

ROYAL COMMISSION ON THE  
DONALD MARSHALL, JR., PROSECUTION

VOLUME VI

Held: September 16, 1987

At: St. Andrew's Church Hall  
Bentinck Street  
Sydney, Nova Scotia

Before: Chief Justice R. A. Hickman, Chairman  
Assoc. Chief Justice L. A. Poitras, Commissioner  
Hon. G. T. Evans, Commissioner

Counsel: George MacDonald, Q.C., Wylie Spicer, & David Orsborn:  
Commission Counsel

Clayton Ruby, Ms. Marlys Edwardh, & Ms. Anne S. Derrick:  
Counsel for Donald Marshall, Jr.

Michael G. Whalley, Q.C.: Counsel for City of Sydney

Ronald N. Pugsley, Q.C.: Counsel for John F. Urquhart

Donald C. Murray: Counsel for William Urquhart

Frank L. Elman, Q.C., & David G. Barrett:  
Counsel for the Donald MacNeil estate

Jamie W. S. Saunders, & Darrel I. Pink:  
Counsel for Attorney General

James D. Bissell: Counsel for the R.C.M.P.

Al Pringle: Counsel for Correctional Services Canada

William L. Ryan: Counsel for Evers, Green and McAlpine

Charles Broderick: Counsel for Carroll

S. Bruce Outhouse: Counsel for Wheaton & Scott

Guy LaFosse: Counsel for Davies

Bruce H. Wildsmith: Counsel for Union of N. S. Indians  
Assisted by Daniel Christmas

E. Anthony Ross, & Kevin Drolet: Counsel for Oscar N. Seale

E. Anthony Ross, & Jeremy Gay: Counsel for Black United Front

Court Reporters: J. Graham Robson, & Judith M. Robson, OCR, RPR

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INDEX - VOLUME VI

Discussion between Commission and Counsel ..... 923

Maynard Chant, resumes testimony

By Mr. Orsborn ..... 924

By Mr. Ruby ..... 952

By Mr. Pugsley ..... 993

By Mr. Murray ..... 1052

By Mr. Elman ..... 1060

By Mr. Saunders ..... 1072

By Mr. Ross ..... 1075

By Mr. Drolet ..... 1090

By Mr. Wildsmith ..... 1101

- Discussion ..... 1106 - 111

- Discussion ..... 1118 - 112

Discussion between Commission and Counsel ..... 1122

COURT REPORTER'S CERTIFICATE ..... FF

INQUIRY RECONVENED AT 9:34 o'clock in the forenoon on Wednesday, the 16th day of September, A.D., 1987, at Sydney, County of Cape Breton, Province of Nova Scotia

1 MR. CHAIRMAN:

2 Mr. Orsborn.

3 MR. ORSBORN:

4 Thank you, Mr. Chairman.

5 One preliminary matter this morning before we commence the  
6 testimony of Mr. Chant is that as Commission Counsel, I would  
7 simply advise the Commissioners that on Friday morning, we will  
8 propose to apply to the Commission for a ruling on the matter of  
9 the testimony of John Pratico and we will be asking you at that  
10 time for a ruling on whether or not you will agree to his  
11 testimony being taken in the absence of the television and still  
12 cameras, i.e., the visual media -- only the visual media. And  
13 we will be making this application to you for a ruling on Friday  
14 on the basis of medical evidence which we believe will support  
15 the application at that time. So I'm simply advising the  
16 Commission at that -- now to put you on notice that an application  
17 of that nature will be made to the Commission on Friday morning.

18 MR. CHAIRMAN:

19 That's this coming Friday, September 18th.

20 MR. PUGSLEY:

21 My Lord, it would be very helpful if the counsel for the other  
22 interested parties could have an opportunity of seeing the medical  
23 evidence before Friday.

24 MR. ORSBORN:

25 Yes, My Lord, we have a letter from the physician which we

DISCUSSION BETWEEN COMMISSION AND COUNSEL

1 anticipate in our hands shortly. We would be prepared to circulate  
2 that. I guess there will be some question as to whether or not that  
3 evidence should be cross-examined but we'll deal with that at the  
4 time.

5 MR. CHAIRMAN:

6 Are you ready to proceed?

7 MR. ORSBORN:

8 Yes, My Lord.

9 MAYNARD CHANT, resumes testimony, as follows:

10 BY MR. ORSBORN:

11 Q. Mr. Chant, when we concluded yesterday, we had been discussing  
12 an affidavit that you signed in 1982 in connection with Mr.  
13 Marshall's being released from prison and I directed your  
14 attention to a paragraph which appears on page 53 of Volume  
15 12 and in particular paragraph 12 at the bottom of the page.

16 And that paragraph reads as follows:

17 That subsequent to the preliminary hearing  
18 in this matter in July, 1971, I spoke with  
19 the Crown Prosecutor, the late Donald C.  
20 MacNeil, Q.C., who informed me that if I  
changed my statement that I had seen Donald  
Marshall, Jr., stab Sandy Seale that I would  
be charged with perjury.

21 Is that statement true, Mr. Chant?

22 A. The information as recorded is definitely what I said. As  
23 far as to the -- as far as to the point of the accusation  
24 which I have said here, there must be truth to it but at  
25 this time I just can't really pinpoint if it was Mr. MacNeil

MAYNARD CHANT, by Mr. Orsborn

1 | or anyone else associated with the -- with the -- I -- I seem  
2 | to -- I have -- I even have -- I even have a hard time even  
3 | remembering even making the statement in paragraph 12.

4 | Q. I see.

5 | A. I would not --

6 | Q. Do you remember anything about how the affidavit was compiled,  
7 | how it was taken from you?

8 | A. No. If I may say something, --

9 | Q. You remember sitting down with perhaps a lawyer giving information  
10 | to support this affidavit?

11 | A. Yes.

12 | Q. And do you remember who that was?

13 | A. Not off hand. I can't remember.

14 | Q. Was it a man or a woman?

15 | A. I can't remember that. I'm very sorry. I just -- I'm really  
16 | tense. I appreciate -- if I may say something, I appreciate  
17 | the quest for seeking the truth and I'm trying to help all I  
18 | can as being a part of telling the truth. I've come here with  
19 | only one intention; that is, to tell the truth to the best of  
20 | my knowledge. I'm just very, very sorry that I -- there's a  
21 | lot of things that I can't give you a specific answer on  
22 | because everything is seem to running together on me --

23 | Q. Sure.

24 | A. -- and it's -- I have a really hard time even concentrating --

25 | Q. I appreciate that.

MAYNARD CHANT, by Mr. Orsborn

1 A. Probably because I'm tense or --

2 Q. If you're unable to remember, then tell me but let me put it  
3 specifically: Do you now have any recollection of telling  
4 Mr. MacNeil, the Crown Prosecutor, that you had given an  
5 untrue statement?

6 A. That I'd given an untrue statement?

7 Q. Yes, for example, the statement --

8 A. No.

9 Q. -- that you gave on May 30th. You have no recollection of that?

10 A. No.

11 Q. Do you have any recollection of ever having told Mr. MacNeil  
12 that you lied at the preliminary inquiry?

13 A. No.

14 Q. Do you know what a "Grand Jury" is, Mr. Chant?

15 A. Is it a counsel of people that are set to determine the ways  
16 of justice in a Magistrate Court? No?

17 Q. Similar.

18 A. Similar. Sorry.

19 Q. Do you recall having testified before a Grand Jury, twelve  
20 people without lawyers and police and other people present?  
21 Do you remember testifying before that kind of a proceeding  
22 immediately before Mr. Marshall's trial?

23 A. Yes.

24 Q. Do you remember whether or not there were lawyers present  
25 and questioning you?

MAYNARD CHANT, by Mr. Orsborn

- 1 A. Yes, I vaguely remember being questioned or being on the  
2 stand.
- 3 Q. You remember being on the stand. Do you recall if there  
4 were in fact lawyers questioning you or if you were being  
5 questioned by the members of the Jury?
- 6 A. I remember telling what had happened or relaying what had  
7 happened. I don't really -- I have a hard time remembering  
8 any of the questions that were really thrown at me or asked.
- 9 Q. At that proceeding did you tell a story that was the same  
10 as what you had told at the Preliminary inquiry?
- 11 A. Could you please --
- 12 Q. At that Grand Jury proceeding, was the story that you told  
13 consistent with your story at the Preliminary inquiry?
- 14 A. I don't remember. I really don't remember. Do -- are you  
15 saying --
- 16 Q. At that inquiry, did you say that you saw Mr. Marshall stab  
17 Mr. Seale?
- 18 A. At the inquiry?
- 19 Q. At the Grand Jury.
- 20 A. At the Grand Jury?
- 21 Q. Yes.
- 22 A. That would be the first court appearance?
- 23 Q. Well, really in between the two court appearances.
- 24 A. I don't -- I don't know. I can't really think straight on that.
- 25 Q. Let's move to the trial, then, in November of 1971. And I don't

MAYNARD CHANT, by Mr. Orsborn

1 propose to go over the testimony line by line and ask you if  
2 it was true or false. I'll touch on some points in the  
3 -- in the transcript. Firstly with respect with the route  
4 that you testified to taking, it is set out on page 17, 18,  
5 19, and 20; and to summarize that, would I be correct in  
6 saying that you testified as to the route which is shown there  
7 in the black line which we drew yesterday of MC-3, that you  
8 came down Bentinck Street, along the tracks and then back up  
9 the walkway to Byng Avenue?

10 A. Yes.

11 Q. Okay. And in the middle of page 19, Mr. Chant, there is --  
12 you were asked, "What took place?" and you said:

13 Well, one fellow, I don't know, hauled something  
14 out of his pocket. Anyway maybe. I don't know  
15 what it was. He drove it towards the left side  
16 of the other fellow's stomach.

17 I think we can take it that that is not a true statement  
18 based on your evidence yesterday.

19 A. No.

20 Q. The question is, however, when you gave the statement down in  
21 Louisbourg, you spoke of the knife being directed towards the  
22 right side --

23 A. Yes.

24 Q. -- of Mr. Seale's stomach and at trial the testimony changes  
25 to the left side. Do you have any recollection of how that  
change came about?

A. If -- If possibly it could have happened in the Crown Prosecutor'



MAYNARD CHANT, by Mr. Orsborn

1 | chambers when they were going over some of the issues that  
2 | would happen while we would be in court; that would be  
3 | referring to me and Mr. Pratico in court. That's the only  
4 | thing I can say to that. My clearly -- you can clearly see  
5 | that there is -- just by that statement alone that there's not  
6 | a grain of truth in that statement.

7 | Q. I appreciate that. I'm simply trying to understand how right  
8 | changes to left between the statement and the trial.

9 | A. Yeh. Well, I don't think -- I think probably it -- probably  
10 | following some -- some talk that we might have had in the  
11 | chambers of the -- of the Crown Prosecutors during the trials,  
12 | maybe.

13 | Q. Do you have any recollection of that now?

14 | A. What I said yesterday about being in there, I can't remember  
15 | specifically what time. I remember that it was during the  
16 | trials that I -- I was asked, and that -- and that being  
17 | questioned or being -- not really being questioned but being  
18 | made aware of the importance to say about the knife, about  
19 | what arm it was being used to -- for him to stab. I guess  
20 | basically of trying to get -- I remember being questioned of  
21 | making sure that I got the story right before I went into  
22 | court.

23 | Q. I see. Page 23, Mr. Chant, again almost in the middle of  
24 | the page, you were asked what took place and you say:

25 | Well, after he...

MAYNARD CHANT, by Mr. Orsborn

1 meaning Donald Marshall.

2 ...flagged the car down, the police got out  
3 and went over by the body and Marshall --  
4 Donald Marshall showed his arm. He got in  
the police car and they took him to the  
hospital.

5 You testified yesterday that you had no recollection of seeing  
6 Mr. Marshall get into --

7 A. No.

8 Q. -- the police car. Does this testimony in 1971 in any way  
9 refresh your memory?

10 A. On the basis that it would be true or false?

11 Q. No, whether or not you in fact --

12 A. Remember.

13 Q. -- do have a recollection of watching Mr. Marshall get into  
14 the police car?

15 A. Like, I really -- I really don't recall it as to remember that  
16 -- that it happened. But it's -- it couldn't probably --

17 Q. You have no recollection now of -- you have no picture in  
18 your mind of seeing Mr. Marshall get into a police car?

19 A. No.

20 Q. Now in the course of your examination, it appears from reading  
21 the transcript that you became less than sure about identifying  
22 Mr. Pratico and Mr. Marshall. Do you have any recollection  
23 of doubts coming into your mind during that trial?

24 A. Of identifying them?

25 Q. Yes.

MAYNARD CHANT, by Mr. Orsborn

1 | A. At the last of the trial, --

2 | Q. Let me just read you --

3 | A. Okay.

4 | Q. -- part of the questioning on a voir dire which is with the  
5 | jury taken out. I'm reading from page 29 and Mr. MacNeil  
6 | says to you -- I believe it's Mr. MacNeil, reading at about  
7 | line 12:

8 |           You say you don't know who the person was who  
9 |           who pulled out the knife and stuck it in Seale's  
          body?

10 | And your answer is:

11 |           No, I didn't.

12 | And then there is somewhat of a lengthy exchange where your  
13 | earlier testimony is read back to you and the matter is  
14 | clarified. Do you recall that time in the trial?

15 | A. I seem to remember at that -- I think probably at that particular  
16 | time I was -- I was probably understanding the impact of what  
17 | was happening and without trying to, I don't know if the  
18 | word's right, embarrass myself or to say that I was fully  
19 | lying. I just tried to -- At that time I was beginning to  
20 | try to avoid it because the point that I was lying begin to  
21 | really bother me.

22 | Q. Let me just read you an extract from page 50 if the materials  
23 | which is part of the statement you provided to the R.C.M.P.  
24 | on the 20th of April, 1982. Reading from page 50 and the  
25 | latter quarter of that page, the statement says:

MAYNARD CHANT, by Mr. Orsborn

1           It was in cross-examination by Rosenblum that  
2           questions were asked about if I was sure the  
3           man, Junior Marshall, was the one I saw stab  
          Seale. At that point, I realized I couldn't  
          lie any further and said no.

4           Do you remember a point coming in the trial when you realized  
5           that you could not lie any more?

6           A. I realized that I didn't want to say any more lies, yes.

7           Q. I see. You remember that point coming into play?

8           A. I -- Well, I remember saying I -- I remember feeling within  
9           myself that I didn't want to be responsible for making Mr.  
10          Marshall go to gaol. Did you ever say that to Mr. Rosenblum  
11          or Mr. MacNeil?

12          A. No.

13          Q. Say it to anybody at the trial?

14          A. No.

15          Q. Now on page 36 of the trial, Mr. Chant and here you are being  
16          cross-examined by Mr. Rosenblum, and he asks you at line 21.  
17          he says:

18                 Now do I understand you to say that you recognized  
19                 Donald Marshall when you met him on Byng Avenue as  
               you were going toward George Street to try and get  
               a lift to Louisbourg?

20           Now I've looked at the previous testimony and I -- that  
21           precise evidence is not there in those -- in those words, in  
22           the transcript itself. Did you at any time, either in court  
23           or out of court to your recollection tell Mr. Rosbenblum that  
24           you met Mr. Marshall as you were going to try and get a lift  
25           to Louisbourg?

MAYNARD CHANT, by Mr. Orsborn

1 | A. No.

2 | Q. You say that you didn't understand the question. He asks you  
3 | again, he says:

4 |           You met up with this man here, Donald Marshall,  
5 |           Jr., when you were heading for George Street to  
6 |           try to get a lift to Louisbourg. Is that right?

6 | Now as it happens that is actually the truth, is it not?

7 | A. Pardon me, go ahead.

8 | Q. As it turns out. I mean, that is precisely the truth.

9 | A. Yes.

10 | Q. You met Donald Marshall when you were going --

11 | A. Heading home, yes.

12 | Q. But you saw fit even at this point in the trial to correct Mr.  
13 | Rosenblum on your route and say:

14 |           No, that is not so. I was turned around heading  
15 |           for the bus terminal.

15 | Is that true?

16 | A. If I saw -- it it's there, it must be true but it's -- it's  
17 | still to the point that it was -- it's not true as far as --

18 | Q. I realize it's not true but all -- my point is that even  
19 | at this point in the trial when you were being cross-examined  
20 | by Mr. Rosenblum, you went to the extent of correcting the  
21 | truth and --

22 | A. And still going --

23 | Q. -- correcting Mr. Rosenblum on your route.

24 | A. Yeh.

25 | Q. Now under cross-examination again from Mr. Rosenblum on page 37

MAYNARD CHANT, by Mr. Orsborn

1 and 38, he says:

2 Can you swear before god that Donald Marshall  
3 whom you saw on Byng Avenue is the man you  
4 saw previous? Are you sure of that under oath  
5 before god?

6 And your answer is:

7 You mean, like, Donald Marshall when I seen  
8 him on that there street you were talking about,  
9 is that the same fellow on Crescent Street?

10 The question is "yes", and your answer is:

11 No, I'm not sure.

12 Why did you say you weren't sure?

13 A. There was -- As I had stated before, it was to the point that  
14 I didn't want to be responsible for causing Mr. Marshall to  
15 go to gaol and at that time, I was probably -- probably  
16 trying to tell the truth the only way I could -- the only  
17 way I could -- the only way I could at that time. As far  
18 as trying to get at -- I had -- it was -- it was all  
19 bottled up inside of me and I had -- I had -- At that time  
20 I was getting -- There was quite a bit of pressure and I  
21 really felt I really probably wanted to tell the truth.

22 Q. Okay. On page 43 you're again questioned by Mr. Rosenblum  
23 and he says at about line 15 there, he says:

24 I'm suggesting to you that you mentioned in the  
25 Court below in the Magistrate's Court from which  
my learned friend read to you that it was Donald  
Marshall who pulled out this object, (It looked  
to be a knife.) was because the police told you  
it was Donald Marshall who did it.

And your answer is:

MAYNARD CHANT, by Mr. Orsborn

1           No, I never.

2           And he then says -- Mr. Rosenblum says:

3           They're the ones who told you the name Donald  
4           Marshall.

5           And your answer is:

6           No.

7           Is that answer true or false?

8           A. That answer is true that not at any time did any of the people  
9           with authority or police or detectives implicate to me to say  
10          Donald Marshall, but there was some reference to -- I believe  
11          there was some reference to me in the chambers or the Crown  
12          Prosecutor at the time that was suggested       me to not say  
13          "knife" and say "shiny object". I don't know if this is  
14          recorded in the manuscript at all about me ever giving  
15          question to say "silver object" or saying "knife" or.

16          Q: And he questions you again and he says:

17                 And you didn't tell the police that he did it?

18                 And you say:

19                 Not until afterwards.

20                 And then you say:

21                 See, I told them a story that wasn't true.

22                 What story were you referring to?

23                 A. I was probably referring to the Sunday statement.

24                 Q. The one where you saw the third man walking and two woman.

25                 A. Yes.

MAYNARD CHANT, by Mr. Orsborn

1 Q. I see. Was that a difficult thing for you to do, to admit  
2 here in court that you had lied to the police?

3 A. Yes. I -- I have a difficult time with it now. The only  
4 reason -- the reason I'm coming forth even from '82 is  
5 because for me to carry something like this was such a  
6 feeling of ruining people's lives and ruining a particular  
7 person's life, and because of my -- because of my turn-  
8 around in life, I just felt that it was enough and I was  
9 ready at that time to, in my eyes, to try to make restitution  
10 for what I did.

11 Q. Okay, now you were not asked in court what the untrue story  
12 was and you didn't really get into why the untrue story was  
13 told. Do you have a recollection at any time of telling  
14 Mr. Rosbenblum or Mr. Khattar what that untrue story was?

15 A. No.

16 Q. On the last page of your evidence, Mr. Chant, page 46, the  
17 Judge asked you some questions, Mr. Justice Dubinsky, and  
18 he asked you some questions about the clothing and his last  
19 question is:

20 What do you say about the clothing that were  
21 worn by this man whom you saw do something  
22 as regards the clothing that was worn by Donald  
23 Marshall whom you saw a few minutes later?

24 And you said:

25 They had the same clothing.

Was that last answer true or false?

A. It would be false.



MAYNARD CHANT, by Mr. Orsborn

1 | Q. Can you help us in any way why you would come back to giving  
2 | a very critical false answer after you had already determined  
3 | in your mind to try and tell the truth?

4 | A. I don't know. The only thing I -- I know what -- I really  
5 | -- The only thing I can say is that I was still in a state  
6 | of fear --

7 | Q. What were you afraid of at the time? You'd already admitted  
8 | in court that you told an untrue story. At least that much  
9 | was over and done with.

10 | A. Yeh, it's like trying to tell the truth and let people try  
11 | to read your mind. If -- if -- Even viewing back as we sit in  
12 | court today on the -- as we view back on the statements and  
13 | everything, I think it's literally ridiculous that they would  
14 | even consider believing me. I don't know why I --

15 | Q. Why was it --

16 | A. I try to tell the truth and then lie again only for the -- only  
17 | for the thought that I felt that I was on probation and that  
18 | that I felt that by exposing everything that I would possibly  
19 | go to gaol.

20 | Q. You just said that you -- looking back on it, you think it  
21 | was ridiculous that they should have believed you. Why do  
22 | you say that?

23 | A. Because of just going over some of the statements and because  
24 | of the cross-examining or because of what is being discussed  
25 | now, a lot of it doesn't hold any water as far as between one

MAYNARD CHANT, by Mr. Orsborn

1 court and another, between saying something and not saying  
2 something else. I just -- looking back at it myself -- well,  
3 probably looking back at it now, I realize everything that I  
4 said was -- most of the stuff that I said wasn't true; there-  
5 fore it looks kind of ridiculous to me. That's all. Just --  
6 I -- probably it's a -- It's probably a looking at my own  
7 self more or less, not looking at their ability but looking  
8 at myself to say that I would say something so far fetched  
9 and so ridiculous and so many times that I would change myself  
10 into trying to tell the truth and then not telling the truth.

11 BY MR. CHAIRMAN:

12 Q. Mr. Chant, when did you or did you finally come forward and  
13 tell someone in authority that you had not been telling the  
14 truth in the past as related to this case?

15 A. In 1979. Before that, I was -- I was in -- I wasn't a very  
16 good person. I was involved in -- I was involved in drugs and  
17 at that time \_\_\_\_\_

18  
19  
20  
21 *JK*  
22  
23  
24  
25

MAYNARD CHANT, by Mr. Orsborn

1 I was selling drugs and there was a series of things that  
2 had happened in to my life that had caused me to bring a  
3 conversion in my life where I -- where I became a Born-Again  
4 Christian where I had given my -- given my -- given my life  
5 back to Christ according to the morals that my parents have  
6 had and according to the morals that I felt. I had at that  
7 time begin to try to change my life. After that through  
8 prayer and through continuously feeling that I had done  
9 wrong because of a man being in gaol and because of his  
10 parents being effected by it and that I had tried to share  
11 -- I had tried to tell my father after that and he didn't  
12 seem to be really open to it and I had a hard time getting  
13 it out because it was such a big thing in my life that I  
14 didn't continue and a little while after that I tired to  
15 tell my Pastor and he wasn't really sensitive towards it  
16 so it sort of hushed me up again and I had to carry it a  
17 little more and I just continued to pray to god that he  
18 would cause a circumstance that I might be able to get the  
19 whole thing out. And following that in 1982, two detectives  
20 asked if they might speak to me, so they came out and they  
21 wanted to speak with me at the work -- at the place where I  
22 worked and I -- I explained to them that I had something  
23 that I would want to share with them.

24 BY MR. CHAIRMAN:

25 Q. Did you send for them or did they come looking for you?

MAYNARD CHANT, by Mr. Orsborn

1 A. They came -- they came -- they were on a -- they were  
2 inquiring about something on -- I don't really remember  
3 exactly what it was having to do with, an appeal or a  
4 parole or something and -- So I thought that this time was  
5 probably the best opportunity to -- to get this cleared up.

6 Q. So that during the period when you got your life back on the  
7 rails as you say from '79 to '82, you attempted to tell your  
8 father and maybe others. You didn't go to anyone in  
9 authority?

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

11 BY MR. ORSBORN:

12 Q. When the R.C.M.P. came to you then in 1982, this was the first  
13 approach that anybody in authority had made to you about this?

14 A. Yes.

15 Q. And did that first contact result in a statement that you  
16 gave them in February of 1982, February 16th?

17 A. Yes, it did.

18 Q. Just a couple of questions on that statement. I think it  
19 speaks for itself, but there -- there is no reference in that  
20 first statement to the R.C.M.P. of any pressure from the  
21 police and neither is there any reference to your being  
22 threatened with a perjury charge. Can you suggest any  
23 reason why those matters were not included in your statement?

24 A. Well, probably at that particular time I was after holding  
25 something for such a long period of time, it was --

MAYNARD CHANT, by Mr. Orsborn

1 I was just more in a state of trying to get it off my  
2 chest, not really to the point that I didn't think everything  
3 through, I just gave the statement according to how I felt  
4 in my heart, not really to say -- It was probably after I  
5 begin to think and begin to -- It was some -- It was something  
6 that all my life I tried to block out because it was -- and  
7 still today I guess I'm trying to -- trying to forget. And  
8 it's hard trying to forget when you're -- trying -- trying  
9 to remember, and it's -- Probably the only thing I could  
10 say to that is that it just never entered my mind at that  
11 time to say.

12 Q. And they came back and saw you again I take it?

13 A. Yes.

14 Q. And you gave them a further statement on the 20th of April  
15 of 1982 which was reproduced on page 49 and following. Now in  
16 that statement there were a couple of details I'd like to  
17 touch base with you. Now there for the first time you named  
18 Patricia Harriss as the girl that gave you the kleenex in  
19 the park. Do you recall how you came to identify her as  
20 the girl you met in the park?

21 A. Oh, I -- Later on in the years Patricia worked for the  
22 Grub Steak in Louisbourg, the restaurant, and I used to go  
23 up there and I just -- I began to know her through that. I  
24 just -- That's all.

25 Q. How many years after the incident was that?

MAYNARD CHANT, by Mr. Orsborn

1 | A. I don't know. No, I can't --

2 | Q. More than ten, which would be in 1981?

3 | A. It could be around that time. It could be around -- No, it  
4 | wouldn't be -- What did you say, 1981?

5 | Q. Yeh, about ten years would be 1981.

6 | A. No, it would have to be before 1979.

7 | Q. Before 1979?

8 | A. Yes.

9 | Q. But however long it was are you saying that when you saw her  
10 | at that time a number of years later --

11 | A. I made her acquaintance.

12 | Q. --you then recognized her as being the girl you saw in the  
13 | park?

14 | A. It's -- I don't know really what brought the conclusion.

15 | I could have been through everything that had happened.

16 | It possibly could have been that it had been the girl that  
17 | I recognized then, yes.

18 | Q. I think the other matter is on the statement we touched on  
19 | in your earlier -- earlier testimony. Finally, Mr. Chant, you  
20 | provided an affidavit in July of 1982, and I'd like to ask  
21 | you about two further paragraphs in that, page 53, paragraph  
22 | nine, you say that:

23 | "I gave the statement referred to in  
24 | Exhibit C..."

25 | Which would be the statement -- the Louisbourg statement.

MAYNARD CHANT, by Mr. Orsborn

1                    "...to the said MacIntyre and Urquhart  
2                    knowing its contents were not true  
3                    because of pressure from the said  
4                    MacIntyre and Urquhart who insisted  
5                    I had witnessed the Seale murder,  
6                    although I had not, in fact, witnessed  
7                    same".

8                    Is that a true statement?

9                    A. Yes.

10                  Q. In as few words as possible can you indicate to the Commission  
11                  the nature of the pressure that you received from Sergeant  
12                  MacIntyre?

13                  A. Yes. That happened while the questioning was going on at  
14                  the Town Hall and to the point where they said that -- they  
15                  kept insisting that I must have seen something.

16                  Q. Just be careful when you use the word "they" if you don't  
17                  mind. It's -- Is it one or both?

18                  A. I'm sorry. One.

19                  Q. Which one?

20                  A. Mr. MacIntyre said that I must have seen something and he said  
21                  that a couple of times that I must have seen something, and  
22                  basically --

23                  Q. This is the pressure that you refer to?

24                  A. Yes.

25                  Q. And what was the pressure that you received from Detective  
26                  Urquhart?

27                  A. I just -- I'm very sorry for implicating him there. I just--  
28                  I don't -- I just -- I was categorizing them as one in the

MAYNARD CHANT, by Mr. Orsborn

1 same as far as them both being -- feeling a sense of fear  
2 from both of them as just as far as them being "The Law"  
3 and me being -- and just as far as me being -- them being  
4 "The Law" and me being the --

5 Q. Did you, in fact, feel any pressure exerted on you by  
6 Detective Urquhart?

7 A. I don't know. I can't remember. Even though I had given a  
8 statement to reference to it I was --

9 Q. And similarly in paragraph 11 you say:

10 "The reason for giving the testimony  
11 referred to in paragraph ten, at  
12 the trial, was because I was afraid  
13 and because MacIntyre and Urquhart  
14 of the Sydney Police told me I had  
witnessed the murder and was seen by  
another witness who I believe was  
John Pratico".

15 Did Sergeant MacIntyre tell you that you had been seen by  
16 another witness?

17 A. Yes.

18 Q. Did Sergeant Urquhart tell you that you had been seen by  
19 another witness?

20 A. I don't really know. I know I've given a statement to that  
21 he did. Possibly when the interview was being -- or when the  
22 statement was being taken -- only up to this point do I  
23 recognize the other name as being -- Mr. Urquhart as being  
24 one of the ones that was with Mr. MacIntyre. Only now do  
25 I realize in the statement that I'm giving that I'm implying



MAYNARD CHANT, by Mr. Orsborn

1           him and --

2           Q. Can you tell us how that statement came about in the affidavit?

3           A. It's -- Well, I just -- I was just giving a general  
4           statement, to the both of them. I should have been a little  
5           more specific. I wasn't being really specific to who was  
6           applying the pressure. I was -- I've always had an opinion  
7           that they were both -- Growing up I've always had the opinion  
8           that they were both applying the pressure. Maybe that's why  
9           the statement occurred that way.

10          BY MR. CHAIRMAN:

11          Q. Do I understand you've changed your opinion now?

12          A. Pardon me, sir.

13          Q. Do I understand you have changed your opinion now?

14          A. Yes.

15          Q. Is this the first time you've changed your opinion, today?

16          A. I believe so.

17          Q. Why have you changed your opinion today?

18          A. Simply because looking back on it I don't remember the other  
19          Officer really applying any -- really -- I remember being --  
20          Mr. MacIntyre being the dominant one as far as doing all  
21          the talking and stuff like that.

22          Q. Was this affidavit read over to you or read by you before  
23          you signed or both?

24          A. I would imagine. I don't remember.

25

MAYNARD CHANT, by Mr. Orsborn

1 BY MR. ORSBORN:

2 Q. Do you know where the name Urquhart came from to be put in  
3 the affidavit?

4 A. It could have been suggested by one of the -- one of the--  
5 one of the detectives or the person who was --It was  
6 probably established at that time who the person was.

7 Q. In 1982 when you gave this affidavit did you know that there  
8 was such a person as Sergeant Urquhart?

9 A. I knew that -- I realized that there was two people that were  
10 involved in questioning me. I didn't -- I didn't know at that  
11 time that it was his name until it was probably referred that  
12 it might have been him by somebody else. I didn't know --  
13 I didn't know his particular name, no, or I don't remember  
14 his particular name.

15 MR. CHAIRMAN:

16 Mr. Orsborn, would you try and find out from this witness who  
17 prepared the affidavit.

18 BY MR. ORSBORN:

19 Q. We questioned that before. Do you have any recollection of  
20 how the information in this affidavit came to be compiled?  
21 It was in the summer of 1982 and after you've given your  
22 two statements to the R.C.M.P.?

23 A. Yeh.

24 Q. And it's a process by which information was gathered to get  
25 Mr. Marshall out of gaol. Do you have any recollection of

MAYNARD CHANT, by Mr. Orsborn

1 | perhaps being visited by a lawyer?

2 | A. I can't remember.

3 | Q. Of going to a lawyer's office?

4 | A. Probably the most thing that sticks out in my mind is giving  
5 | the statement that night to -- to the two detectives that  
6 | came down for --

7 | Q. That was the statement to the R.C.M.P.?

8 | A. R.C.M.P.

9 | Q. Do you remember going to Halifax at any time, not to go  
10 | to Court, but to go to a lawyer's office to be questioned?

11 | A. No.

12 | Q. Would you be able to read that affidavit if it were given to  
13 | you to read over?

14 | A. I believe so.

15 | Q. Do you remember when you put your signature to the affidavit --  
16 | And let me ask you, the signature that appears on page 54,  
17 | (It's a copy.) is that your signature?

18 | A. Yes, it is.

19 | Q. Do you remember swearing an oath on the Bible when you signed  
20 | it?

21 | A. No.

22 | Q. Okay. Do you remember the circumstances under which you  
23 | signed that page at all?

24 | A. I was under -- I was under the understanding that it would  
25 | be used -- that it would be used in Court.

MAYNARD CHANT, by Mr. Orsborn

1 Q. That's -- That's true. The -- I guess the purpose of our  
2 trying to understand how the process came about is to  
3 try and understand what steps you took to make sure what  
4 is on those pages is true, all of it?

5 A. All, yes -- All I know is that I tried very hard to tell the  
6 truth.

7 Q. Okay. Just a final couple of questions Mr. Chant, on  
8 page 63 and 64 of the volume which is your testimony of  
9 the Court Hearings in Halifax when Mr. Marshall was acquitted.

10 A. What page is it?

11 Q. At the bottom of 63 and page '64, just following up on the  
12 Chairman's questions earlier. The bottom question on that  
13 page:

14 "Can you say when, if ever, you  
15 told someone about any discrepancy  
in your testimony"?

16 And you say:

17 "Four years ago".

18 Which would put it back to 1978. And you were asked:

19 "Can you say who you said that  
20 to you who you indicated that  
to"?

21 And your answer was:

22 "My parents".

23 "And anyone else"?

24 A. "About a year and a half later I  
25 told it to my pastor".

MAYNARD CHANT, by Mr. Orsborn

1 This is testifying again in 1982, late 1982. Are those dates  
2 accurate that you, in fact, told your parents about this in  
3 about 1978?

4 A. I don't know how accurate the dates are. I'm not very good with  
5 dates, but the truth of me telling or trying to share -- speaking  
6 as my parents -- I should have said one parent, and the facts  
7 of me trying to -- trying to tell them and trying to tell my  
8 pastor, yes. As far as to give or take a month between '78 and  
9 '79, there's nothing that I can say to that?

10 Q. What advice, if any, did your parents give you?

11 A. They never gave me any. It never got to the point where I could  
12 really tell them everything. Probably they -- they -- I  
13 remember --

14 Q. What did you tell them?

15 A. Well, I tried -- I tried to tell them --

16 Q. Tried to tell them what?

17 A. But I can't remember actually -- I remember trying to tell my  
18 dad that -- Well, I started off. I said, "Remember the time  
19 that I was taken to Court", and -- and he -- I guess he was  
20 sort of feeling I was feeling bad for it, and he said, "Well,  
21 it's all in the past, son".

22 Q. Did you tell him you'd lied?

23 A. No. I -- I tried to explain it, but we just didn't get past the  
24 point of me really -- of myself really opening up.

25 Q. What did you tell your pastor?

MAYNARD CHANT, by Mr. Orsborn

1 A. I was -- I was talking to him one evening and referring to  
2 what the Bible says in "If all possible to make  
3 restitution".

4 Q. I'm sorry.

5 A. The Bible says: "If all possible to make restitution".

6 Q. Right.

7 A. I was telling him that there was a few things that were  
8 bothering me that I would like to get cleared up, and I  
9 really didn't know how to go about doing it or really about,  
10 you know, reaching out and trying to really confess it all.

11 Q. Did you tell him specifically that you had lied at Mr. Marshall's  
12 trial?

13 A. Not really. No. I was probably -- At that point I was still  
14 a bit ashamed that I had concealed this thing all these years.

15 Q. Did you tell him that what was bothering you was the trial at  
16 all?

17 A. I told him that -- Yes. I told him that there's things that  
18 were really bothering me and he said to -- he told me to be  
19 patient and ask God to help me to -- help me to work things  
20 out.

21 Q. Would not the restitution have been brought about by your  
22 immediately telling someone in authority?

23 A. I believe. I believe so.

24 MR. ORSBORN:

25 That's all I have, Mr. Chairman. Thank you.

MAYNARD CHANT, by Mr. Orsborn

1 COMMISSIONER EVANS:

2 Before you leave him would you ask him if he recalls a lady lawyer,  
3 a woman lawyer being present when he signed the affidavit on  
4 August -- July the 14th.

5 BY MR. ORSBORN:

6 Q. The affidavit is witnessed by, I believe, an Elaine MacPherson --

7 A. She would be the Town Clerk.

8 BY COMMISSIONER EVANS:

9 Q. I wonder if you remember where you signed the affidavit?

10 A. Yes, it does -- I seem to remember signing it now.

11 BY MR. ORSBORN:

12 Q. Down where?

13 A. At the Town Hall.

14 Q. Do you know Elaine MacPherson?

15 A. Yes.

16 Q. Did she play any part in compiling the information in the  
17 affidavit?

18 A. What do you mean?

19 Q. Would she have any role to play in getting the information  
20 from you and getting this typed up, anything like that?

21 A. I don't think so, no.

22 Q. Did you take the affidavit down to her to have it signed or  
23 did she already have it waiting for you?

24 A. I don't -- I don't remember. I don't remember if I signed  
25 it when she was present or -- I remember -- I think I remember

MAYNARD CHANT, by Mr. Orsborn, by Mr. Ruby

1 signing it there.

2 Q. At the Town Hall in the Town Clerk's Office?

3 A. Yes.

4 BY COMMISSIONER EVANS:

5 Q. Do you remember how it got into your hands?

6 A. I'm sorry, no.

7 MR. ORSBORN:

8 Thank you, My Lord.

9 MR. CHAIRMAN:

10 Mr. Ruby.

11 BY MR. RUBY:

12 Q. Mr. Chant, I'm Counsel for Donald Marshall, and I've got  
13 some questions to ask you. If I go too fast or you don't  
14 understand, I'm quite willing to repeat it so you just stop  
15 me, all right? The first area that I want to touch on with  
16 you is my understanding of what you'd said yesterday which  
17 was one of the reasons, you gave others, but one of the  
18 reasons why you got involved in this long and difficult  
19 process of telling lies about what happened that night was  
20 because of Donald Marshall and your fear of him. Did I  
21 understand that correctly?

22 A. Yes.

23 Q. And that stemmed from the comment at the station about  
24 that there were two of them. Is that correct?

25 A. Yes.



1 Q. And I got the impression that that's when this all began.

2 Is that correct?

3 A. Yes.

4 Q. Do you have volume 16 in front of you and if you don't --

5 A. No, I don't.

6 Q. We'll get it for you.

7 A. Thank you. Page?

8 Q. Page six. You've seen this document before. Let me draw  
9 your attention to a passage in the middle. This is a police  
10 report from two Police Constables named Johnson and MacKenzie,  
11 and they're the two Officers that apparently saw you with  
12 the bloody shirt and picked you up. You can see what  
13 happened there if you read along with me in the middle.

14 "When we stopped the car he came  
15 over and asked for a drive to  
Louisbourg".

16 Are you with me?

17 A. Yeh.

18 Q. "We asked him what was wrong and  
19 he in turn asked if we knew  
20 there was a stabbing in the park,  
and he stated he had seen what  
happened".

21 That's true, is it?

22 A. Yes.

23 Q. All right. That means that the minute you said to these  
24 Police Officers that you had seen what happened in the park --

25 A. Yes.

MAYNARD CHANT, by Mr. Ruby

1 Q. --you were hooked in?

2 A. I was -- Excuse me, I was -- I mean to say that I was --  
3 what I was thinking was that I had seen everything up to  
4 the blood and to him kneeling over. I meant -- I meant -- I  
5 didn't get a chance right then and there to really make a  
6 clear statement of what I really meant by that and basically  
7 that's what I meant by that today.

8 Q. But they seeing this would have thought no doubt that you  
9 saw the stabbing?

10 A. Possibly, yes.

11 Q. That was your understanding of it, right?

12 A. I see it now, yes. Yes.

13 Q. That was your understanding then?

14 A. Yes.

15 Q. So that from that point on you had, by not correcting that  
16 misapprehension --

17 A. Yes.

18 Q. --hooked yourself into the story of lies and --

19 A. Yes, I had.

20 Q. --the pattern of false testimony?

21 A. Yes.

22 Q. And that was well before you and Mr. Marshall had the short  
23 conversation you'd recounted at the police station, correct?

24 A. It could be.

25 Q. It could be or is?

MAYNARD CHANT, by Mr. Ruby

1 A. I don't know what to tell you.

2 Q. Well, you're being picked up and driven somewhere.

3 A. If you've got the dates, go over it, and I'll let you know  
4 if it's true or not.

5 Q. Say it again.

6 A. You bring the dates and I'll have to comment on it like --  
7 I don't understand the implication. Am I on trial here, sir?

8 Q. One of the rules here is I don't get to answer your  
9 questions, but if Your Lordship will permit, the answer  
10 is no.

11 A. I really feel like I'm on trial.

12 Q. You feel like -- Tell me how you feel.

13 A. How I feel? I've had a lot happen to me since a boy of  
14 fourteen years of age.

15

16

17

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*Mr.*

1 A. I can't look back into a child that was fourteen and try to  
2 rationalize everything that I said, every motivation that I  
3 did according to this. You people are trying to search, I  
4 believe you're searching for truth and I'm trying to give the  
5 truth to my recollection but yet I feel, I feel a sense of  
6 responsibility for what had happened. And I also feel that  
7 I feel as if I'm on trial for what had happened. I feel I'm  
8 totally responsible for what has happened. By you implicating  
9 that I started the whole thing off myself, I was just a boy and  
10 I was -- I don't know if you ever were a boy or not but I --  
11 you probably grew up the same way I did and you probably had  
12 pier pressure, you probably had struggles in life that you  
13 probably -- I don't think you've always told the truth in  
14 your life and if, and if you have told the truth, I praise  
15 you for it. If you've said things that if you elaborated  
16 on things when you were young or maybe if -- I have. If  
17 you haven't, I praise you for that. I really feel threatened  
18 as a witness by the questioning of, of a -- I've  
19 humiliated myself already to expose this. I understand --  
20 I didn't -- I wasn't forced to come forward to say anything  
21 I was just asked and as time goes on and all that has  
22 happened since 1982, not once has been the views expressed  
23 of how I feel or how it relates to my family or how much  
24 devastation has been torn in my community towards my  
25 ability as a person -- liability -- as a person to continue

MAYNARD CHANT, by Mr. Ruby

1 on my role in the Town. I've had people come up to me on  
2 the street --

3 MR. CHAIRMAN:

4 Let me interrupt for just a moment.

5 BY THE WITNESS:

6 If I could just continue, please.

7 THE CHAIRMAN:

8 No, before you continue, let me assure you, Mr. Chant, you are  
9 not on trial. When Counsel are questioning you and if  
10 Commissioners question you, we are simply trying to find from  
11 you and help you recall the facts as they occurred during the  
12 relevant times that were relevant to this Inquiry and we  
13 appreciate that it is not easy for persons who appear in a  
14 forum such as this and testify and be subject to examination and  
15 cross-examination. But that's the most effective way that we  
16 know of trying to, to ascertain the facts and any questions that  
17 are put to you, not for the purpose of trying you or convicting  
18 you of any offence, but simply to try and find out through you  
19 what occurred. So please do not operate under the basis that  
20 you are standing in the prisoners box and that you are on trial.  
21 You're not. Mr. Ruby.

22 MR. RUBY:

23 Thank you, My Lord.

24 BY MR. RUBY:

25 Q. I don't want you to feel threatened in the least and if you

MAYNARD CHANT, by Mr. Ruby

1 |       feel threatened by anything that I've said, then I certainly  
2 |       apologize. But I don't think that's the case. I'm going  
3 |       to have about half an hour's worth of questions for you  
4 |       Mr. Chant, and I'd ask you to remember Mr. Marshall  
5 |       was a boy too in the future and that's all I want out of  
6 |       your life at this point in time is half an hour of  
7 |       questioning. So if you could just listen to the questions  
8 |       and answer them, I'd be grateful. I'm suggesting to you  
9 |       that you remember full well that the conversation occurred  
10 |      as the report before you indicates, in a police car before  
11 |      you got at the police station. Correct?

12 | A. Yes.

13 | Q. And therefore that was the beginning of the problem and  
14 |      not Donald Marshall, correct?

15 | A. Could be.

16 | Q. You had no reason to be afraid of Donald Marshall in that  
17 |      police station, did you?

18 | A. I don't know. I was afraid of him.

19 | Q. Did you have any reason to be afraid of him?

20 | A. I don't know how to answer that, I'm sorry.

21 | Q. Did he threaten to strike you in any way?

22 | A. I don't know how to answer that.

23 | Q. Did he threaten to strike you in any way?

24 | A. Do I have to answer these on those grounds?  
25 |

MAYNARD CHANT, by Mr. Ruby

1 BY COMMISSIONER EVANS:

2 Q. That's a pretty simple question. Just take your time and reflect  
3 on it. Did -- On that occasion, did Donald Marshall try to  
4 strike you?

5 A. You people don't feel that those questions are challenging  
6 my integrity right now as a person?

7 Q. That particular question? Did Donald Marshall try to strike  
8 you? That's a very simple question. It should have  
9 reasonable answer.

10 A. I'm not -- I'm not -- Oh, yes, I'm sorry.

11 BY MR. RUBY:

12 Q. Would it help you to take a break?

13 A. Yes, I really need a break.

14 MR. CHAIRMAN:

15 All right, let's take a ten-minute break.

16 INQUIRY ADJOURNED: 10:37 a.m.

17 INQUIRY RECONVENED: 10:55 a.m.

18 MR. CHAIRMAN:

19 Yes, Mr. Ruby.

20 MR. RUBY:

21 Thank you, My Lord.

22 BY MR. RUBY:

23 Q. Mr. Chant, let me see if I understand where we're at. You  
24 were a child at that time virtually.

25 A. Yes.

MAYNARD CHANT, by Mr. Ruby

1 Q. And it is I can see hard to view a child as fully responsible for  
2 what happened afterwards, correct?

3 A. Yes.

4 Q. How tall were you those days?

5 A. Five and a half, maybe five six, I don't know seven maybe.

6 Q. And what would you have weighed?

7 A. Oh, about one hundred and sixty.

8 Q. And you were dealing with John MacIntyre?

9 A. Yes, Sir.

10 Q. I don't want you to be accurate about it, but what would  
11 have your perceptions been at his size in those days?

12 A. Big, huge.

13 Q. Huge?

14 A. That's it.

15 Q. Huge, all right. You've described in the Louisbourg meeting  
16 with Mr. MacIntyre that he was standing up most of the time?

17 A. Yes.

18 Q. Okay. You haven't told us what he was doing with his hands  
19 if anything? What was he doing?

20 A. I don't recall.

21 Q. Would his hands have been in his pockets throughout, like  
22 this? Would he have been gesturing with his hands?

23 A. The only thing that I really envision is, is a, is a very  
24 big person standing. At times I view him leaning over the  
25 table. Being close to me. Basically that's a --



MAYNARD CHANT, by Mr. Ruby

- 1 Q. Leaning over the table --
- 2 A. Leaning at the head of the head, leaning over the head of the  
3 table.
- 4 Q. Over your forehead, and you said being close to you at times?
- 5 A. Yeh, walking on this side.
- 6 Q. Walking down to where you were?
- 7 A. Yes.
- 8 Q. And much like this?
- 9 A. Yes.
- 10 Q. Would he lean over at you like this?
- 11 A. I don't really picture that, no.
- 12 Q. Okay. And what happened in that Louisbourg meeting as I  
13 understand it, was that the questioning would go on again,  
14 and again, and again until it emerged as he wanted. Is  
15 that fair?
- 16 A. Well, I was willing at that time to, to say yes, that I was  
17 there according to the implication that they said that they  
18 had a witness there that had seen and I had seen the same  
19 thing that, he said that I had seen the same -- he saw me  
20 there and I had seen the same.
- 21 Q. Right. But prior to that, prior to when they pulled this  
22 witness out of the hat.
- 23 A. Yes.
- 24 Q. They're questioning you and you're not going along, correct?
- 25 A. No, correct.

MAYNARD CHANT, by Mr. Ruby

1 Q. And they go over it again and again, correct?

2 A. Yes.

3 Q. And you reject that, you refused to go along until they pulled  
4 the witness out of the hat, correct?

5 A. No, the -- when I was first there I remember my mother being  
6 there with me. It might have been a sense of security there  
7 and her telling me to tell the truth. And at that time that  
8 was probably the only expression that I could give to say  
9 that I didn't see anything and at that time I think I recall  
10 from the beginning about the point that there was somebody  
11 was there and they saw me there, by the interrogation of  
12 the detective.

13 Q. That come up very near the beginning or at the beginning?

14 A. Just very close to when everything begin to take place, yes.

15 Q. All right, so from the very beginning they've confronted you  
16 with the story about someone else was there and you must have  
17 seen these things?

18 A. Yes.

19 Q. And therefore your statement that you didn't see anything is  
20 not true?

21 A. I'm sorry.

22 Q. And therefore they are saying to you that --

23 A. That what I had said wasn't true.

24 Q. Was not true?

25 A. Yes.

MAYNARD CHANT, by Mr. Ruby

1 Q. And I take it your first response was to say no I didn't see  
2 anything is not true, correct?

3 A. I was trying to respond to that I was lying and I was trying  
4 also to respond to that I didn't see anything. I think it's  
5 safe to say that in viewing -- I'd seen the events of what  
6 had taken place and I was in -- I was probably confused with  
7 the events and with the terms that they were using as  
8 implying that I had seen the actual stabbing to me is reflecting  
9 as a stabbing, I was reflecting as the wound or -- you know  
10 reflecting as the person who was hurt. I didn't probably  
11 understand at that time what they were really implying as  
12 far as their -- as far as seeing the actual stabbing.

13 Q. But they would repeat then, I take it, you did see the stabbing?

14 A. It was either seen the stabbing or you had to see something.

15 Q. All right. And they did that more than once?

16 A. Yes, more than once.

17 Q. How many times, just roughly. I know you can't remember exactly?

18 A. Three, three, at least three or four times.

19 Q. All right, until finally you gave up?

20 A. I just, well -- that particular time I remember them asking  
21 my mother to leave the room.

22 Q. And that's when you gave up?

23 A. And I don't know if he applied once again that there was  
24 somebody, we've got a witness that saw you there. And at  
25 that time I just said, I remember saying the statement, "Well

MAYNARD CHANT, by Mr. Ruby

1           what did he see. What did he say that I seen".

2   Q. All right. First of all if your mom had remained in the room  
3       do you think you might have had the strength to resist the  
4       pressures?

5   A. I don't know if I could have opened up and really begin to  
6       explain everything because at that time I was very -- I was  
7       quite devastated with everything that was happening. I think  
8       possibly if my mother had have stayed there with me I would  
9       have continued to say that I didn't see anything. I really  
10      feel that I would say that -- I would just use those words,  
11      "I didn't see nothing".

12   Q. Okay. At some point when they confront you with the story  
13      about the other witness, you say to them, as you just told  
14      us, "What did he say I'd seen". And, of course, they must  
15      have at that point told you the basics of the story you were  
16      to tell because that would be the answer to that question,  
17      correct?

18   A. Yes.

19   Q. And the most basic part of that, of course, is that it was  
20      Marshall that had stabbed Seale? That's what the other  
21      witness in fact would have seen?

22   A. Yes.

23   Q. And when I say they, just to make it clear, we're talking  
24      about MacIntyre or MacIntyre and Urquhart or Urquhart?

25   A. Well, back then as viewing them and as I said earlier, then

MAYNARD CHANT, by Mr. Ruby

1 to be a little more specific, I'd view them as being a team  
2 and basically, I guess, --

3 Q. Fair view --

4 A. Like what I said from one come from another. I didn't  
5 distinguish the difference.

6 Q. And MacIntyre's doing most of the talking?

7 A. I believe so.

8 Q. Do you remember MacIntyre doing the talking on this subject?

9 A. I believe he was the one that did most of the talking.

10 Q. On this subject?

11 A. On every subject in the room.

12 Q. Okay, and one of the things they told you was that you were  
13 over on the tracks, correct? That's where you were when this  
14 took place and when you saw this?

15 A. I don't know --

16 Q. According to the witness?

17 A. Pardon me.

18 Q. According to the witness they told you about?

19 A. I don't remember if they actually indicated or not. Possibly.

20 Q. All right, let me ask you to look at something maybe we'll  
21 refresh your memory with it. Because it's been a long time.  
22 In the Murrant cross-examinations in the Volume you've got  
23 before 16 -- 12 -- 12 --

24 MR. RUBY:

25 Page 90, Mr. Lords.

MAYNARD CHANT, by Mr. Ruby

1 BY MR. RUBY:

2 Q. Could you turn to Page 90 with me.

3 A. Volume 16?

4 Q. Volume 12. Do you have that one?

5 A. Okay, thank you.

6 Q. Question 94 on Page 90.

7 A. Yes.

8 Q. Question: "Tell us how you felt at that stage". This is  
9 Mr. Murrant cross-examining you probably in a little room in  
10 Halifax somewhere. Do you remember that? It was the C. B. C.  
11 case, was in Sydney? It was in Sydney the C. B. C. case, the  
12 libel case. This gentlemen was there and another lawyer was  
13 there.

14 A. Oh, yes.

15 Q. Okay, question 94:

16 Tell us how you felt at that stage.

17 Well, I didn't -- I was just at the point where  
18 I didn't know what to expect next. I didn't know  
19 what was going to -- I heard so many stories as  
20 you're a kid. You know, little guys getting beat  
up and so forth, etcetera, etcetera. But I knew  
I was sort of a little bit safe because my mother  
was just outside.

21 I want you to read it with me, Mr. Chant.

22 A. I'm sorry.

23 Q. And this is the last paragraph:

24 But I knew I was sort of a little bit safe  
because my mother was just outside.

25 A. Yes.

MAYNARD CHANT, by Mr. Ruby

1 Q. Keep on:

2           Anyway they started the issue again about me  
3           having to see something. Surely this fellow  
4           wouldn't steer us wrong. This fellow said  
5           he saw you there and you saw what he saw and  
6           well, you had to be there. I said something  
7           like, where was he at. And they said on the  
8           tracks, something like that.

9           Is that fair, is that what happened?

10 A. That's fair, yes.

11 Q. Do you remember that?

12 A. Yes, I remember saying that.

13 Q. Good, and then you go on:

14           Like it seems like the more I began to go a  
15           bit their way, the less the pressure got me  
16           so in resulting, I just ended up giving a  
17           false statement. And just winging the rest  
18           of it --

19           You know basically?

20 A. Yes.

21 Q. And that's all true, that's what happened?

22 A. Yes.

23 Q. Now I want to explore with you the next logical question  
24           which is, where did the information in the statement from  
25           Louisbourg come from? Would you turn to Page 3 with me of  
26           Volume 12. Okay, let's take a look at the first main  
27           paragraph there starting, "Last Friday night after 11:30".  
28           Have you got that?

29 A. Yes.

30 Q.           "I started down the tracks towards George Street"

MAYNARD CHANT, by Mr. Ruby

1           Then you say:

2                   I noticed a dark haired fellow sort of  
3                   hiding in the bushes about opposite the  
                  second house on Crescent Street.

4           Let's take that apart. A dark haired fellow that's supposed  
5           to be Pratico, right? Pratico?

6   A. Yes.

7   Q. That's whose it supposed to be?

8   A. Yes.

9   Q. And Pratico is a dark haired fellow?

10  A. Yes.

11  Q. So that information was correct?

12  A. Yes.

13  Q. Okay, you didn't say a blond fellow, or a brown haired fellow  
14       you were right on the mark.

15  A. Yes.

16  Q. But you didn't know Pratico?

17  A. No.

18  Q. So you couldn't have invented that phrase "dark haired fellow",  
19       you had to be told that by someone?

20  A. Yes.

21  Q. And there's no one who could have told you that but the police,  
22       correct?

23  A. I don't remember if the police had told me.

24  Q. You've told me that. What I'm going at is another process.

25       I'm saying giving that you can't remember and I can understand



MAYNARD CHANT, by Mr. Ruby

1 |       why you can't.

2 | A. Okay.

3 | Q. It's fifteen years ago. Who else could have told you that  
4 | truthful fact except the police that Pratico had dark hair?

5 | No one.

6 | A. In respect to as I said yesterday about being on the scene  
7 | and viewing the actual things that had taken place, I seem  
8 | to remember being -- seeing there Mr. Pratico, Mr. Pratico  
9 | being there.

10 | Q. But you wouldn't know that it was Pratico who was in the  
11 | bushes?

12 | A. No.

13 | Q. All right, so again, no one could have told you Pratico was  
14 | a dark haired fellow, you didn't know who he was?

15 | A. Yes.

16 | Q. Except the police, correct?

17 | A. I don't know how to answer that.

18 | Q. Can you think of anyone else other than the police who might  
19 | have told you the truthful fact that Pratico had dark hair?

20 | A. No.

21 | Q. Okay. And then you got in the next phrase here. Take a  
22 | look at it. "Hiding in the bushes". Not standing by the  
23 | bushes. Not standing near the bushes but hiding in them.  
24 | Who -- and that's what Pratico testified to, isn't it,  
25 | ultimately?

MAYNARD CHANT, by Mr. Ruby

1 A. Yes.

2 Q. Who could have told you the fact that -- that congruent fact  
3 other than the police? Any one?

4 A. I seem to -- reflecting on it now I seem to remember the  
5 discussion of when the fact was stated that he was there,  
6 I remember the question, "What was he doing there". I don't  
7 know if this is in the documents that is before me.

8 Q. And who asked the question, "What was he doing there"?

9 A. I can't remember if it was on the scene or if it was in  
10 this particular statement or where it was. But I believe  
11 it was the police.

12 Q. Okay, and where would you get the information that he was  
13 hiding in the bushes if not from the police?

14 A. No wheres.

15 Q. There's no where else it could come from, correct? Because --

16 A. I don't think so.

17 Q. No body -- you wouldn't have known it of your own knowledge  
18 that Pratico was going to say he was hiding in the bushes.  
19 You hadn't talked to Pratico?

20 A. No.

21 Q. No one else you'd talked to would have known that except the  
22 police, correct?

23 A. I guess, yes.

24 Q. All right. "About opposite the second house on Crescent  
25 Street". Now how could you know unless the police told you

MAYNARD CHANT, by Mr. Ruby

1 | that it was that particular set of bushes as opposed to other  
2 | bushes, the bushes opposite the second house on Crescent  
3 | Street unless the police told you that. Any way at all you  
4 | could know that?

5 | A. Well, maybe because of my familiarness with the Park. Where  
6 | maybe where -- no, I don't know, I don't know.

7 | Q. You wouldn't have known where bushes were in that Park,  
8 | would you? Opposite the second house on Crescent Street?

9 | A. I don't know.

10 | Q. Would you have known that of your own knowledge?

11 | A. I don't -- I'm trying to piece together when the statement  
12 | was taken and when the scenes that I was there viewing  
13 | to, to a -- view to when the incident happened of the viewing  
14 | of the skeleton that was drawn or that I was there to retrace  
15 | my actions.

16 | Q. Was that before or after this statement of --

17 | A. I'm trying to figure out if it was.

18 | Q. All right. Let me bypass that for a second and come back in  
19 | a different direction. Not just picking bushes, you're  
20 | picking bushes that Pratico was hiding in. You wouldn't  
21 | have known what bushes Pratico was hiding in at all, would  
22 | you?

23 | A. Only that I had seen him kneeling down at a bush and if I  
24 | could relate to when the time of the evidence was being  
25 | taken place and a time of the evidence when it was given

MAYNARD CHANT, by Mr. Ruby

1 according to this statement, then I could gain a conclusion  
2 to yes I knew or no, I did not know.

3 Q. All right. I take what your saying as if you and Pratico had  
4 been taken to the Park and done the reinactment prior to  
5 June 4th, 1971, it may have come from that reinactment?

6 A. Yes, yes, Sir.

7 Q. If that reinactment was after this --

8 A. I don't know where it came from.

9 Q. And it couldn't have come from anybody but the police at that  
10 meeting, fair enough?

11 A. Yes.

12 Q. The next paragraph, "Did you know him". Will you take a  
13 look at it.

14 A. I'm sorry.

15 Q. Thanks. Okay, "No I did not know his name but I seen him  
16 before out at the dances in Louisbourg". That's Pratico  
17 right? Now you had never in fact seen him at the dances  
18 in Louisbourg?

19 A. Fair assumption.

20 Q. You didn't know whether he had ever been to a dance in  
21 Louisbourg?

22 A. That's right.

23 Q. So the only persons who would know if it's true that Pratico  
24 had been to a dance in Louisbourg would be who?

25 A. Pratico.

MAYNARD CHANT, by Mr. Ruby

- 1 Q. And the police, correct? Yes?
- 2 A. Yes.
- 3 Q. So if you didn't speak to Pratico about this and you didn't  
4 correct? That information must have been fed to you by the  
5 police, true?
- 6 A. It could have been something that I conjured up to make them  
7 believe my story.
- 8 Q. Okay. But what if Pratico in fact was at the dances in  
9 Louisbourg. It turned out you were correct in this.
- 10 A. That's right --
- 11 Q. It would be spreading congruity wouldn't it to think that you  
12 would conjure up the right answer on this?
- 13 A. Yes. I don't know what to say, I'm sorry.
- 14 Q. I guess the answer is that it's likely that it came from the  
15 police too, correct?
- 16 A. Could I say possibly or do I have to say yes.
- 17 Q. No, you can tell me whether it's likely or possible which  
18 ever one it is.
- 19 A. I really don't know.
- 20 Q. All right, now did you see as the next question indicates,  
21 did you see Mr. Pratico Sunday afternoon at the police  
22 office in Sydney? Look at the next question.
- 23 A. Oh, I'm sorry.
- 24 Q. "Did you see him since?" Answer, "Sunday afternoon at the  
25 police office in Sydney."

MAYNARD CHANT, by Mr. Ruby

1 A. Pardon me, what's the --

2 Q. Was he there at the police office in Sydney in fact did you  
3 see him there?

4 A. I don't remember if he was there.

5 Q. Would you have known him if you'd had seen him?

6 A. Not knowing him, I wouldn't.

7 Q. That's my point. You're sitting in a meeting in Louisbourg  
8 right, and they're telling you about a dark haired fellow,  
9 you wouldn't have known whether he was in the police office  
10 in Sydney or not that particular dark haired fellow unless  
11 the police told you he was there, correct?

12 A. yes.

13 Q. Dropping down a bit, you start talking in the next paragraphs  
14 about the size of the two men you saw in the Park, one of  
15 them being Marshall. And you say, "the taller man was facing  
16 the houses". Do you see that?

17 A. Yes. The taller man was -- where are you at?

18

19

20

21

22

23

24

25

*JMB*

MAYNARD CHANT, by Mr. Ruby

- 1 Q. Three-quarters the way down the page. Question: "The taller  
2 man was facing the houses?"
- 3 A. The taller man --
- 4 Q. And then there's another question: "At this point, did  
5 you recognize either of these men?"
- 6 So they're telling you that one man is taller than  
7 the other and the taller one was facing houses, are  
8 they not? That doesn't come from you. That comes  
9 from the police.
- 10 A. Where are we at on this?
- 11 Q. Let me show you.
- 12 A. I can't see for looking.
- 13 Q. No, I appreciate it.  
14 Right there.
- 15 A. Okay.
- 16 Q. Do you want some water?
- 17 A. No, I'm fine.
- 18 Q. That's the police telling you that one man was taller and  
19 the tall one was facing the houses, is it not?
- 20 A. I don't know.
- 21 Q. That's put as a question?
- 22 A. Yes.
- 23 Q. If it came from you -- If that was a mistake and it's  
24 really an answer to something, you would have no way of  
25 knowing which one was the taller of the two of them would you?

MAYNARD CHANT, by Mr. Ruby

1 A. Only reflecting on the testimony that or the story that  
2 Marshall had told me that there was two men there, did  
3 I have any reference to that there was two men there. And  
4 possibly could have keyed in, as I said before, to make  
5 the story believable. Probably put that across and just  
6 probably to see how they reacted to it, I don't know. That's  
7 the only thing that I can see there.

8 Q. Okay. And you had no way of knowing whether the taller  
9 man was facing the houses or whether it was the shorter  
10 man facing the houses? Correct? You had no way of  
11 knowing?

12 A. I didn't see that. No, I didn't see any of that so I wouldn't  
13 know. No.

14 Q. So if it turns out to be true or consistent with what  
15 Pratico was saying --

16 A: Yes.

17 Q. -- It's likely it came from the police, isn't it? Because  
18 it couldn't have come from you. You didn't see it.

19 A. No.

20 Q. We'll ask then -- I'm curious about the last line on that  
21 page:

22 I mean Donald Marshall, with the other man, his  
23 sleeves were down to his wrist at that time.

24 See that there? It's the last two lines.

25 A. The last two lines?

Q. Yeh.



MAYNARD CHANT, by Mr. Ruby

1 A. Okay.

2 Q. "His sleeves were down to his wrist at that time."

3 You wouldn't have seen that obviously because you weren't  
4 there.

5 A. Right.

6 Q. And when you did see Mr. Marshall, his sleeves were up --  
7 or sleeve at least was up. Correct?

8 A. Yes.

9 Q. Where would that information have come from? That his  
10 sleeves were down then?

11 A. I don't know.

12 Q. I'm interested in it because: "The jacket's got slash marks."  
13 So quite clearly the jacket, in fact, had to be down at the  
14 time.

15 A. The jacket had --

16 Q. Had -- Yeh, you wouldn't have known that at the time. Right?

17 A. -- been --

18 Q. But the police would have known that there was slash marks  
19 on that jacket. So that's -- that fact is the sleeve  
20 has -- had to be down. It's one of the facts that was  
21 objectively checkable. You wouldn't have know whether that was a  
22 objectively checkable fact would you?

23 A. I don't think so.

24 Q. No. So is it fair to say that it's likely that too came  
25 from the police?

MAYNARD CHANT, by Mr. Ruby

1 A. I don't know. I don't --

2 Q. You're not sure?

3 A. I'm not sure.

4 Q. Okay. At one point you told us that you felt less uneasy  
5 about what you were doing because you felt that Marshall  
6 was, in fact, guilty. Is it fair to say that that flowed  
7 in a large part from the fact that the police told you  
8 that Marshall had run away and had to be arrested at  
9 Whycocomagh? Is that fair?

10 A. I had heard that story. Seems in that time I might  
11 have been going by the opinion also that -- of maybe  
12 other people that said that he was guilty.

13 Q. But this was a part of it?

14 A. Yes.

15 Q. And it was the police that told you that?

16 A. I don't know.

17 Q. Would you turn to page 141 of volume 12 with me?

18 A. 141.

19 Q. This is the same C.B.C. libel suit. Question 304 on page  
20 141.

21 A. What question?

22 Q. Question 304. Read it with me.

23 The police did not tell you that Donald Marshall  
committed this crime, did they?

24 Answer:

25 I remember -- I don't remember when exactly it was  
said to me. But he had tried -- Donald Marshall had

MAYNARD CHANT, by Mr. Ruby

1           tried to skip out or take off somewhere and the  
2           police had caught him in Whycocomagh or something  
3           like that. I don't remember exactly that was  
4           but they never specifically said: Listen, Marshall  
5           is guilty and we want him.

6           So obviously it was the police. Is that fair? That said  
7           that?

8           A. Did I implicate here that they had said that he had  
9           -- Yes, that would be.

10          Q. Yes. Let me -- should we go over it again. I'm not in a hurry.

11          A. No, I -- No, I understand.

12          Q. You okay?

13          A. Yeh.

14          Q. Okay. The police in the park who were trying to help you --  
15          that was the language that you used yesterday. Let me ask  
16          you to re-examine that with me, okay?

17          A. Pardon me?

18          Q: The police in the park during the re-enactment -- I call it  
19          the re-enactment. Is that fair?

20          A. Yeh.

21          Q. Okay. Let's go back to that. You said they were trying  
22          to help you -- those fellows. What they were doing, I take  
23          it, is they'd say: "Well, show us where you were." You'd  
24          answer it. It would be inconsistent with the false story  
25          you were telling and they'd say: "Hey " -- they'd point  
                out that                  was inconsistent and say: "Hey, you couldn't  
                have been standing here or doing this." or whatever it might

MAYNARD CHANT, by Mr. Ruby

1 have been. And then you would change your story to  
2 conform to the theory that Marshall was guilty, correct?

3 A. Yes.

4 Q. And you call that help? I suggest that that's -- that's  
5 helping you lie. It's not helping in any real sense.

6 A. Well, I didn't view it then -- I view it now in that  
7 respect. Yes, I do. Then I didn't. You have to remember  
8 the fact that I was partly convinced that he was guilty --

9 Q. I appreciate that. But what they're doing -- when you  
10 say help, they are helping you put together a false story,  
11 isn't that true?

12 A. Even -- Even to up when I had given the -- even up to  
13 when I had given the testimony in '82 with the two -- the  
14 two policemen or detectives that came to my house, I had --  
15 still had the feeling that they were seeking for the truth.  
16 I felt that they were helping me.

17 Q. I'm not asking you to read their minds --

18 A. Yes.

19 Q. -- and tell me whether or not they believed you were telling  
20 the truth or not. That's not the question. You don't know  
21 what was in their minds. Fair enough?

22 A. Yes.

23 Q. You hadn't the faintest idea whether they were honest cops  
24 or dishonest cops. Correct? Yes?

25 A. Yes.

MAYNARD CHANT, by Mr. Ruby

1 Q. But I'm saying the effect of this was that it helped  
2 you tell a false story convincingly. Fair enough?

3 A. By assuming that I would feel that -- is it possible to  
4 say that you would be assuming that they were trying to  
5 make me lie. I felt that they were trying to make me  
6 tell the truth.

7 Q. Let's go over it again. You don't know what was in their  
8 minds and hearts.

9 A. Okay.

10 Q. You can't know. You know?

11 A. I know that.

12 Q. I'm not asking you to judge their minds and hearts --

13 A. Okay.

14 Q. -- and whether they were evil or whether they were doing  
15 good. Put it aside. You don't know anymore than you know  
16 whether Mr. MacIntyre was trying to be evil or good.  
17 You don't know. Fair enough?

18 A. Fair.

19 Q. I'm asking you whether or not the effect of this -- the  
20 objective effect of it -- the result was to help you tell  
21 a false story convincingly. To get away with a false story.  
22 Is that so?

23 A. Yes.

24 Q. Do you understand the question or is it still unclear?

25 Let me put it in context for you. One of the things that the

MAYNARD CHANT, by Mr. Ruby

1       Commissioners, I think, would be interested in is police  
2       techniques and whether the police techniques used are  
3       conducive to making -- to producing the truth or producing  
4       lies. One of the techniques was the re-enactment you've  
5       described. Would you agree with me that the effect of it,  
6       whether they knew it or not I don't care, was to help you  
7       to tell a series of deadly lies more convincingly?

8       A. I just thought that they were trying to give me accurate  
9       conclusions to what happened that I could say in court.

10      Q. So that, in fact, you could pass muster in court and no  
11      one would understand that you were lying. They wouldn't  
12      catch you up. Fair enough? That was the object of it?

13      A. Yes.

14      Q. Let me take you next to Mr. MacNeil's office. He's the  
15      Prosecutor?

16      A. Do you have that page?

17      Q. I -- It's not placed in text.

18      A. Oh, okay. I'm sorry.

19      Q. In your own mind.

20      A. Yeh.

21      Q. Remember back with me to the time you were with Mr. MacNeil  
22      the Prosecutor. Okay?

23      You'd say what happened. You'd make a mistake. He would  
24      correct you. Is that fair enough?

25      A. I wasn't really doing any of the talking -- mostly Pratico

MAYNARD CHANT, by Mr. Ruby

1 he was talking mostly to Pratico. I was just viewing  
2 it and just to keep myself correct on the story that was  
3 false.

4 Q. Now, why do you say just to keep myself correct on the story?  
5 Did you ask to be there?

6 A. No. I mean, just -- I don't know why I -- just to make  
7 myself believable.

8 Q. Okay. And as you told the story you wouldn't get it  
9 correct, in the sense of being the same as Pratico in all  
10 respects from time to time. Correct?

11 A. After following the questioning that was done to Pratico  
12 I assumed basically what they were looking for and I acted  
13 towards that by resulting in throwing something out, hoping  
14 that it would be right.

15 Q. Did you get it right or did they have to correct you from  
16 time to time?

17 A. I don't see the -- I don't remember being corrected. I --  
18 being -- I remember: "Are you sure?" I remember the  
19 implication of: "Are you sure?"

20 Q. Any why would they ask you -- What caused -- What would --  
21 preceded the question: "Are you sure?"

22 A. Like I say it's -- A lot it's just bits and pieces. I can't  
23 really -- there's some conversations that stick and some  
24 conversations that just go. I can't remember why.

25 Q. Okay. When you say conversations just go, do you mean most

MAYNARD CHANT, by Mr. Ruby

1 of the conversation in that office or all of it or some  
2 of it?

3 A. A lot of it.

4 Q. Okay.

5 A. I remember, if I may say so, -- I remember some of the  
6 point -- I remember some of the things that happened in the  
7 office.

8 Q. Tell me.

9 A. I remember I was being taken in there and saying that  
10 they wanted to go over some things before we went to court  
11 and then they asked -- they started asking a couple of  
12 questions to Mr. Pratico about the knife, about the arm,  
13 about which side that he -- that Mr. Marshall had stabbed  
14 Mr. Seale. And from in those questions -- or series of  
15 questions between them, I remember him looking at me  
16 " and gesturing something toward me and me agreeing to that  
17 was what had taken place.

18 Q. So he didn't ask you by in large for -- to tell a story. He  
19 simply asked if you agreed with Pratico from time to time?

20 A. Yes.

21 Q. And I take it Pratico didn't get it right every time either?

22 A. I remember him going over a couple of times with him. You know.

23 Q. Till he got it right. Correct?

24 A. Yes.

25 Q. So the story would change -- Pratico's story would change.



MAYNARD CHANT, by Mr. Ruby

1 He'd say one thing and they'd say: Well, are sure about  
2 that? Wasn't it the other way? And Pratico would say:  
3 Yes, it was the other way. I remember it now. That's  
4 what happened. And they'd go on to what happened again  
5 on the next --

6 A. Something to that effect, yes.

7 Q. That happened a number of times with Pratico?

8 A. Well, I don't really remember being -- being in there but  
9 I remember they were trying to really get the story straight  
10 with Pratico.

11 Q. Because he didn't have it straight. Right?

12 A. Yes.

13 Q. And they -- Is MacNeil doing the talking in this?

14 A. It was the man sitting behind the desk. I presume that it  
15 would be MacNeil.

16 Q. All right. It wasn't MacIntyre?

17 A. No.

18 Q. Okay. How long were in this room, you and Pratico with  
19 the Prosecutor?

20 A. It wasn't for a very long time. I couldn't really give  
21 you a specific time.

22 Q. Five minutes, ten minutes, an hour, two hours, five hours?  
23 Give me a rough estimate.

24 A. Oh, maybe fifteen minutes.

25 Q. Okay. How many men are there?

MAYNARD CHANT, by Mr. Ruby

1 A. Two.

2 Q. Two youngsters?

3 A. Two of us.

4 Q. And how many adults?

5 A. I remember two. I can't remember if there was any more there.

6 Q. Okay. I take it MacIntyre and Urquhart may have been there  
7 or may not have been there. You're not certain.

8 A. It's possible.

9 Q. And it would be to -- would it be to strong a word to say  
10 that this is a process of drilling or coaching witnesses?  
11 Is that what was going on?

12 A. I had a feeling of -- I had a feeling of making sure everything  
13 was right. I don't know if I could classify it as drilling  
14 or not.

15 Q. Okay. It was a rehearsal. Correct? You were being rehearsed  
16 for your evidence?

17 A. Yes.

18 Q. And the object was to get it right?

19 A. Yes.

20 Q. That was made clear to you by Mr. MacNeil?

21 A. That would be the -- yes. Mr. MacNeil would be the --

22 Q. The Prosecutor. The fellow behind the desk.

23 A. Thank you.

24 Q. Did you remember after you testified when you went to get  
25 witness fees, did you speak to someone?

MAYNARD CHANT, by Mr. Ruby

- 1 A. Yes.
- 2 Q. What was -- Why would you speak to someone? What did you  
3 need?
- 4 A. I don't know if I was -- I was trying to get some money  
5 for the bus fare or something to get home. I don't know.  
6 I can't really remember what it was. I remember walking  
7 down through the hall --
- 8 Q. You would -- hold it a second. You would have had no  
9 money to go home with unless you got some money for bus  
10 fare. Fair enough?
- 11 A. Yes.
- 12 Q. You'd been driven down by the police?
- 13 A. I don't know -- I don't remember how I got there.
- 14 Q. Okay. So you needed some money to go home. Right?  
15 So you went asking for witness fees?
- 16 A: I -- They had implied to me that I would -- that my  
17 expenses would be taken care of and I was just asking for  
18 what they had ask -- what they had -- I was just asking for  
19 whatever it was I was asking for. Witness fees, I guess, yes.
- 20 Q. Okay. And who did you go to?
- 21 A. I don't remember.
- 22 Q. Was it Mr. MacNeil?
- 23 A. I --
- 24 Q. Wasn't he kind of angry at you?
- 25 A. I don't know if it was Mr. --

MAYNARD CHANT, by Mr. Ruby

1 Q. Same fellow who was behind the desk?

2 A. Yes. I don't remember if it was going on during the trial  
3 or after the trial was completely over. I might have  
4 said it was Mr. MacNeil but I'm not really sure. I can  
5 view it as -- the man was a very big man again. Of course  
6 I wasn't very big. But -- yeh, he -- the person was  
7 very mad but wasn't very -- He was very -- very -- you know.  
8 I don't know what I -- he was mad.

9 Q. And what did he say with respect to this request for witness  
10 fees?

11 A. He said: "You're lucky you're getting anything for what  
12 you just done."

13 Q. And what was -- what was it that you just done?

14 A. To my knowledge that I blew it on the stand.

15 Q. You didn't come through as expected?

16 A. Yes.

17 Q. And you say that was -- that may have been Mr. MacNeil  
18 or was probably Mr. MacNeil, the Prosecutor? Remember  
19 where this took place?

20 A. In the court house. In the old court house.

21 Q. All right. And what do you say as to whether it was Mr. MacNeil,  
22 the Prosecutor or not? Try and go back in your mind to  
23 picture who it was?

24 A. I can't -- I can't remember.

25 Q. You're not sure?

MAYNARD CHANT, by Mr. Ruby

1 A. I'm not sure.

2 Q. You were on probation at the time of this matter. When  
3 did you get off probation, do you remember?

4 A. Not until a couple of years later. I had -- I think I  
5 was supposed to be on probation until I was eighteen.

6 Q. Okay. So you would have been on probation through the  
7 trial?

8 A. Yes.

9 Q. Let me ask you a couple of questions about the scene of the --  
10 the scene that night when you -- were you at the -- Seale's  
11 body? Yes?

12 A. The night?

13 Q. Yes.

14 A. Yes, I was there.

15 Q. Do you remember police being around? What happened when  
16 they came?

17 A. They -- looking back all I remember is flashing lights  
18 -- I remember the back of the ambulance door. I remember  
19 -- I mean looking -- watching Mr. Seale go in to the  
20 ambulance. I don't know where Marshall -- where Mr. Marshall  
21 had -- I can't remember where he had went.

22 Q. I'm asking about the police. Do you remember, for example,  
23 if they kept people away? Did they quarter off an area  
24 with ropes? Did they do any of those things?

25 A. No, I don't really remember that.

MAYNARD CHANT, by Mr. Ruby

1 Q. Okay. I want to come back to the area we started off before  
2 about Mr. Marshall and this conversation in the police  
3 station. Whether you -- Mr. Marshall ever threatened you?  
4 I take it he didn't threaten you when you were in the park  
5 in any way?

6 A. No.

7 Q. And he didn't threaten you in the police station when you  
8 had that brief conversation? Correct?

9 A. No.

10 Q. He didn't do anything to threaten you?

11 A. No.

12 Q. You felt scared. You've told us that.

13 A. Yes.

14 Q. And my point really is, there is no objective reason here  
15 -- tell me if you agree with me. No objective reason  
16 " for you to be scared. Marshall and you were sitting  
17 in a police station surrounded by police officers. There was  
18 no chance of earth that you could get hurt. Correct?

19 A. If I -- Could I clarify --

20 Q. Sure.

21 A. -- as well as answering the question?

22 Yes, that's true. I was an individual that was very intimidated  
23 by a lot of things. And just in his gesture -- boisterous  
24 gesture, I was sitting down. He leaned over me. A very  
25 rugged individual. Probably that's -- I just probably

MAYNARD CHANT, by Mr. Ruby

1 | felt the pressure and I said yes. That was -- to me that--  
2 | to me at that time it just -- probably the same as encounter  
3 | as being -- as being harrassed even bodily. That's the  
4 | way that I --

5 | Q. Did it have the same effect on you as if you had been --

6 | A. Yes.

7 | Q. -- harrassed or assaulted in some way?

8 | A. Yes.

9 | Q. All right. Would part of this -- the creation of this  
10 | effect of being harrassed or bothered be the fact that Marshall  
11 | was an Indian? Now, he's a strange looking fellow.

12 | A. I was -- he was a rugged looking individual. I don't know if I  
13 | was never brought .. up to view or classify the distinction  
14 | between any -- black or white or feel threatened by anything  
15 | because of national heritage.

16 | Q. I know you weren't brought that way. Most of us weren't.  
17 | But never the less some of us feel it. Did you feel it?

18 | A. I was just scared of -- I think I was just scared of his  
19 | appearance not -- I didn't even -- I don't know if -- even  
20 | if he wasn't an Indian at that time I didn't relate that.  
21 | I don't think.

22 | Q. Was the fact that he was an Indian in your mind at that time?

23 | A. I don't think so.

24 | Q. You've subsequently been afraid of Indians?

25 | A. Oh, yes.

MAYNARD CHANT, by Mr. Ruby

1 Q. True?

2 A. Yes.

3 Q. It's a life-long fear now, is it not?

4 A. Not any more but it was.

5 Q. And I'm suggesting to you that was part of your fear as  
6 well when you were growing up at this time. That there  
7 was some fear of Indians?

8 A. The fear would be, yes, because feeling that I had done the  
9 wrong I was -- I had --

10 Q. I'm speaking about prior to that. I'm suggesting --

11 A. After or before.

12 Q. Before --

13 A. I'm sorry.

14 Q. -- there was some fear of Indians on your part.

15 A. I don't know.

16 Q. You're not sure?

17 A. I don't know. I'm not sure, yeh.

18 Q. Okay. Giving this evidence -- If you would just give  
19 us a moment.

20 Those are all the questions I have for you Mr. Chant. Thank  
21 you for your patience.

22 A. Thank you.

23 MR. CHAIRMAN:

24 Mr. Pugsley?

25



MAYNARD CHANT, by Mr. Pugsley

1 MR. PUGSLEY:

2 Thank you, My Lord.

3 BY MR. PUGSLEY:

4 Q. Mr. Chant, my name is Ron Pugsley. I'm acting for  
5 John MacIntyre. You and I have met before?

6 A. Yes.

7 Q. I examined you in the new city hall building in Sydney in  
8 the summer of 1984. Do you remember that?

9 A. I remember -- yes, being interviewed by you.

10 Q. And you remember that you were sworn to tell the truth  
11 on that occasion?

12 A. Yes, sir.

13 Q. Just as you were sworn to tell the truth here today?

14 A. Yes, sir.

15 Q. Have you read the book "Justice Denied" by Michael Harris?

16 A. I haven't read the full book. No.

17 Q. Have you read those parts that relate to you?

18 A. I haven't read the book at all.

19 Q. I see.

20 A. I've had people voice the opinions to me. My wife had read  
21 a chapter consider -- with me being -- yes.

22 Q. Did Michael Harris interview you in the course of writing  
23 his book?

24 A. Yes, he did.

25 Q. On how many occasions did he interview you?

A. Oh, I don't remember.

MAYNARD CHANT, by Mr. Pugsley

1 Q. I see.

2 A. I remember one incident. I don't know if he came back after  
3 that or not.

4 Q. He came out to the house to -- to Louisbourg, did he?

5 A. Yes, he did.

6 Q. And made some notes of what you said and that kind of thing?

7 A. Yes.

8 Q. Yes. There's a point that I want to refer you to in the book  
9 with respect to a conversation that you had with him relating  
10 to the occasion when you went to the Crown Prosecutor's office,  
11 to Donnie MacNeil's office?

12 A. Yes.

13 Q. And my recollection of the evidence you gave yesterday, that  
14 it was probably before the preliminary hearing, before the  
15 Magistrate in July, that you and John Pratico went to  
16 " Donnie MacNeil's office. Is that your best recollection that  
17 it was before that preliminary hearing?

18 A. Yeh -- Would that be -- Would the Magistrate Court be the  
19 final --

20 Q. That would be the first Court that you went to in the month  
21 of July, about five weeks after the incident occurred in the  
22 park?

23 A. I can't gain any recollection of when it was. I know I was  
24 there, but I -- I can't get a date or I can't get -- I  
25 seem to remember something to one of the Courts. I probably

MAYNARD CHANT, by Mr. Pugsley

1 | wasn't very clear on what I had stated.

2 | Q. Well, it was my recollection yesterday that you said that the  
3 | visit by you and Pratico to Donnie MacNeil's office was  
4 | just before or during the course of the preliminary hearing  
5 | at which time you gave evidence and that would appear to  
6 | be borne out by Michael Harris's comments in his book as  
7 | a consequence of an interview he had with you, and I'd like  
8 | to address you -- your attention to page 105 of the book and  
9 | I'll read it aloud and I'll just ask you to follow along with  
10 | me. At page 105, and the title of this chapter is "Dry  
11 | Run", and it is before a chapter entitled "Count Down", and  
12 | it's before a chapter entitled "On Trial", and take my word  
13 | for it that "Dry Run" refers to the preliminary hearing for  
14 | the magistrate. That's how I read Mr. Harris's book.

15 | A. Okay.

16 | Q. So this then was before you gave evidence the first time?

17 | A. It could be.

18 | Q. Mr. Harris writes:

19 | "It was now the turn of another fourteen-  
20 | year-old to take the stand, but one of  
21 | considerably more importance to the  
22 | Crown's case than Patricia Harriss".

22 | Do you see where I am in the book?

23 | A. Yes.

24 | Q. "Maynard Chant had spent the month  
25 | dreading the arrival of this day,  
although prosecutor MacNeil had

MAYNARD CHANT, by Mr. Pugsley

1 done his best to prepare him for  
2 it". "Both he and John Pratico  
3 had gone over the details of their  
4 stories with MacNeil several times".  
5 "According to Chant, when he told  
6 MacNeil that he would have trouble  
7 getting to court from Louisbourg,  
8 the Crown prosecutor had arranged  
9 for him to spend the night prior  
10 to the preliminary hearing at John  
11 Pratico's house".

12 And I think you testified that yesterday, that you said that  
13 you went to Pratico's house and spent the night there?

14 A. Yes.

15 Q. And then in quotes -- Mr. Harris writes in quotes. Presumably  
16 the quotes are you:

17 "He set the whole thing up for me  
18 to stay there". "I remember when  
19 we got in, it was coming on dark  
20 there and I watched a bit of TV  
21 and just went straight to bed".  
22 "Both of us slept in the same  
23 room and everything and not a  
24 word was uttered". "You know, I  
25 guess both of us were ridden with  
guilt, you know, we are ridden  
with 'Hey man, like I'm really  
screwed up". "I know what I'm  
doing is wrong.'"

Is it your recollection -- End of quote. Is it your recollection  
that you spent the night at John Pratico's in the same bedroom  
sleeping in another bed in his room?

A. I had stayed in the room with him, yes.

Q. Yes, right. Okay. Now I'd like you to turn to the evidence  
you gave at the preliminary hearing, and you'll find this in  
volume 12 at page nine, at the bottom of the page -- at the

1 bottom of the page just about opposite twenty-five as it  
2 appears in the margin:

3 Q. "And as you walked along the tracks  
4 what did you observe"?

5 A. "The first thing I noticed was a guy  
6 hunched over in the bushes watching  
7 something".

8 Q. "Did you recognize that man"?

9 A. "Not at first but after I did".

10 Q. "Can you identify him today"?

11 A. "Yes".

12 Q. "Do you know his name today"?

13 A. "I don't think I can remember".

14 Q. "Would you point him out to the  
15 Court please". "Witness points  
16 to John Pratico".

17 Do you remember that exchange in Court?

18 A. Yes.

19 Q. Yeh. Now the interesting thing is the question is asked:  
20 "Do you know his name today?", and you say, "I don't think  
21 I can remember". Now this is the person that you had spent  
22 some time with in Donnie MacNeil's office on a couple of  
23 occasions according to Michael Harris. It was the person  
24 whose house you had stayed in the night before you gave this  
25 evidence.

A. Yes.

Q. And indeed the person in whose room you slept the night before

MAYNARD CHANT, by Mr. Pugsley

1 | you gave the evidence, but you say: "I don't think I can  
2 | remember", and I'm suggesting to you that the reason you  
3 | gave that answer, "I don't think I can remember" was to  
4 | embellish your story, to make it more believable. Is that  
5 | a fair comment?

6 | A. I have a very hard time with names anyway, not that I didn't  
7 | remember the young man, I just didn't remember his name. I  
8 | probably wouldn't remember your name after we leave this  
9 | place.

10 | Q. Well, I'll try and make sure you do.

11 | A. I hope not.

12 | Q. But surely you must have remembered the name of the young man  
13 | in whose house you'd spent the evening, in whose room you  
14 | slept? Are you saying that you did not recall his name when  
15 | you gave evidence on the stand? May I suggest to you that  
16 | what you were doing is simply trying to create the impression  
17 | that you had not seen Pratico before?

18 | A. I don't have any problem with your suggestion.

19 | Q. Okay. All right.

20 | A. But it wasn't to the implication that I was trying to make  
21 | a believable story. I believe it was that I just couldn't  
22 | remember his name.

23 | Q. I see. All right.

24 | A. Okay.

25 | Q. In response from a question from my friend Mr. Ruby when he was

MAYNARD CHANT, by Mr. Pugsley

1 taking you through the June 4th statement and "the dark  
2 haired fellow", where did you get that and where did you  
3 get the house with the railing going down the center, that  
4 kind of thing, and you responded:

5 "It could have been something I conjured up  
6 to make them believe my story".

7 Do you recall giving that evidence a short while ago?

8 A. Yes, I do.

9 Q. And it was your habit, was it not, sir, to say things, to make  
10 a story that you were giving more believable?

11 A. Oh, yes.

12 Q. We haven't really talked about -- I'm sorry -- We haven't  
13 really talked about the conversion that occurred in 1978.  
14 That occurred at a time when you went to Debert in Nova  
15 Scotia?

16 A. Yes.

17 Q. And to a camp there for two or three days?

18 A. Yes.

19 Q. And as a consequence of that conversion am I right that you  
20 have become an entirely different person?

21 A. In what respect?

22 Q. Well, have you become a different person since your  
23 conversion?

24 A. In respect -- To respect of my old life, yes.

25 Q. Yes. Yeh, and in what way have you become a different person?

MAYNARD CHANT, by Mr. Pugsley

1 A. Morally.

2 Q. All right. Whatever way -- Certainly morally, yes.

3 A. Spiritually.

4 Q. Yes.

5 A. You want them all?

6 Q. I'd like to have some insight into --

7 A. You want to know me, do you? Okay.

8 Q. Yes, I do.

9 A. Prior to my conversion I was a rebellious youth.

10 Q. Yes.

11 A. That decided that I had to find out for myself what the world  
12 had to offer me, not by what my parents had told me because  
13 I was just starting to be associated in dabbling in drugs,  
14 associated with friends that were doing those things and I  
15 wanted to be their friends. Then it came to a point that  
16 when I began to do drugs I -- instead of paying for the  
17 drugs I decided to deal the drugs so I could have some  
18 free drugs on hand.

19 Q. Yes.

20 A. I started to get really heavy into drugs. I wasn't -- I never--  
21 I never --

22 Q. You mean by taking drugs, do you, as well as selling them?

23 A. Yes.

24 Q. Yes, and you got involved as I understand --

25 A. I'm sorry.



MAYNARD CHANT, by Mr. Pugsley

1 Q. That's all right. Go ahead.

2 A. I'm sorry. I came to the point of abuse that I was addicted  
3 to them.

4 Q. Have you become a different person, Mr. Chant, since your  
5 conversion?

6 A. Very much so.

7 Q. Yes.

8 A. I -- From 1979 to this particular day morally I haven't had  
9 a drink, I haven't smoked a joint. I was smoking back then  
10 close to two packages of cigarettes a day. I haven't had  
11 a cigarette. I had an awful foul mouth on me. I haven't  
12 swore since that time.

13 Q. You are basically a soft person now. Were you that way  
14 before?

15 A. I was a tender person. I was easily influenced, but yet  
16 I wanted to try to be cool like everybody else which would  
17 try to make me hold up to some reputations of fighting  
18 maybe later on in the years and other things. Since my --  
19 Since my conversion my morals of really hating, if I  
20 could use the word "hating", hating the justice system,  
21 having a real fear and an obsessive fear with Indians seemed  
22 to dissolve?

23 Q. Yes. All right.

24 A. I became -- I became a person who tried to follow the moral  
25 teachings that Jesus had ascribed to -- upon the earth, and

MAYNARD CHANT, by Mr. Pugsley

1 by applying myself to the studying of God's word and a good  
2 sound doctrinal church gave me or gave me back some of the  
3 things that had hurt all my life and I had a sense of --  
4 I had a sense of purpose. I was the -- It was just like  
5 having a heart operation.

6 Q. Yes.

7 A. Being revived and at that time for the first time in my  
8 life (I used to have nightmares and stuff like that.) I  
9 slept sound, and the result of accepting Jesus Christ as  
10 my Lord and personal saviour --

11 Q. That was after the conversion, was it, that you began to  
12 sleep soundly?

13 A. I began to -- I had a few restless nights, but I really  
14 had a sense of soundness in my mind.

15 Q. Yes, and was that after the conversion in 1978?

16 A. Nineteen seventy-nine.

17 Q. Seventy-nine. All right. In any event, your sleeping  
18 soundly began before you spoke to Carroll or Wheaton in 1982,  
19 before you purged yourself?

20 A. Pardon me.

21 Q. You started to sleep soundly after your conversion and  
22 before you purged yourself, if I can use that word, when  
23 you first spoke to the R.C.M.P. in 1982?

24 A. You -- You -- You could probably ask my parents if I slept  
25 soundly.

MAYNARD CHANT, by Mr. Pugsley

1 Q. Well, no, I'm asking you.

2 A. Yeh, well, I --

3 Q. You weren't living home in 1979, were you?

4 A. In 1979?

5 Q. Yes.

6 A. From time to time.

7 Q. I see. Okay. I want to go to the incident -- I want to go  
8 to the events of the evening in question on the Friday night.  
9 You said you first encountered Donald Marshall as you came  
10 up Bentinck and made the turn onto Byng Avenue?

11 A. I'm sorry, yes, go ahead.

12 Q. Yes, and it's my recollection that he came up to you. You  
13 were going on the upper crossway on Exhibit 22 and he was  
14 coming on the lower or the southern crossway and he caught  
15 up to you just somewhere beyond this little white triangle  
16 that we see on the Exhibit. Is that correct?

17 A. Yes.

18 Q. Yes, and am I correct in suggesting to you that the first thing  
19 he said to you was, "Look at my arm"? That was his first  
20 comment to you, "Look at my arm".

21 A. Is it stated as so?

22 Q. Well, I'll refer you to what you said but I'm asking you for  
23 your recollection now. Is it your recollection now that the  
24 first comment he made to you was, "Look at my arm", and  
25 showed you his arm?

MAYNARD CHANT, by Mr. Pugsley

- 1 A. Am I allowed to refer to the statement before I answer the  
2 question?
- 3 Q. I have no problem with that if you prefer to do that.
- 4 A. I would appreciate that, so I won't --
- 5 Q. Not at all -- Do you have an independent recollection now  
6 of it or --
- 7 A. I have -- I have him saying something to me. I don't  
8 specifically remember -- The more I begin to think of it  
9 the more things come a little clearer.
- 10 Q. Yes.
- 11 A. I might have heard him hollering.
- 12 Q. All right. Okay. Hollering, sure.
- 13 A. Hey --
- 14 Q. But it --
- 15 A. He might have said, "Look what they did to me".
- 16 Q. "Look what they did to me". Oh, fine. That's fine. But in  
17 any event --
- 18 A. Something like that.
- 19 Q. -- it was Donald Marshall referring to himself and the wound  
20 that he suffered --
- 21 A. Yes.
- 22 Q. --first before he mentioned to you about his buddy?
- 23 A. I don't -- I don't know.
- 24 Q. Well, I'll refer you to the comments you've made about this  
25 point.

MAYNARD CHANT, by Mr. Pugsley

1 "In any event, he showed you his arm  
2 when he first came up to you and he told  
3 you about his buddy, and then as I  
4 understand it, the two of you walked  
5 towards George Street where you met  
6 two couples".

7 A. Yes.

8 Q. And they were walking towards you?

9 A. Yes.

10 Q. And you were walking towards George Street, and Marshall  
11 then said to the couples:

12 "I've been hurt in the arm, and  
13 showed the couples his arm".

14 Is that correct?

15 A. Probably those statements -- those statements are correct.  
16 There might have been some other type of discussion before  
17 that.

18 Q. All right, and how long do you think you and Marshall were  
19 talking together before you met the two couples?

20 A. Not very long. We were -- We were -- we -- He was really  
21 excited, rushing and very hyped, so I mean -- even at that  
22 I couldn't even give you -- maybe two or three minutes.

23 Q. All right. You were talking for two or three minutes and  
24 then you started walking towards George Street and met the  
25 two couples. How long do you think you were talking to  
the two couples?

A. Enough time for one of the girls to give him a kleenex and --

MAYNARD CHANT, by Mr. Pugsley

- 1 Q. And that was because he told them about his arm and showed them  
2 his arm, that's why she gave him the kleenex?
- 3 A. Possibly she might have seen his arm and give him the  
4 kleenex anyway. I don't know.
- 5 Q. Okay, but in any event he told them about his arm?
- 6 A. I don't -- Did I state that he told them about his arm?
- 7 Q. I'll refer you to what he said. What's your recollection?
- 8 A. I don't really know at this point.
- 9 Q. Okay. All right. In any event, Mr. Seale was still over on  
10 Crescent Street while Donald Marshall was talking to you  
11 for two minutes or so and started walking towards George  
12 Street and met a couple and talked to the couple, and  
13 Mr. Seale was still over on Crescent Street in some kind of  
14 obvious distress presumably?
- 15 A. Yes.
- 16 Q. Yes, and then the next thing that happened was that a car  
17 came along from George Street towards Bentinck Street and the  
18 car was waved down?
- 19 A. Yes.
- 20 Q. Who waved the car down?
- 21 A. I don't remember if it was me or Mr. Marshall?
- 22 Q. Yes. Yesterday you said that it was Mr. Marshall and you  
23 made a gesture with your arms to indicate how Donald Marshall  
24 waved the car down.
- 25 A. Yes.

MAYNARD CHANT, by Mr. Pugsley

1 Q. And indeed my friend Mr. Ruby asked Counsel--Mr. Orsborn  
2 to have you repeat the gesture so it could be put on the  
3 record.

4 A. Okay.

5 Q. But are you telling us today that you don't recall whether  
6 it was you or Marshall?

7 A. I'd be safer in saying that it was Marshall.

8 Q. You'd be safer in saying it was Marshall?

9 A. Than saying I don't recall if it was me or him.

10 Q. Yes. If you'll bear with me for just one moment, sir, I want  
11 to pick up a reference in earlier testimony that you've  
12 given to this point. On page -- Would you turn to volume  
13 12, page 81, and this -- Just to set the background for  
14 you this was during the Discovery Examination in which I  
15 was present and on this occasion you were being examined  
16 by Mr. Murrant. At page 81, question 39, Mr. Murrant asked  
17 you:

18 "Take it from there".

19 A. "That's when we met up with two  
20 couples walking". "We were trying  
21 to flag down a car, but in  
22 the meantime these two couples  
23 came and one had given him 'and'  
24 handkerchief to put on his  
25 wound and so he flagged the car  
down and it was a brown Nova and  
then we turned around and went  
over towards where he said his  
friend was laying on the road  
stabbed".

MAYNARD CHANT, by Mr. Pugsley

1 Q. "Who flagged the car down"?

2 A. "I think I did".

3 Does that assist you in your recollection as to whether or  
4 not you flagged the car down or Mr. Marshall flagged it down?

5 A. No, it doesn't.

6 Q. It does not assist you. Okay. So then you got in the car  
7 and the car turned around and instead of going up Byng Avenue  
8 and turning left on Bentinck and down Crescent, he turned  
9 around and went in a generally easterly direction along  
10 Byng to George, Argyle, and then Crescent which was the  
11 long way around. Did Mr. Marshall tell the people in the  
12 car--and I assume there were two, were there?

13 A. Yes.

14 Q. Both whom were sitting in the front seat?

15 A. Yes.

16 Q. And did he tell those people about his arm and show them  
17 his arm?

18 A. I don't remember.

19 Q. And then you drove around and finally got to Crescent Street.  
20 Did it ever occur to you if Marshall had genuine concern  
21 about Mr. Seale, why he did not run immediately back with  
22 you to Crescent Street rather than spend a couple of minutes  
23 with you on Byng Avenue telling you about his arm, rather  
24 than meeting the two couples, walking up to them, telling  
25 them about his arm, rather than flagging a car down and



MAYNARD CHANT, by Mr. Pugsley

1 driving the long way around. Did it ever occur to you  
2 why Mr. Marshall did not say, "Look, come with me". "I've  
3 got a friend who's in real trouble on Crescent Street".  
4 "He needs help", and you could have got there in less than  
5 a minute by running?

6 A. Do you want me to analyse that or do you want me to give a  
7 statement on that or --

8 Q. I'm asking you if it ever occurred to you that it was strange  
9 that he did not do that?

10 A. I never thought -- No.

11 Q. Okay. All right. When you got on Crescent Street how far  
12 did the car stop away from Mr. Seale's body?

13 A. A few feet.

14 Q. And you both got out of the car, and what did Mr. Marshall  
15 do?

16 A. I don't know if I told him to go for an ambulance or he said  
17 he was going to get help. I don't remember really -- He  
18 might have said that he was going to get an -- call for an  
19 ambulance or something.

20 Q. Did he run up to Mr. Seale?

21 A. He came over with me and then he left.

22 Q. Did he bend down to see how Mr. Seale was?

23 A. I don't recall.

24 Q. Is it not your evidence that one of the suspicious circumstances  
25 in your mind at this time was that Marshall always stayed at a

MAYNARD CHANT, by Mr. Pugsley

1 distance away from Seale?

2 A. As I had given a statement -- one statement from '82 up,  
3 I believe.

4 Q. Yes.

5 A. I had made some suggestion too that I was suspicious -- I  
6 wasn't suspicious, but I was wondering why he never came and  
7 knelt with me, that he was always standing over the backside  
8 of Mr. Seale.

9 Q. Because that's a fact, he did not kneel down to see --

10 A. Yes --

11 MR. RUBY:

12 Let him answer.

13 BY MR. PUGSLEY

14 Q. Certainly, of couse. Go ahead.

15 MR. RUBY:

16 You were cut off.

17 BY MR. PUGSLEY:

18 Q. I didn't mean to cut you off. Yes.

19 A. I felt it strange viewing it, if I'm allowed to view it now?  
20 Am I allowed to say something on that viewing it now?

21 Q. Certainly. By all means.

22 A. It could have to do with shock. I don't know.

23 Q. But in any event, you considered that to be suspicious?

24 A. Funny.

25 Q. Funny?

MAYNARD CHANT, by Mr. Pugsley

1 A. Strange.

2 Q. Yeh, of course. Whether or not you asked him to go get  
3 an ambulance or whether or not he volunteered to go get  
4 an ambulance, in any event, he went away?

5 A. He did.

6 Q. He was out of your sight while you were down assisting  
7 Mr. Seale?

8 A. Yes.

9 Q. Yes.

10 A. Well, I stayed with him, yes.

11 Q. Yes. You became concerned as I understand your evidence, that  
12 the ambulance was not there?

13 A. Yes.

14 Q. And so you went to a house?

15 A. I ran up, yes.

16 Q. To ensure that an ambulance had been called or to see what was  
17 going on?

18 A. Yeh.

19 Q. And what house did you go to?

20 A. I remember it was a big house.

21 Q. Yes.

22 A. I can't say if it was the green building --

23 Q. You mean the green apartment building, the big green one?

24 A. The Crescent Apartment Building, yes.

25 Q. That we see on Exhibit 22?

MAYNARD CHANT, by Mr. Pugsley

1 A. I don't know if that was the building or I don't really  
2 know -- I can't really remember which house it was.

3 Q. All right. Was Marshall there?

4 A. I don't know.

5 Q. Where was he?

6 A. He could have been back with -- I don't know.

7 Q. If he would have been back with Mr. Seale, surely you would  
8 have had some conversation with him and said, "What's going  
9 on with the ambulance", and you know, "Where is it"?  
10 "Did you call it"?

11 A. I can't really remember that.

12 Q. Was it apparent to you when you first saw Mr. Seale that he  
13 was grievously -- grievously hurt?

14 A. Could you explain that?

15 Q. Sure. Was it apparent when you knelt down to see Mr. Seale  
16 that he was seriously injured?

17 A. Yes.

18 Q. Yes. Do you recall any conversation with Donald Marshall  
19 while you were on Crescent Street after you got out of the  
20 car apart from the comment about him going to get an  
21 ambulance? Do you recall any other conversation at all on  
22 Crescent Street?

23 A. No, mostly just the scenes of what had taken place, some  
24 bits and pieces of -- nothing to do -- related to Marshall  
25 now.

MAYNARD CHANT, by Mr. Pugsley

1 Q. I'm sorry, I want to understand what you're saying. Did you  
2 say you had that conversation with Donald Marshall while you  
3 were on Crescent Street?

4 A. I'm -- I'm -- I might have said something to him. I just  
5 can't really recall.

6 Q. You do recall the conversation about the ambulance, whether  
7 or not there was some other conversation? You're not in a  
8 position to say?

9 A. I can remember talking to him or saying maybe -- I don't know.  
10 I just can't -- I can't remember really.

11 Q. When did you next see him?

12 A. It would be the time that he had come out of a room at the  
13 Police Department in Sydney.

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19 JPK  
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MAYNARD CHANT, by Mr. Pugsley

1 Q. And leaned over you?

2 A. Yes.

3 Q. And frightened you?

4 A. Yes.

5 Q. Yes. Michael Harris in his book suggests that that encounter  
6 took place at the hospital and I'm not trying to put his book  
7 to you as being gospel. It's not evidence. It's not an exhibit  
8 here but the fact that he talked to you does have some relevance.  
9 Are you certain that that encounter with Marshall did not take  
10 place at the hospital but at the police station?

11 A. Viewing Mr. Harris, he's allowed to make his assumptions. I --

12 Q. Oh, of course. He --

13 A. -- feel that --

14 Q. -- might quite well be wrong of course and that's the point  
15 I put to you.

16 A. I feel that it was in the police office.

17 Q. All right, that's fine. And it was that night, the night of  
18 the stabbing?

19 A. I don't know if it was the night of the stabbing. Somehow I  
20 feel that it was and sometimes I -- after viewing all the  
21 evidence there has been over the last day, it could have been  
22 on the statement that was given on Sunday. I don't --

23 Q. The statement on Sunday, if you would turn to that, please,  
24 and you will find that in Volume 12 at page one. My  
25 recollection of your evidence is that you were picked up in

MAYNARD CHANT, by Mr. Pugsley

- 1           Louisbourg after Church and you -- Was that the day you were  
2           driven to Catalone? Was that --
- 3   A. I don't really know. I don't --
- 4   Q. Remember, okay.
- 5   A. -- remember.
- 6   Q. And in any event, the statement at the -- The time at the top  
7           of the page is five-fifteen and the time at the bottom of the  
8           statement on the second page is five thirty-five p.m. Can  
9           you tell us how long you were with the detectives who took this  
10           statement on the Sunday?
- 11   A. I don't know. It seemed -- seemed like it was quite awhile.
- 12   Q. It seems like quite awhile. All right. And how were they?  
13           What was their relationship, their demeanour towards you?  
14           Were they nice? Were they objectionable? Were they heavy?  
15           Were they intimidating? How were they?
- 16   A. You understand that I felt intimidated by anything. It  
17           was probably paranoia --
- 18   Q. Yes, I --
- 19   A. -- because of the encounters that I already had with the --  
20           the -- my own life as a result of being on probation.
- 21   Q. Yes. On that point, you were charged with something, were  
22           you? That's how you got on probation? You were charged with --
- 23   A. Yes.
- 24   Q. -- stealing something?
- 25   A. Yes.

MAYNARD CHANT, by Mr. Pugsley

1 Q. Did you give evidence in court on that occasion? Was there  
2 a trial or?

3 A. I don't know.

4 Q. The only purpose of my questioning is that, did you give  
5 evidence? Were you sworn on that occasion and gave evidence  
6 on that occasion or do you recall?

7 A. I don't -- I don't think so.

8 Q. There's been some suggestion that as a consequence of being  
9 on probation that night, being out beyond your curfew, that  
10 by itself upset you and --

11 A. Yes, sir.

12 Q. That is a fact, is it?

13 A. Yes, sir.

14 Q. You're certain of that?

15 A. Well, I was scared.

16 Q. Because you were out beyond your probation?

17 A. Yes.

18 Q. Had you ever been out beyond your probation before that night?

19 A. Possibly.

20 Q. But it's not something you made a habit of?

21 A. Well, I -- no. I had a reverence for my parents.

22 Q. All right. That's what confused me. You -- What were the  
23 terms of your probation? Were you allowed to be out after  
24 nine o'clock in the company of your parents?

25 A. I was allowed out in the company of my parents and with my



MAYNARD CHANT, by Mr. Pugsley

1 parents consent.

2 Q. I see, so you didn't have to be in their company to be out  
3 after dark. You could be somewhere else as long as they  
4 knew where you were.

5 A. As long as I -- yes, as long as I -- Yes, as long as they knew  
6 where I was, I -- they'd given me, you know, instructions to  
7 do as they told me to and I followed them.

8 Q. When you saw the police that night, (They picked you up, I guess,  
9 somewhere on George Street after you left at the scene of the  
10 incident.) were you concerned about the fact that you were out  
11 beyond your probation at that time you were out? Did that  
12 concern you? You had blood on your shirt and --

13 A. I think it would be just to state the fact that I was trying  
14 to get home.

15 Q. Yeh, and I recall that as being your evidence yesterday and  
16 that's why I was puzzled with the evidence you gave to Mr.  
17 Murrant on page 83 of Volume 12. Mr. Murrant, who had an  
18 axe to grind with my client, wanted to suggest that to you,  
19 too, and he said at question 54:

20 Let me just back-track a little bit. When  
21 they stopped you that night, you're on  
22 probation, you're breaking your curfew and  
23 you got blood on your shirt.

24 A. Right.

25 Q. How did you feel when the police approached  
you, all those things in mind?

A. It never really came to mind to be truthful.

MAYNARD CHANT, by Mr. Pugsley

1 I never really thought of it, you know.  
2 It never even entered my mind. My curfew  
3 never used to bother me that much. Even  
4 probation never bothered me that much. I  
5 was just that type of fellow, you know.

6 What -- did you recall giving that answer?

7 A. When was that answer given?

8 Q. That answer was given in August of 1984, after your conversation.

9 A. I don't -- I don't recall giving that answer.

10 Q. I see. Is it true? Is the answer --

11 A. It's a fact that I would be scared. I don't know why. I  
12 wouldn't -- I don't even know why I said that.

13 Q. No. I was puzzled by it as well.

14 A. Possibly taking into mind that I was on probation for quite  
15 a time then. It wasn't the fact that the probation really  
16 never bothered me, I mean as far as being on probation. I  
17 figured the fact that maybe my parents, what I would receive  
18 or what would happen between me and my parents might have  
19 some bearing on that.

20 Q. All right, my friend, Mr. Ruby, addressed some questions to  
21 you about significance of Donald Marshall leaning over you  
22 in the police station and I'm going to suggest to you and  
23 you disagree with me if you -- if you feel that my suggestion  
24 is not accurate, that Donald Marshall's remark -- I'm going  
25 to suggest to you that it was Donald Marshall's remark in the  
police station when he leaned over you, that that was the  
beginning of the rollercoaster ride that brought you to your

MAYNARD CHANT, by Mr. Pugsley

1 private hell. What do you say about that?

2 A. No.

3 Q. What was?

4 A. Looking back on it, a misinterpretation possibly on the police's  
5 part where they picked me up, when I had said that I seen  
6 everything. I -- I don't know if I really understood or I  
7 don't even remember the words "stabbing" being used. I was  
8 trying to refer to scenes and to the actions of things that  
9 or to what had happened as far as my involvement. I wasn't  
10 really paying reference to the stabbing but I believe now  
11 that they were making reference to that which I wasn't.

12 Q. That they misunderstood what you said.

13 A. Yes.

14 Q. But Donald Marshall leaned over to you and told you something  
15 that was not true. He said:

16 There were two of them. Right?

17 But you didn't know that because you weren't there.

18 A. I didn't know that.

19 Q. No, and Donald Marshall knew that you weren't there. And  
20 so there's a difference, I suggest, between the police  
21 misunderstanding what you said. "I've seen everything."  
22 A difference between that and Donald Marshall's remark to  
23 you, "There were two of them. Right?". Do you understand  
24 the difference?

25 A. Yes, I do.

MAYNARD CHANT, by Mr. Pugsley

1 | Q. The moral flavour?

2 | A. Yes.

3 | Q. Then I suggest to you that if Donald Marshall had not leaned  
4 | over you and intimidated and frightened and scared you in the  
5 | police station that night, that you would have told the truth  
6 | to the police.

7 | A. I don't know. I don't know.

8 | MR. PUGSLEY:

9 | My Lord, that might be a good time to adjourn for lunch if that's  
10 | convenient?

11 | MR. CHAIRMAN:

12 | All right.

13 | INQUIRY ADJOURNED: 12:23 p.m.

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JMK

MAYNARD CHANT by Mr. Pugsley

1 INQUIRY RECONVENED: 2:02 p.m.

2 THE CHAIRMAN:

3 Yes.

4 MR. PUGSLEY:

5 Thank you, My Lord.

6 BY MR. PUGSLEY:

7 Q. Mr. Chant, two of the points you made about the statement  
8 taken at the Town Hall in Louisbourg on Friday, June the  
9 4th, of 1971. The first point that I've noted is the  
10 police didn't believe. I think you made that point in your  
11 evidence yesterday and today?

12 A. Yes.

13 Q. Yes. It's a small wonder that the police did not believe  
14 you because you had not told the truth when you gave them  
15 the statement of May 30th?

16 A. Yes.

17 Q. And second point, you stress that the police pointed out  
18 to you that you must have seen something?

19 A. Yes.

20 Q. Yes, again small wonder that that was in their minds in  
21 view of the fact that you had told the police who picked  
22 you up the night of the incident, "I seen everything".

23 A. Pardon me. In the implication of -- what are you --

24 Q. I say small wonder that the police stressed the fact on  
25 June the 4th that you must have seen something when in fact

MAYNARD CHANT, by Mr. Pugsley

1 on the night of the incident itself, you had told the police  
2 in the cruiser that you saw everything?

3 A. Yes.

4 Q. In my cross-examination this morning I talked about the  
5 sequence of comments made by Mr. Marshall as to whether or  
6 not he stressed, first of all the injury he had on his arm  
7 before he pointed out the injury sustained by Mr. Seale.  
8 And I just want to refer you to some of the statements you'd  
9 given in that regard to help refresh your memory. If you  
10 would look at Volume 12, that is in front of you, Page 1  
11 which is the statement of May 30th, 1971, about a quarter  
12 down the first page when you saw Donald Marshall you say,

13 "Then I seen Donald Marshall coming down, I  
14 turned around and started to walk the other  
15 way. Donald caught up to me and said, 'Look  
16 what they did to me'. He showed me a long  
cut on his left arm. Then he said, 'Help  
me, my buddy is over on the other side of the  
Park with a knife in his stomach'.

17 Now this statement was given on May 30th shortly after the  
18 incident itself. Is it reasonable for us to take that the  
19 sequence that you've related there namely Marshall first  
20 of all pointed to his arm and then secondly talked about  
21 his buddy. Is it reasonable for us to assume that that's  
22 in fact the way he spoke to you and that's the sequence  
23 he used?

24 A. It's possible.

25 Q. Yes, okay. And then on Page 20 of this same Volume in your

MAYNARD CHANT, by Mr. Pugsley

1 examination-in-chief at trial in November, 1971 at about  
2 line 22. Answer:

3 He caught up to me and I stopped and waited.  
4 He said: 'Look what they did to me.' He showed  
5 me his arm. Had a cut on his arm and I said  
6 who and he told me there were two fellows over  
7 at the park. By that time another couple, like  
8 two girls and two boys came along and he stopped  
9 them and asked them for help, you know. They said what  
10 we do to help and the girl gave him a handkerchief  
11 to put over his arm. He showed his arm and it  
12 was bleeding.

13 Then if I can direct you attention to page 47 of the same  
14 volume. Volume 12. Now, this is the first statement that  
15 you gave to the R.C.M.P. in 1982 to Corporal Carroll. And  
16 at this time I understand you wanted to make a clean  
17 breast of it and tell Corporal Carroll everything.

18 A. Yes.

19 Q. At about the seventh line -- well let's start at the  
20 second paragraph:

21 I was going to take a short-cut across the park  
22 to George Street and hitchhike home. I had not  
23 quite made it to the park and a guy in a yellow  
24 jacket came running up to me. He showed me his  
25 arm where it was cut and told me his friend was  
stabbed over in the park.

And then two pages later in the second statement you gave  
the R.C.M.P. about two months later on April the 20th,  
page 49:

On the night of the Seale stabbing I was in Sydney  
at church. I missed the bus around 11 p.m. I went  
down in to Wentworth Park. I was on Bentinck Street

MAYNARD CHANT, by Mr. Pugsley

1 when I heard someone running up behind me. The  
2 fellow, later known to me as Junior Marshall,  
3 shouted to me 'Look what they did to me.'  
4 He showed me a cut on his forearm -- the underarm.  
5 There was no blood. He also said his buddy  
6 was over in the park and had been stabbed.

7 Why was it that you gave two statements to the R.C.M.P?  
8 They obviously came back and they -- they were not  
9 satisfied with the first statement?

10 A. The first statement which was given in '84?

11 Q. '82.

12 A. '82. I'm sorry.

13 I don't know why they came back.

14 Q. Did they tell you why they came back to take a second  
15 statement?

16 A. I seem to remember them saying to me that they would be  
17 in touch or talking to me again about this matter. Not --  
18 I don't recall or really -- I couldn't really pinpoint  
19 that they were saying that they needed another statement  
20 that I --

21 Q. That in fact you did sign the first statement -- I'm not  
22 sure that we have a photostat of the handwriting of the  
23 first statement or indeed the typed copy.

24 MR. PUGSLEY:

25 Perhaps I can direct that question to Commission Counsel, My Lord.  
Is there a photostat of the statement that appears on pages  
47 and 48?



MAYNARD CHANT, by Mr. Pugsley

1 And or the statement that was taken in April-- a photostat  
2 of the actual statement and the signature of Maynard Chant?

3 MR. ORSBORN:

4 I presume there is one, Mr. Chairman. If my friend wishes us  
5 to attempt to obtain that from the R.C.M.P. we will be happy  
6 to do so.

7 MR. PUGSLEY:

8 I'd very much appreciate that if that could be done.

9 MR. ORSBORN:

10 I am aware that it had been an issure with respect to that  
11 particular statement.

12 MR. PUGSLEY:

13 Thank you.

14 BY MR. PUGSLEY:

15 Q. And then finally again the next reference on page 80 of  
16 " volume 12 in your examination by Mr. Murrant on discovery  
17 in August in 1984. Question 33 at the bottom of the  
18 page:

19 A. Excuse me. 80?

20 Q. I'm sorry. Page 80. Pardon me. Page 80?  
21 Question 33.

22 A. Okay.

23 Q. The question: "Just pick it up there and tell us what  
24 happened."

25 Answer:

MAYNARD CHANT, by Mr. Pugsley

1 Well, I missed the bus so I decided I was going to  
2 hitchhike so I went down Bentinck Street and the  
3 Street that runs parallel to that to go to George  
4 Street. I just entered that street and there  
5 was a fellow that came running, I guess from the  
6 Bentinck from across the bridge and started running  
7 towards me and caught up with me a couple of  
8 steps down that street. I can't remember what  
9 the name of that street was. And he says You  
10 got to help me. And I said 'What's the matter?'  
11 And he showed me arm -- where his arm was slit  
12 open and he said 'My buddy is over on the other  
13 side of the park. Somebody stabbed him.

14 Do you remember giving that evidence?

15 A. Yes.

16 Q. When Mr. Marshall leaned over you in the police station  
17 how would you describe his face? The expression on his  
18 face?

19 A. He seemed angry.

20 Q. Angry? You used the words before: "Like he was on fire."  
21 Is that a fair description of the way he was? Like he  
22 was on fire.

23 A. He was hyped. Really -- really hyped up.

24 Q. Would you turn to page 126 in the discovery examination.  
25 And these are the questions that I directed to you in  
August of 1984. Page 126 at the top of the page. Question  
176 your answer is:

Well, I was sitting -- like in a chair like this  
here and there was almost like there was -- like  
I was sort of sitting like this and it was like  
almost like a kneeling thing in church that you  
come up -- kneel up against. He was more or less  
had his arms over that and he was more or less looking  
down over me.

MAYNARD CHANT, by Mr. Pugsley

1 Question: "With his face very close to your face?"

2 Answer: "Pretty close. About -- about like there."

3 Question: "And you and I are about two feet apart at the  
4 present time, I would say."

5 Answer: "Yes."

6 Question: "And what did he say to you?"

7 Answer: "He said: 'There was two of them wasn't there?'  
8 and I just said yes."

9 And my question to you was: "You got the message?"

10 And you said: "Yeh."

11 And I said to you: "When you were talking to Mr. Murrant  
12 about this you said that he looked angry or he was angry or --"

13 And your answer was: "He was like he was on fire."

14 And I said -- I repeated that. I said: "Like he was on fire?"

15 Answer: "Yeh, he was pretty wound up."

16 " Do you recall giving that evidence?

17 A. I recall giving that evidence, yes.

18 Q. And is that evidence true?

19 A. Yes.

20 Q. Yes, okay. I want to turn again to the first statement  
21 that you gave to the police on the Sunday afternoon which  
22 is found at page one of this volume we're looking at.

23 And this was given -- Was this given in the Sydney Police  
24 Station?

25 A. It's possible.

MAYNARD CHANT, by Mr. Pugsley

1 Q. Okay. Do you recall -- do you have any recollection at  
2 all of the rooms -- the room that you were in at the time  
3 you gave this statement?

4 A. No.

5 Q. Are you able to assist us as to whether or not it would  
6 have been quite a bit smaller than the Town Hall where you  
7 gave the second statement?

8 A. I don't remember.

9 Q. Can you assist us at all as to whether or not there was  
10 more than one person in the room questioning you?

11 A. No, I don't see anything.

12 Q. The statement is witnessed by Detective J. F. MacIntyre.  
13 Do you recall that it was Detective MacIntyre who took  
14 the statement from you?

15 A. I remember Mr. MacIntyre being there through it all.

16 Q. Right. Okay. Whether or not there was someone else there  
17 you're not able to say?

18 A. Particularly dealing with the May statement? May 30th?

19 Q. Yes, the Sunday statement. Sunday afternoon statement.

20 A. I can't remember if I had given this statement in the car  
21 or at the station. There was somebody else with him in the  
22 car. I don't remember being -- somebody else there in the  
23 station.

24 Q. Did he -- I want you to contrast the way he was in the  
25 taking of the statement on June fourth with the way he was

MAYNARD CHANT, by Mr. Pugsley

1 in the taking of the statement on May 30th, if there is  
2 a contrast. What -- Was he the same on both occasions?  
3 I mean towards you.

4 A. I -- I don't -- like I have a hard time recalling the  
5 statement itself that was made on May 30th. I couldn't  
6 really tell you if there was any difference because I don't  
7 -- I don't really -- I can't really -- I can't really  
8 even say that he took the statement because I wasn't mindful  
9 of that. I was only mindful of his actions in Louisbourg.

10 Q. All right. Do you have -- do you take away -- At the  
11 present do you have any recollection at all of being  
12 pressured in to giving this statement on May 30th. You've  
13 talked about pressure on June fourth, but do you have  
14 any recollection that you were pressured on May 30th?

15 A. No, I don't.

16 Q: Do you have any recollection as to whether or not Chief  
17 MacIntyre was sitting down at a table or he was standing?

18 A. On May 30th?

19 Q. Yes.

20 A. No.

21 Q. Okay. The information that is contained in this statement  
22 that you didn't see, where did that come from? Is that a --  
23 All right, where did that come from? I should ask you that  
24 question.

25 A. Referring to the evidence?

MAYNARD CHANT, by Mr. Pugsley

1 Q. No, in the statement itself there are --

2 A. Yes.

3 Q. -- some things I think you've told us --

4 A. Right.

5 Q. -- that you did not see?

6 A. Yes.

7 Q. Yeh. Where did the description come from?

8 A. I don't know.

9 Q. All right. Did part of it come from what Donald Marshall  
10 told you? Or could it have?

11 A. Possibly.

12 Q. Could part of it come from your imagination because you  
13 wanted to be believed?

14 A. Possibly.

15 Q. Yes. For example, you say in the statement about the  
16 third or fourth line:

17 I got halfway across the tracks. First I seen  
18 two fellows walking and two more were walking  
kind of slow, talking.

19 That's a descriptive phrase. "Kind of slow -- talking."

20 Do you think that came from your imagination because you  
21 wanted to be believed?

22 A. I don't know.

23 Q. You used the phrase: One fellow hauled -- hauled the knife  
24 from his pocket." Is that something that Donald Marshall  
25 told you or is that something that came from your imagination?

MAYNARD CHANT, by Mr. Pugsley

1 A. I don't know.

2 Q. Okay. And the description of the men that is contained  
3 at the bottom of the page who you say committed the  
4 deed:

5 One man, about six foot two, light brown hair,  
6 dark pants, suit coat, over two hundred pounds.  
7 The other fellow, six feet tall, dark pants,  
8 dark hair, one hundred and sixty-five pounds.

8 Where did you get that description? Can you assist us  
9 at all?

10 A. No.

11 Q. Okay. And there are some particularity there. One man  
12 you described about six foot two. The other man you  
13 described about six feet. It was two inches in the  
14 difference between those two heights but nevertheless  
15 that was the information you gave to the police. Is it  
16 fair to say that this could have come from your imagination  
17 because you wanted to be believed and you wanted to "dress  
18 up" a story to make it more realistic?

19 A. I don't know.

20 Q. Okay. All right. You said with respect to the statement  
21 at the Town Hall in Louisbourg that you were home and your  
22 mother was home, I believe, when policemen came to the door  
23 and what did they say?

24 A. Was this -- Are you reflecting to the statement that they took --

25 Q. In Louisbourg. In Louisbourg.

MAYNARD CHANT, by Mr. Pugsley

1 A. Okay, thank you.

2 Q. Did they say anything when they came to the house as to  
3 why they were there?

4 A. There might have been -- I might have said something  
5 previous yesterday. That there was something relating  
6 to that I had not -- that they believed that I wasn't telling  
7 the truth and that they wanted to question me.

8 Q. Do you think that was said at the house?

9 A. It's -- yes.

10 Q. In your mother's presence?

11 A. Yes.

12 Q. In any event, your mother came. And she was there, at least,  
13 for part of the time that the statement was given. Can  
14 you tell us about how long you think you were there?  
15 And I think yesterday my friend Mr. Orsborn pointed out  
16 to you that the statement taking would appear to be about  
17 55 minutes long according to the times that are at the  
18 front and the end of the statement. Would you agree that  
19 that was the approxiamate time?

20 A. I would be there that long, I would think.

21 Q. Okay. How long do you think it was before your mother  
22 left the room?

23 A. I don't know.

24 Q. Was it about halfway through the taking or can you assist  
25 us in that regard?



MAYNARD CHANT, by Mr. Pugsley

- 1 A. Well, I really don't -- even as far as according to the  
2 time that I was there. Well, it had to be there because  
3 of -- that would be the time that the interview --  
4 the statement would take place but as far as me being conscious  
5 of the time -- It seemed long. And it seemed like -- my  
6 mother was there initially for a little while and then  
7 she was taken out -- asked to leave.
- 8 Q. Yes. Did she put up any objection to leaving?
- 9 A. No.
- 10 Q. Did you?
- 11 A. I didn't really have much to say, I don't think, in the  
12 matter.
- 13 Q. Okay. You indicated yesterday that your mother said to  
14 you on a number of occasions: "Make sure you tell  
15 the truth, Maynard."
- 16 A. Yes.
- 17 Q. How many times did she say that?
- 18 A. Two, three. Maybe four times.
- 19 Q. Yes. Did that create pressure on you? The fact that your  
20 mother was repeating: "Maynard, tell the truth."
- 21 A. She wanted me to tell the truth.
- 22 Q. Of course.
- 23 A. No problem with that.
- 24 Q. Of course. But did you feel pressure because she kept repeating  
25 that?

MAYNARD CHANT, by Mr. Pugsley

- 1 A. From her?
- 2 Q. Yes.
- 3 A. Especially from her?
- 4 Q. From her, yes.
- 5 A. Possibly.
- 6 Q. Okay. Are you sure that it was at that meeting that the  
7 word 'Perjury' was used and that two to five years was  
8 mentioned?
- 9 A. Was it yesterday that I mentioned that it was?
- 10 Q. You certainly mentioned -- I want to know whether it was  
11 there or in the Crown Prosecutor's office?
- 12 A. I -- I could relate to -- to what I had experienced.
- 13 Q. I'm just asking you as to whether or not that statement  
14 was made at Louisbourg in the Town Hall when the police  
15 were there or at the Crown Prosecutor's office?
- 16 A: The statement of possibly doing time?
- 17 Q. Yes. Two to five years is the figure that you mentioned.
- 18 A. Yes.
- 19 Q. Where was that mentioned?  
20 Do you know?
- 21 A. It was mentioned.
- 22 Q. It was mentioned, yes. But when was it mentioned and  
23 by whom?
- 24 A. Mr. MacIntyre.
- 25 Q. At the -- at Louisbourg at the Town Hall?

MAYNARD CHANT, by Mr. Pugsley

1 A. Yes, it was mentioned that I could -- that I was in  
2 serious trouble and I could go to gaol and --

3 Q. From two to five years for committing perjury?

4 A. I don't know.

5 Q. Was the thought of gaol and perjury to as word association  
6 that was linked up in your mind? That perjury, gaol --

7 A. Oh, yeh.

8 Q. -- that's the penalty for perjury. Where those things  
9 linked up in your mind as a consequence of what you say  
10 MacIntyre told you?

11 A. It's possible, yes.

12 Q. The reason I ask that question is because when you gave  
13 evidence at the preliminary inquiry at page eight of volume  
14 12. If you'd just turn to page eight --

15 A. Page eight.

16 Q. -- for a moment with me.

17 And you'll see if you go back a page to page seven. You'll  
18 see that it's you who's giving evidence here and he asks:

19 How old you are? Fourteen.

20 And then at the top -- the is the magistrate questioning  
21 you first of all to make sure that you understand the  
22 nature of an oath?

23 A. Yes.

24 Q. And he says at the top of the page:

25 Do you know what it is to take an oath on the Bible?

MAYNARD CHANT, by Mr. Pugsley

1 And you say: "Yes."

2 Question: "What does it mean?"

3 Answer: "To tell the truth."

4 Question: "What happens to people who don't tell the truth?"

5 Answer: "They commit perjury." You say,

6 And then the question is: "And what happens to people  
7 who commit perjury?"

8 Answer: "They have to pay a fine."

9 Not that they go to gaol but that they have to pay a fine.

10 And then he asked you: "Besides paying a fine, what else  
11 can happen to them?"

12 Answer: "They can be sent to gaol."

13 But your answer -- the first answer that you gave is that:  
14 "They have to pay a fine."

15 A. That's --

16 Q. And so what I'm suggesting to you is that if there was any  
17 discussion linking up the word perjury and the word gaol --

18 A. Yes.

19 Q. -- that that might well have occurred after you gave  
20 evidence at the preliminary?

21 A. It's -- I -- If I might make a comment on that statement  
22 that you just referred?

23 Q. Sure.

24 A. I think at 14 years of age it's reasonable assumption to  
25 say that I would say that not really knowing basically the

MAYNARD CHANT, by Mr. Pugsley

1 issues of court or the --

2 Q. Oh. I'm not quarrelling that you didn't know the right  
3 penalty or that what you said was the wrong penalty. I'm  
4 not quarrelling with that.

5 A. Thank you.

6 Q. But what I am suggesting to you is that if MacIntyre on  
7 June the fourth in Louisbourg in the Town Hall made it  
8 clear to you that if you don't tell the truth, you're  
9 committing perjury and you're going to go to gaol. I mean,  
10 if those thoughts were linked up in your mind some three  
11 and a half weeks before you gave evidence in the preliminary  
12 that I would have thought that when the judge asked you  
13 what happens if you commit perjury, you would have said  
14 you'd go to gaol not that you'd pay a fine but --

15 A. But I implied that you could go to gaol, didn't I?

16 Q. Pardon?

17 A. Didn't I imply that you could go to gaol?

18 Q. Yes, when he asked you the second question but your initial  
19 response was: "You have to pay a fine."

20 A. I have no problem with that.

21 Q. Okay. All right. You don't recall whether your mother  
22 was present outside the room in the Town Hall when you  
23 left?

24 A. No.

25 Q. She didn't ask you when you went home: "Maynard, what went on?"

MAYNARD CHANT, by Mr. Pugsley

1 "Did you tell the truth?"

2 A. I don't remember.

3 Q. If she had have asked you whether or not you told the truth,  
4 what would you have told her?

5 A. I don't know.

6 Q. My friend, Mr. Ruby, questioned you about that second statement  
7 and wanted to know where some of the things came from. It  
8 was suggested that they must have come from the police  
9 because you could not have known some of the things that  
10 appear in that statement. And one of them was that:  
11 "A dark hair fellow" , Pratico being -- having dark hair,  
12 I guess. It's a fact and just accept what I say is true  
13 for the moment. You gave your statement on May 30th on the  
14 Sunday afternoon at about five-thirty in the afternoon. I  
15 think that's the time. Five-fifteen, I guess. And five-  
16 thirty- five is the time when the statement was ended. Pratico's  
17 statement is around six o'clock the same day. Yes, my  
18 friend points out that he was asking about the June fourth  
19 statement and that is quite right. He was. But in the  
20 June fourth statement the words were: "I noticed a dark  
21 haired fellow." And the question is: "How did you know  
22 Pratico was dark haired if you never saw him?" And I'm  
23 pointing out to you that Pratico was as the police station  
24 on Sunday afternoon as well --

25 A. Okay.

MAYNARD CHANT, by Mr. Pugsley

1 -- on May 30th and you may have seen him there. You  
2 may have had a discussion with him there. Can you assist  
3 us on that regard at all?

4 A. I don't remember him being there.

5 Q. Okay. My friend also asked you about a quotation that  
6 appears on page 141 of volume 12 in Mr. Murrant's examination  
7 of you and the -- It's question 304. The question is:  
8 "The police did not tell you that Donald Marshall committed  
9 this crime did they?"

10 Answer:

11 I remember -- I don't remember when exactly it was  
12 said to me that he had tried -- Donald Marshall  
13 had tried to skip out or take off somewhere  
14 and the police had caught him in Whycomomagh or  
15 something like that but I don't remember when  
16 exactly that was but they never specifically said  
17 "Listen, Marshall is guilty and we want him."

18 And I'm paraphrasing -- I may have wrong what my friend  
19 was suggesting to you but I took from what he said that  
20 you know, perhaps the police told you on June fourth that  
21 Marshall had skipped out and they had to get him in  
22 Whycomomagh. That's what I took and I may have been  
23 wrong in what I took. But in any event, the fact is  
24 that Marshall was not charged until after you gave the  
25 statement on June fourth. Were you aware of that?  
Perhaps you don't know that?

MAYNARD CHANT, by Mr. Pugsley

1 | A. You were talking -- did you have a specific question that  
2 | you were -- before that that you were saying?

3 | Q. Yes, I was referring you to page 141 and question 304 and  
4 | the question --

5 | MR. RUBY:

6 | I did not mean to imply that Sergeant MacIntyre (inaudible -  
7 | microphone not transmitting.)

8 | MR. PUGSLEY:

9 | Thank you.

10 | MR. RUBY:

11 | Don't bother to pursue it.

12 | MR. PUGSLEY:

13 | I won't bother, thank you.

14 | BY MR. PUGSLEY:

15 | Q. In the evidence you gave at the preliminary, -- My friend  
16 | draws to my attention your evidence on page 27 of Volume 12  
17 | at the bottom of the page, question 30:

18 | Now you say that you -- I believe I know  
19 | where to pick it up. You started to walk  
20 | down the railway tracks. You noticed the  
21 | man behind the bush.

21 | A. Yes.

22 | Q. Did you recognize that man?

23 | A. No.

24 | Q. Did you know him by sight?

25 | A. The only time I knew him by sight was  
when he was up the police station that  
Sunday, that following day.



MAYNARD CHANT, by Mr. Pugsley

1 Do you think you may have seen Pratico at the police station  
2 on Sunday?

3 A. I don't recall it now seeing him. Back there when the  
4 statement was given, it's a little more fresh.

5 Q. If you'll turn to the statement that you gave to the R.C.M.  
6 Police, the first statement that you gave, and I'll find that  
7 page for you in just one second, 47, and on the middle of the  
8 page, the third paragraph, you say:

9 This was Sandy Seale and he'd been stabbed  
10 in the stomach. The fellow that I later  
11 learned was Donald Marshall did not go near  
12 the body. There was no blood from the cut  
13 on his arm and he showed several people. I  
14 thought his actions were quite suspicious at  
15 the time.

16 And this is a statement you gave to the -- Corporal Carroll  
17 in 1982.

18 A. Yes.

19 Q. Seale was still alive and I put my shirt in  
20 the wound. The police interviewed me that  
21 night and I repeated what Marshall had told  
22 me. I don't know why. I had to say something.  
23 I told the police I saw everything referring  
24 to the cut. I definitely did not see the  
25 murder. Everything was over by the time I got  
over where Seale was. Some time later I was  
taken to the park and they asked me where I was  
standing. I more or less showed them what they  
wanted to get it over with. I wasn't in the  
park around the murder. I was interviewed by  
two detectives. My mother was also there. In  
the second statement, I told the detectives I  
saw the murder. They told me that another guy  
had seen me in the park and I had to see it so  
that's what I told them.

26 You didn't mention in that statement about your mother being

MAYNARD CHANT, by Mr. Pugsley

- 1           turned out of the room, did you?
- 2    A.   We were just -- I thought I was just touching base on the  
3       reality of what was happening and I didn't see any need to  
4       touch on that right then. I don't know. I just never --  
5       I don't know. I don't understand your --
- 6    Q.   Well, there was no suggestion here that the police were doing  
7       bad things, that they were pressuring you into telling untrue  
8       stories. There's --
- 9    A.   Yeh.
- 10   Q.   -- no suggestion in that first statement.
- 11   A.   But you said that I made no suggestions to say that she had  
12       left the room in that statement?
- 13   Q.   In this statement, yes.
- 14   A.   Well is that implication to me that she didn't leave the room  
15       or did she leave the room? Is that what you're asking me or  
16       are you just --
- 17   Q.   I'm not asking you that. I'm just asking you --
- 18   A.   Well, you're asking --
- 19   Q.   -- I'm just putting that to you.
- 20   A.   Yeh, you're asking me something, though, or are you just  
21       pointing it out to -- Do you want my comment on it or do  
22       you just --
- 23   Q.   I'm pointing out to you that in this statement, you did not  
24       say, "My mother was put out of the room." Do you have any  
25       comment on that?

MAYNARD CHANT, by Mr. Pugsley

1 A. No.

2 Q. Okay. And the top of page 48:

3 I say I cannot explain what made me lie about  
4 this other than I was young and scared at the  
time.

5 But again there's no -- you don't say anything at all about  
6 the police putting pressure on you in this first statement.

7 Do you?

8 A. I don't know.

9 Q. Okay. All right. Now for some reason or another, the R.C.M.P.  
10 weren't satisfied with this so they came back at you again  
11 a couple of months later, right?

12 A. I don't know.

13 Q. Do you recall --

14 A. That's your assumption, is it?

15 Q. Well, it's my assumption borne out by the fact that this  
16 first statement you gave was on February 16th, 1982, and  
17 there's a second statement on page 49 of April the 20th,  
18 1982, two months later.

19 MR. RUBY:

20 My Lord, my friend is asking the witness to explain why the  
21 R.C.M.P. did or did not do something. That's why they came  
22 back again. He can't possibly know what was in the mind of the  
23 R.C.M.P. and I don't think speculations on that are helpful.  
24 Certainly my friend has characterized with the witness that there's  
25 no suggestion in that first statement of prejudice -- pressure

MAYNARD CHANT, by Mr. Pugsley

1 by the police but if you look at the end of the fourth paragraph,  
2 "They...", that is the police, "...told me that another guy had  
3 seen me in the park and I had to see it so that's what I told  
4 them." So I rise or I direct my friend on those two points.

5 MR. PUGSLEY:

6 With respect to the first comment, I don't want this witness to  
7 speculate.

8 BY MR. PUGSLEY:

9 Q. Did the R.C.M.P. tell you why they came back the second time  
10 to take the second statement?

11 A. That it was -- I recall something in the line of -- because  
12 of the evidence that I had given that night, that they had  
13 to go over it, I guess, and that they would be in touch with  
14 me later.

15 Q. I see.

16 MR. CHAIRMAN:

17 Q. But just -- Do I understand you to say that when you concluded  
18 your first statement to the two R.C.M.P. officers when they  
19 were leaving, they indicated to you they would be back?

20 A. Yes.

21 BY MR. PUGSLEY:

22 Q. The affidavit that is found starting on page 52 was sworn on  
23 the 14th of July, 1982, the same year.

24 A. Page 80?

25 Q. Page 52.

MAYNARD CHANT, by Mr. Pugsley

1 A. Sorry.

2 Q. Page 52, 3, and 4. This is sworn. It's an affidavit that  
3 is a sworn statement and did Elaine MacPherson ask you if  
4 you swore to the truth of the statements contained in this  
5 affidavit?

6 A. I don't know.

7 Q. I see.

8 A. I don't remember. I just --

9 MR. CHAIRMAN:

10 Mr. Pugsley, would you try and ascertain from this witness who  
11 prepared the affidavit?

12 MR. PUGSLEY:

13 Yes, I'm going to deal with it, My Lord.

14 BY MR. PUGSLEY:

15 Q. Do you know who prepared the affidavit?

16 A. Pardon me?

17 Q. Do you know who prepared this affidavit? Who had these -- Who  
18 was the person that took the information down presumably from  
19 you in order to prepare this affidavit? Do you know Stephen  
20 Aronson? Do you know a lawyer by the name of Stephen Aronson?

21 A. Probably by sight.

22 Q. Do -- Was there a lawyer who was acting on behalf of Donald  
23 Marshall who interviewed you --

24 A. Somebody was taking a statement. I -- there was a man there  
25 taking the statement. I can't remember exactly --

MAYNARD CHANT, by Mr. Pugsley

1 Q. It was a man, was it?

2 A. I believe so.

3 Q. Did he come around with the R. C. M. Police? Did he come  
4 around with Carroll?

5 A. I don't know.

6 Q. I see. In any event we have -- we have three typed pages,  
7 52, 53, and 54, and someone must have placed this material  
8 in front of you and presumably asked you to read it before  
9 you signed your name. Did that happen?

10 A. It must have.

11 Q. Do you recall it happening?

12 A. Not really.

13 Q. All right. Well, let's take a look at it. Take a look at  
14 page 52.

15 I, Maynard V. Chant,

16 Is your second initial V?

17 A. Yes,

18 Q. That's right.

19 I was born on October 14th, 1956.

20 That's correct, is it? That is correct?

21 I was born on October 14th, 1956.

22 A. Yes.

23 Q. And on the date of the murder of Alexander  
24 Sandy Seale, May 28, '71, I was 14 years of  
age and in grade six at school.

25 Is that true?

MAYNARD CHANT, by Mr. Pugsley

1 A. I believe so.

2 Q. That I was a witness at the preliminary hearing  
and subsequent trial of Donald Marshall.

3 That is true, is it?

4 A. Yes.

5 Q. That on February 16th, 1982, I was interviewed  
6 by R.C.M.P. Corporal J. E. Carroll and gave a  
7 free and voluntary written statement to the  
said Corporal Carroll.

8 That is true, is it?

9 A. Yes.

10 Q. A copy of which is produced herewith and  
marked exhibit A.

11 Paragraph 4:

12 Than on May 30th, 1971, I was interviewed by  
13 then Detective Sergeant J. F. MacIntyre, the  
14 Sydney City Police and gave a written statement  
to the said MacIntyre, a copy which is produced  
15 herewith and marked exhibit B.

16 Do you recall seeing a copy of the statement that you gave to  
Sergeant MacIntyre on May 30th when you signed this affidavit?

17 A. At the time of giving the statement I indicated that I did,  
18 yes. Every -- It's getting -- It's getting run together on  
19 me. I don't know how to comment on that.

20 Q. Okay. In paragraph 12, it was referred to you before. It  
21 says:

22 Subsequent to the preliminary hearing in this  
23 matter in July, 1971, I spoke with the Crown  
Prosecutor, the late Donald MacNeil, Q.C., who  
24 informed me that if I changed my statement that  
I had seen Donald Marshall, Jr., stab Sandy  
25 Seale that I would be charged with perjury.

MAYNARD CHANT, by Mr. Pugsley

1 Now was that an accurate statement that Donald MacNeil told  
2 you that?

3 A. Mr. MacNeil?

4 Q. The Crown Prosecutor. Is he the one who said you've be charged  
5 with perjury if you changed your statement?

6 A. Yesterday as I -- as the same question came around, there was  
7 a lot of people at that time dealing with -- with me.

8 Q. A lot of people. You mean, like whom?

9 A. The detectives and referring to the Crown Prosecutor which  
10 was Mr. MacNeil.

11 Q. Oh, yes, in 1971, you mean. Yes.

12 A. It seemed real at the time that I would give this evidence  
13 but I --

14 Q. At the reference --

15 A. -- can't -- I can't give you actual certainty that it was Mr.  
16 MacNeil now at this time.

17 Q. Do you think you were certain in 1982 that it was Mr. MacNeil?  
18 Can you say that?

19 A. Did I make reference to that in a statement, may I ask?

20 Q. No. In paragraph 12 here when you swore this affidavit --

21 A. Yes.

22 Q. -- did you --

23 A. Oh, I thought you were referring to the night that I give  
24 this statement with --

25 Q. No, no, no. In 1982 when you swore this affidavit -- signed



MAYNARD CHANT, by Mr. Pugsley

1 |       this affidavit, was it in your mind that Donald MacNeil said  
2 |       that you'd be charged with perjury?

3 | A. I just said yes to that before.

4 | Q. You said yes. I see, okay. There is no reference in this  
5 | affidavit about John MacIntyre mentioning perjury to you.

6 | A. I probably could have got the two names confused, sir.

7 | Q. I see. It's pretty serious -- it's pretty serious stuff,  
8 | isn't it? I mean this is a sworn statement, this is an  
9 | affidavit. You're saying that you could have got them mixed  
10 | up?

11 | A. Yes, it is a sworn statement.

12 | Q. Yes.

13 | A. And it's --

14 | Q. It's not only --

15 | A. Like you said it's serious stuff, I -- my intention is not  
16 | to mix up statements. My intention is not to tell the truth  
17 | and not to tell the truth.

18 | Q. Mr. --

19 | A. I was still probably under a lot of pressure probably then,  
20 | to probably get this thing out in the open. I apologize  
21 | if I've insinuated that one person was there over another,  
22 | meaning Mr. MacIntyre or Mr. MacNeil.

23 | Q. Do you know which one it was that mentioned the word "perjury"  
24 | to you?

25 | A. No.

MAYNARD CHANT, by Mr. Pugsley

1 | BY THE CHAIRMAN:

2 | Q. Am I correct in assuming that Elaine MacPherson is the Clerk  
3 | of the or was the Clerk of the Louisbourg Town Council at  
4 | the time you swore this affidavit?

5 | A. I believe so, sir.

6 | MR. CHAIRMAN:

7 | That's correct, is it?

8 | MR. PUGSLEY:

9 | I understand she's a Commissioner. She's not a Barrister, not  
10 | a member of the Supreme Court of Nova Scotia but she's a  
11 | Commissioner to take oaths. That's my understanding.

12 | COMMISSIONER EVANS:

13 | It's signed as a Barrister of the Supreme Court.

14 | MR. PUGSLEY:

15 | Her stamp as a commissioner, My Lord, in that --

16 | COMMISSIONER EVANS:

17 | It's a stamp where it's signed. It's noticed above that.

18 | MR. PUGSLEY:

19 | Yes. That's what my -- I don't know the person personally but  
20 | that's what my instruction was, that she was just a Commissioner  
21 | and not a Barrister.

22 | COMMISSIONER EVANS:

23 | All I was trying to make the point that whoever drew the affidavit  
24 | obviously expected that some Barrister --

25 | MR. PUGSLEY:

Barrister was taking it.

MAYNARD CHANT, by Mr. Pugsley

1 COMMISSIONER EVANS:

2 -- was going to sign it.

3 MR. PUGSLEY:

4 Take it.

5 COMMISSIONER EVANS:

6 Take it.

7 MR. PUGSLEY:

8 Quite so.

9 BY MR. PUGSLEY:

10 Q. Is it fair to say that it was your impression that John  
11 MacIntyre was after the truth during the course of this  
12 investigation with respect to his interviews with you?

13 A. Yes.

14 Q. And indeed on page 70 when you gave evidence before the  
15 Appeal Division of the Supreme Court of Nova Scotia in 1982,  
16 at the bottom of page 70, the question from Mr. Edwards, the  
17 Crown Prosecutor was:

18 And isn't it fair to say that what they were  
19 trying to tell or what they told you at the time  
20 was they communicated to you the seriousness of  
telling lies about what you had seen. They were  
after your true statement, weren't they?

21 And your response was at that time:

22 They were after the truth.

23 And then at the top of page 71, Mr. Edwards said:

24 Yes, there's no question about that. They  
25 were after the truth, right?

And you answered "yes" to that, and you were under oath at