

MAYNARD CHANT, by Mr. Orsborn

1 | MR. PUGSLEY

2 | Fine, My Lord, thank you.

3 | BY MR. ORSBORN:

4 | Q. Following this statement that you gave, Mr. Chant, you said  
5 | you were bothered with it. Did you discuss it with your  
6 | parents or any member of your family?

7 | A. No.

8 | Q. No. May I ask why?

9 | A. Because I was bothered with it. Probably ashamed, maybe, to  
10 | say that I didn't tell the truth. That's one thing I can  
11 | think of -- the only thing I can think of, I'm sorry.

12 | Q. The next record we have of your involvement is the statement  
13 | of June 4th and I don't propose to get into that before lunch.  
14 | June 4th was a Friday and I would ask you between the Sunday,  
15 | May 30th and this Friday, June 4th, whether or not you recall  
16 | having any contact with the police?

17 | A. I remember within that period of time even -- I remember  
18 | within that period of time having something to do with, like  
19 | I stated before, going in and them taking me through the  
20 | scene and --

21 | Q. Let me --

22 | A. -- and recording --

23 | Q. Okay, let me be clear now. When you say "within that time",  
24 | the time that I'm talking about right now is between May 30th  
25 | and Friday, June 4th; and are you indicating that this visit

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1 to the park took place within that time?

2 A. I can't indicate if it did or if it didn't. Like I'm trying --  
3 I can't get a -- I can't get a clear picture on it right now  
4 to, you know. Even some of the events are a bit cloudy but  
5 the reason why I can remember the events is because they were  
6 in direct contact with me to some of the pressures and some  
7 of the questioning and some of the scenes but as to try to  
8 -- As to try to put them in a clear detail of date and pattern,  
9 I have a real hard time with doing that. I'm sorry.

10 Q. Well, let me ask you this and I think I asked you before. It  
11 may help you. The discussions would be -- the police in the  
12 park, do you know whether or not that was before or after you  
13 implicated Mr. Marshall?

14 A. No.

15 Q. You don't know?

16 A. No.

17 Q. Again we'll talk about that after lunch. Again, do you recall  
18 between May 30th and June 4th, whether there were any discussions  
19 with Mr. Marshall?

20 A. No.

21 Q. There were not?

22 A. No. I -- No, I hadn't seen Mr. Marshall until the day of the  
23 Court.

24 Q. Until the day of the Court.

25 A. Yes.

1 BY MR. CHAIRMAN:

2 Q. I missed the answer to I think an earlier question. Did you  
3 say that between May 30th and June the 4th there were no  
4 discussions with your parents?

5 A. No. Not -- not --

6 Q. When you came back from visiting the police in Sydney and  
7 making the statement on May the 30th, did your parents  
8 inquire of you as to what transpired in the police station  
9 and what you told the police?

10 A. I can't really remember if they had asked me what had went  
11 on or -- As parents, they probably did. I can't really  
12 remember my answer. I can't really remember. I might have  
13 said oh they just wanted some questions or something but I  
14 can't really remember. Like I don't remember any of it.  
15 It's like a blank.

16 Q. Do you remember whether your parents during that period, that  
17 early period following the incident and the next two or three  
18 weeks in particular were apprehensive over the fact that or  
19 concerned that you were being questioned from time to time  
20 about this case?

21 A. Yes, they started to -- When they had come out- Coming up  
22 to the next statement when the police had come out, they  
23 started to show real concern so much that when at the time  
24 of the second statement began to come in effect down at  
25 the Town Hall in Louisbourg, my mother was present with me.

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1 They were very -- They got really concerned then because they  
2 probable -- They understood the seriousness of it then and  
3 my mother would at that time begin to tell me to make sure  
4 that I tell the truth and but that would be in coming up  
5 to them coming out the second time.

6 Q. So as you commenced your statement of June the 4th, you had  
7 already been admonished by your mother to tell the truth.

8 A. Yes. Is this in the statement that we're following up after  
9 up after --

10 Q. Yes.

11 A. Well that was basically down when the questioning was going  
12 on in the Town Hall, without jumping ahead too much, she  
13 had told me to tell the truth.

14 Q. All right.

15 MR. CHAIRMAN:

16 Well on that note, we'll rise until two o'clock.

17 MR. PUGLSEY:

18 My Lord, before we rise, could I request you give consideration to  
19 directing this witness not to discuss his evidence with any person  
20 while at any of the breaks are in force and his cross-examination  
21 continues.

22 MR. CHAIRMAN:

23 I have no difficulty with that.

24 BY MR. CHAIRMAN:

25 Q. You understood the request from --

MAYNARD CHANT, by Mr. Chairman

1 A. I didn't hear you, sorry.

2 Q. Well whether you heard Mr. Pugsley or not, may I ask you:  
3 During the time that you're giving your evidence, the time  
4 you're in the witness box, that you not discuss your  
5 evidence with other persons or other counsel.

6 A. Yes, sir.

7 Q. Any where.

8 A. Yes.

9 MR. CHAIRMAN:

10 Thank you.

11 INQUIRY ADJOURNED: 12:27 p.m.

12 INQUIRY RECONVENED: 2:04 p.m.

13 THE CHAIRMAN:

14 As soon as I discharge my duties as water-boy, we'll get on  
15 with --

16 MR. ORBSORN:

17 Do you wish the record to show that you poured, My Lord?

18 THE CHAIRMAN:

19 Yes, very good. Okay, Mr. Orsborn, carry on.

20 BY MR. ORSBORN:

21 Q. Mr. Chant, before we broke we were just about to get to your  
22 statement on the fourth of June which I believe was a Friday.  
23 And perhaps I could ask you once more whether or not to the  
24 best of your recollection, anybody spoke to you, talked to  
25 you between May 30th and June 4th such that a different

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1 picture of the incident would be created in your mind?

2 A. Not that I remember, no. Not that I can remember.

3 Q. Not that you can recall. I would like to ask you some  
4 questions about the June 4th statement, Mr. Chant, but  
5 before we get into the actual words of the statement, I  
6 would like to discuss with you for a while the, the  
7 process under which the statement was taken and the  
8 setting in which the statement was taken. Being a Friday,  
9 do you recall whether or not you were in school at the time  
10 early June?

11 A. No.

12 Q. You don't recall?

13 A. No, I don't.

14 Q. Do you recall how you came to be contacted by the authorities  
15 to give the statements?

16 A. On June 4th?

17 Q. Yes.

18 A. I just remember them hauling up into the yard of my home.

19 And --

20 Q. Were you home at the time?

21 A. Yes. They had said something in reference to my parents  
22 about something else some new type of evidence or something  
23 has come up and we wish to speak to with Maynard and I just  
24 remember going down to the Town Hall with the officers and --

25 Q. Do you remember which officers came to your house?

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1 A. I believe MacIntyre was there but I don't remember any of  
2 the other --

3 Q. Do you know Sheriff Magee?

4 A. Yes, I do.

5 Q. I believe that it will be his testimony that he came to  
6 pick you up and take you back to the Town Hall. He was  
7 the Sheriff of Louisbourg at the time?

8 A. Yes.

9 Q. Was that in any --

10 A. It could be true, yeh, I don't really remember it in detail  
11 but that could possibly be the truth, yes.

12 Q. I see. And is it also your recollection, I think, that both  
13 your parents were home at the time?

14 A. Yes.

15 Q. I see. Was there any discussion in your house between yourself  
16 and your parents as to giving a further statement?

17 A. Not that I know of.

18 Q. Did anybody accompany you to give the statement?

19 A. My mother went with me.

20 Q. Do you recall if she asked to go or you asked her to go or  
21 if she were invited?

22 A. I can't recall that. I don't recall what prompted her to  
23 come. I guess, in me best interests of me, but I don't  
24 know if somebody suggested that she came or anything like  
25 that.

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1 Q. Did she travel with you in the police car?

2 A. I don't know. I just -- I can't remember really, you know,  
3 in detail like that.

4 Q. Do you have a picture in your mind now of the setting in  
5 the Town Hall in Louisbourg?

6 A. Yes.

7 Q. Could you describe to the Commissioners what you recall now  
8 of that setting and I'm thinking of perhaps the size of the  
9 room the statement was taken in, what parties were present,  
10 and where those parties were seated to the best of your  
11 recollection?

12 A. I remember going in the first room in the Town Hall to my  
13 to my, to my left. It was a big room. There was a table  
14 set up there, a long table set up.

15 Q. When you say a big room, as big as this hearing room?

16 A. Half the size of this room.

17 Q. Half of the size of the whole room here?

18 A. Of this room, yeh.

19 Q. I see, thank you.

20 A. And so my mother accompanied -- went in with me and when we  
21 got in there, I remember, I remember Chief Magee being  
22 there. I remember my probation officer being there.

23 Q. Your probation officer was Larry Burke?

24 A. Yes.

25 Q. Right.



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1 A. I remember two policemen or two detectives that have been  
2 with the whole thing all along there. That a --

3 Q. Did you know who they were?

4 A. I, I wasn't really familiar with their names then.

5 Q. But do you know now who they were?

6 A. I know that Mr. MacIntyre was one of them.

7 Q. Yes.

8 A. I don't know -- I still to this day can't recall who the  
9 other one was.

10 Q. I see. How were they dressed?

11 A. They were dressed in a suit.

12 Q. Plain clothed rather than uniform?

13 A. Plain clothes, yes, I'm sorry. And -- do you want me to  
14 continue on?

15 Q. Please.

16 A. And so I was, so they told us to take a seat. And we took  
17 a seat.

18 Q. Do you recall how you were seated?

19 A. I remember Larry Burke was on the opposite side, I was on  
20 the, on the left side coming into the door and he was on the  
21 right side.

22 Q. He was sitting opposite you?

23 A. Opposite me.

24 Q. Yes.

25 A. I don't -- I can't remember if Mr. Magee was sitting or

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1 standing. I remember one detective was sitting at the head  
2 of the table and Mr. MacIntyre was standing up and I was  
3 sitting down and my mother was sitting beside me.

4 Q. Your mother was sitting beside you?

5 A. Yes.

6 Q. And you say that Detective MacIntyre was standing up?

7 A. Yes. He was doing the -- he was explaining to -- he was  
8 saying -- he was explaining to me that the statement that  
9 I had given -- that he believed that it wasn't true and  
10 he was asking me if I knew anything else. And I remember  
11 my mother telling me to tell the truth. So at one point in  
12 time through the questioning, they had told me that there  
13 was a, that they had a witness there that had told a story  
14 and he said that he saw me there. And that I had seen what  
15 he had seen regarding to the, to the incident that had  
16 happened that night on May the 30th.

17 Q. You have a recollection now of being told that during that  
18 interview?

19 A. Yes.

20 Q. Do you recall who told you that there was a witness there  
21 had seen you?

22 A. They never told me who.

23 Q. No, but do you recall which of those present at the  
24 interview told you?

25 A. I believe it was MacIntyre. He was doing most of the

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1 talking there -- it was basically -- he was doing most of  
2 the questioning and most of the talking at the time. He  
3 had -- he said that about -- that I -- he knew that I had  
4 not told the truth in this statement in May 30th. And he  
5 implied that I -- he had asked me first, "Did I see anything".  
6 And at that time I had said, I was trying to get across that  
7 I didn't see anything at all but I just said that -- I just  
8 sort of tried to more or less tried to tell the truth. I  
9 just said, "I didn't see anything".

10 Q. And at the point when you said you that you didn't see  
11 anything, were you asked for an explanation of your  
12 first statement to which you had seen the four men?

13 A. No, when I said that then, then he said, "You must have  
14 saw something". And I said well and I was trying to tell  
15 him that I didn't see anything. I was meaning that I didn't  
16 see anything at all. I was trying probably set the record  
17 straight more or less to say that I just didn't want anything  
18 to do with it any more and I didn't see anything. And which  
19 I didn't see anything. He kept on insisting that I did see  
20 something. He told me that --

21 Q. Was he standing throughout this conversation?

22 A. Yes. He told me that, that a -- He pointed out the fact that  
23 I was on probation and by lying I was in serious trouble and  
24 that I could go to jail and the result of my lying the first  
25 time. And by that time I was, I was, well, I was just about

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1 in tears that time. And my mother kept telling me to make  
2 sure I told the truth and she was quite upset then. And --

3 Q. When you say your mother was upset --

4 A. She was upset. She was upset -- I don't know if she was  
5 upset towards me but she was just telling me to tell the  
6 truth and I kept saying it a couple of times, well, I  
7 didn't see anything. And so he beckoned to her, so she  
8 come over and they stood behind me and he -- I remember  
9 him saying something reflecting that he, he's not going to  
10 -- maybe if you leave the room, he'll tell us more. He  
11 felt that by her being there, I wasn't being -- I wouldn't  
12 tell them anything. So she left the room.

13 Q. Do you have a clear recollection of your mother leaving the  
14 room that day?

15 A. Yes, I do.

16 Q. I should point out to you that we expect that Sergeant  
17 MacIntyre, Sergeant Urquhart and Mr. Magee will all testify  
18 to the effect that your mother was present throughout.

19 A. I can't help that.

20 Q. So, I, I put that to you because there's a conflict with  
21 your testimony?

22 A. That's no problem.

23 Q. Does that in any way affect your own evidence that your  
24 mother was there throughout?

25 A. No, it doesn't bother me. Like I said, I'm just here to

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1 tell the truth. I just want to tell the truth, that's all.  
2 And that's to my knowledge, she was there and when things  
3 got really, really tense they had asked her to leave the  
4 room. I wasn't pushed around or anything but his voice was  
5 loud.

6 Q. How close was he standing to you?

7 A. Oh, at times, he was about as close to you are as from me.

8 Q. Was he on the other side of the table?

9 A. He was at the end of the table, he was walking back and forth.

10 Q. So you're, you're pointing to me and we're probably about  
11 eight feet, six to eight feet apart. And you're suggesting  
12 that as he was talking to you, he was standing at about that  
13 distance from you?

14 A. Yes.

15 Q. You say his voice was loud -- in your earlier meeting with  
16 him on May 30th, you had obviously had heard his voice.  
17 When you say it was loud now, was it you mean a loud  
18 normal speaking tone or a raised speaking tone?

19 A. Well, he seemed to be very, very hyped, hyped attitude.  
20 His voice was very loud. He was very -- even his posture,  
21 his gesture was very, you know, forward and --

22 Q. Could you explain that a little more please?

23 A. I don't know. It was -- he was just very forceful with what  
24 he was saying. He's -- it was almost like not to the point  
25 of screaming or really yelling, but it was to that probably

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1 threshold of very frustrated and very persisting that I had  
2 seen something.

3 Q. Did he at any time ask you for an explanation of your first  
4 statement?

5 A. No.

6 Q. Did you agree that you had given the first statement that  
7 was not true?

8 A. I don't, I don't remember even all -- well, I knew that I  
9 didn't give the -- I knew the first statement wasn't true,  
10 so I had no problem with that. And it was evident that they  
11 probably had not problem with that neither, but I'd never  
12 even considered saying that the or never even considered  
13 going in to detail that I wasn't even there in the Park  
14 when the thing happened. I just -- looking back at it I  
15 more or less by me -- the feeling that I feel now by saying  
16 I didn't see anything, I was trying to put the whole thing  
17 in one emphasis of words, saying that I didn't see anything  
18 and I was trying to cure the whole thing like that but it  
19 didn't seem to come across that way. But there was no  
20 implication at any time that they had said to me what you  
21 were just asking me in reflect to, you know, the false  
22 statement or anything, or why I did it or anything like  
23 that.

24 Q. Did you at any time suggest to them that the first statement  
25 was based partly on what Mr. Marshall had told you and

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1 partly on what you had imagined?

2 A. No. I was, I was very, very -- I was probably ashamed  
3 at the fact that I did what I did and I -- it was about  
4 that time that I was -- and even as far as my parents  
5 was concerned, I -- we used to have a good communication  
6 growing up but it was to the point that I was doing a lot  
7 of wrong and I was more or less concealed within myself  
8 at that time. Not to say anything, you know, I didn't  
9 think people could really understand what was going on.  
10 I didn't think people really understood what was happening.  
11 Probably that's why I couldn't really express myself as to  
12 say exactly that I had not seen anything and I kept --  
13 I remember saying it three or four times that I didn't see  
14 a thing.

15 Q. During this exchange, I think you've mentioned that the  
16 police brought up the subject of your probation?

17 A. They, they -- well my probation officer was there and  
18 they reminded me that I was already in trouble before  
19 and that I was on probation and that I was in a bunch of  
20 trouble now because I was -- because I wasn't telling  
21 the truth. And at some point they suggested even that  
22 as far as a jail sentence, I could get two to five years  
23 by not telling the truth.

24 Q. All right. Are you, are you saying that that phrase, "two  
25 to five years" was mentioned during this exchange?

MAYNARD CHANT, by Mr. Orsborn

1 A. Yes it was.

2 Q. Who was it mentioned by?

3 A. By Mr. MacIntyre.

4 Q. I don't know if you recall talking to the, talking to the  
5 lawyers for the C. B. C., Mr. Chant, when they were involved  
6 in the Civil Action by Mr. MacIntyre, but if you would turn  
7 to Page 89 of the Volume that is there before you. That's --  
8 this is an excerpt from that Discovery proceedings, Page  
9 89 of Volume 12 and in the answer to question number 89  
10 with respect to this phrase "two to five years" is in about  
11 line four of that question and this was done in 1984, I  
12 believe. You say, "I can't remember if they actually said  
13 two to five years, but I know they said I could be doing  
14 time".

15 A. Yes.

16 Q. Is that in any way affect your recollection that you've  
17 given us today?

18 A. It's just that as I continue to, you know, to, to --  
19 as I continue to reflect and to look back on things, some  
20 things come clear and somethings still remain cloudy.  
21 Basically when I was giving that statement, I didn't want  
22 to --

23 Q. Sorry, which statement are you referring to? That C. B. C.  
24 one?

25 A. Yes. I didn't want to make any implications that it --



MAYNARD CHANT, by Mr. Orsborn, by The Chairman

1 that the things that were done, were done in a, in a  
2 concealed way to try to -- for the police department in  
3 Sydney to try to conceal something. As far because there  
4 was a lot of opposition that time to saying that it was  
5 the police's, they were totally responsible for the action  
6 and I didn't want to give any reference to that and but  
7 looking back on it now, I seem to recall the mentioning  
8 of two to five years.

9 BY THE CHAIRMAN:

10 Q. Where would your mother have been?

11 A. She was out.

12 Q. She was out?

13 A. She was at that time -- she -- they -- she was put out of  
14 the room and I was there myself.

15 BY MR. ORSBORN:

16 Q. So the discussion of the two to five years was following  
17 your mother's leaving?

18 A. It, yeh it definitely came up.

19 Q. I see. Do you know for sure if it was before or after your  
20 mother went out?

21 A. Oh, it was, it was -- I believe, it was after.

22 Q. Okay. Do you recall at what point your mother actually left?

23 A. As I said before, it was just when things began to be a  
24 bit tense and I -- she started to get frustrated and I started  
25 to break a little bit and begin to -- to -- cry. And it was

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1 at the point where I was saying that I didn't see nothing  
2 that they had hauled -- called her aside and made reference  
3 to her to go out.

4 Q. And you say you had broken down a little bit?

5 A. Yes.

6 Q. Started to cry?

7 A. Yes.

8 Q. Did your mother see that?

9 A. Yes. She was making sure that at that time that the only  
10 thing that I was doing was telling the truth.

11 Q. To your knowledge did she have any object to leaving?

12 A. No.

13 Q. Did she say anything to you before she left?

14 A. I don't remember.

15 Q. Do you recall any mention of the word perjury?

16 A. I don't really remember.

17 Q. I can point to you a -- two or three cases Mr. Chant where  
18 you have in fact mentioned the word perjury.

19 A. Yes.

20 Q. And perhaps I'll do that. At Page 49 of this Volume there is  
21 a copy of a statement, I believe, given to you, given to the  
22 R. C. M. P. by yourself on April 20th, 1982.

23 A. Yes.

24 Q. Okay, you have that in front of you I presume. Page 49.

25 A. Yes, I do.

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1 Q. There's a phrase in there at the bottom of Page 49. "He",  
2 meaning the policeman, "told me he knew I was on probation  
3 and that I could get from two to five years for perjury".  
4 That's one reference. And there is a further reference on  
5 Page 69 and I'll simply read that out. And this is where  
6 you're being examined by Mr. Edwards in, I believe, December  
7 of 1982 in the Reference before the Court of Appeal, and you  
8 say to Mr. Edwards, "As a matter of fact they told me that  
9 I had committed perjury, pertaining to the statement that I  
10 had given that night". And then further on on Page 89, again  
11 with the C. B. C. in 1984. You say in answer to question  
12 89, "Then they started saying that they had me for perjury".  
13 Do those references assist your recollection in any way?

14 A. Yes. They -- I remember, I remember saying that. I don't  
15 mean to get to the point of playing with words or anything  
16 like that, but a probably as the way I would probably say it  
17 now, I would say perjury. But I don't think back then as  
18 far as actually giving the statement back then, I don't know  
19 if it was perjury or that you were in a lot of trouble. But  
20 I recognize it now as perjury and by -- if I've said  
21 something wrong in those statements to --

22 Q. No, I'm thinking more of what was said to you. What the  
23 police officers --

24 A. That's what I was saying.

25 Q. Whether there was any reference by the police officers to  
perjury?

- 1 A. I don't, I don't know if, I don't know -- what I'm saying  
2 is the statement that I'd given in '82 or reflecting to  
3 C. B. C., if I was to use the word perjury, it would be  
4 my own standing to use it now. But not so much as literally  
5 said by them.
- 6 Q. I understand, okay, thank you.
- 7 A. May I ask a question?
- 8 Q. No, but go ahead anyway.
- 9 A. I'm just wondering if -- does that cause any cause of  
10 conflict or does that cause any type of, type of --
- 11 Q. Well, you've said, you can't remember whether the word was  
12 used or not and I think it's fair to point out that the testimony  
13 again of Detective MacIntyre and Detective Urquhart and Mr.  
14 Magee will be to the effect that that word perjury (persay)  
15 was not used in the discussion. That you had not said, I take  
16 as didn't occur, you simply said you don't recall.
- 17 A. I was just wondering if that evidence was incriminating  
18 towards me as far as giving the statement which I've just  
19 given?
- 20 Q. Not at all.
- 21 A. Okay.
- 22 Q. Do you recall how the statement proceeded after your mother  
23 left? Number one did Detective MacIntyre stay standing up?
- 24 A. Yes.
- 25 Q. Still at the head of the table?

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1 A. Moving around a bit, not necessarily -- he was -- I can't  
2 really remember his position. I remember him being up  
3 over me as far as me looking up. I couldn't give you a  
4 you know, a detail of what position he was in or --

5 Q. How did the interview proceed once your mother left?

6 A. Like, he just told me that I was in an awful lot of trouble.  
7 That I had -- that the statement that I had given the first  
8 time wasn't true. And that where I said that I was on  
9 probation and he pointed out that fact that I could do time  
10 and the result of that or I could get, you know, a maximum  
11 of five years in prison because of that.

12 Q. Yes.

13 A. So I was just sitting back taking it all in what he was  
14 saying and I remember -- I don't remember actually what  
15 happened to, to make me give that the other statement but  
16 I remember the words, I remember saying, well, what did --  
17 in making reference to the person that they said that  
18 saw me there. And he had given a statement that he said  
19 that he had saw me there and I seen what he seen. I just  
20 asked -- to the point where I just said, "Well, what did  
21 he say that I seen".

22 Q. Do you recall whether or not they had a statement, a  
23 written statement from this other witness at that interview?

24 A. They never showed me nothing.  
25

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- 1 Q. Now, when your mother left, I think you told that there  
2 was at present Sergeant MacIntyre and another officer  
3 who I believe to be Sergeant Urquhart. You said Mr. Magee  
4 and Mr. Burke. Was Mr. Burke, being your probation officer,  
5 was he a friend of yours?
- 6 A. As a counselling friend -- interest, yes.
- 7 Q. Yes. Did you in any way feel that he was providing some  
8 support to you by being there?
- 9 A. I don't know.
- 10 Q. Did he, to your recollection, say anything during the  
11 interview?
- 12 A. Not that I remember, no.
- 13 Q. Do you recall Mr. Magee saying anything during the interview?
- 14 A. Not that I remember.
- 15 Q. Did you at anytime ask that your mother be brought back in?
- 16 A. No. I would just -- I was just concerned right then and  
17 there with what was happening. I -- no. Being that young  
18 I guess, I never really even considered that. I just  
19 -- I just wanted to -- At that point in time I just wanted  
20 to give a story. That I could get out of there and get  
21 away from that. And that resulting -- because of that  
22 I had given a statement which --
- 23 Q. Was there any one thing which more than another made you  
24 decide you were going to give this statement?
- 25 A. I just -- I just really didn't care anymore that -- Possibly

MAYNARD CHANT, by Mr. Orsborn

1 they didn't -- I just tried to tell them that I didn't  
2 see nothing and they didn't agree with that so I just  
3 told them -- I just give them a statement. I remember  
4 asking: "What did that person see?"

5 Q. And did they tell you?

6 A. Not in detail what he said that I saw. Or --

7 Q. And when you and I are using the word "they" in terms of  
8 policemen that are talking to you --

9 A. I'm sorry.

10 Q. Perhaps we could identify, if possible, who was speaking to  
11 you?

12 A. Mr. MacIntyre.

13 Q. Mr. MacIntyre. Do you know at what point, during the  
14 interview, a hand written statement started to be produced?

15 A. Possibly -- I don't remember the -- how it was done or  
16 I just remember when I was ready to give this statement I  
17 believe he sat down and that from there on in I just  
18 give the statement.

19 Q. At the --

20 A. At the point where the -- Oh, I'm sorry. At the point of  
21 when I had said: "What did he say that I saw?"

22 Q. "What did he say that I saw?"

23 A. Well, I know as now, Pratico.

24 Q. Did you know at the time?

25 A. No.

MAYNARD CHANT, by Mr. Orsborn

1 Q. And it was at that point that Sergeant MacIntyre sat down?

2 A. Yes.

3 Q. Mr. Chant, I'll show you what I believe to be the original  
4 of this statement and ask you if the signatures at the  
5 bottom of each of these pages are yours? As to page one?

6 A. Yes.

7 Q. As to page two?

8 A. Yes.

9 Q. As to page three?

10 A. Yes.

11 Q. As to page four?

12 A. Yes.

13 Q. And as to page five, for the record there is a fifth  
14 foolscap page of that statement and I think it correct  
15 to say that your signature does not appear on that page?

16 A. No.

17 MR. ORSBORN:

18 May I ask that this be filed, My Lord, as an exhibit consisting  
19 of five foolscap pages representing what I believe to be the  
20 original handwritten statement of Mr. Chant, dated June fourth,  
21 1971, 2:55 p.m., exhibit 31.

22 COMMISSIONER POITRAS:

23 Did you say that it was not signed, Mr. Orsborn?

24 MR. ORSBORN:

25 The final page only, My Lord, was not -- did not have Mr. Chant's



MAYNARD CHANT, by Mr. Orsborn

1 name appearing on it.

2 COMMISSIONER EVANS:

3 But the other four do have?

4 MR. ORSBORN:

5 The other four have his signature on them. There is a fifth page  
6 on which is noted the names of the other people who were present  
7 at the interview. Mr. Chant's name does not appear on that  
8 fifth page. The fifth page is reproduced in typed form really  
9 on page six of the volume that we have.

10 BY MR. ORSBORN:

11 Q. Now, Mr. Chant, when you said: "What did this other  
12 witness say that I saw?" What was their response?

13 A. I can't really -- I can't really remember the -- I can't  
14 really remember the response. I know from that time  
15 -- from that time on the statement had start to take -- had  
16 " started to take a -- take place. So I just -- I just  
17 started to give -- give a statement basically following the  
18 lines of the first statement that I give.

19 Q. Okay. Well, let's -- perhaps then go through the  
20 statement which is the typed version of that reproduced  
21 at page three of volume twelve. And as we did with the  
22 other statement, Mr. Chant, I would like as much as you  
23 can, to identify for the Commission where the particular  
24 information came from. If you can -- if you can do it.

25 A. Yeh.

MAYNARD CHANT, by Mr. Orsborn

1 Q. Now, you say: "I left the Acadian Lines on Bentinck Street  
2 and walked down Bentinck Street to the tracks." Now, perhaps  
3 you could use the pointer to indicate first what you  
4 intended to convey by that statement there. And once we  
5 have that straight I'll mark it on the -- on the map.

6 A. This page three?

7 Q. I'm sorry. It should be page three of --

8 A. It was Friday around eleven thirty I left. Okay. I -- Okay.

9 Q. Yeh, I'm sorry.

10 A. Yeh, I'm sorry.

11 Q. You say: "I walked down Bentinck Street to the tracks."

12 A. Okay. I just -- I just meant that I begin to walk down  
13 the street. By that time -- by that time my story had  
14 changed and --

15 Q. By what time?

16 A. By -- let me -- Just bear with me.

17 Q. Sure.

18 A. By that time I had -- the statement that I had to give  
19 then would -- was implicating these tracks.

20 Q. Yes.

21 A. Not this track over here.

22 Q. How did you get to that point in your story?

23 A. There realising again that I had to tell another story  
24 depending upon a person that they saw that was there that  
25 saw me.

MAYNARD CHANT, by Mr. Orsborn

1 Q. Did they tell you where that person had seen you?

2 A. I don't remember.

3 Q. What I'm trying to understand is the --

4 A. Why I got --

5 Q. -- amount of discussion that took place before the  
6 actual writing commenced.

7 A. Yes. I understand. I don't -- I don't really understand  
8 why I had changed my statement to go across the tracks.  
9 All I can remember is the detective, Mr. MacIntyre stating  
10 that there was a man there who saw me -- he was there and  
11 he saw me.

12 Q. Did he say where that man was?

13 A. Did he say where he was?

14 Q. Yes.

15 A. I don't -- I can't recall that. If he said that.

16 Q. Do you have any recollection at all of why you changed your  
17 route when it came to this statement?

18 A. Well, in order for me to -- in order to witness the --  
19 the -- the -- the thing that was committed on that evening  
20 I would -- by being down at the -- this part of the tracks  
21 I wouldn't be able to see anything that was happening up  
22 over the other side.

23 Q. Did you figure that out for yourself?

24 A. Probably.

25 Q. Like, you figured out before that you had to double back on

MAYNARD CHANT, by Mr. Orsborn

1 your tracks to get back to where Mr. Marshall saw you?

2 A. Yes. I -- I don't know why to be honest with you. I just --

3 Q. Well, perhaps you can continue, Mr. Chant and just trace  
4 out the route that you were intending to convey by the  
5 terms of this statement. You do say you: "walked down  
6 Bentinck Street to the tracks. Then I started down the  
7 tracks toward George Street." If you wouldn't mind  
8 tracing out what you intended to say there on the map. As  
9 I say then once we get it straight, I'll mark it.

10 A. Okay. I continued to come down here and hit the tracks here  
11 and walk down the tracks.

12 Q. Well, I'll mark that in black for these purposes. I'll mark  
13 that as M.C. 3. And is what I have outlined in black there  
14 the route which you intended to convey by means of this  
15 statement?

16 A: Yes.

17 Q. Does that route -- Is that route consistent with a  
18 short cut through the park?

19 A. No. That's not a very good story. But --

20 Q. You say: "I noticed a dark haired fellow sort of hiding  
21 in the bushes about opposite the second house on Crescent  
22 Street." Are you able to tell us where that information  
23 came from?

24 A. I remember -- I don't know if the actual, as I refer again  
25 to them taking me at some time and taking me to the scene

MAYNARD CHANT, by Mr. Orsborn

1 of where everything had occurred and remember them saying  
2 possibly where I could have been in order to see it.

3 I remember the policemen there that were dressed in their  
4 uniforms and it was all being chalked off and the distance  
5 and everything like that and I felt that they were helping  
6 me to try to establish where I could stand at to see it.

7 Q. You don't know whether or not that was before or after  
8 you made this particular statement?

9 A. I don't -- I don't know if it was before or after when  
10 I give it, right.

11 Q. I see.

12 A. And --

13 Q. If you had not been to the park, before you gave this  
14 statement, is there any other source of information that  
15 you may have got this sentence from? "I saw this fellow  
16 hiding in the bushes about opposite the second house on  
17 Crescent Street."

18 A. Well, I -- if -- if there was somebody there that seen me  
19 they would have to be there. I don't know where I got that.  
20 I don't -- I think I -- I don't -- I remember the day  
21 that I was there and they were pointing out the evidence.  
22 They were pointing out the scene and the way it happened.  
23 I remember Mr. Pratico being there. And him being there  
24 crouched down beside a bush pretending to do what he was  
25 doing there. And I don't know if I gain recollection from

1 that at that time to give this statement the way it is or  
2 it was something that I had just -- you know, thought up  
3 myself. I don't really understand what would cause me  
4 to give a statement to such accuracy with never being  
5 there. Never seeing anything relating to the statement  
6 that I've given in -- on June fourth. I don't know if  
7 -- I can't really jog my memory as to say that it was  
8 introduced to me by any of the officers or if it was  
9 introduced to me in lines with the actual seeing it before  
10 or after the statement. The evidence that was helping  
11 me recollect the scene of the crime.

12 Q. So, you are not able to say then, at this time, whether  
13 or not the basis for the information in this statement  
14 either suggested to you by the officers at Louisbourg  
15 was as a result of having being at the scene and having  
16 it demonstrated to you or your own imagination?

17 A. Yes. I -- Knowing myself, back then, I don't think I  
18 was capable of doing that.

19 Q. Capable of doing what?

20 A. Of being that accurate on a -- being that accurate --  
21 accurate on a statement according to so much detail. I --

22 Q. In terms of -- When you say not capable, you mean you  
23 couldn't have made up that detail or what?

24 A. Not without even giving some hint of what was happening. I--

25 Q. Do you -- You did say you were capable of devising a new

MAYNARD CHANT, by Mr. Orsborn

1 route to put you in the right place?

2 A. I had to do that. I had to do that to -- to make -- to  
3 convince them that what I was saying was all right, I guess.  
4 I don't know even if -- I could have probably conjured  
5 up that but -- which wouldn't take that much of thought but  
6 as far as -- as far as even giving the -- giving the statement  
7 of the actual things that took place. It would probably just --  
8 if you were to review the first statement and the second  
9 statement, you would probably see that they probably correspond  
10 quite a bit by --

11 Q. The first statement and the second statement --

12 A. The first statement which was --

13 Q. They don't think they correspond at all.

14 A. Pardon me. It wasn't on -- It wasn't the same statement?

15 Q. Oh, no.

16 A. Okay. There was nothing in there in apply that the same--  
17 nothing.

18 Q. Well, it's probably not something that's appropriate for  
19 discussion now but --

20 A. Okay.

21 Q. -- in so far as they start off at the bus terminal they're  
22 consistent.

23 When you say: "A dark haired fellow." I've seen Mr. Pratico  
24 and he got hair. You've seen him since and he's got dark  
25 hair.

MAYNARD CHANT, by Mr. Orsborn

1 A. Yes.

2 Q. Had you seen Mr. Pratico before June fourth?

3 A. No. I don't know. I don't know. I had met him -- I had  
4 met him sometime. I had stayed at his place during the  
5 -- during the -- during the trial or something.

6 Q. Okay. Well, at -- as of June the fourth, you say that  
7 you'd: "seen him before at the dances in Louisbourg."

8 A. This -- when did I give that statement?

9 Q. Right here.

10 A. That is back then in May -- In June is it?

11 Q. June fourth. You say: "You saw the dark haired fellow.  
12 Did you know him? No, I did not know his name but I seen him before  
13 at the dances in Louisbourg."

14 A. That was -- that was just hearsay.

15 Q. What was hearsay?

16 A: I didn't know John at all. I didn't know the person at  
17 all as far as even knowing him or to identify him. I guess  
18 basically in order for -- to me -- in order for me to  
19 identify him as such. I don't know. I don't understand.  
20 I'm sorry.

21 Q. Know what?

22 A. All I know is that I didn't know him at all.

23 Q. I guess the difficulty that I have Mr. Chant and perhaps  
24 the Commissioners, as well, is we -- we here have a statement  
25 which you now say is -- is untrue. That you did not start



MAYNARD CHANT, by Mr. Orsborn

1 down the tracks and you did not see the dark haired fellow  
2 and just didn't exist. But then we have leaping out of  
3 thin air -- "Oh, I saw him before at the dances in Louisbourg."  
4 Can you give us any help at all as to where that come from?

5 A. The only thing that I could say is that I was trying to  
6 make the story believable I guess. I don't know where --  
7 to be honest with you I don't know where all the information -  
8 I know where some of it-- I know that where I was going  
9 down the tracks and stuff like that but when -- everything  
10 that left there if you want to say that I conjured it up  
11 out of my mind, well, that's --

12 Q. That's not what I want to say at all.

13 A. I know.

14 Q. What I want to here is --

15 A. What I want to say is that I really don't know. I really  
16 don't -- I really can't remember to the effect of how  
17 the -- how the statements really came forth. Possibly  
18 I could have sought some help on it. Possibly I could  
19 have dreamed it up.

20 Q. You do have a fairly clear recollection of the beginning  
21 of this interview where people were seated and what was  
22 said to you at the beginning. Certainly while Sergeant  
23 MacIntyre was, as you say, standing up. Then your recollection  
24 seems to leave you once Sergeant MacIntyre sat down.

25 A. Yes. Well, I associated with -- I associate that with

1 | pressure and associating that with pressure and with  
2 | a sense of feeling -- you know, pressured. And after  
3 | that would leave -- I don't know, it might be a minute.  
4 | I don't want to get into the technical spots of it but  
5 | it could -- I feel that possibly where those things --  
6 | where they affected me so much as being, in my interpretation  
7 | of pressured.

8 | Q. Now, when you say pressure, what are you referring to?

9 | A. Peer pressure.

10 | Q. Now, at what point in this interview were you feeling the  
11 | pressure?

12 | A. Well, from the time that it was discussed that I wasn't  
13 | the truth. I had been caught, in my own words now, of not  
14 | telling the truth. From that time up to the point where  
15 | I had begin to give the statement I had felt really  
16 | pressured. Of all the things that had happened. That  
17 | I was on probation. Of that it was serious. About my  
18 | mother continuously -- two or three times telling me to  
19 | tell the truth and to be honest. The whole ordeal of  
20 | having to deal with, in my eyes, big men that -- and in  
21 | another respect in my eyes, that these fellows knew what  
22 | they were doing. I didn't really see what I was doing as  
23 | being so terribly wrong. I knew I was doing wrong but  
24 | I thought that I was -- at that point in time, it had  
25 | come in to my mind that Marshall was guilty. I don't know

MAYNARD CHANT, by Mr. Orsborn

1 where I gathered that information from. Probably because of  
2 I heard that -- I don't know if this is right to say but  
3 I heard it though the vine of something that he had -- that  
4 he had tried to go away to his grandmother's and they had brought  
5 him back. That they had brought him back for -- that basically  
6 he was running away and they had brought him back and held  
7 him. I don't know where I picked that information up.

8 Q. Well, the fact that you--

9 A. So I have --

10 Q. I should perhaps point out to you, so you don't get to  
11 far off base. My understanding is that Mr. Marshall was  
12 not arrested.

13 A. Oh, well. I'm --

14 Q. Until after you gave this statement.

15 A. Is that right. Oh, well, I don't know where it all came  
16 from then. The only thing that I can tell you is just that  
17 I -- you know. The way the statements come about. I was  
18 probably capable of telling some of it but not all of it.  
19 Not to the point -- I don't view myself as being that it --  
20 gone in my mind or to be that smart in my mind to do that.  
21 As far as -- I was -- As that age I was failing in school.  
22 I was not the type of a person that would -- I had a very  
23 hard time with reading. And like, I really felt that  
24 what they were doing was right. I felt that the story that  
25 I was giving them -- how it came about, I can't remember.

1 All I know is when the -- when everything -- when the  
2 story had come out everything -- all the pressure was  
3 off. And I felt a bit of ease and I got home. That's  
4 the only thing I can really tell you. As far as how they  
5 came about or I just --

6 Q. You say that, Mr. Chant. I think, none the less, that I  
7 will have to take you through at least the bulk of the  
8 statement and ask you, with respects to the main points in  
9 it, whether or not you can help with the source of the  
10 statement and I'll ask you first whether --

11 A. Go ahead.

12 Q. --the particular statement is true or if it's false? I  
13 think we've dealt with the first couple of questions that  
14 you say in the middle of the page there. You say that you  
15 saw this gentleman that was hiding behind the tracks Sunday  
16 afternoon at the police office in Sydney. Do you have  
17 any recollection of, in fact, seeing Mr. Pratico on, I guess  
18 it would be, May thirtieth at the police station in Sydney?

19 A. I don't know.

20 Q. Then you say: "I walked by this fellow on the track." Could  
21 you just point out on the map what you were intending to  
22 convey by that statement?

23 A. I don't know what I'm conveying to -- it was not real.

24 So I don't --

25 Q. I know but the statement --

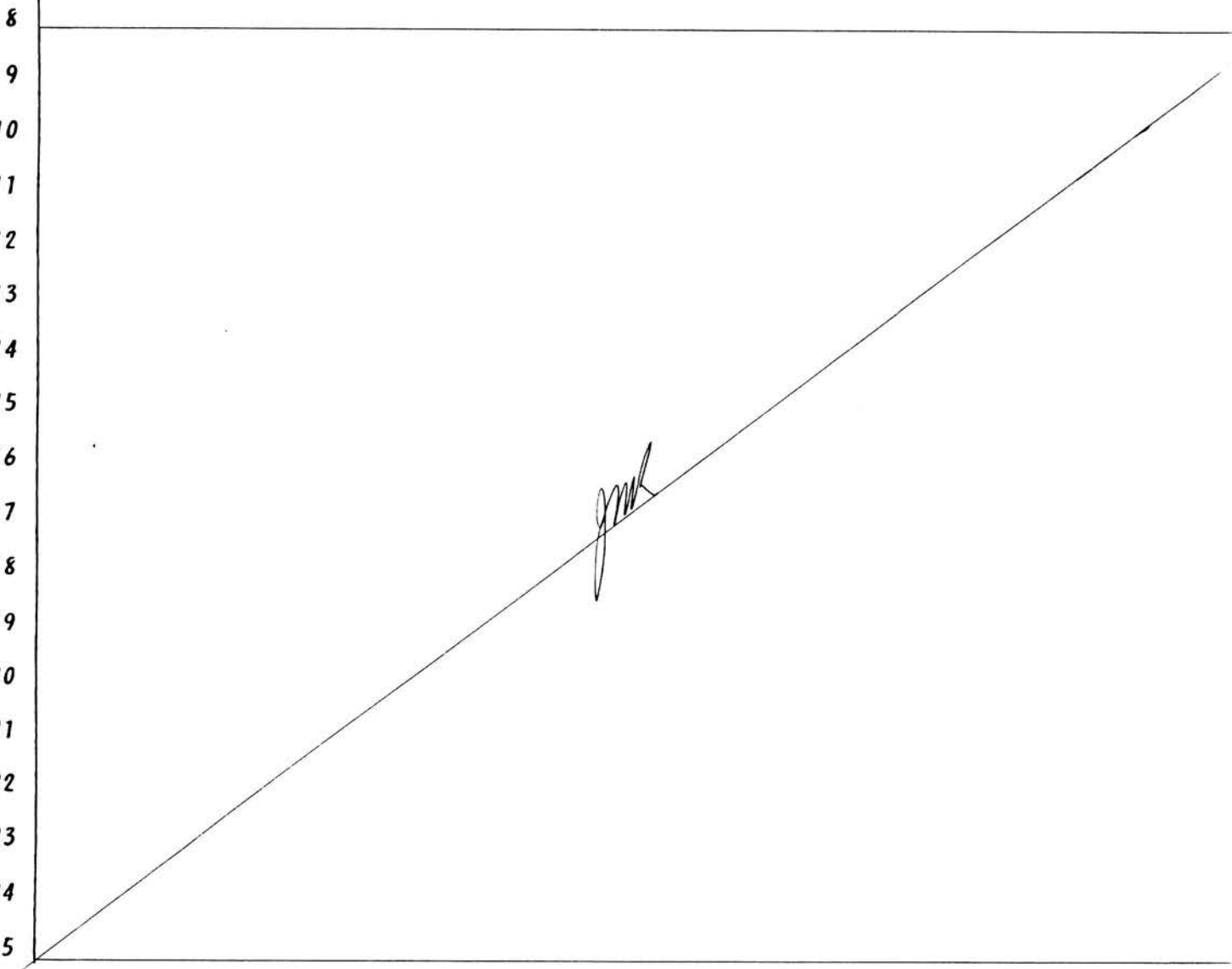
MAYNARD CHANT, by Mr. Orsborn

- 1 A. I don't know what I can do for you.
- 2 Q. Unfortunately the statement is real.
- 3 A. Yeh.
- 4 Q. And I'm simply asking what --
- 5 A. What --
- 6 Q. -- you intended to convey when that statement was in  
7 fact --
- 8 A. With out the sound of being smart or anything like that  
9 I don't know where to lead you because if I wasn't there  
10 even though the dream of the statement is real I don't  
11 where to lead to on it because I wasn't there and as far  
12 as where he was, it was only that I realize that he was  
13 bent down according to the detail that they had given where  
14 I was. I don't --
- 15 Q. Now, where you say that the detail that they had given you  
16 where you were. This is the visit to the park that you're  
17 talking about is it?
- 18 A. From that -- from that, looking back, he was ahead of me.
- 19 Q. When you say ahead of you, he was --
- 20 A. If I was here, then he was down here or --
- 21 Q. So as you were walking in a -- probably a -- an easterly or  
22 north easterly direction down the tracks, you are saying that  
23 -- the statement indicates that he was some space ahead of you.  
24 You say: "I looked back to see what he was looking at. Then  
25 I saw two fellows standing about one and a half feet from

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1 each other on Crescent Street near the house with the  
2 railing up the middle of the steps. The same house  
3 which I called the police from. And old man with grey  
4 hair and glasses answered the door." The statement that  
5 you saw two fellows standing about one and a half feet  
6 from each other on Crescent, is that true or false?

7 A. It's false.



MAYNARD CHANT, by Mr. Orsborn

1 Q. Do you have any idea where the information came from?

2 A. The only way I can relate that is I can only say that it  
3 was -- might have come from being in the park and then going  
4 through what had happened.

5 Q. Now you say:

6 :...the same house which I called the  
7 police from".

8 MR. CHAIRMAN:

9 You mean in the park with the police, is that what you mean?

10 MR. ORSBORN:

11 Yes.

12 BY MR. CHAIRMAN:

13 Q. Was this before or after the statement -- you gave the statement?

14 A. I can't remember if it was before or after. I don't remember  
15 if it was before or after.

16 BY MR. ORSBORN:

17 Q. We'll perhaps talk about that once we get through the --

18 A. Let's not.

19 Q. Beg your pardon?

20 A. Nothing.

21 Q. The description of the house that you give, you say:

22 "It's a house with a railing up the  
23 middle of the steps, the same house  
24 which I called the police from".  
25

MAYNARD CHANT, by Mr. Orsborn

1 Again, that's a fairly graphic detail.

2 A. Yeh.

3 Q. Can you assist us as to where that might have come from?

4 A. Like I say, the only thing that -- I don't have any psychic  
5 ability. Let's state that fact. The only thing I can tell  
6 you is that it must have been something that I dreamed up  
7 or something that was implanted to me that again referring  
8 to the evidence that I -- they had went through, the police,  
9 and the detectives at that time where they showed me the  
10 house and they'd show me where I could have been standing  
11 or, you know, that --

12 Q. Okay, as I say we'll --

13 A. I'm sorry.

14 Q. It's all. We'll get to that. When you called the police  
15 or perhaps an ambulance at the scene, I think you testified  
16 that you grew tired of waiting. Did you, in fact, go to a  
17 house with the railing up the middle of the steps?

18 A. I went to a -- I went to a house while I was -- as I was  
19 kneeling -- while I was kneeling down to -- with Sandy Seale --  
20 as I was kneeling there I was waiting for Mr. Marshall to  
21 come back and I got a little impatient so I ran up to a house  
22 and I presume there was a railing there.

23 Q. I'm just wondering if that's the same house that you referred  
24 to here?

25 A. It could be. It could be, yes. That could have come from that.



MAYNARD CHANT, by Mr. Orsborn

1 Q. And the detail that you give here:

2 "One was taller than the other".  
3 "The short, dark fellow was  
4 facing the tracks and the taller  
5 man was facing the houses".

6 Is that true or false?

7 A. False.

8 Q. Do you have any recollection on where the information came  
9 from?

10 A. No.

11 Q. And you were asked then if you recognized either of the men.  
12 You say:

13 "The only man I recognized was  
14 Marshall".

15 Is that true or false?

16 A. False.

17 Q. Then you were asked what he was wearing and you say:

18 "Dark pants and I think a yellow  
19 shirt with the sleeves up to the  
20 elbows". "I wish to say that when  
21 he was arguing (I mean Donald  
22 Marshall with the other man.) his  
23 sleeves went down to his wrist at  
24 that time".

25 Is that true or false?

A. False.

Q. Do you have any recollection of this matter of the sleeves  
being rolled up being discussed with the police?

A. Nothing with them. I remember when I first come in contact

MAYNARD CHANT, by Mr. Orsborn

1 with him on around Byng Avenue that in order for me to see  
2 his cut his sleeves had to be -- or whatever it was he had  
3 on, a jacket or -- it had to be up to the elbows.

4 Q. Yes, but my point is that your statement appears--the  
5 second sentence of this bottom answer here appears to be  
6 a clarification of the matter of the sleeves and I'm  
7 wondering if you have any recollection of being questioned  
8 specifically by the police about the sleeves?

9 A. I can't remember.

10 Q. On the second page you say -- The question was:

11 Q. "How long were you on the tracks  
12 watching them"?

13 And the answer is:

14 A. "About five minutes".

15 Was that true or false?

16 A. False.

17 Q. Q. "Could you hear what they  
18 were talking about"?

19 A. "No, I just heard a mumbling  
20 of swearing". "I think  
21 Marshall was the one who  
22 was doing most of the swearing".

23 Is that true or false?

24 A. False.

25 Q. Did you hear anything at all?

A. I couldn't. I wasn't there.

Q. "Then I seen Marshall haul a knife

MAYNARD CHANT, by Mr. Orsborn

1                   from his pocket and jab the  
2                   other fellow with it in the  
                    side of the stomach".

3           Is that true or false?

4   A.   False.   False.

5   Q.   Now you've indicated earlier, Mr. Chant, that the statement  
6       perhaps originated from a comment, and I say perhaps because  
7       I realize your recollection is hazy, but it perhaps started  
8       with a comment that another witness was there and had seen  
9       you. Now that's fair enough in terms of placing yourself  
10      on the scene. How do you make the leap from that to saying  
11      that Mr. Marshall was the one that did it? Where did that  
12      information come from?

13   A.   I can't recall where it came from.

14   Q.   Have you thought about it since that time?

15   A.   I thought about it all for the last five years and I just can't  
16      grasp -- I just can't get a handle on a lot of the stuff.

17   Q.   Did you realize what you were saying at the time?

18   A.   I must have.

19   Q.   The question is then asked you?

20                    "What side"?

21   And you say:

22                    "The right side I seen him jab it  
23                    in and slit it down".

24                    Again a rather detailed sentence. Can you offer any assistance  
25                    to us as -- as to where that information might have come from?

MAYNARD CHANT, by Mr. Orsborn

1 Is it true or false?

2 A. It's false. I don't know where I would even come up with  
3 that.

4 Q. And you were then asked about the knife. Then you were then  
5 asked, "What happened then"? And you say:

6 "When Marshall drove the knife in Seale,  
7 he bent over". "Then I ran toward  
8 George Street down the tracks". "I  
9 went into the park, through the park,  
and then up to George Street, crossed  
the tracks, and then on to Byng Avenue".

10 Is that true or false?

11 A. False.

12 Q. Would you mind perhaps continuing the black line there for  
13 us on the map, Mr. Chant, and pointing out at least what that  
14 conveys. I realize it didn't happen, but just so we have a  
15 picture of what the statement itself conveys please.

16 A. That -- Read it?

17 Q. When you say:

18 "...I ran toward George Street, down  
19 the tracks".

20 A. Right.

21 Q. "I went into the park, through the  
22 park, and then up to George Street,  
23 crossed the tracks, and then on to  
Byng Avenue".

24 A. I don't know. The only thing I can think of is going down  
25 through here and walking up through here to George Street.

MAYNARD CHANT, by Mr. Orsborn

1 I can't see where -- The mess of this stupid statement. I  
2 can't think of where the track would come in. I don't know.

3 Q. Well, this is what I'm trying to understand because --

4 A. Could you run through it again please.

5 Q. Sure. You say:

6 "...I ran toward George Street, down  
7 the tracks".

8 A. Okay.

9 Q. Okay.

10 "I went into the park, through the park,  
11 and then up to George Street..."

12 You say then:

13 "...I crossed the tracks, and then  
14 on to Byng Avenue".

15 A. That would have me going in the opposite direction.

16 Q. That's part of the reason I asked.

17 A. Right. Yeh, I know.

18 Q. Okay.

19 A. I don't know. Looking back at that I don't even understand it  
20 myself.

21 Q. There is some further description of your route in the  
22 preliminary Inquiry and the trial, and we'll get to that  
23 in due course. In any event, that story there about your  
24 routing, is that true or false?

25 A. False.

MAYNARD CHANT, by Mr. Orsborn

1 Q. You then say:

2 "About three houses over I met  
3 Donald Marshall..."

4 Which is three houses on Byng Avenue.

5 "...and he said, 'Look at my  
6 arm'".

7 Is that true or false?

8 A. That wouldn't be actually done in that way, but he -- yeh, he  
9 implied -- Yeh, that would be true to the point where he  
10 showed me his arm.

11 Q. Okay, and the rest is take on page four and continues about  
12 the incident and we've heard your testimony on that this  
13 morning. Now you say on page five, Mr. Chant -- The first  
14 question really on page five.

15 "Did Donald Marshall call the police  
16 or ambulance at any time"?

17 And your answer is no. Is your answer to the best of your  
18 recollection true or false?

19 A. I believe it's false.

20 Q. You believe it's false. I would point out to you that on at  
21 least three or four occasions you have given testimony to the  
22 effect that you recall Donald going up and calling an ambulance  
23 and I think you told us this morning he went up to call the  
24 ambulance?

25 A. Yes.

MAYNARD CHANT, by Mr. Orsborn

1 Q. Can you suggest any reason why you would give a false answer  
2 to that question?

3 A. No.

4 Q. Say a couple of questions later:

5 "Was there any conversation between you  
6 and Marshall at that time"?

7 And your answer is:

8 "He..."

9 Meaning Marshall.

10 "...said there were two men". "The tall  
11 had brown hair and done the stabbing".

12 Is that true or false?

13 A. I remember Mr. Marshall telling me something to that effect.  
14 Those words could be true. I can't remember if those were  
15 the words that were said, but I remember him telling me what  
16 had happened or giving me some reference to what had  
17 happened to --

18 Q. But you don't recall --

19 A. --him and his friend.

20 Q. You don't recall whether or not he told you that "a tall man  
21 with brown hair" had "done the stabbing"?

22 A. No.

23 Q. Now this statement as indicated in this -- starting at  
24 two fifty-five and finishing at three forty-five, some  
25 fifty minutes. Do you recall how long you were actually at the

MAYNARD CHANT, by Mr. Orsborn

1 Town Hall?

2 A. It didn't seem very long.

3 Q. It didn't seem very long?

4 A. No.

5 Q. Once the statement was completed did you read it over?

6 A. I don't think so. I don't remember. I might have looked  
7 at it but at that time I wasn't a very good reader, let  
8 alone read the writing I would imagine.

9 Q. Have a look at that, Mr. Chant, and --

10 A. Yeh, I probably just glanced at it. I never read it.

11 Q. You never read it?

12 A. I never read it, no.

13 Q. But you did nonetheless sign it?

14 A. Pardon me?

15 Q. You signed it?

16 A. Oh, yes.

17 Q. And did you realize when you signed it that pretty well the  
18 whole statement was false?

19 A. Yes.

20 MR. CHAIRMAN:

21 Maybe we should take a short recess at this point.

22  
23 INQUIRY ADJOURNED AT: 3:15 p.m., AND RECONVENED: 3:35 p.m.



MAYNARD CHANT, by Mr. Orsborn

1 BY MR. ORSBORN:

2 Q. With respect to the interview in Louisbourg, Mr. Chant, I  
3 think you testified that you didn't think you were there much  
4 longer than the time indicated on the statement which was  
5 some fifty -- fifty minutes. When you finished was your  
6 mother still waiting for you?

7 A. I don't remember if she went home or not. I don't remember if  
8 she went home or not.

9 Q. Do you remember how you got home?

10 A. No.

11 Q. Following this statement or immediately following this  
12 statement do you remember having any discussion with your  
13 parents as to whether or not you had told the police the  
14 truth?

15 A. At that time, no, I pretty well kept everything to myself.

16 Q. So your mother had exhorted you to tell the truth in the  
17 interview but you're saying that she did not ask you whether,  
18 in fact, you told the truth when you got home?

19 A. I guess she figured that I told the truth. I guess she figured  
20 that I told the truth. I don't really remember, you know, her  
21 questioning me. I probably wouldn't have said anything anyway.  
22 I was -- I kept everything pretty well to myself.

23 Q. The first time you actually testified in Court on this matter  
24 was on the 5th of July, the preliminary Inquiry. Now, prior  
25 to that -- At any time prior to that and after the June 4th

MAYNARD CHANT, by Mr. Orsborn

1 statement, do you recall having any contact with the police?

2 A. As I stated earlier, I don't remember if the time leading  
3 up to the Court was when they had took me in and showed me  
4 how things where I -- where I was or asked me to go through  
5 with them the incident that happened on that particular night.

6 Q. Let's try and describe that a little more and we'll leave  
7 the moment of time as to --

8 A. Okay.

9 Q. --when it happened. When you say they took you in, what do  
10 you mean?

11 A. A couple of policemen came out and picked me up.

12 Q. Did you know the policemen?

13 A. No.

14 Q. You had not seen them at any of the interviews before?

15 A. I don't think so.

16 Q. Were they in uniform?

17 A. I don't know if it was two detectives come -- I can't remember  
18 if they were plainly dressed or not. I remember -- I remember  
19 being there and there was some policemen that were full --  
20 in uniform.

21 Q. Let's just talk about the people that picked you up, did  
22 you even know they were policemen?

23 A. Yes, they were sent out for me for that reason. I figured  
24 that they were policemen. I can't remember if they were  
25 dressed -- in uniform or not.

MAYNARD CHANT, by Mr. Orsborn

1 Q. They came to Louisbourg to pick you up?

2 A. Yes.

3 Q. In a police car?

4 A. It looked like it wasn't a Town car -- police vehicle with --  
5 It was more or less like a ghost car or something.

6 Q. The reason for the questioning is to try and ascertain  
7 whether or not they were policemen or even worse, they  
8 were lawyers?

9 A. Yeh.

10 Q. Could you tell if they were policemen?

11 A. I don't know. I guess -- Yeh, they were. They took me to the--  
12 It wasn't the lawyers, I don't believe.

13 BY MR. CHAIRMAN:

14 Q. Where did they take you?

15 A. They took me to where the scene had -- where I had given  
16 statement to where everything had taken place on the night--

17 BY MR. ORSBORN:

18 Q. They took you to the park, didn't they?

19 A. Yes, they took me to the park.

20 Q. Is this during the day time?

21 A. Pardon me?

22 Q. Was this during the day time?

23 A. Yes, it was.

24 Q. And on how many occasions? Did you go just on one occasion?

25 A. That's all I remember being there, on one occasion.

MAYNARD CHANT, by Mr. Orsborn

1 Q. And were there any other people there involved in this  
2 exercise other than yourself and the two policemen?

3 A. I believe that Mr. Partico was there and some of the plain --  
4 There was the people that came to pick me up and there was  
5 a couple of dressed policemen there in uniform.

6 Q. Policemen in uniform?

7 A. Yes.

8 Q. Did you recognize any of the policemen that were there?

9 A. In uniform?

10 Q. Either.

11 A. Oh, I don't remember if Mr. MacIntyre was there or anybody.  
12 I don't really remember.

13 Q. You don't know?

14 A. No, I don't really remember.

15 Q. Can you tell us to the best of your recollection what took  
16 place during this visit?

17 A. They had said that they wanted to go over the incident or  
18 what had happened in the park that night, so I went with them  
19 and when we got there there was some dressed -- policemen in  
20 uniform marking it out -- marking out the distance of  
21 where I was on the tracks or approximately where I was on the  
22 tracks. They were looking at the lighting situation.

23 Q. How were they getting the information as to where you were  
24 on the tracks?

25 A. From me.

MAYNARD CHANT, by Mr. Orsborn

1 Q. You were telling them?

2 A. Well, I wasn't really telling them. I was just there viewing  
3 for a few moments and then they'd ask me, "Where would you  
4 have been standing at?" I seen that they were going through  
5 something with Mr. Pratico and he showed them where he was  
6 bent down at. Then there was some implication to say,  
7 "Maynard, if you were standing here, you couldn't see very  
8 well". I said, "Well, I can't really remember if it was this  
9 side or down farther or anything like that". I just remember  
10 following along with them.

11 Q. Well, when you say you don't remember whether it was this side  
12 or that side, did you at any time suggest to these Officers  
13 that you weren't there at all?

14 A. No.

15 Q. Did you give the Officers the impression that you were, in  
16 fact, there?

17 A. Yes, I did.

18 Q. Why did you do that?

19 A. Well, I had given a statement saying that I was there so, I  
20 guess, equally had to go along with what I had said.

21 Q. Did you have any discussion with Mr. Pratico?

22 A. On that day?

23 Q. Yes.

24 A. Not that I can remember.

25 Q. I'll ask you if Mr. Pratico was the man that you had seen?

MAYNARD CHANT, by Mr. Orsborn

1 A. No.

2 Q. Did Mr. Pratico make any indication that he had seen you there?

3 A. No.

4 Q. At what spots were you asked to identify on the tracks?

5 A. Just to where Mr. Seale was laying on the pavement and where  
6 I was and --

7 Q. Where you were where?

8 A. Where I was on the tracks viewing it, and to the point where  
9 I could see Mr. Pratico bending over in the bushes. They  
10 were going over with me some of the times of when I had  
11 seen Mr. Pratico to where I went to the house, which house  
12 it was, basically that was about it.

13 Q. You mentioned a moment ago that you didn't want to tell them  
14 that you weren't there because you had already given a  
15 statement saying that you were there. I gather from that that  
16 this visit from the park then took place after the Louisbourg  
17 statement?

18 A. It could have. It could have. I don't know if it was in --  
19 I don't know if it was in the implication that -- about the  
20 people had stabbed Sandy or it was involved with Marshall,  
21 supposedly stabbing Mr. Seale.

22 Q. I'm not sure I understand that answer?

23 A. I don't really know like. What I'm saying is I can't draw  
24 the conclusion if it was at the time when the statement  
25 was implying that there was two men there that did the thing

MAYNARD CHANT, by Mr. Orsborn

1 or that it was -- I remember them saying something about  
2 a knife, that I couldn't say knife, that I could say shiny  
3 object. I don't remember who it was -- somebody -- the  
4 Officer-- I don't remember who the Officer was who said that  
5 to me.

6 Q. This is while you were at the park?

7 A. While I was at the park and we were going through that. Then  
8 following that I remember sitting in the Crown Prosecutor's  
9 Office before we would go into Court and he would -- two or  
10 three times he kept asking us which arm was it that Marshall  
11 had stabbed Mr. Seale with. He kept asking John two or  
12 three times, over and over again I guess.

13 Q. Okay. Let me come to that --

14 A. Oh, I'm sorry.

15 Q. I can just in a moment-- Before we leave this visit to  
16 the park you indicated, I believe, in a statement that you  
17 gave to the R.C.M.P. that you felt that the police were  
18 trying to help you rather than to pressure you during this  
19 visit at the park. Is that accurate?

20 A. Yes. I felt that I was being helped. I don't feel that I  
21 was being actually told what to do or where to stand or  
22 anything like that, but, you know, the suggestions that were  
23 offered, "Could you have been standing here"? "You would  
24 have seen it more clearly". Something like that -- to that  
25 effect was given, and not to the point that you must have been

MAYNARD CHANT, by Mr. Orsborn

1 standing here or anything like that but I felt that they  
2 were trying to help me just review what had happened.

3 Q. Did you get at all concerned during this visit to the park  
4 that this thing was now going a little bit too far?

5 A. Well, when I -- I was getting really -- I didn't want to talk  
6 to anybody any more, and it was -- Basically I just -- I  
7 started keeping everything in and I didn't want to talk to  
8 anybody, but as they were just going through I would just  
9 more or less -- sometimes I would just nod my head or just  
10 say "yes." I never really had a big conversation because I  
11 was scared of them finding out again that I was lying and  
12 I would probably get in a lot more trouble I figured. I  
13 don't think I really considered the real seriousness of it  
14 to -- to -- to -- to the -- to the -- you know, to the  
15 impact of what was really happening -- to the impact of what  
16 was really happening.

---



MAYNARD CHANT, by Mr. Orsborn

- 1 Q. Now you've spoken about discussions with Mr. MacNeil. Did  
2 you in fact have discussions with Mr. MacNeil before you went  
3 into Court the first time in July?
- 4 A. Who would be Mr. MacNeil?
- 5 Q. I'm sorry, Mr. MacNeil, Donald C. MacNeil was the Crown  
6 Prosecutor.
- 7 A. Okay. I don't know if it was him or Mr. MacIntyre that had  
8 -- not before. I remember somebody, somebody coming out and  
9 or it was at that time that one of the police officers took  
10 me for a drive in Catalone but that's not relevant to what  
11 you just asked.
- 12 Q. Hang on now. You've mentioned the drive to Catalone.
- 13 A. Yeh, that was way back there when they first --
- 14 Q. You're talking about a second drive to Catalone?
- 15 A. No, no. No. No. No. I'm just getting confused myself.
- 16 Q. Just take your time. Let me put it as simply as I can. Before  
17 you went to court the first time for the Preliminary inquiry  
18 in July, do you recall having any discussions with Mr. MacNeil  
19 who was the Crown Prosecutor or either Mr. Matheson who was  
20 his assistant?
- 21 A. I don't -- I don't. There was -- I don't know if it was at  
22 the time of the trial I had -- when I had to come in back --  
23 back and forth by bus, I figured that if I could stay in or  
24 something or it was implied to me to stay in and I was given  
25 a bit of money for food and this -- And then I stayed at Mr.

MAYNARD CHANT, by Mr. Orsborn

1 Pratico's place, John Pratico's place.

2 Q. Just on that point, and I won't dwell on it, we expect both  
3 Mr. Pratico and Mrs. Pratico to testify that you never went  
4 through their doors.

5 A. Oh, is that right?

6 Q. Does that in any way affect your recollection?

7 A. No, it doesn't bother me. I know I was there.

8 Q. You know you were there. Okay. You did speak a few moments  
9 of --

10 BY THE CHAIRMAN:

11 Q. Before you leave that, when you say you were there you meant  
12 you stayed overnight?

13 A. Yes, I did.

14 Q. How many days? How often or how long?

15 A. Oh, just -- just one night.

16 Q. This was during the Preliminary inquiry, was it?

17 A. Yes.

18 Q. Or some court proceeding?

19 A. Yes.

20 BY MR. ORSBORN:

21 Q. You did mention a few moments ago that some person was going  
22 over and over your story with you before going into court.

23 A. Yes.

24 Q. Can you tell us who that was?

25 A. It was -- well, at that time, it was the same person who was

MAYNARD CHANT, by Mr. Orsborn

1 | doing the -- all the questioning and stuff at that time.

2 | Q. The lawyer.

3 | A. I realize now it was the Crown Prosecutor.

4 | Q. And can you tell us whether or not this was before you went  
5 | into the actual trial or whether it was before the Preliminary  
6 | Inquiry?

7 | A. I remember before the -- I remember before the Preliminary,  
8 | we would -- we went in, too, and he discussed a few things.  
9 | I don't remember if it at the time before the Magistrate  
10 | appearing or the other time, the Preliminary.

11 | Q. You discussed a few things is what you mean?

12 | A. Yeh.

13 | Q. And was this just you and he?

14 | A. Oh, I was there and Mr. Pratico was there also.

15 | Q. Anybody with Mr. MacNeil?

16 | A. There was somebody in the room. I can't remember who it was.

17 | Q. Man or woman?

18 | A. Man. I can't remember if it was Mr. MacIntyre or not.

19 | Q. You don't know?

20 | A. No.

21 | Q. And what was discussed?

22 | A. If I remember, we were sitting in the chairs and they asked  
23 | Mr. Pratico that what -- what hand did Mr. Marshall use to  
24 | stab Mr. Seale. So he had given the -- given the gesture that  
25 | it was a left hand.

MAYNARD CHANT, by Mr. Orsborn

1 Q. Who had given the gesture?

2 A. Mr. Pratico.

3 Q. Mr. Pratico gave the gesture. You recall that?

4 A. Yeh. And then I don't know if he had asked me --

5 Q. Do you have a picture now of Mr. Pratico doing that?

6 A. Yes, I do. I -- it was to the point where he -- that he  
7 Did he say -- what was it? Did he drive it at him? Or  
8 he made -- He never made. He asked --

9 Q. When you say "he", who are you referring to?

10 A. The Crown Prosecutor asked John to show him the way that he  
11 did it and he did that. He did that a couple of times.

12 Q. And do I understand you to say that Mr. Pratico demonstrated  
13 a movement with his left hand?

14 A. Yes.

15 Q. I see. And what was your role in this?

16 A. I had said something about the knife and he said that you  
17 weren't allowed to use the word "knife". You could use  
18 "shiny object". So and then after that he had asked me again  
19 if it was the right or the left arm.

20 Q. What did you say?

21 A. I believe I said the left.

22 Q. The left arm?

23 A. I believe.

24 Q. Why would you say that?

25 A. I don't know. I think I just went and did what -- did what Mr.

MAYNARD CHANT, by Mr. Orsborn

1 Pratico did.

2 Q. I see. Was there anything else indicated to you that you  
3 were not allowed to say? You said you were told that you  
4 couldn't say "knife". Were there any other matters told to  
5 you like that?

6 A. Not that I could remember at this time.

7 Q. Did the Crown Prosecutor to your recollection at any time  
8 visit the park with you?

9 A. I don't remember. I don't believe. I only remember being  
10 at the park once.

11 Q. Now at any time, Mr. Chant, after giving your statements and  
12 before trial, before the actual trial in November, did you  
13 meet with either of Mr. Marshall's defense counsel, Mr.  
14 Rosenblum or Mr. Khattar?

15 A. I don't think so. I don't remember --

16 Q. Do you have a picture now of Mr. Rosenblum and Mr. Khattar from  
17 the court?

18 A. I remember Mr. Rosenblum as being a small man and I don't --  
19 I don't --

20 Q. Just take your hand away from the --

21 A. I'm sorry. I don't recall chatting with him or anything.

22 Q. What about Mr. Khattar?

23 A. Pardon me?

24 Q. What about Mr. Khattar?

25 A. Would Mr. Khattar be --

MAYNARD CHANT, by Mr. Orsborn

1 Q. My understanding is that he was associated with Mr. Rosenblum  
2 and appeared in court with him for Mr. Marshall.

3 A. Okay. No, not that I remember.

4 Q. Do you have any recollection of either of them asking to see  
5 you?

6 A. No.

7 Q. I believe you told us this morning and I'll just go over it  
8 again: Did you tell us that you had no contact at all with  
9 Mr. Marshall between the time that you saw him at the police  
10 station and you went to court?

11 A. There was a -- there was a time between the -- Oh, between  
12 the police station and the court, no.

13 Q. You had no contact with him?

14 A. No.

15 Q. Other than the contact with the police in the park and the  
16 discussions with the Crown Prosecutor about your evidence,  
17 between the time of your giving the statement and your appearing  
18 in Court in November, did you have any discussions with anybody  
19 at all about your involvement in this and leaving out the  
20 Preliminary inquiry?

21 A. There was a -- I used to hang around with this fellow who  
22 we had gone in one day to visit his brother. He was in the  
23 Correctional Centre in Sydney up on Welton Street, I believe.

24 Q. Is it Wellington Street?

25 A. Yes.

MAYNARD CHANT, by Mr. Orsborn

1 Q. I see.

2 A. And while we were in there, I had seen Marshall there. He  
3 was being visited by a few friends. I got right out of there  
4 and --

5 Q. Why was that?

6 A. Well, I was afraid. Then so I got out and I waited in the car  
7 and when my friend had come out, he asked me what was the  
8 matter and I told him that Marshall was in there and I explained  
9 to him a bit. I explained to him a bit of what was happening  
10 with me and him and he seemed to pay some reference to that he  
11 was in there bragging that he had -- well, bragging that he  
12 had done it, that he had stabbed Mr. Seale.

13 Q. What was the name of this friend you were with?

14 A. Do I have to -- Do I have to tell you what the name of the  
15 friend was?

16 Q. I'm afraid so.

17 A. Jimmy MacKenzie.

18 Q. Did that make you feel better?

19 A. To a point it did. It made me feel like that even though I  
20 did wrong, it wasn't -- wasn't seriously wrong because I figured  
21 that, you know, under -- hearing that he was guilty, I figured  
22 that the police and them, that they knew what they were doing.

23 Q. Now this information came from your friend and to be fair, you  
24 have no knowledge as to whether or not it's accurate or not.

25 A. Accurate in which respect?

MAYNARD CHANT, by Mr. Orsborn

- 1 Q. Accurate in terms of the -- the fact that Mr. Marshall in  
2 fact bragged.
- 3 A. Now?
- 4 Q. Now or then.
- 5 A. Then, I figured that it was right.
- 6 Q. You have no personal knowledge of its accuracy?
- 7 A. No personal.
- 8 Q. Before you went to court in July, did you confide in anybody  
9 at all, parents, brother, minister, teacher, friend, that  
10 you were getting deeper and deeper into this process?
- 11 A. Before I went to Court, when?
- 12 Q. In July, the first time.
- 13 A. No, I was -- I was away from the Church then. Well it wasn't  
14 that I was away but I didn't want to have anything to do with  
15 going to Church or anything like that.
- 16 Q. When the time came to go to court in July and the evidence  
17 from that Preliminary inquiry is reproduced at page seven  
18 and following in the Volume, did your parents go with you  
19 to court?
- 20 A. The first time?
- 21 Q. Yes, the very -- in July, the Preliminary inquiry.
- 22 A. I don't think so.
- 23 Q. All right. When you gave your testimony at that inquiry, did  
24 you know you were going to give a story that wasn't true?
- 25 A. I knew -- I knew what I was telling wasn't the truth.



MAYNARD CHANT, by Mr. Orsborn

1 Q. I'd just like to go over with you the questions that the  
2 Judge asked you and they're reproduced at page eight of the  
3 Volume, Mr. Chant, and he says: "Do you know what it is to  
4 take an oath on the Bible?" and you replied: "Yes". Was  
5 that true?

6 A. Yes.

7 Q. And you were asked, "What happens to people who don't tell  
8 the truth?" And your answer is: "They commit perjury."  
9 Did you know what "perjury" meant?

10 A. Well, I -- not back then, I didn't.

11 Q. The judge asked you: "And you know what it means to take  
12 an oath, then, do you?" You say, "Yes." And he then says:  
13 "What does it mean? Let us have it again." And you say,  
14 "To tell the whole truth and nothing but the truth." Did  
15 you understand that to be the impact of an oath?

16 A. Yes.

17 Q. But you told us that you did not intend to tell the truth.

18 A. Pardon me?

19 Q. You just told us a few minutes ago that you intended to tell  
20 a story that you knew wasn't true.

21 A. Yes.

22 Q. I'd like, sir, to spend a few minutes going over the actual  
23 testimony of the Preliminary inquiry and if it's a little  
24 repetitious of what we've discussed so far, I apologize.  
25 I'll try to move through this as quickly as I can. And I

MAYNARD CHANT, by Mr. Orsborn

1 direct your attention to page nine on Volume 12, about half  
 2 way down the page. It's about line 16. The question was:  
 3 "Where did you go?" and you say, "I went across the bridge.  
 4 Like two sides of the park join, sort of, and I walked down  
 5 there and I walked down the tracks." Was that true or false?

6 A. False.

7 Q. And would you mind taking the pointer again and just quickly  
 8 demonstrating what that shows? You're going down Bentinck  
 9 Street and you say, "I walked down there and I walked down  
 10 the tracks." So the route that you are describing is the  
 11 route we have marked in black. And you were asked the  
 12 direction in which you walked down the railway tracks. You  
 13 say "east". You say: "As you walked along the tracks, what  
 14 did you observe?" The answer: "The first thing I noticed  
 15 was a guy hunched over in the bushes watching something."

16 Is that true or false?

17 A. False.

18 Q. And the testimony on the following page about identifying  
 19 John Pratico, is that true or false?

20 A. False.

21 Q. And you say at the bottom of page ten, you're asked: "What  
 22 did you see take place?" You say: "Well, first, the only  
 23 thing I saw, I saw them talking..." and you've already  
 24 referred to Mr. Marshall and Mr. Seale. "I guess they were  
 25 using kind of profane language. Donald said something to the

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- 1 | other fellow and the other fellow said something back to  
2 | Donald and I saw Donald haul a knife out of his pocket." Is  
3 | that true or false?
- 4 | A. False. I had remembered when you said that, I remembered  
5 | when we were sitting in the Prosecutor office that -- that  
6 | there was something in reference to that, that they had said,  
7 | "What were they doing? Were they fighting or were they  
8 | swearing? What exactly were they doing?" I remember him  
9 | asking me and asking John -- Mr. -- John Pratico that question.  
10 | And I basically -- that's the way that I answered it then in  
11 | there, in the chambers.
- 12 | Q. Yes. Well that's stated, I believe, in the Louisbourg statement  
13 | that there was mumbling or swearing. Is that not so? That  
14 | was back on June the 4th when you gave that first or the  
15 | second statement.
- 16 | A. Did I?
- 17 | Q. There is reference. I don't recall at the moment just where.
- 18 | A. Okay, yes. But that's -- that's --
- 19 | Q. But you recall being asked that question by the Crown Prosecutor  
20 | in his office, do you?
- 21 | A. Not to the fact of that I didn't know it or just to the fact that  
22 | we were going over it.
- 23 | Q. I see. Were you bothered by the fact that you had taken the  
24 | oath? You had said clearly what you understood to be the  
25 | impact of an oath but you were nonetheless giving this story

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1 | that bore no relation to the truth. Were you bothered at this  
2 | time?

3 | A. Yes, I was bothered. I knew -- I knew what it meant to lie  
4 | and to not to lie or to tell the truth. But I thought that  
5 | even though that I was lying, what I was saying -- that  
6 | what I was saying wasn't really that bad. I -- I -- But at  
7 | the same time, I felt bad because I had felt within my heart  
8 | that I didn't know if Marshall had actually stabbed Sandy and  
9 | I think probably that was the thing that I was thinking about  
10 | the whole while I was on the stand.

11 | Q. Well, we know now that Mr. Marshall did not stab Mr. Seale.  
12 | He's been acquitted. One of the functions of this Commission  
13 | is to try and find out why he went to gaol. I think it's  
14 | fair to say that one of the reasons he went to gaol was your  
15 | testimony both here and at trial. I think we would like to  
16 | try and go one step behind that and try and understand a  
17 | little more why that testimony was given. Can you help us at  
18 | all?

19 | A. The only thing that I could really say to that is that I --  
20 | the whole thing that had happened to me was that caused me  
21 | to lie and everything like that was probably motivated  
22 | because of fear, because I had been on Probation and I was --  
23 | in one respect I was in fear because of that and I think  
24 | probably the -- everything that was motivated around what had  
25 | happened was because of fear. And another aspect that I felt

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1 | that the police basically knew what they were doing, even  
2 | when I was lying. Like, they probably knew that the story,  
3 | even though it was -- that I felt was so far fetched, that  
4 | there was some truth to it. And probably in that reasoning  
5 | I had settled in my heart that I wasn't doing something that  
6 | was so terribly wrong but I was still faced with the fact  
7 | within myself that I was doing wrong by saying that somebody  
8 | had stabbed somebody and it wasn't true. I know that my  
9 | testimony is responsible for convicting Mr. Marshall and  
10 | the only thing I contribute to that is because of fear and  
11 | because of pressure and because I felt I was helping even  
12 | though I was being dishonest. And weighing the fact that  
13 | it had been told to me that he was -- that he was guilty sort  
14 | of settled it for a little bit but I was -- When I stood on  
15 | the stand, I was faced with the fact that I didn't know and  
16 | I didn't see and I remember the -- around the last questioning  
17 | of the court that the question that was put to me by the  
18 | Prosecutor that, "Would you know for sure that this was the  
19 | man?" I had said no then and I thought -- looking back into  
20 | my self, back then I would think that I was trying to resolve  
21 | it and the only way I could -- the only way I knew without  
22 | because everything was -- Sorry, I really kept everything in  
23 | and I didn't tell anybody what was happening. I don't know  
24 | if I could. I don't know if I could tell anybody at that  
25 | time what was going on. The only thing I can say was because

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1 of fear and pressure that had caused me to lie.

2 Q. Fear of what?

3 A. Fear of -- of just superiority.

4 Q. I'm sorry?

5 A. Just superiority.

6 Q. Superiority?

7 A. Yes. And --

8 Q. I'm not sure I understand you.

9 A. When you -- When you're -- I just felt -- I just -- I felt  
10 that I -- I felt -- First of all I felt that I was helping.  
11 The story that I related was I thought that I was helping  
12 out even though I knew that it was -- a lot of it was based  
13 on what I heard or what had happened, depending upon what I  
14 had seen and what I'd heard. And then the pressure of Mr.  
15 Marshall implying that there was two, I was in fear by that,  
16 by his structure. I don't know why I would fear that. It's  
17 just that I know that I was afraid. I was afraid that when  
18 I lied possibly that the whole truth would come out when it  
19 got into court and everything would fall down on me and to  
20 the fact that I would go to gaol.

21 Q. Now at that point, what were you going to go to gaol for?

22 A. For lying. I had no -- I knew that I was --

23 Q. Lying.

24 A. I knew that I wasn't telling the truth --

25 Q. Lying in Court or lying --

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1 | A. In court and all through it. I was -- I don't know what  
2 | causes fear. Probably just scared for myself maybe. Thinking  
3 | of myself. I don't know what caused me to exaggerate or to  
4 | say what I -- all the things that I said or only through summ-  
5 | -nification of help or whatever but I -- I don't know what  
6 | I could draw the conclusion to as far as saying why I lied.  
7 | The only thing I can say is that it -- because I was scared.  
8 | I was -- I was just scared and -- I was just scared.

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MAYNARD CHANT, by Mr. Orsborn

1 Q. Okay. Let me just briefly review with you the route that  
2 you indicate that you took at the --

3 COMMISSIONER EVANS:

4 Commission Counsel, before you leave that I'm looking at a note  
5 by -- He said he had a fear of superiority?

6 BY THE WITNESS:

7 A. I had a fear of -- I had a fear of the law. I had a fear of  
8 Marshall. I had a fear of lying and then a fear of telling  
9 the truth, and then I had a fear of going to jail.

10 BY COMMISSIONER EVANS:

11 Q. What did the fear of superiority -- to what -- to what was  
12 that directed?

13 A. Well, I felt fear coming from Marshall. I felt fear coming  
14 from the detectives. The whole thing was scary.

15 BY MR. ORSBORN:

16 Q. At the preliminary Inquiry, Mr. Chant, (You've had a long day  
17 and it won't be so much longer.) you say after you placed  
18 yourself on the tracks, and I'm reading from page 11 at about  
19 line 13 or 14. You say:

20 "I cut across..."

21 You say before that:

22 "I ran down toward George Street".

23 "I cut across -- I didn't go  
24 exactly toward George Street".

24 "There was a path on the other  
25 side of the tracks, the bridge  
like, and I went up that path,



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1 up that way towards the bus  
2 terminal again".

3 Are you able to -- to follow those words and to outline  
4 those on the plan for me please?

5 A. The only thing I can think of is that I started from this  
6 point, down the tracks, and at that point there I was going  
7 to go down through the park, instead I went back this way  
8 and up towards the --

9 Q. So your testimony then reflects your almost going in a circle,  
10 and if I trace it accurately, your testimony at the preliminary  
11 Inquiry, and I'll draw this blue line, reflects your coming  
12 down Bentinck Street, turning onto the tracks, travelling down  
13 the tracks and then you mentioned a walkway going back to --  
14 to Byng Avenue?

15 A. Yes.

16 Q. Would that be this walkway identified?

17 A. Yes.

18 Q. And back that way towards the bus terminal?

19 A. Yes.

20 Q. That description that you gave at the preliminary Inquiry is  
21 a lot easier to follow on a map than the one we were struggling  
22 with before on the statement. Can you give us any reason how  
23 that came to be clarified?

24 A. Can you give me a little more --

25 Q. I'm sorry. The description of the route that we tried to get

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1 from your statement that you gave to the police at Louisbourg  
2 Town Hall --

3 A. Yes.

4 Q. Do you remember we had trouble with it and you said, "It doesn't  
5 even make sense to me"? Do you remember that?

6 A. Yes.

7 Q. At the preliminary Inquiry the words that you speak make the  
8 route quite easy to follow and I'm wondering how it became  
9 clearer?

10 A. Only to the point that it would be the only way that I could  
11 go to -- to meet up with Mr. Marshall.

12 Q. To meet up with Mr. Marshall. When you visited the park  
13 with the police, do you recall whether or not you retraced  
14 all the steps that you said you --

15 A. In my mind. Not necessarily -- I don't -- I don't really  
16 remember if they were asking me, "Did you run down this way  
17 and go up that way, up towards Bentinck to the walkway?".  
18 I don't really remember them saying -- implying that, but  
19 as I was there I must have been thinking of that.

20 Q. Did anybody ever ask you why you said you ran up to the bus  
21 terminal rather than running on down the tracks toward  
22 George Street?

23 A. I don't know. I don't -- In the Court proceedings?

24 Q. Yeh, or any time.

25 A. I don't know unless there's something in the statements that

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1 I don't remember saying yet might have said.

2 Q. Is there any other reason that you say you took this route  
3 back to the bus terminal other than to meet you up with  
4 Mr. Marshall?

5 A. I don't know. I don't remember anybody saying anything.

6 Q. Now following the preliminary Inquiry did you have any  
7 discussion with either of your parents about the testimony  
8 you had given?

9 A. I don't remember.

10 Q. Do you recall whether or not after you had given that  
11 evidence and before you went back to Court in November, in  
12 five months time, if there was any further contact with the  
13 police?

14 A. I don't know if this was stated or anything. Not with the--  
15 Not with the City Police.

16 Q. Okay. Now what police are you talking about?

17 A. I had a chat with Mr. Magee. I was looking to -- I was looking--  
18 I was trying to get work. I was out of -- I had -- I believe  
19 I was out of school at the time and I just -- I turned fifteen  
20 in October and I was trying to get some work and I remember  
21 Mr. Magee picking me up and we had a conversation, but it's  
22 totally irrelevant to this.

23 Q. Did it relate in any way to your testimony of this incident?

24 A. No. No.

25 Q. Okay. Again after you had given your evidence at the preliminary

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1 Inquiry and before the trial, do you recall having any  
2 discussions with the Crown Prosecutor?

3 A. No.

4 Q. Do you recall any discussions with Mr. Rosenblum or Mr. Khattar?

5 A. No.

6 Q. Any discussions with Mr. Marshall?

7 A. No.

8 Q. Mr. Pratico?

9 A. After the --

10 Q. After the preliminary and before the trial?

11 A. No.

12 Q. Did Mr. Pratico ever convey to you at any time any concerns  
13 he had about his own participation in this?

14 A. No, even when I stayed there that night we never even said  
15 anything.

16 Q. Just one more point, Mr. Chant, before we -- We have to  
17 break in an appropriate spot. I'd ask you to refer to  
18 page 53 of the materials, and this is a copy of an  
19 affidavit that you completed and swore in July of 1982, in  
20 connection with the proceedings by which Mr. Marshall was  
21 acquitted and right now I'm just interested in paragraph 12  
22 which appears at the bottom of page 53, and you say that:

23 "Subsequent to the preliminary hearing  
24 in this matter in July, 1971, I spoke  
25 with the Crown Prosecutor, the late  
Donald C. MacNeil, Q.C., who informed  
me that if I changed my statement that

1 I had seen Donald Marshall, Jr.,  
2 stab Sandy Seale that I would be  
charged with perjury".

3 Do you have any recollection of having that discussion with  
4 Mr. MacNeil?

5 A. I'd have to say no. I can't remember.

6 Q. Well, it's been a long day. You think about it. We might  
7 start off with that tomorrow morning.

8 MR. ORSBORN:

9 It's four-thirty, Mr. Chairman. It might be an appropriate time  
10 to reconvene.

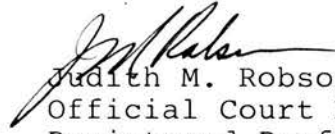
11 MR. CHAIRMAN:

12 The heat is unbearable. It is certainly warm. We'll adjourn  
13 until nine-thirty.

14  
15  
16  
17 INQUIRY ADJOURNED AT 4:28 o'clock in the afternoon on the 15th  
18 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 15th 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