

JAMES MacNEIL, by Mr. Orsborn, by Ms. Edwardh

1 | you felt your arm go behind your back?

2 | A. That's right.

3 | MR. ORSBORN:

4 | Thank you, sir. Thank you, My Lord.

5 | MR. CHAIRMAN:

6 | Mr. Ruby.

7 | MR. RUBY:

8 | My Lord, Ms. Edwardh will conduct cross-examination.

9 | BY MS. EDWARDH:

10 | Q. Mr. MacNeil, my name is Marlys Edwardh. I am (inaudible -  
11 | microphone not activated) You said yesterday that you  
12 | were pretty nervous and I take it you're still a bit  
13 | nervous.

14 | MR. CHAIRMAN:

15 | I'm getting a signal that they're having difficulty picking you  
16 | up. You're not switched on, maybe.

17 | MS. EDWARDH:

18 | Indeed I'm not.

19 | BY MS. EDWARDH:

20 | Q. You were pretty nervous yesterday and is it also true, sir,  
21 | that you're fairly nervous this morning?

22 | A. Indeed, yeh.

23 | Q. And I think you indicated to my friend that you had taken  
24 | some medication the night before you testified?

25 | A. Yeh.

JAMES MacNEIL, by Ms. Edwardh

- 1 Q. And you described that as diapan. Is that correct?
- 2 A. Diapan, yeh.
- 3 Q. Are you sure the word isn't "diazepam"? Is it valium?
- 4 A. Yeh, the same thing and blood pressure pills I took.
- 5 Q. And how much did you take?
- 6 A. When was this?
- 7 Q. The night before you started your testimony?
- 8 A. I took two.
- 9 Q. And do you know how many milligrams that would be?
- 10 A. I don't go too much for that stuff only when you really
- 11 need it; five milligrams.
- 12 Q. You get five milligrams each --
- 13 A. Five milligrams.
- 14 Q. So would you have taken two five milligram pills?
- 15 A. Yeh.
- 16 Q. And did you take some this morning, sir?
- 17 A. Yes, I did. Yeh.
- 18 Q. And you've had to take that before when you've testified too
- 19 as well, haven't you?
- 20 A. Yes, I did. Yeh.
- 21 Q. And can you indicate whether in the last ten years you've
- 22 ever had occasion to take more than what's prescribed to you
- 23 or take it very regularly?
- 24 A. Oh, I've taken more than was prescribed to me.
- 25 Q. Did you in addition to becoming a heavy user of alcohol

JAMES MacNEIL, by Ms. Edwardh

1 | also become a heavy user of valium?

2 | A. Oh, no. No. No.

3 | Q. So when you say you've taken more than was prescribed for you,  
4 | was that when you testified on any occasion?

5 | A. No.

6 | Q. Any particular event that caused you to need that medication  
7 | for your nerves?

8 | A. Well, when you can't sleep you have to take it.

9 | Q. When you say more than prescribed -- What caused you to take  
10 | more than what was prescribed?

11 | A. Well, when you can't -- can't sleep you'd have to take a few  
12 | extra ones, if you can't sleep.

13 | Q. And those are the only occasions you can recall?

14 | A. Yeh.

15 | Q. Now in an answer --

16 | MR. CHAIRMAN:

17 | If you move the microphone in this direction so that -- when the  
18 | witnesses is facing you we may be able to pick it up.

19 | It should help. Thank you.

20 | BY Ms. EDWARDH:

21 | Q. And I take it, sir, just to clarify your answer, you're on  
22 | valium this morning as well?

23 | A. Yeh, right.

24 | Q. And you took two this morning?

25 | A. Yeh.

JAMES MacNEIL, by Ms. Edwardh

- 1 Q. And did you take some last night as well?
- 2 A. Yeh.
- 3 Q. And would that have been just before you retired?
- 4 A. Yeh.
- 5 Q. And how many did you take last night?
- 6 A. Two.
- 7 Q. Now my friend asked you the question whether the effect of  
8 this drug was to make you sleepy and I think you answered yes,  
9 and he also asked you whether it affected your thinking and  
10 you said it didn't affect your thinking too much.
- 11 A. No.
- 12 Q. Would it be fair to say that it makes your thinking a little  
13 slower?
- 14 A. Pardon?
- 15 Q. It makes your thinking a little slower?
- 16 A. Yeh, it does. Yeh.
- 17 Q. And sometimes it's a little harder to put things together  
18 quickly?
- 19 A. Yeh, right.
- 20 Q. A little harder to recall?
- 21 A. Yeh.
- 22 Q. Okay. Now you also answered, I think , very frankly that  
23 you've had to testify some seven different occasions?
- 24 A. Yeh.
- 25 Q. Is that a yes?

JAMES MacNEIL, by Ms. Edwardh

1 A. Yes.

2 Q. And that you've also given an affidavit and also given a  
3 number of statements to different people?

4 A. Yes.

5 Q. Now when you were told you had to come before this Commission  
6 of Inquiry I take it you were fairly nervous?

7 A. Yes.

8 Q. And did you want to know what you had said on those other  
9 occasions?

10 A. Repeat.

11 Q. Did you want to know what you had said on some of those other  
12 occasions where you testified and gave statements?

13 A. Repeat that again. I can't catch you.

14 Q. Let me rephrase it. Before you testified or commenced your  
15 testimony here did you have a chance to look over your  
16 testimony that you gave on other occasions?

17 A. No, I got nothing -- no documents or nothing.

18 Q. Did you talk about it with Commission Counsel?

19 A. No.

20 Q. So you didn't speak at all about any of the statements you  
21 had given or the affidavit or any aspect of your testimony on  
22 another occasion?

23 A. No, I didn't. No.

24 Q. Now you've indicated that you have dreams?

25 A. Yeh.

JAMES MacNEIL, by Ms. Edwardh

- 1 Q. And I take it the dream you have about this event is one  
2 that comes back to you?
- 3 A. Yeh.
- 4 Q. It's a recurring dream?
- 5 A. Yeh.
- 6 Q. And you've had it more than once, haven't you, Mr. MacNeil?
- 7 A. Yeh.
- 8 Q. Can you tell us how many times you've been bothered by this  
9 dream?
- 10 A. Several times within the last ten years.
- 11 Q. Did you start dreaming shortly after the event occurred?  
12 Would your first dream have occurred shortly after?
- 13 A. No, not until about probably eight months after or something  
14 like that.
- 15 Q. So within the first year?
- 16 A. Yeh, within the first year. Yeh.
- 17 Q. And have you had those dreams since the first year?
- 18 A. No, not -- you know, not every -- Once in awhile but not  
19 every --
- 20 Q. Would you have had once -- say once a year?
- 21 A. Yeh, probably once a year.
- 22 Q. Since 1971?
- 23 A. Yeh.
- 24 Q. And they're very powerful dreams, aren't they, Mr. MacNeil?
- 25 A. Yeh, they're --

JAMES MacNEIL, by Ms. Edwardh

- 1 Q. Did they wake you up?
- 2 A. Yeh.
- 3 Q. Do you find yourself sweating or crying as a result of them?
- 4 A. Yeh, sweating.
- 5 Q. And crying?
- 6 A. Sweating, yeh, yeh.
- 7 Q. How about crying?
- 8 A. Yeh.
- 9 Q. And are the images they give you very powerful as well?
- 10 Do you see clearly the images in the dream?
- 11 A. Yeh, fairly clear, you know.
- 12 Q. And I know this may sound like an odd question, by those
- 13 images are in colour, aren't they?
- 14 A. I can't recall if they're in colour or not.
- 15 Q. Well, my friend suggested to you that you might have picked
- 16 up the images of the blood at the time that you saw
- 17 Mr. Seale stabbed. You might have picked those up from
- 18 your dream. Do you recall saying that?
- 19 A. Yeh.
- 20 Q. And would it be because those images are coloured images in
- 21 your mind from the dreams do you think?
- 22 A. Yeh, it's a possibility. Yeh.
- 23 Q. And when you said today for the first time that you noticed
- 24 Mr. Marshall had red eyes -- I think you said that. That
- 25 when you turned -- When he grabbed your arm you saw that he

JAMES MacNEIL, by Ms. Edwardh

1 | had red eyes. Did you say that?

2 | A. Right.

3 | Q. I'd suggest to you that that image also comes from the  
4 | dream. Is that possible?

5 | A. Possible.

6 | Q. Indeed, you've never said that to anyone before?

7 | A. No.

8 | Q. So it may well come from the dream?

9 | A. Yeh, it may well. It's possible.

10 | Q. Now have you sought any assistance for the dreams that you've  
11 | been having?

12 | A. No. No.

13 | Q. So you've just lived with them and tried to sort out the  
14 | events from the dreams for over seventeen years?

15 | A. Yeh.

16 | Q. Would you agree with me that the power of these dreams has  
17 | caused you to come forward at times and testify under oath  
18 | to, in fact, that now today you think is perhaps not the  
19 | truth?

20 | A. No.

21 | Q. Let me give you an example. My friend suggested to you that  
22 | you had testified, I think, at the last trial of Mr. Ebsary  
23 | that you had actually seen Mr. Seale's intestines. Today  
24 | you're saying you didn't see blood, let alone intestines,  
25 | correct?



JAMES MacNEIL, by Ms. Edwardh

1 A. Yeh.

2 Q. So my point, Mr. MacNeil, is simply that the dreams were  
3 so powerful that at the time of Mr. Ebsary's third trial  
4 you believed you saw intestines, didn't you?

5 A. Yeh.

6 Q. You wouldn't have come forward and testified to what you  
7 thought was a falsehood, right?

8 A. Right.

9 Q. But today you think that's false, you didn't, in fact,  
10 see intestines?

11 A. Yeh.

12 Q. So it was the dreams that brought you to that conclusion?

13 A. Yeh.

14 Q. Now when you said this was a recurring dream, does it cover  
15 the whole event for you? Do you start by finding yourself  
16 walking through Wentworth Park?

17 A. No, it just comes and goes.

18 Q. I'm sorry.

19 A. It just comes and goes.

20 Q. So is it the same dream each time or is it sometimes different?

21 A. Oh, sometimes different, different.

22 Q. So sometimes you find yourself in Wentworth Park walking with  
23 Mr. Ebsary and then sometimes it picks up at a different stage.  
24 Is that correct?

25 A. Yeh.

JAMES MacNEIL, by Ms. Edwardh

- 1 | Q. Sometimes it's with -- Does the dream always have the stabbing  
2 | in it?
- 3 | A. No.
- 4 | Q. So what aspect of the dream would involve this incident that  
5 | doesn't relate to the stabbing?
- 6 | A. I don't know.
- 7 | Q. So in terms of your best recollection of this dream, I take it  
8 | it covers the whole range of events of that evening. Is that  
9 | what you're saying?
- 10 | A. No. No.
- 11 | Q. Then what are you saying? I don't want to put words in your  
12 | mouth, sir.
- 13 | A. Well, you just have a nightmare. That's all. It lasts and  
14 | then, you know, you wake up and then you forget about it like,  
15 | you know.
- 16 | Q. I'm asking you about the contents of the nightmare. You say  
17 | that it's about this incident, right?
- 18 | A. Yeh.
- 19 | Q. It's about the stabbing of Mr. Seale?
- 20 | A. Yeh.
- 21 | Q. And what I'm trying to find out is whether you can tell us  
22 | today, and you may not, and please answer if you can, whether  
23 | on some occasions you start the dream right back in the park  
24 | with Mr. Ebsary?
- 25 | A. No. No.

JAMES MacNEIL, by Ms. Edwardh

1 Q. Do you know when it usually starts?

2 A. Well, you don't know. You just go to sleep and you just  
3 wake up in a sweat there. It's just your self-conscience  
4 I guess.

5 Q. In any event, I won't go back to it. In any event, sir,  
6 at least the dream always involves the stabbing of Mr. Seale  
7 when it happens, this nightmare?

8 A. Not always. You see, sometimes I dream that I'm in a hearing  
9 like here today and I dream -- I see all different faces  
10 and that.

11 Q. I'm talking about this nightmare though for a moment. The  
12 nightmare about this incident that you say recurs, do  
13 I understand that it always involves the stabbing of  
14 Mr. Seale? You see it in your mind?

15 A. Yeh.

16 Q. And you also have other nightmares I understand. In fact,  
17 testifying gives you nightmares. Is that true?

18 A. No, no. No, that's --

19 Q. I thought you said that sometimes you have --

20 A. Yeh, sometimes, you know, you dream about like -- you know,  
21 that you're at the -- here or with people and that, you know.

22 Q. But you're here?

23 A. Yeh.

24 Q. Sometimes you dream about being here. You mean here in front  
25 of a group of Judges?

JAMES MacNEIL, by Ms. Edwardh

1 A. Yeh, right.

2 Q. And that makes you extremely upset in your dreams?

3 A. Yeh.

4 Q. And does anything happen to you in that dream?

5 A. Nothing.

6 Q. Now in addition to having your dreams affect your memory,  
7 you talked about coming forward to the police sometime in  
8 November, around November 15th, 1971, and identifying for  
9 them that the two individuals, one was a black person and  
10 one was an Indian person, correct?

11 A. Yeh.

12 Q. Is that correct that you said that --

13 A. Yeh.

14 Q. And I take it today your best view of that is you didn't  
15 remember that at all from the night. Is that correct?

16 A. Yeh.

17 Q. But you remembered that from reading about it somewhere,  
18 or hearing it in the newspaper, or hearing it from  
19 somebody?

20 A. Yeh.

21 Q. Now this was a pretty important event, was it not?

22 A. Yeh.

23 Q. To come forward to the police finally?

24 A. Yeh.

25 Q. And would you agree with me, sir, that you would have approached

JAMES MacNEIL, by Ms. Edwardh

1 | these two officers recognizing what an important task  
2 | you were performing. You were, in fact, going to try  
3 | and clear someone who had just been convicted of murder,  
4 | right?

5 | A. Right.

6 | Q. Did you appreciate that the words you used might have some  
7 | significance?

8 | A. Yes.

9 | Q. You did appreciate that?

10 | A. Yeh.

11 | Q. So -- And you were trying to be careful when you gave this  
12 | statement, weren't you, sir?

13 | A. Yeh, right.

14 | Q. So when you used the words, "one person was native and one  
15 | person black", I take it at that time you believed you  
16 | remembered that, but now you understand that you didn't  
17 | remember it and that you got it from the newspaper. Is  
18 | that right?

19 | A. Repeat that. I can't get --

20 | Q. At the time you told the officers about the native person and  
21 | the black man you believed you remembered it, right?

22 | A. Yeh.

23 | Q. You believed that was in your mind's eye from the event?

24 | A. Yeh.

25 | Q. Right. In fact, that wasn't true, right? You got that from

JAMES MacNEIL, by Ms. Edwardh

1 | some other source, from the newspaper or from television?

2 | A. I don't know what you're talking about there. You got me  
3 | all confused.

4 | Q. I'm sorry.

5 | A. I said you got me all confused about the events and the  
6 | newspapers and that there.

7 | Q. Let me start again. I'm not trying to confuse you. You said  
8 | this morning that at the time of this incident, the night  
9 | it happened --

10 | A. Yeh.

11 | Q. --you couldn't tell whether the individuals who you met  
12 | (I'm going to use that term for a moment.) were a black man  
13 | and an Indian. Do you recall that testimony this morning?

14 | A. Yeh.

15 | Q. Right?

16 | A. Yeh.

17 | Q. When you went to the police and perhaps it would help you  
18 | if I ask you to turn to page one, this volume. I'm sorry,  
19 | page four. When you went to the police --In your discussion  
20 | with the police you knew, first of all, that there was a  
21 | coloured fellow and an Indian. You say that in the statement,  
22 | right?

23 | A. Yeh.

24 | Q. Is that correct?

25 | A. Yeh.

JAMES MacNEIL, by Ms. Edwardh

- 1 Q. Okay. Let's take a look at page four and look in the  
2 first paragraph -- Let me help you. If I can point it  
3 out -- You say here: "We were approached by an Indian  
4 and a coloured fellow from behind".
- 5 A. Yeh.
- 6 Q. Do you see that?
- 7 A. Yeh.
- 8 Q. And I take it when you told that to the police, an Indian  
9 and coloured fellow, you believe that you saw an Indian and  
10 a coloured fellow that night?
- 11 A. Yeh.
- 12 Q. Right.
- 13 A. Yeh.
- 14 Q. Now you've said to us this morning and yesterday that you  
15 couldn't really tell whether there was an Indian and a  
16 coloured fellow there that night. Do you recall testifying  
17 to that?
- 18 A. Yeh.
- 19 Q. And what I've suggested to you and I believe Mr. Orsborn  
20 suggested to you that maybe you got that fact from a newspaper  
21 or a radio or a television?
- 22 A. Yeh.
- 23 Q. Is that right?
- 24 A. Yeh.
- 25 Q. And you agreed with him that that's where you got that fact?

JAMES MacNEIL, by Ms. Edwardh

1 A. Yeh.

2 Q. Is that correct?

3 A. Right.

4 Q. Now my point, sir, is only to ask you whether you will  
5 agree with me that when you gave that statement to the  
6 police you were being careful, right?

7 A. Right.

8 Q. But you honestly believed you knew that there was an Indian  
9 and a black person there? You did, you honestly believed  
10 that, correct?

11 A. Yeh.

12 Q. And you believed that came from your memory?

13 A. No.

14 Q. Didn't you believe that?

15 A. I seen it with my own eyes.

16 Q. I'm sorry.

17 A. I said I've seen it with my own eyes. It didn't come from  
18 my memory.

19 Q. You said you believed you saw it with your own eyes and  
20 today you're saying to us you did not see an Indian and  
21 black person there. You can't be sure of that?

22 A. No.

23 Q. And what's responsible for that problem I understand is that  
24 you required that fact from some other source and not from  
25 memory?



JAMES MacNEIL, by Ms. Edwardh

1 A. Yeh.

2 Q. Is that right?

3 A. Right.

4 Q. Now there's another problem I'd like you just to assist  
5 with if you could, my friend raised with you the fact that  
6 you had stated on some occasions and we can find them  
7 specifically if you want to see them, that, for example,  
8 Mr. Seale was stabbed in his left side. Do you recall saying  
9 that on some occasions?

10 A. Yeh.

11 Q. In some statements?

12 A. Yeh.

13 Q. And you've also said on some occasions that you were quite  
14 positive it was a pocket knife. Do you recall saying that?

15 A. Yeh.

16 Q. Sometimes when you've testified?

17 A. Yeh.

18 Q. And you've also on some occasions attributed to Greg Ebsary  
19 and to Mary Ebsary specific words that they spoke to you  
20 a couple of days later, right?

21 A. Yeh.

22 Q. You told officers or told the Court what they may have  
23 said?

24 A. Yeh, right.

25 Q. Now I just want to understand your evidence in the last few

JAMES MacNEIL, by Ms. Edwardh

1 | days. What you've said with respect to first, about the  
2 | left side, is you just presumed it was the left side. Is  
3 | that right?

4 | A. Yeh.

5 | Q. But, in fact, you didn't see it was the left side?

6 | A. Yeh.

7 | Q. You have no memory of it being the left side?

8 | A. No.

9 | Q. With respect to it being a pocket knife, do you have a  
10 | specific memory of it being a pocket knife today?

11 | A. No.

12 | Q. You just presumed it was a pocket knife, didn't you, sir?

13 | A. Yeh.

14 | Q. And you presumed it because it came out of the pocket?

15 | A. Yeh.

16 | Q. Is that correct?

17 | A. Yeh.

18 | Q. Now when you came forward this first time, a most important  
19 | occasion for you, to say that you had been an eyewitness  
20 | to this and they had the wrong person in jail, you also  
21 | told the officers, Sergeant MacIntyre -- including  
22 | Sergeant MacIntyre, that the following words were spoken  
23 | by Greg Ebsary and Mrs. Ebsary:

24 | "He got in and she said, don't go to  
25 | their house any more because of what

JAMES MacNEIL, by Ms. Edwardh

1                   happened to the police, all your  
2                   family will be in trouble".

3                   And is it your evidence this morning, sir, that you actually  
4                   said those words or that you just presumed that they were  
5                   telling you to go away because of what you assumed they knew.

6                   Which is your evidence?

7                   A. I can't follow you there.

8                   Q. I'm sorry.

9                   A. I can't follow you there.

10                  Q. Let me ask you to address what happened when you saw Mary  
11                  Ebsary and Greg Ebsary. Did they say anything to you  
12                  that led you to believe that they knew about what happened  
13                  in the park, they knew that Roy had stabbed someone?

14                  Did they say anything to you?

15                  A. I can't be sure but I guess they knew.

16                  Q. Did they say something to you?

17                  A. No.

18                  Q. Did they say something like, we know what Roy had done?

19                  A. No, they never said nothing. No.

20                  Q. Did they said that -- don't mention what'll happen to the --  
21                  what happened to the police?

22                  A. No.

23                  Q. They didn't say those words?

24                  A. No.

25                  Q. So when you told Sergeant MacIntyre that they used those

JAMES MacNEIL, by Ms. Edwardh

1 words, you were just presuming that's what they must have  
2 been thinking. Is that right?

3 A. Yeh.

4 Q. Well, sir, how do we know when you're presuming what must have  
5 happened from what you think is a fact that did happen? Didn't  
6 you state that that's what they said?

7 A. Yeh.

8 Q. Didn't you state it was a pocket knife that you saw and  
9 didn't you state that it went into his left side? How do  
10 we know when you're presuming and when you're describing  
11 a fact? Can you give us any assistance?

12 A. No, I can't. It's in my affidavit.

13 Q. You're yawning.

14 A. Pardon?

15 Q. Are you very tired?

16 A. No, I'm just -- I've been through this so many times and  
17 like I didn't have a chance to read up on my stuff or I  
18 got none of this here and you forget. You can't -- I haven't  
19 got a memory like Oliver North for krips sake, Jesus Christ.  
20 I only got grade five.

21 Q. Well, we're maybe just as glad your memory isn't like  
22 Mr. North's. So I take it then when I asked you if you can  
23 assist us in determining when you're presuming and when you  
24 actually know, you can't really tell us how we can know  
25 the difference?

JAMES MacNEIL, by Ms. Edwardh

1 A. No.

2 Q. Now my friend took you back to some of your background  
3 and I understand, sir, that you completed grade five at  
4 age sixteen?

5 A. Yeh, right.

6 Q. And I'm not trying to be difficult or painful about this,  
7 sir, but you must have failed a number of grades to have  
8 reached grade five only age sixteen. Is that fair?

9 A. Yeh, that's fair to say.

10 Q. And can you indicate which grades you failed, do you  
11 recall?

12 A. You realize I have to go back a long way.

13 Q. I appreciate that and if you don't recall just say so.

14 A. I can't -- I can't recall.

15 Q. Would it be fair to say that you had some real difficulty  
16 with school?

17 A. Not really. It's just that I didn't get along too good in  
18 my studies there. I had trouble with --

19

20

21

22

23

24

25

JAMES MacNEIL, by Ms. Edwardh

1 Q. You had trouble with your studies?

2 A. Arithmetic and that was -- some people don't stay in school.

3 They drop out and they can't study some people. Not made for  
4 school I guess.

5 Q. Did you find reading and arithmetic difficult subjects?

6 A. Reading not too bad. Arithmetic --

7 Q. Was difficult?

8 A. Yeh.

9 Q. And did anybody ever have you tested to see if there was  
10 any difficulty? Any visual difficulty or any learning  
11 disability or anything like that?

12 A. No, no.

13 Q. It's very popular now-a-days I'm not sure if it was in 1971  
14 but -- so you never were tested?

15 A. No.

16 Q. And in terms of your work, would it be fair to say that since  
17 leaving school that on the occasions you have worked you have  
18 worked as a laborer?

19 A. Yeh, right.

20 Q. And since you were twenty years of age, I take it you're now  
21 forty --

22 A. Forty-one.

23 Q. Forty-one. Since you were twenty years of age, approximately  
24 how many years of the last twenty-one years have you worked?

25 A. Roughly around ten.

JAMES MacNEIL, by Ms. Edwardh

1 Q. And would some of the time that you have not worked not  
2 only be related to your difficulty in getting employment  
3 that you've described as being attributed to being  
4 involved in this case?

5 A. Yes.

6 Q. Which I assume would be after '81/'82?

7 A. Yes.

8 Q. Also related to your problem with alcohol?

9 A. Yeh, well I had trouble, I had trouble with alcohol started  
10 when I was thirty on, you know, like.

11 Q. When --

12 A. Because when I was very young, trouble with alcohol started  
13 because there was a lot of alcohol around the house and  
14 there was always somebody there drinking. So there was --  
15 my trouble with alcohol started when I was very young.

16 Q. When did you start drinking?

17 A. I started drinking when I was around eighteen, I guess.

18 THE CHAIRMAN:

19 How old?

20 BY THE WITNESS:

21 Eighteen.

22 BY MS. EDWARDH:

23 Q. And I take it from your evidence that you developed a drinking  
24 problem very soon then after you started?

25 A. Oh, yeh, yeh, that's right. I drank very heavy.

JAMES MacNEIL, by Ms. Edwardh

1 Q. Now I would like to take you to 1971 for a moment. To the  
2 Spring of 1971. And I believe somewhere in the many times  
3 you testified, you've indicated that this was a period of  
4 time of real stress for you, because your mother was actually  
5 very ill in May of 1971. In fact she was dying of cancer?

6 A. Yeh, right.

7 Q. And that's correct, is it?

8 A. Yeh.

9 Q. I take it that would have added significantly to the stress  
10 that you felt at home?

11 A. Yes.

12 Q. And in terms of your relationship with your father around  
13 this time. You described him as a man who cursed and  
14 swore. Is that correct?

15 A. Right.

16 Q. Would I also take it from those comments that you didn't get  
17 along well with him at this time?

18 A. Not too, not too well.

19 Q. And in fact he wasn't around the home very much, was he not?

20 A. Pardon.

21 Q. He wasn't around very much?

22 A. No.

23 Q. And I think in answer to a question Mr. Orsborn asked you,  
24 he asked you if you had any plans and you summarized the time  
25 by saying that you had no plans, it was just a time of



JAMES MacNEIL, by Ms. Edwardh

1           confusion. Is that a fair description generally of where you  
2           were in May of '71?

3           A. Yeh.

4           Q. Now when you met Mr. Ebsary during this six months preceeding  
5           May of 1971, I take it he became a good friend of yours?

6           A. Yeh.

7           Q. During that time period?

8           A. Right.

9           Q. And you not only drank with him at the State, he bought you  
10          drinks when he drank with you. He had you over to his family  
11          home for dinner. You met his wife and children and you even  
12          stayed at the house five or six times?

13          A. Yes.

14          Q. Is that a fair description of the relationship?

15          A. Right.

16          Q. And in fact would it be fair to say of Mr. Ebsary that for  
17          you at that time, leaving aside your feelings now which I  
18          know are quite different. He was kind of like a father  
19          figure?

20          A. In a way, you know.

21          Q. And in fact he trusted you in some ways more than your father.  
22          For example, he let you drive the car didn't he that he had  
23          bought for his daughter?

24          A. Yeh.

25          Q. And I take it that was important to you at that time?

JAMES MacNEIL, by Ms. Edwardh

1 | A. Right, it was.

2 | Q. Would it also be fair to say that during those months,  
3 | especially when your mother was ill, when your father wasn't  
4 | around the home, that you looked up to Mr. Ebsary and kind  
5 | of admired him. Thought he was very wordly and travelled?

6 | A. Yeh, I thought he was a nice personality, you know.

7 | Q. But you looked up to him?

8 | A. Yes, I did.

9 | Q. And from your perspective he seemed to have travelled a lot  
10 | and read a lot?

11 | A. Yes.

12 | Q. Had a lot of worldly experience?

13 | A. Yes.

14 | Q. Is that correct?

15 | A. Yeh.

16 | Q. Sir, when you nod the reporter can't take it down. That's  
17 | the problem.

18 | A. Yeh, right.

19 | Q. Okay. If I can just jump around a little bit before I get  
20 | into one major area with you. Your recollection of what  
21 | Mr. Ebsary was wearing that night. Just to clarify your  
22 | evidence, is that he was wearing a shawl?

23 | A. A shawl.

24 | Q. Over a jacket, is that correct?

25 | A. Connected right to the jacket, like. Connected to the jacket.

JAMES MacNEIL, by Ms. Edwardh

1 Q. So it wouldn't be an ordinary shawl in the sense that I might  
2 think about it. A woman's shawl that you take off. It  
3 actually fitted --

4 A. No, no, this little one fitted in like in the cloth.

5 Q. Kind of like the jackets that sit over raincoats sometimes?

6 A. Yeh, right.

7 Q. Yes. And that was to the best of your recollection a dark  
8 colour?

9 A. Yes.

10 Q. Dark blue, dark black, something like that?

11 A. Yeh, right.

12 Q. Now I just want to go back to the words you used in your  
13 statement to the police the first time you went to see them  
14 Page 5. Do you want to turn to Page 5 there, Sir, and you  
15 were asked by Commission Council -- Page 5 about two-thirds  
16 down the page. And your term about -- your descriptions  
17 the black shawl. "What was Roy wearing?" Answer: "A black  
18 shawl over his shoulders, something like a priest wears over  
19 his shoulders". Now my friend said to you that you didn't  
20 really think that Mr. Ebsary looked like a priest. And you  
21 said no you didn't?

22 A. No.

23 Q. Okay. But isn't it true that anybody else looking at him  
24 would think it that it was kind of like a priests gown?

25 A. Yeh, probably.

JAMES MacNEIL, by Ms. Edwardh

- 1 Q. And the most obvious thing in the world to use to describe  
2 that kind of connected cape is kind of like a priest?
- 3 A. Yeh.
- 4 Q. Now, in the six months that you knew Mr. Ebsary, I take it  
5 you drank with him fairly regularly at the State Tavern?
- 6 A. Yes.
- 7 Q. And he would be considered a regular there?
- 8 A. Yeh.
- 9 Q. Now can you take a look at this map of the area and can you  
10 indicate on the map where the State Tavern is? It's not a  
11 trick question.
- 12 A. George Street. It's not there any more.
- 13 Q. In which direction? How one would get to it? We'll take  
14 any help we can get.
- 15 A. You go off Argyle and down George and it would be around --
- 16 Q. Is it -- you go past Byng?
- 17 A. Yeh, it would be up here --
- 18 Q. And then -- it's up in here somewhere? And roughly how many  
19 blocks would it be?
- 20 A. It would be about several blocks.
- 21 Q. Two or three blocks?
- 22 A. Yeh, no, no. More than two or three blocks, it was several  
23 blocks.
- 24 Q. Okay. And is there a tavern in this area closer or was there  
25 at the time?

JAMES MacNEIL, by Ms. Edwardh

1 A. No.

2 Q. So the State was the closest tavern to the Park?

3 A. Yeh. The closest one.

4 Q. Now if I had gone into the State Tavern in 1971 and said I'm  
5 looking for someone, oh, sixty-five or sixty years of age  
6 short and gave a description of somewhat similar to Mr. Ebsary.  
7 Was he well known there?

8 A. I'd imagine he was, yeh.

9 Q. Did he usually wear the same kind of clothing?

10 A. Yeh.

11 Q. He usually wore that kind of coat with the cape like effect?

12 A. Yeh.

13 Q. He had a goatee?

14 A. Pardon.

15 Q. He had a goatee then? A little beard?

16 A. Yeh. I believe so, yeh.

17 Q. He was quite small?

18 A. Yes.

19 Q. He sometimes talked a lot about the sea and different adventures  
20 he had had on the sea when he was a seaman? You said the  
21 stories went in one ear and out the other but I take it he  
22 talked about those things at the bar?

23 A. Yeh, I didn't listen to that.

24 Q. My question though Mr. MacNeil, he talked about those things  
25 at the bar, didn't he?

JAMES MacNEIL, by Ms. Edwardh

1 A. Right.

2 Q. And would you agree with me that Mr. Ebsary was at least  
3 distinctive? Do you know what I mean by that?

4 A. Distinctive.

5 Q. He stood out?

6 A. Not really.

7 Q. Anybody who knew, anybody who was a regular in that tavern  
8 would know who Roy Ebsary was?

9 A. Yeh, they would know.

10 Q. Now I would like to ask you about the day of the stabbing,  
11 if I could ask you to turn your mind to that. It was a  
12 Friday?

13 A. Pardon

14 Q. It was a Friday, is that right?

15 A. Yeh.

16 Q. Do you know the date?

17 A. No.

18 Q. So today you're not able to tell us what date that event  
19 took place on?

20 A. No.

21 Q. Now we can agree that it was a Friday, though?

22 a. Yes.

23 Q. And do I understand you, Sir, to say that you have no  
24 recollection of anything about that day until you arrived  
25 at the State Tavern?

JAMES MacNEIL, by Ms. Edwardh

1 A. Yes.

2 Q. You don't know who you were with, where you were, what you  
3 were doing?

4 A. I was home that day.

5 Q. That's your only recollection?

6 A. Yeh.

7 Q. You don't know if you had any visitors?

8 A. No.

9 Q. You don't know what you did at home? I take it is really,  
10 just a blank other than saying that I was home?

11 A. Yeh.

12 Q. That's a fair statement?

13 A. Yeh.

14 Q. And is one of the reasons that you can't remember that you've  
15 never been asked before, no one has really made a record for  
16 you of what you did that day? You don't have any statement  
17 about it, you'd never testified about in detail?

18 A. Yes.

19 Q. Is that fair that's one of the reasons it's hard to put  
20 together?

21 A. Yeh, right.

22 Q. And when you say you weren't working that day. I understand  
23 that you weren't working at all during that time period. It  
24 wasn't just a day off?

25 A. No.

JAMES MacNEIL, BY Ms. Edwardh

- 1 Q. Is that right?
- 2 A. Yeh.
- 3 Q. Now in accordance with your ordinary habits, I think you have  
4 indicated to my friend that on days that you didn't work you  
5 tended once every second day to drink?
- 6 A. Yes.
- 7 Q. On days of the weekend, you also tended to drink?
- 8 A. Yes.
- 9 Q. And I'm going to suggest to you that given your pattern around  
10 that time, you were probably drinking that day?
- 11 A. Yeh, I was probably drinking.
- 12 Q. So you were probably drinking, we don't know how much, but  
13 at least some amount before you went out to the State  
14 Tavern that day. Is that a fair statement?
- 15 A. Yeh.
- 16 Q. Now on the days that you were drinking at home because, I  
17 think you also said you drank a fair bit at home. How much  
18 would you usually drink? Were you drinking beer?
- 19 A. A few pints of beer.
- 20 Q. Would it be a bunch of beer?
- 21 A. Not too much. Some beer --
- 22 Q. Maybe some wine?
- 23 A. Yeh, maybe some wine.
- 24 Q. Did you mix them? Was it usual to mix them for you at that  
25 time?



JAMES MacNEIL, by Ms. Edwardh

1 A. Yeh, sometimes I would mix them.

2 Q. And in the ordinary course, how much do you think you might  
3 drink on the days you were drinking? Would it be five/ten  
4 beer over the course of the day?

5 A. Oh, yes. Five --

6 Q. Something like that?

7 A. Yeh.

8 Q. That would be a fair estimate?

9 A. Right.

10 Q. Now as I understand your evidence to my learned friend, on the  
11 night in question when you went to the State Tavern, you've  
12 testified many times, Sir, that you drank seven or eight  
13 beers?

14 A. Yes.

15 Q. That's another presumed, isn't it?

16 A. Yeh, right.

17 Q. You never counted the beers?

18 A. No.

19 Q. In fact you may have well drunk a lot more?

20 A. I might have, yeh.

21 Q. And if my friends estimate of five an hour is correct, you  
22 may have drunk anywheres between fifteen and twenty-five?

23 A. Not that many.

24 Q. If you went there at five in the afternoon or if you went  
25 there at eight, depending on when you left? Right?

JAMES MacNEIL, by Ms. Edwardh

1 A. Yes.

2 Q. So if you went there at five and drank five an hour until  
3 ten thirty or eleven?

4 A. Right.

5 Q. That's a whole lot more beer than if you went there at eight  
6 and drank for two hours and left at ten thirty or eleven,  
7 right?

8 A. Yeh, right.

9 Q. But roughly you would be drinking about five an hour?

10 A. Yeh, right.

11 Q. And during this time I understand that you were in very  
12 poor health?

13 A. Yes.

14 Q. Had you had any sicknesses as well?

15 A. Pardon.

16 Q. Had you had any sicknesses as well, I mean --

17 A. No, just not eating good at all.

18 Q. And you weren't eating in part obviously because of the  
19 consumption of alcohol? Right?

20 A. Yes.

21 Q. It didn't take much to make you stagger even though on some  
22 of these occasions you would drink twenty-five beer without  
23 too much difficulty?

24 A. Yes.

25 Q. Is that what you said. It wouldn't take much to make you  
stagger?

JAMES MacNEIL, by Ms. Edwardh

1 A. No, it wouldn't take much, no.

2 Q. What's much to you?

3 A. Well, it depends upon, like, I said the mood you're in there.  
4 Depends upon the mood you're in.

5 Q. Is that part of the notion of drinking yourself sober?

6 A. Yes.

7 Q. This is a new thing to me. I've not heard of it before.

8 What do you mean by drinking yourself sober? The more you  
9 drink the soberer you become?

10 A. Sometimes you can, yeh, drink yourself sober.

11 Q. And that's happened to you?

12 A. Yeh.

13 Q. And I suppose if you're kind of in a good mood the more you  
14 can drink without having any effect?

15 A. Yes.

16 Q. And that's was -- is that your evidence that you were kind  
17 of in a good mood that night too?

18 A. Yes.

19 Q. Were you drinking yourself sober that night? Maybe?

20 A. Maybe.

21 Q. Now Mr. Orsborn asked you about driving and your knowledge  
22 of -- your observations about yourself. About your vision.

23 I'm going to suggest to you that you know as well as

24 everybody else knows that as soon as you have any alcohol

25 that your, I'm going to call them functions, seeing, hearing,

JAMES MacNEIL, by Ms. Edwardh

1 coordination, everything, all begin to slow down. Is that  
2 correct? Is that your understanding?

3 A. Yeh.

4 Q. That's why there are rules about not driving?

5 A. Yeh.

6 Q. So that you don't have anything like having trouble walking  
7 and perfect vision. Would you agree with that?

8 A. Right.

9 Q. Now when you left, I think you have been very fair, Sir, that  
10 when you left the tavern that you were, I going to use the  
11 term pretty drunk. Weaving a little bit, a little stagger,  
12 you weren't falling down. That's a fair statement?

13 A. Yes.

14 Q. And I'm going to suggest to you, Sir,, that as a result of  
15 that alcohol consumption, you are in fact pretty confused  
16 about the events of that night? Pretty confused about what  
17 you know, what you remember, what you imagined and what  
18 you dream about. Pretty confused about what's real?

19 Do you agree with that?

20 A. Not totally confused.

21 Q. Pretty confused?

22 A. Pretty confused, not totally.

23 Q. One thing that stands out in your mind as clear, is that Mr.  
24 Ebsary stabbed Sandy Seale?

25 A. Yes.

JAMES MacNEIL, by Ms. Edwardh

1 Q. Is that true, that's the one clear positive thing that you  
2 have in your mind?

3 A. Right.

4 Q. Now I want to explore and get some explanations if I can  
5 from you about things about which you're confused. And  
6 maybe you can tell us what may have caused the problems.  
7 Yesterday you testified -- no we'll start with morning.  
8 This morning I believe you testified and correct me if I  
9 say any of this wrong, cause I haven't had a chance to  
10 read in the transcript. That as far as you knew your  
11 father knew Mr. Ebsary. They had met at the State Tavern.

12 A. Yes.

13 Q. But that Mr. Ebsary had never been to your house to see your  
14 dad?

15 A. No.

16 Q. Is that what you testified to?

17 A. Yes.

18 Q. Yesterday, Sir, you said that -- you said in answer to a  
19 question by Mr. Orsborn. He asked you "Was Mr. Ebsary wrong  
20 when he came forward and testified that he drank wine with  
21 you and your father at your house". And your answer as I  
22 recorded it was "we were not at my father's it must have  
23 been another day".

24 A. He might have been there another day when I wasn't there  
25 with my father drinking.

JAMES MacNeil, by Ms. Edwardh

1 Q. So I take it, it's your evidence you never saw Mr. Ebsary at  
2 your house?

3 A. I never seen him there.

4 Q. But as far as you recall today, he knew your father?

5 A. Yes.

6 Q. Now if I could ask you to turn to Page 131 in this Volume,  
7 Volume 11. I'm referring you to a transcript of a trial  
8 involving Mr. Ebsary as the accused, November 1983. And I  
9 would like you to look down at Question 65 and maybe we  
10 can read it together. Question: "Did Mr. Ebsary know your  
11 father at all as far as you know? As far as I know, he did  
12 not". Question: "Are you sure about that". Answer:  
13 "Positive, unless he met him in the State, and I don't know  
14 anything about it, because my father used to go to the  
15 State Tavern when he got pensioned up. He used to go there  
16 with all his friends there". Now you'll agree with me, Sir.  
17 Do you recall being asked those questions and giving those  
18 answers?

19 A. Yeh.

20 Q. And what you said there was as far as you were concerned  
21 that Mr. Ebsary didn't even know your father?

22 A. Yes.

23 Q. Right?

24 A. Right.

25 Q. Now can you explain why today you'd be saying that he did

JAMES MacNEIL, by Ms. Edwardh

1 know your father?

2 A. I don't know.

3 Q. It's pretty simple facts, is it not? Do you think your  
4 just confused Mr. MacNeil about whether he knew your father?

5 A. Yeh.

6 Q. Okay. You certainly weren't trying to mislead the court  
7 there?

8 A. No, I wasn't, no.

9 Q. So we'd have to say if you were trying to tell the truth,  
10 today and trying to tell the truth in November '83, that  
11 at best your state of mind is that your confused about that  
12 fact?

13 A. Right.

14 Q. Now you testified yesterday that you had known Mr. Ebsary  
15 for six months. Do you recall that and you described your  
16 relationship with him?

17 A. Right.

18 Q. Can I ask you to look in the same Volume at Page 106. And  
19 look down at Question 14. "How long --. Do you see the  
20 Question 14 the number beside that. They have numbers, Sir,  
21 so you can follow what I'm saying. I'm sorry it's 106 --  
22 Sorry it's 106, Question 14, did you find that, Sir? So  
23 this morning and yesterday you indicated you had known  
24 Mr. Ebsary for six months and at Mr. Ebsary's trial when  
25 asked the question by Crown Council, Question 14, "How long

JAMES MacNEIL, by Ms. Edwardh

1 | before May in '71, had you known Mr. Ebsary". Answer:

2 | "About a couple of weeks something like that". Now --

3 | A. So then I wasn't sure.

4 | Q. You weren't sure then?

5 | A. No.

6 | Q. So would it be fair to say that you were confused about how  
7 | long you knew Mr. Ebsary?

8 | A. Yeh.

9 | Q. And it's fair to say that even today although you estimated  
10 | six months, that could be wrong couldn't it?

11 | A. Yeh, that could be wrong, yeh.

12 | Q. And so about that fact like many other facts on that day  
13 | except for the fact that Mr. Ebsary stabbed Mr. Seale, your  
14 | confused?

15 | A. Yes.

16 | Q. Right?

17 | A. Yeh.

18 | Q. Now another puzzling fact I'd like to draw to your attention  
19 | is your arrival at the State Tavern. Yesterday you said  
20 | you arrived at five o'clock. Do you recall saying that?

21 | A. Yeh, right.

22 | Q. Now over the many trials that you have given evidence in  
23 | and the many statements, you have never before suggested it  
24 | was that early. Can I ask you to take a look at Page 21 of  
25 | this Volume. Page 21. And this is the first time you gave



JAMES MacNEIL, by Ms. Edwardh

1 evidence, Sir. This is at the reference when you were called  
2 by Mr. Aronson. And on Page 21 about the twenty-first line  
3 there is a question put to you, "Now can you say what time  
4 you arrived at the State Tavern". Answer: "I would say we  
5 arrived around eight o'clock in the evening, I would say".  
6 Do you see that Sir?

7 A. Yes.

8 Q. Do you recall answering that you would -- you thought you  
9 arrived around eight o'clock?

10 A. Yeh.

11 Q. Is it fair to say you were trying to tell the truth then?

12 A. Yeh.

13 Q. You tried to tell the truth yesterday?

14 A. Yeh.

15 Q. And is it fair to say that in fact you really confused about  
16 that fact. You don't know when you arrived for sure?

17 A. Yeh, right.

18 Q. And your confused about that fact in the same way your  
19 confused about most of the other events of that day, except  
20 that Mr. Ebsary stabbed Mr. Seale?

21 A. Yes.

22 Q. Is that correct?

23 A. Yes.

24 Q. Now yesterday you also said you had no idea how much Mr.  
25 Ebsary drank? Do you recall saying that in answer to my

JAMES MacNEIL, by Ms. Edwardh

1 friends' question?

2 A. No.

3 Q. He asked you how much you drank and then he said Mr. Ebsary  
4 how much did he drink and you said I have no idea? Is that  
5 your evidence?

6 A. Yeh.

7 Q. You have no idea?

8 A. No.

9 Q. Is that true that you have no idea?

10 A. No, I have no idea.

11 Q. Let me ask you to look at Volume 11 at Page 52.

12 A. 52.

13 Q. Now this is a pretty important question isn't it, how much  
14 did Mr. Ebsary drink and whether you can add anything to it.  
15 Isn't it Mr. MacNeil?

16 A. Yes, right.

17 Q. Because it relates to his capacity on the day or evening you  
18 think he killed someone, right?

19 A. Yeh.

20 Q. And so when you answered you had no idea?

21 A. Yes.

22 Q. Yesterday -- I'd like you to reflect upon what's written  
23 at the questions and answers recorded at Page 52 here. "Do  
24 you recall how much you had to drink that night". "I'd say  
25 I had about seven or eight beers". Question: "And what about

JAMES MacNEIL, by Ms. Edwardh

1 Mr. Ebsary? How much would he have had to drink?" "Oh, it  
2 would be around the same." "What time did you go to the  
3 State Tavern?" "I think it was earlier in the evening..."  
4 Oh, I'm sorry, so that's really the whole exchange. So he  
5 had about the same amount to drink?

6 A. Yes.

7 Q. Then at the reference, if I can take you back a little bit to  
8 page 22 which was again the first time you testified. Look  
9 down to about line 28, the last quarter of the page and  
10 there's a question: "I see, and can you say how much Roy  
11 Ebsary had to drink?" Answer: "I can't tell you how much  
12 he had to drink that night; like, I wasn't counting the  
13 glasses but I figure he had probably the same as I done.  
14 There might be a glass in the difference or something like  
15 that." Now isn't it in fact true that all you can really say  
16 to this Commission and all you should have really said to all  
17 those courts was Ebsary drank with you?

18 A. Yeh.

19 Q. And you both drank a fair bit?

20 A. Yeh.

21 Q. And you didn't count your glasses and you didn't count his  
22 glasses but you were both putting them back.

23 A. Yeh, right.

24 Q. And is this another example of sometimes how you presume?

25 A. Yeh.

JAMES MacNEIL, by Ms. Edwardh

1 Q. Would you agree with me that you should have said you don't  
2 really know but he drank basically one for one with you?

3 A. Yeh.

4 Q. Can you tell me why you would answer --

5 COMMISSIONER EVANS:

6 Ms. Edwardh, I think I should point out to you that Mr. -- according  
7 to the evidence as I read it, Mr. Ebsary was already in the Tavern  
8 at the time that this man arrived and that there was beer on the  
9 table at that time so that his drinking one for one may be so after  
10 his arrival --

11 MS. EDWARDH:

12 Quite so, My Lord. Quite so.

13 BY MS. EDWARDH:

14 Q. His Lordship has indicated that when you arrived at the Tavern  
15 I take it you saw Mr. Ebsary there?

16 A. Yeh.

17 Q. And that he was already engaged in drinking?

18 A. Yes.

19 Q. There was beer in front of him?

20 A. Right.

21 Q. That's your recollection?

22 A. Yes.

23 Q. That's your recollection today as well?

24 A. Yes.

25 Q. And it was after you sat down and joined him for whatever period

JAMES MacNEIL, by Ms. Edwardh

1 | it was that the two of you drank together?

2 | A. Yes.

3 | Q. Now you've also testified and testified yesterday, I believe,  
4 | that when you arrived at the Tavern, you joined Mr. Ebsary and  
5 | he was, you thought, with someone else?

6 | A. Yes.

7 | Q. Is that correct?

8 | A. Yeh.

9 | Q. Do you remember that testimony?

10 | A. Yeh.

11 | Q. And would you agree with me, and let me take you to page 52,  
12 | that on other occasions you've testified that you recall  
13 | really that it's just the two of you. Let me take you half  
14 | way down that page to about line 15. "Was there anyone  
15 | else with you at the Tavern?" "Not that I recall, just the  
16 | two of us." Okay? Do you see that, sir?

17 | A. Yes, yeh.

18 | Q. You'll agree with me that your testimony today, or yesterday  
19 | is different from what you said at page 52?

20 | A. Yeh.

21 | Q. Would you agree with me that in fact you're confused about  
22 | whether there was anybody else sitting at the table with  
23 | you and Ebsary?

24 | A. Yes.

25 | Q. And you're confused today?

JAMES MacNEIL, by Ms. Edwardh

1 A. Yes.

2 Q. Is that right?

3 A. Yeh.

4 Q. And you can't tell us whether there was or really wasn't?

5 A. No.

6 Q. And that you're confused about that fact in the same way  
7 you're confused about what precisely may have been said,  
8 who precisely said what and that the only fact you're  
9 really clear about is who stabbed Mr. Seale. Is that fair?

10 A. Yeh.

11 MR. CHAIRMAN:

12 Ms. Edwardh, it is now eleven-thirty.

13 MS. EDWARDH:

14 See you Monday.

15 MR. CHAIRMAN:

16 That's right.

17 We'll adjourn until Monday next at 9:30.

18

19 INQUIRY ADJOURNED AT 11:30 o'clock in the forenoon on the 11th  
20 day of September, A.D., 1987

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COURT REPORTER'S CERTIFICATE

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 11th 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.



Judith M. Robson  
Official Court Reporter  
Registered Professional Reporter

Sydney Discovery Services  
September 10, 1987