mr. Ebsary also testified that as you were walking both
22		towards the park and, I think, in the park you were holding
23		him by the arm. Do you have any recollection of that?
24	Α.	No. No.
25	Q.	Do you recall if you were able to walk without any assistance

JAMES MacNEIL, by Mr. Osborn

1		yourself from Mr. Ebsary? Was he holding you up?
2	Α.	No, I was walking by myself, but
3	Q.	But?
4	Α.	You know, I might have had a little stagger, but I was
5		I wasyou know, I was walking.
6	Q.	You had a little stagger?
7	Α.	Yeh.
8	Q.	Did that in any way affect your ability to see or to focus,
9		the amount of alcohol that was causing you to stagger?
10	Α.	No, not really. Not really.
11	Q.	How was your eyesight at the time?
12	Α.	Good. My eyesight was good at the time.
13	Q.	Did you wear glasses?
14	Α.	No.
15	Q.	In the condition in which you were, would it have been possible
16		for you to drive a car?
17	Α.	No. No.
18	Q.	Why not?
19	Α.	Because I'd be under the influence like probably. I could
20		not drive a car.
21	Q.	You couldn't drive a car?
22	Α.	No.
23	Q.	Had you had occasion to walk through the park before at night?
24	Α.	No. No.
25	Q.	This was the first time you had ever walked through Wentworth

JAMES MacNEIL, by Mr. Osborn

1		Park at night?
2	Α.	What? Yeh, the first time. Yeh.
3	Q.	So I take it from that that any previous occasion that you
4		had been in the State Tavern, you had not gone from the
5		State Tavern to Mr. Ebsary's house that night?
6	Α.	Pardon?
7	Q.	I take it from that that this was the first time that you had
8		ever gone from the State Tavern over to Mr. Ebsary's house?
9	Α.	Yeh, this was the first time, yeh, during the night.
10	Q.	As you walked through the park and passed the big tree at the
11		entrance to the park and as you crossed over to Crescent
12		Street, before you got to Crescent Street do you have any
13		recollection of meeting anybody else?
14	Α.	No recollection whatsoever. I don't remember.
15	Q.	Can you recall seeing any people or shapes that looked like
16	•.	people?
17	Α.	No. No.
18	MR.	CHAIRMAN:
19	Mr.	Omsborn, it's now four-thirty. This may be an appropriate time
20	to	rise until eight o'clock tomorrow morning.
21	MR.	OF BORN:
22	Tha	nk you, My Lord.
23		
24	INQ	UIRY ADJOURNED AT 4:30 o'clock in the afternoon on the 10th
25		day of September, A.D., 1987.

Sydney Discovery Services, Official Court Reporters Sydney, Nova Scotia

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I, Judith M. Robson, an Official Court Reporter, do certify that the transcript of evidence hereto annexed is a true and accurate transcript of the Royal Commission on the Donald Marshall, Jr., Prosecution as held on the 10th day of September, A.D., 1987, at Sydney, in the County of Cape Breton, Province of Nova Scotia, taken by way of recording and reduced to typewritten copy.

Robson ith M. Official Court Reporter

Registered Professional Reporter

Sydney Discovery Services September 10, 1987