

MARVEL MATTSON, by Mr. Spicer

1 MR. CHAIRMAN:

2 That's all, thank you, Mrs. Timmons.

3 MR. SPICER:

4 Mr. Mattson

5 MARVEL MATTSON, being called and duly sworn, testified as follows:

6 BY MR. SPICER:

7 Q. What's your name, please, sir?

8 A. Marvel Mattson.

9 Q. Where do you reside?

10 A. Chester, Nova Scotia.

11 Q. In 1971, where did you reside?

12 A. We resided at 103 Byng Avenue, Sydney.

13 Q. Sydney?

14 A. Yes.

15 Q. Were you employed in 1971?

16 A. I was, yes.

17 Q. By whom?

18 A. By the Nova Scotia Tax Commission.

19 Q. I see, and what had been your employment prior to that time?

20 A. I went with the Nova Scotia Tax Commission in 1966. Prior
21 to that I was with the R.C.M.P.

22 Q. I see. In 1971, you resided on Byng Avenue?

23 A. I did, yes.

24 Q. All right, and if you could just turn around. Would this be
25 your house that's marked on the map, "red house, 103"?

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- 1 A. Yes, sir, that's correct.
- 2 Q. And were you in your house, Mr. Mattson, on the evening of
3 May 28th?
- 4 A. I was, yes.
- 5 Q. Can you tell us what if anything you saw or heard on that evening?
- 6 A. Well about ten minutes to twelve that night, I went upstairs to
7 go to bed and just as I got in my bedroom, I heard some talking
8 down -- outside downstairs.
- 9 Q. Is your bedroom on the side of the house facing Byng Avenue?
- 10 A. Yes, the bedroom faces Byng Avenue and it's on the second
11 floor.
- 12 And the talking came from the street below opposite the
13 veranda.
- 14 Q. Was the window open or closed?
- 15 A. The window was open.
- 16 Q. I see. What did you hear?
- 17 A. I heard someone say that some one is bleeding in the park.
- 18 Q. Some one's bleeding in the park.
- 19 A. Some one is bleeding in the park. And when I heard this, I
20 immediately called the Sydney City Police.
- 21 Q. Prior to doing that, did you go to the window, did you see
22 if you could see anybody?
- 23 A. I did, yes.
- 24 Q. All right.
- 25 A. And I couldn't see anybody because the veranda juts out over

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- 1 | so I couldn't see anybody and there's no light there.
- 2 | Q. How much of the street can you see from the window? Can you
- 3 | see the far side?
- 4 | A. Yes. Yes, you can.
- 5 | Q. To what extent then as you go off by there?
- 6 | A. I think that from that window you could see just about from
- 7 | the edge of the sidewalk on Byng Avenue -- on my side of the
- 8 | street to, you know, the rest of the park on the other side.
- 9 | Q. Okay. In any event, when you looked out, you couldn't see
- 10 | anybody?
- 11 | A. No. I could not. They were too close to the house.
- 12 | Q. Okay. What did you do then?
- 13 | A. I phoned the Sydney City Police and reported what I had heard.
- 14 | Q. Do you know who you talked to of the Sydney City Police?
- 15 | A. No, I don't, but I -- I suggested that it was probably something
- 16 | serious and they should --
- 17 | Q. What was their response?
- 18 | A. -- look into it. Well they were going to attend to it immediately
- 19 | Q. Did they indicate to you whether they'd received any other calls
- 20 | at that point?
- 21 | A. No, they did not.
- 22 | Q. They did not, okay. What happened next?
- 23 | A. I watched out the window and just about the time I finished the
- 24 | call someone was out in the middle of the street in the lights
- 25 | of some cars and he was showing his arm. And again the -- the

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- 1 | words came that somebody is bleeding in the park.
- 2 | Q. Was the person who was standing in the middle of the street,
- 3 | had he stopped a car at that point or?
- 4 | A. Well, a car stopped in any event. Now --
- 5 | Q. You didn't see whether or not he'd flagged it down?
- 6 | A. No, no, whether he had flagged it down, I'm not too sure.
- 7 | Q. No. Can you tell us from what direction the car was coming?
- 8 | A. I think the car was coming from the direction of Bentinck Street
- 9 | going towards George and he showed his arm and then he got in
- 10 | the car and went in the direction of George Street. And
- 11 | immediately he did that, I phoned again. The two phone calls
- 12 | would just be a matter of a minute or so apart.
- 13 | Q. Was the person who got in the car by himself?
- 14 | A. I just saw one person get in the car. I don't know if there
- 15 | was more than one or not.
- 16 | Q. Could you see whether or not there was anybody other than the
- 17 | driver already in the car?
- 18 | A. No.
- 19 | Q. You couldn't tell?
- 20 | A. It was -- It's very dark there.
- 21 | Q. Right. Could you tell what type of car it was?
- 22 | A. No, I could not.
- 23 | Q. Okay. So the car drives off towards George Street.
- 24 | A. Yes.
- 25 | Q. Okay, and what did you do then?

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- 1 A. I phoned the City Police again and they said somebody --
2 somebody in route and before I got off the phone, I saw
3 the flashing lights over in the direction of George Street
4 or the park somewhere.
- 5 Q. Are you able to be more specific as to where you saw the
6 flashing lights from?
- 7 A. I thought it was in the area of George and Crescent, in around
8 there somewhere, in that area.
- 9 Q. Do you know whether or not the person you spoke to the second
10 time you phoned the Sydney Police Station was the same person
11 you spoke to the first time?
- 12 A. No. No, I don't know for sure.
- 13 Q. You don't know.
- 14 A. No.
- 15 Q. Did you see any other vehicles arriving?
- 16 A. There was a -- there was a fair amount of traffic on Byng
17 Avenue that night. Cars were going and coming but nothing --
- 18 Q. Did you see an ambulance?
- 19 A. -- that attracted my attention, no.
- 20 Q. Did you see an ambulance at any point?
- 21 A. I think -- I took it that when I saw the lights of a couple
22 of vehicles that probably one was a police car and one was
23 the ambulance.
- 24 Q. Okay. Are you sure about that or are you just --
- 25 A. No, I'm not -- I'm not positive about that, no.

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1 Q. And did that occur during the time you were still on the phone
2 the second time talking to the Police Department?

3 A. Yes, just as I -- Yeh, right about that time and then I kept
4 an eye on the situation a little bit longer and things seemed
5 to clear up and that was the end of it.

6 Q. Did you see anything further during the time that you kept
7 your eye on it?

8 A. No, no.

9 Q. Okay, I'm just going to draw your attention to page 171, if
10 I could, sir, of this volume, Volume 11. Do you recognize
11 that, Mr. Mattson?

12 A. I do, yes.

13 Q. Is that the statement that you gave to the Sydney Police on the
14 8th of June?

15 A. It is, yes, sir.

16 Q. I see. Did you in fact go to the Police Station to give that
17 statement?

18 A. I have been thinking about that since and I -- I'm not too
19 sure. I rather believe that I probably prepared it at my own
20 home and took it down to them.

21 Q. Prepared --

22 A. It looks like my -- looks like the type of statement that I
23 would prepare. It doesn't look like that of someone else's.

24 Q. When you say it looks like the type of statement you would
25 prepare, what do you mean by that?

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- 1 A. Well, it's my words, you know, and just the way it's set out
2 there. I rather believe I prepared it myself.
- 3 Q. Prepared it yourself and then took it down and it was retyped
4 on the Sydney Police --
- 5 A. I may have typed it myself.
- 6 Q. On this particular -- On the Sydney Police Continuation Report
7 Sheet?
- 8 A. No, on my -- on my own paper.
- 9 Q. Do you have any recollection now if that's in fact what you did?
- 10 A. No, I don't, Not really, no.
- 11 Q. Do you have any recollection of being interviewed by the police
12 and giving the statement?
- 13 A. No, I don't. No. That's what makes me think that I probably
14 did it myself because I don't recall any kind of an interview
15 or -- so that's why I think that I prepared it myself and
16 passed it to them.
- 17 Q. Do you have any idea who you might have passed it to?
- 18 A. I rather think it was probably Detective MacIntyre.
- 19 Q. Did you know Detective MacIntyre?
- 20 A. Oh, yes.
- 21 Q. Yes, and how was it that you knew him?
- 22 A. Well, I -- I've known him for some time. I was in the R.C.M.P.
23 and also I was on the City Police Commission so -- so I knew
24 a great many of the members of the Sydney Police force.
- 25 Q. I see. You have testimony at the trial of Junior Marshall.

MARVEL MATTSON, by Mr. Spicer

1 A. At Supreme Court, yes.

2 Q. Were you subpoenaed to give testimony at the Preliminary?

3 A. No, I was not, no.

4 Q. Were you at any time talked to by any of the lawyers acting
5 for Mr. Marshall, Mr. Khattar or Mr. Rosenblum?

6 A. No, I was not.

7 Q. Were you talked to by the Crown Prosecutor in advance of giving
8 testimony?

9 A. Yes, I think I was?

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MARVEL MATTSON, by Mr. Spicer, by Ms. Edwardh

1 Q. Do you remember when that would have been?

2 A. Sometime prior to Supreme Court, and --

3 Q. Sorry, go ahead.

4 A. Which would be in 1971.

5 Q. Right.

6 A. I think that would be the Fall hearing.

7 Q. Do you much about that -- that much or anything about that
8 interview?

9 A. No, I think it was a very short interview and we just went
10 over the statement and that was it.

11 Q. I see.

12 MR. SPICER:

13 Thank you.

14 MR. CHAIRMAN:

15 Ms. Edwardh.

16 MS. EDWARDH:

17 Thank you very much, My Lord.

18 BY MS. EDWARDH:

19 Q. Mr. Mattson, just a couple of questions. I take it you were
20 at the point of retiring before you identified voices from
21 the outside -- coming from the outside area?

22 A. I was, yes.

23 Q. And can you indicate whether not only the content of the
24 words, but there was something in the tone of the voice that
25 drew you to the window? Did the voices sound agitated?

MARVEL MATTSON, by Ms. Edwardh

- 1 A. That's right. That's right. I did hear some talking, but
2 these particular words, "There's somebody bleeding in the
3 park", is what attracted my attention.
- 4 Q. And in addition to the words, would the quality of the voice
5 have indicated some urgency?
- 6 A. I would say it did, yes.
- 7 Q. And when you got up and looked out the window, I take it you
8 were aware that there were at least two people below the
9 veranda and maybe more?
- 10 A. Yes, at least two because somebody was talking to somebody
11 else.
- 12 Q. And it might be more?
- 13 A. Yes, that's possible.
- 14 Q. And then at some point a -- I take it your assumption is one
15 of those individuals may have flagged a car down, but in any
16 event, the car stopped and that individual went over to the
17 car?
- 18 A. Yes.
- 19 Q. Did they go to the driver's side of the vehicle or to the
20 passenger's side?
- 21 A. Well, I could see him, so he would be somewhere between the
22 car and the house.
- 23 Q. And your recollection of the direction the vehicle was going?
- 24 A. I kind of think the car was heading in the direction of
25 George Street.

MARVEL MATTSON, by Ms. Edwardh

- 1 Q. So then you would be looking at the --
- 2 A. I would be looking at the -- at the driver's side.
- 3 Q. And I take it, the only thing that you recall is this person
- 4 made a movement and seemed to show a part of their arm?
- 5 A. That's right, yes.
- 6 Q. Do you recall which part of their arm they were showing the
- 7 driver?
- 8 A. The -- Oh, the forearm.
- 9 Q. And could you see any blood or any apparent injury?
- 10 A. No, I wasn't close enough for that.
- 11 Q. And do you recall any words that that person spoke at that
- 12 time?
- 13 A. The only words I heard again was, "Somebody is bleeding in
- 14 the park".
- 15 Q. And did you -- Was that the same voice?
- 16 A. Oh --
- 17 Q. That you had heard earlier in the conversation?
- 18 A. Yes, it was.
- 19 Q. And it was the same agitation or --
- 20 A. The same tone.
- 21 Q. The same tone?
- 22 A. The same tone.
- 23 Q. And I take it that person then got into the vehicle directly?
- 24 A. Yes, he did or whoever it was did.
- 25 Q. I'm sorry?

MARVEL MATTSON, by Ms. Edwardh

1 A. I said, I said, "he did", but I said, "somebody did".

2 Q. And I take it you don't recall whether other individuals as
3 well got into the car at that time?

4 A. No, I'm not sure. It's possible, but I'm not sure. They
5 could have gotten in the other side because the street
6 is very dark. I normally keep my light on or I kept my
7 light on outside the door but I had shut it off when I went
8 upstairs.

9 MS. EDWARDH:

10 Those are my questions. Thank you.

11 MR. CHAIRMAN:

12 Mr. Pugsley.

13 MR. PUGSLEY:

14 No questions, My Lord. Thank you.

15 MR. CHAIRMAN:

16 Mr. Murray.

17 MR. MURRAY:

18 No, no questions.

19 MR. CHAIRMAN:

20 Mr. Elman.

21 MR. ELMAN:

22 No, questions, My Lord.

23 MR. CHAIRMAN:

24 Mr. Saunders.

25 MR. SAUNDERS:

No questions, My Lord.

MARVEL MATTSON, by Mr. Ross

1 MR. CHAIRMAN:

2 Counsel of the R.C.M.P.

3 (NO RESPONSE)

4 MR. CHAIRMAN:

5 MR. Ross.

6 BY MR. ROSS:

7 Q. Mr. Mattson, as far as timing is concerned, can you be sure
8 that these telephone calls would have occurred around ten
9 minutes before mid-night?

10 A. That's my recollection, yes.

11 Q. And upon what is that recollection based please.

12 A. That is in accordance with the statement that I have, that
13 it's ten minutes to twelve.

14 Q. Yes, but I'm asking about your recollection.

15 A. Yes.

16 Q. Did you look at the news perhaps?

17 A. It -- I had looked at the news prior to going to bed, yes.

18 No, just a minute now. That's my practice to look at the news
19 before I go to bed and it still is.

20 Q. Yes, and which news did you look at? Do you recall if it
21 was the eleven o'clock or the mid-night news that you would
22 have seen?

23 A. I would say it would be the eleven o'clock news.

24 Q. Yes, you see the purpose is that as I look at the police
25 records they have indicated that your phone call came in at

MARVEL MATTSON, by Mr. Ross

1 | ten minutes past twelve.

2 | A. I see.

3 | Q. Could you perhaps comment on that?

4 | A. No, I can't. I thought it was before mid-night.

5 | Q. And as far as you were concerned you called before mid-night?

6 | A. Yes, it was right around that time.

7 | Q. And tell me, you were in the R.C.M.P. up until 1966, was it?

8 | A. Yes, I was in until 1966.

9 | Q. Were you stationed in the Sydney area?

10 | A. I was, yes.

11 | Q. And perhaps you'd be good enough -- This has nothing to do
12 | particularly with the circumstances of the death of Sandy
13 | Seale, but there's some broader issues that perhaps you might
14 | be able to enlighten us on. Now when you were in the R.C.M.P.,
15 | were you aware of any problems or complaints by black people
16 | that they were not being treated the same as other people, the
17 | same as white people when complaints were made to the R.C.M.P.
18 | or the Police in general?

19 | A. No, I did not. Mind you, I was only here a short time in the
20 | Police. I came to Sydney in September of '65, and I left the--
21 | I went on pension in the end of February, '66, so I wasn't
22 | here very long in that capacity.

23 | Q. Just a matter of four or five months. What rank were you?

24 | A. I was a Sergeant and I was the Section N.C.O. for Cape Breton
25 | Island.

MARVEL MATTSON, by Mr. Ross, by Mr. Wildsmith

1 Q. I see. I take it that in that position you would not have
2 had much dealing with the general public on a day-to-day
3 basis. Is that a fair statement to make?

4 A. That would be a fair statement, yes.

5 MR. ROSS:

6 Thank you very kindly, sir. No more questions.

7 MR. CHAIRMAN:

8 Mr. Wildsmith.

9 MR. WILDSMITH:

10 Thank you, My Lord.

11 BY MR. WILDSMITH:

12 Q. Mr. Mattson, I'm interested in the park that you live across
13 the street from, Wentworth Park?

14 A. Yes.

15 Q. I take it you came to Cape Breton in 1965. Did you move into
16 that house that's indicated on the map in 1965?

17 A. No, we lived on Cabot Street and we moved in the 103 Byng
18 Avenue house in '67.

19 Q. In '67, so you lived here about four years before this
20 particular evening?

21 A. Yes, sir, that's right.

22 Q. And how long after this particular evening did you live there?

23 A. We lived there until '76.

24 Q. Okay. Are you aware of problems in that park?

25 A. Well, let's see now. I don't think any more than any other

MARVEL MATTSON, by Mr. Wildsmith

1 park, you know. There's always a few things happening in a
2 park.

3 Q. A few things of what nature?

4 A. Oh, you know, drinking, a few scraps. and so on, that kind
5 of thing.

6 Q. Was it a place where people would hang around?

7 A. Oh, yes.

8 Q. Hang around after dark?

9 A. Well, no, there was a lot of activity in the park, you know.
10 It's a band shell and picnic area and so you had families
11 bringing their children there, you had school teachers
12 bringing their class there and --

13 Q. Yes.

14 A. --then there's be the Sunday -- I think Sunday night band
15 shell concert.

16 Q. All of those would be by and large day time activities or
17 various public activities?

18 A. Both, both day time and evening.

19 Q. Okay.

20 A. So -- And these -- But for the most part no real problems,
21 no.

22 Q. And people would hang around in the park if I can use that
23 expression, after dark, I take it?

24 A. Oh, yes. Yes.

25 Q. And you're saying that that by and large did not lead to

MARVEL MATTSON, by Mr. Wildsmith

1 | any problems?

2 | A. No. It never caused a problem to us and we lived right
3 | there, you know.

4 | Q. Can you tell me whether Indians were amongst the people who
5 | would hang around in the park after dark?

6 | A. I heard that earlier but I wasn't aware of it, no.

7 | Q. Did you ever see Indians in the park or are you saying it
8 | wasn't any more than any other racial group?

9 | A. I don't know that there were, no.

10 | Q. Okay. Perhaps you could enlighten me on something, it's
11 | just a little clipping from The Cape Breton Post, I don't
12 | think we need to mark it as an Exhibit or anything, but there's
13 | a bit of information in here which I'd like your comments on.
14 | I'm reading from The Cape Breton Post of June the 3rd, 1971,
15 | which would be about six days or so after this particular
16 | incident and it appears on page three in The Cape Breton Post.
17 | It says:

18 | "Wentworth Park hours are posted".

19 | And it goes on to say:

20 | "The Sydney Recreation and Parks
21 | Commission announced Wednesday
22 | that Wentworth Park in the City's
23 | south end would be closed nightly
24 | from eleven p.m. to seven a.m."

23 | And it goes on to give a quote from the Recreation Director
24 | Jim Fox who said:

25 | "The park was never intended to be an

MARVEL MATTSON, by Mr. Wildsmith

1 all night park. The park is
2 for the enjoyment of our
3 citizens and is to be used,
4 not abused..."

5 And it goes on to say that:

6 "The decision to close the
7 park from eleven to seven
8 had been made before the
9 knife slaying of Sandy
10 Seale".

11 Do you know any reason why the park --

12 A. Had been made? Pardon me? Had been made before?

13 Q. Yes, it says he said the decision to close the park from
14 eleven p.m. to seven a.m. was made before the knife
15 slaying of Sandy Seale. I'm wondering if you think there
16 were any reason to close the park if there were no problems.

17 A. Well, we had no problems where we lived. There apparently
18 were some problems. I can't recall anything that would
19 be too significant any more than any other park.

20 Q. Okay, and just one other little piece of detail about this
21 park, the map that we're looking at there, Exhibit 22, doesn't
22 quite show this, but that park, in fact, continues to the
23 left of the map that's there beside you with a fairly large
24 pond, at least as large as the one that's shown on the
25 left of that map?

26 A. Yes.

27 Q. And it empties then into Sydney Harbour from there, I take it?

28 A. Yes, it does.

MARVEL MATTSON, by Mr. Wildsmith

1 Q. And the other section of the park that's not shown on this
2 map is pretty much as large as the piece that is shown?

3 A. I would say pretty close, yes.

4 Q. And Wentworth Creek that goes through there continues upstream?

5 A. It goes right on through to Kings Road.

6 Q. It goes up into the area of Hardwood Hill?

7 A. Pardon me?

8 Q. It goes up into the area of Hardwood Hill?

9 A. Oh, yes. It comes from that direction and empties into
10 Kings Road, yeh.

11 MR. WILDSMITH:

12 Thank you. That's all the questions I have.

13 MR. CHAIRMAN:

14 Mr. Spicer.

15 MR. SPICER:

16 No questions, My Lord.

17 MR. CHAIRMAN:

18 That's all. Thank you.

19

20 (WITNESS WITHDREW)

21

22 MR. CHAIRMAN:

23 Do you have another witness?

24 MR. SPICER:

25 No, My Lord. Those are all the witnesses for today.

MARVEL MATTSON, by Mr. Chairman

1 | MR. CHAIRMAN:

2 | We'll rise until nine-thirty.

3 |

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6 | INQUIRY ADJOURNED AT 4:23 o'clock in the afternoon on the 14th
7 | day of September, A.D., 1987.

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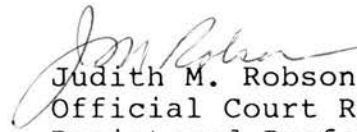
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COURT REPORTER'S CERTIFICATE

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 14th 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