

MAYNARD CHANT, by Mr. Pugsley, by Mr. Murray

1 the time you gave those answers?

2 A. Yes.

3 Q. And your evidence was in fact true.

4 A. Pardon me, sir?

5 Q. And these answers you gave were true. They were after the  
6 truth.

7 A. Yes, I believe that.

8 Q. Yes.

9 MR. PUGSLEY:

10 Excuse me just a moment, My Lord, if I can just check with my notes.

11 Thank you, My Lord. Thank you, Mr. Chant.

12 MR. CHAIRMAN:

13 Mr. Murray.

14 BY MR. MURRAY:

15 Q. Mr. Chant, my name is Donald Murray and I'm representing Mr.  
16 Urquhart at these Hearings. Do you remember giving evidence  
17 at the Appeal Division in Halifax?

18 A. Yes.

19 Q. Do you remember the lawyer that you were questioned by first  
20 at that time?

21 A. I don't remember his name.

22 Q. You don't remember his name but you know him to see him?  
23 Had you seen him before that day?

24 A. I don't know.

25 Q. So you don't know whether you saw him at all in connection

MAYNARD CHANT, by Mr. Murray

- 1 with that affidavit that has been discussed at various times?
- 2 A. I -- after seeing so many people at that time, possibly I might  
3 know him if I seen him.
- 4 Q. I don't wish to go over a lot of things that the other counsel  
5 have gone over and I will try to be very brief and I expect  
6 you're -- you're a little tired at this point in any event.
- 7 A. Thank you.
- 8 Q. But you have indicated your words were to the first police  
9 officers you met that evening is "I've seen everything", or  
10 "I've seen it all."?
- 11 A. Yes.
- 12 Q. And you -- those words didn't really convey what you wanted to  
13 convey at that time?
- 14 A. No.
- 15 Q. Now for various reasons you never got a chance to give the  
16 full explanation before you ended up lying in your first  
17 statement to the police, whatever those reasons might have  
18 been?
- 19 A. That's true.
- 20 Q. Then, of course, the police come to Louisbourg and advise  
21 that they've determined that you weren't telling the truth on  
22 the May 30th statement.
- 23 A. Yes.
- 24 Q. And at that time you tried to say you hadn't seen anything.
- 25 A. Yes.

MAYNARD CHANT, by Mr. Murray

- 1 Q. Which wasn't the truth, either, was it?
- 2 A. Yes, it was.
- 3 Q. Well, hadn't you seen Donald Marshall running across the bridge?
- 4 A. Are you -- if I may clarify myself to the intention that in  
5 reference to "I didn't see anything.", I was thinking of the  
6 statement that I'd given possibly in Sydney on the 30th?
- 7 Q. Perhaps I can assist you. You -- When you said, "I didn't  
8 see anything.", what you meant to say is: "I didn't see  
9 anything about a knife going in.
- 10 A. Thank you, yes.
- 11 Q. But in fact, you had been involved in seeing some of the events  
12 that took place on that evening.
- 13 A. Yes, sir.
- 14 Q. And the officers that were questioning you in Louisbourg would  
15 have no idea from what you said that that you were referring  
16 to the stabbing as opposed to the general scene of events?
- 17 A. That's -- that's correct.
- 18 Q. And as I think that you said yesterday, you were trying to  
19 pack it all into one word and it just wasn't getting across.
- 20 A. Yes.
- 21 Q. And if it wasn't getting across, I take it that the -- if the  
22 officers had walked away at that point and said Mr. Chant  
23 didn't see anything, that they wouldn't have a correct picture  
24 at the time they walked away, would they?
- 25 A. I guess not.

MAYNARD CHANT, by Mr. Murray

- 1 Q. And in fact you testified at one of the trials of Roy Ebsary  
2 about your knowledge of the events of that evening.
- 3 A. The trial of Roy Ebsary?
- 4 Q. Yes, in January, 1985.
- 5 A. Do you have a statement of that?
- 6 Q. Volume 12 and I'd ask you to look at page 151 and perhaps  
7 you could skim through. Is that correct?
- 8 A. Which are you referring to?
- 9 Q. Do you remember testifying at one of the Roy Ebsary trials?
- 10 A. That was taking place in Sydney?
- 11 Q. Yes.
- 12 A. Yes. I remember being there, yes.
- 13 Q. And you gave evidence about your movements on that night and  
14 your contact with both Donald Marshall, Sandy Seale, and the  
15 couple on Byng Avenue?
- 16 A. Vaguely, yes, I remember that.
- 17 Q. My suggestion to you, Mr. Chant, is that because of that  
18 you certainly had evidence to give but when you said, "I didn't  
19 see anything.", what you really wanted was to not be involved.
- 20 A. Yes.
- 21 Q. And the desire to be -- not to be involved and the fact that  
22 you were involved to some extent was pulling you apart inside.
- 23 A. Yes.
- 24 Q. And the pressure that you felt in 1971 was primarily pressure  
25 coming from within yourself, I think you said yesterday.

MAYNARD CHANT, by Mr. Murray

1 A. Yes.

2 Q. Now of the two Sydney detectives present when your Louisbourg  
3 statement was taken, I take it one did all the talking and  
4 the other one was silent throughout.

5 A. I believe I stated that, yes.

6 Q. In fact, your recollection of the person you described as  
7 Inspector Urquhart in your affidavit, you have no clear  
8 recollection, I suggest, of anything about him except that he  
9 was another Detective there.

10 A. Is this referring to --

11 Q. The Louisbourg statement.

12 A. In at the Town Hall?

13 Q. Yes.

14 A. That's correct.

15 Q. Now what you've testified about to the various counsels occurred  
16 many years ago.

17 A. Yes.

18 Q. And you were scared at many times and you've been an abuser  
19 of drugs for some seven years in the meantime, '72 to '79?

20 A. Yes.

21 Q. That would include chemicals and hashish?

22 A. Yes.

23 Q. And by 1979 I think your evidence is is that mentally you  
24 were in a mess.

25 A. Yes.

MAYNARD CHANT, by Mr. Murray

1 | Q. I suggest that some -- some aspects of this whole matter,  
2 | you've just erased themselves from your mind.

3 | A. Pardon me, sir?

4 | Q. Some aspects of this -- this investigation and prosecution  
5 | have just erased themselves from your mind. I believe you  
6 | used that word before. Your mind just would erase.

7 | A. Oh, I was trying to say that I was -- that I -- to try to  
8 | forget it.

9 | Q. Could I ask you to look at Volume 12 again, sir?

10 | A. Yes.

11 | Q. Page 125. Question 170:

12 | I take it that you don't recall all the things  
13 | that occurred in the period of time May, June,  
14 | July, August, clearly?

15 | A. A lot of things that I've said, a lot of  
16 | that are really stuck out in my life are the  
17 | the things that have been more or less really  
18 | have held me, you know, the principle things  
19 | that have happened to me personally and what  
20 | happened relatively speaking through fear and  
21 | stuff like that, things like that, they just  
22 | erase.

19 | Would you agree with that statement today, sir?

20 | A. Yes.

21 | Q. And things that didn't just erase would in your words again  
22 | "just slip away" over time?

23 | A. Excuse me, I don't understand.

24 | \_\_\_\_\_  
25 | *J.M.*

MAYNARD CHANT, by Mr. Murray

1 Q. Do memories slip away?

2 A. Now?

3 Q. All the time? Perhaps to assist you could you look at page 73.

4 And this is during your Cross-Examination by Mr. Edwards in

5 Halifax, he puts the part of the statement of June 4th to

6 you and finishes his question with:

7 "...do you recall saying that in your  
8 second statement at the Louisbourg  
Town Hall on June the 4th"?

9 Your answer:

10 "I don't recall saying it at Louisbourg".  
11 "I recall saying it at the trial". "A lot  
of it has slipped away from me".

12 And you use that expression there, and I'd also ask you

13 to look at page 96, question 112:

14 "Did anybody ever come back to you  
15 in those days with a copy of your  
first statement and ask you why  
16 they were different"?

17 A. "A lot of that stuff like I say, it's  
18 gone away from me, and I can't even  
recollect it, but I remember something  
19 to that affect, but I don't remember  
what it was about or anything like  
20 that".

21 So would you agree with that kind of description of your

22 mental state at the present time. The memories of these

23 events are slipping away?

24 A. Maybe because I want them to slip away.

25 Q. Yes.

MAYNARD CHANT, by Mr. Murray

1 A. Like I'd like today to slip away.

2 Q. Yeh. Did you want --

3 A. But as we continue with this I'm -- I bring to mind that  
4 our memory bank is something that's stored, and possibly  
5 through jarring it by questioning after questioning, surmising  
6 after surmising, statement after statement referring to  
7 statement after statement, it's possible that I could -- if  
8 you want to take me aside in a room and extensive --  
9 I could probably come up with something but --

10 Q. Suggestion and suggestion?

11 A. Not to the point of you suggesting to me what to say, no, but  
12 to the point of recalling. There's some definite things  
13 I probably think in your life that you remember as a child  
14 that you'll never erase although you would like to, and there's  
15 some other things that go because of -- I will be honest  
16 with you, because of a lot of drug abuse my mind has gone  
17 through a distorted area of my life and even up to the  
18 present time there are a lot of things that are hazy in my  
19 personal life not even having to do with this--

20 Q. Yes.

21 A. --that is taking time to be restored. I would hope that would  
22 have no bearing on my capability to still try to tell the  
23 truth here today.

24 Q. Oh, I don't think there's any doubt about that, sir?

25 A. I'm sorry, I just felt that you were probably heading toward



MAYNARD CHANT, by Mr. Murray, by Mr. Elman

1 | that direction.

2 | Q. No, no. My purpose in asking the question was simply to  
3 | determine your understanding of your own capabilities of  
4 | remembering, sir.

5 | A. I'll be honest with you, some things are hard, yes.

6 | Q. Now Wayne Magee, you say, was present throughout your  
7 | Louisbourg statement on June 4th?

8 | A. I believe so.

9 | Q. And I take it he would have been present too and in a  
10 | position to see Mr. MacIntyre walking up and down?

11 | A. Yes.

12 | Q. He would have been in a position to hear things that were  
13 | said?

14 | A. Yes.

15 | Q. And would you acknowledge, sir, because of what you have  
16 | acknowledged about your own memory that indeed his recollection  
17 | might be better than yours about that afternoon?

18 | A. No.

19 | MR. MURRAY:

20 | I have no further questions.

21 | MR. CHAIRMAN:

22 | Mr. Elman.

23 | BY MR. ELMAN:

24 | Q. Mr. Chant, I'm here representing the estate of the late  
25 | Donald C. MacNeil who was the Crown Prosecutor. You

MAYNARD CHANT, by Mr. Elman

1           remember Mr. MacNeil?

2           A. Yes, sir.

3           Q. All right. Do you understand what Mr. MacNeil's position was  
4           as Crown Prosecutor?

5           A. Now or then, sir?

6           Q. Then, at that time, or even now. Well, I'll suggest to you,  
7           wasn't it his job to put before the Court the facts that  
8           were gathered by the police as the investigators?

9           A. Now I realize that, yes.

10          Q. All right, and in your testimony you said that you had on  
11          occasion met with Mr. MacNeil. Do you remember when that  
12          was, Mr. Chant?

13          A. On occasion I had met with Mr. MacNeil? In the chambers with  
14          Mr. Pratico. Is that valid --

15          Q. You know the court house in Sydney?

16          A. Yes.

17          Q. Was that where you met him?

18          A. Yes.

19          Q. All right, and was it in the first office as you go in the  
20          court house on the first floor?

21          A. Yes.

22          Q. And the day that you met him, did you go into Court that day?

23          A. Possibly.

24          Q. Possibly?

25          A. I don't -- I believe I was there for that particular reason, yes.

MAYNARD CHANT, by Mr. Elman

1 Q. All right. Do you think it was the day of the Preliminary or  
2 the day of the trial?

3 A. I don't know.

4 Q. I'll try to refresh your memory. The day of the Preliminary  
5 was some time in July and the trial was some time in November  
6 of 1971. Do you recall if you were there more than one day  
7 for the Preliminary?

8 A. I don't know.

9 Q. I suggest to you that you met maybe or that you possibly  
10 met with Mr. MacNeil some time after the Preliminary and  
11 before the trial?

12 A. I don't know.

13 Q. Do you understand the times that you gave evidence and how  
14 many times that you have given evidence in this matter up  
15 to the trial in 1971, and including that trial?

16 A. How many times that I've given statements?

17 Q. Statements and/or evidence.

18 A. To a certain degree, yes.

19 Q. All right. I suggest to you you gave a statement on the  
20 30th day of May of 1971. You've gone over that and I'm not  
21 going to review it. Do you recall that one on Sunday at  
22 the police station?

23 A. Yes.

24 Q. And then also you gave a statement on June the 4th, correct?

25 A. Yes.

MAYNARD CHANT, by Mr. Elman

1 Q. All right, and then you gave evidence in the Preliminary  
2 before Judge John F. MacDonald in Magistrate at the court  
3 house in July of 1971. Do you recall that?

4 A. Yes.

5 Q. And I suggest to you that was the first time that you ran into  
6 the Crown Prosecutor Mr. MacNeil?

7 A. That's possible.

8 Q. And he was the one who examined you and got from you answers  
9 to questions which he put in order to establish whether or  
10 not there was sufficient evidence for Mr. Marshall to stand  
11 his trial, and maybe you may not understand that procedure  
12 but that is the procedure that we --

13 A. I understand, sir.

14 Q. You understand the procedure now?

15 A. Yes.

16 Q. Did you understand it then?

17 A. I don't know.

18 Q. So that the Preliminary was just to establish whether or  
19 not there was sufficient evidence to go to trial, and you gave  
20 evidence at that time. Do you recall that?

21 A. Yes.

22 Q. Now somewhere along the way you had said that Mr. MacNeil  
23 told you, "Don't say knife". "Don't say that you saw a knife".  
24 Wasn't it because he didn't want you to say anything that he  
25 thought maybe was not true?

MAYNARD CHANT, by Mr. Elman

1 A. I don't know.

2 Q. But he told you to say, "a shiny object", and I -- I believe  
3 you said that in your evidence yesterday?

4 A. Yes, I did. Yes.

5 Q. In a question by Mr. Orsborn.

6 A. Yes.

7 Q. And he said to you, "Say a shiny object", and isn't it  
8 because you weren't sure whether or not it was or was not a  
9 knife?

10 A. I wouldn't be sure anyway because I didn't see anything.

11 Q. But you conveyed it to him at least?

12 A. Well, I was -- As I said before I was in the position then  
13 to try to get something that was believable, I guess. I was  
14 looking for something -- looking for some evidence maybe from  
15 my -- so I could be believed.

16 Q. You have evidence in the Preliminary in July of 1971 which is  
17 almost exactly the same as your statement of June the 4th  
18 that you gave to Sergeant MacIntyre, isn't that so?

19 A. Pardon me, sir.

20 Q. The evidence that you gave, and I'm not going to go over it,  
21 we've gone over it several times here -- The evidence that you  
22 gave at the Preliminary in July of 1971 was almost identical  
23 to the statement which you had given to Sergeant MacIntyre  
24 in Louisbourg on June the 4th of 1971?

25 A. Yes.

MAYNARD CHANT, by Mr. Elman

- 1 Q. Yeh, and Mr. MacNeil therefore would have no reason to  
2 believe that it would be untrue, isn't that correct?
- 3 A. It's possible.
- 4 Q. You have the statement to Johnny MacIntyre, John MacIntyre  
5 the detective, you gave it then before the Provincial  
6 Court Judge under oath, the same statement, isn't that  
7 correct?
- 8 A. Yes.
- 9 Q. Yeh. At the time of the Preliminary before Judge MacDonald  
10 or Magistrate Judge MacDonald, were you cross-examined by  
11 Mr. Rosenblum or by Mr. Khattar who represented Mr. Marshall?
- 12 A. I'm sorry, did you say that I -- during the trial --
- 13 Q. I'll put the question to you again. Do you recall being  
14 asked any questions after Mr. MacNeil had extracted from you  
15 the evidence as Prosecutor. Do you recall being questioned  
16 " by Mr. Rosenblum or Mr. Khattar who represented Mr. Marshall?
- 17 A. Off the stand you mean?
- 18 Q. No, no, on the witness stand.
- 19 A. Yes, a bit.
- 20 Q. You say that they did, in fact, ask you questions?
- 21 A. Marshall's lawyers?
- 22 Q. Marshall's lawyers, yes.
- 23 A. I seem to remember a bit of it.
- 24 Q. All right. Just look at page 15 of the book that you have  
25 there in front of you.

MAYNARD CHANT, by Mr. Elman

1 A. Page 15?

2 Q. Volume 12, yes, page 15. Up until that point, Mr. Chant, you  
3 are answering questions that are being put to you by  
4 Mr. MacNeil, and if you go down to line 20:

5 Q. "Do you know if there were any  
6 lights in the area"?

7 A. "Yes, sir".

8 Q. "How many"?

9 A. "Two, maybe three". "I guess there  
10 was a street light fifteen or  
twenty feet away from where they  
were standing at".

11 And then it says: "No questions by defense", and then it  
12 says John Pratico was sworn. Does that indicate to you  
13 that you were not questioned by Defense Counsel at that time?

14 A. That indicated to me that I wasn't questioned by them, that  
15 I was questioned by --

16 Q. You were questioned by Mr. MacNeil only.

17 A. Yes. Can I stand up for a few moments?

18 COMMISSIONER EVANS:

19 Sure. You can answer standing up as well.

20 THE WITNESS:

21 Oh, thank you. I could really use that.

22 BY MR. ELMAN:

23 Q. Okay?

24 A. Yeh.

25 Q. All right. During that evidence that you gave at the Preliminary,

1 I refer you to page 11 in the book volume 11 or 12 --  
2 volume 12. On page 11 Mr. MacNeil asked you, "Where did  
3 you go?", and you said that you:

4 " ...cut across, I don't know exactly,  
5 towards George Street". "There was  
6 a path on the other side of the  
7 tracks, the bridge like". "I went  
8 up that path, up that way towards  
9 the bus terminal again".

10 And then he questions you. He says:

11 "Can you read the plan, sir"?

12 And you answer:

13 "Yes".

14 Then he says:

15 "I show you Exhibit one, sir". "Now do  
16 you see what that is"?

17 And in answer you say:

18 "Yes, tracks".

19 Q. "Would you explain this to His Honour,  
20 please".

21 "And you say you ran down. Where did  
22 you get..."

23 "You ran down, where did you get on the tracks"? That was  
24 a question. "Witness points to plan". Do you recall doing  
25 that, pointing to the plan and telling the prosecutor and  
the Court at that time in which direction that you went?

A. I don't recall it, sir.

Q. It goes on:



MAYNARD CHANT, by Mr. Elman

1 A. "Down this way".

2 "Points to plan". Wherein you pointed to the plan where  
3 you went?

4 A. Yes.

5 Q. "How far down did you walk when you  
6 saw this man behind the bush"?

7 A. "Right about here".

8 And again you pointed to the plan.

9 "Did you stand behind him"?

10 A. "Behind the man".

11 And then we go down a little further on page 12 around line ten:

12 "And you got up to where"?

13 And you answered:

14 "Up to about there". "I was  
15 going to go up there and I saw  
16 Donald Marshall running this  
way".

17 All of this refers, Mr. Chant, to you pointing to the plan. Do  
18 you recall doing that during that Preliminary?

19 A. No.

20 Q. Now you said in your testimony this morning and yesterday that  
21 Donnie MacNeil got mad at you. You recall that? Do you  
22 recall making the statement, Mr. Chant?

23 A. I recall making the statement. I think I had given some  
24 reference to that too that the evidence came out further on  
25 that I didn't realize or I didn't know if it was Mr. MacNeil

MAYNARD CHANT, by Mr. Elman

- 1 or somebody else. I believe I gave a statement to that  
2 yesterday, didn't I?
- 3 Q. What do you recall saying yesterday?
- 4 A. That's what I recall. That's what I'm saying.
- 5 Q. But Mr. MacNeil was, in fact, disturbed with you during the  
6 trial, wasn't he?
- 7 A. Pardon me.
- 8 Q. Mr. MacNeil was disturbed with you during the trial. During  
9 the trial before the jury in November he was disturbed with  
10 you, wasn't he?
- 11 A. Yes.
- 12 Q. Yeh, and he had you declared as a hostile witness?
- 13 A. Yes.
- 14 Q. Yeh, and do you know what it means to be a hostile witness?
- 15 A. Then?
- 16 Q. Yeh.
- 17 A. No.
- 18 Q. Do you understand what it means now?
- 19 A. Not fully.
- 20 Q. But you heard the term being used during the Court session?
- 21 A. When?
- 22 Q. The trial of November of 1971.
- 23 A. It was used to me.
- 24 Q. Yes.
- 25 A. That's basically the only time that I heard it.

MAYNARD CHANT, by Mr. Elman

1 Q. Sure, and I'm suggesting to you that a hostile witness  
2 is a person who gives testimony during a trial which is  
3 different from the testimony that he had given at a previous  
4 trial?

5 A. Yes.

6 Q. Yeh, and that's why you were declared as a hostile witness,  
7 isn't that so?

8 A. Yes, I remember --

9 Q. Because you were --

10 A. Excuse me.

11 Q. Yeh.

12 A. Can I say something?

13 Q. Sure.

14 A. I remember looking back at that today, I remember thinking that--  
15 I remember thinking that during that time when I was -- when  
16 they came back and called me -- said that I was a hostile  
17 witness, I remember feeling that -- or my thought to then  
18 was that -- that -- that they weren't believing -- they weren't  
19 believing me and I remember relating -- or putting a  
20 relation to it that -- that I was going to be out of  
21 there. That there would be -- I was thinking that there  
22 was -- by not really understanding I thought that I would  
23 be -- that I was going to be let go.

24 Q. Are you trying to convey to us, and I'm not really sure that  
25 I understand what you're saying, that because you were

MAYNARD CHANT, by Mr. Elman

1 declared a hostile witness that you would then be let go and  
2 you wouldn't have to give any -- any more testimony. Is that  
3 what you believed?

4 A. I was being -- Not understanding really, I tried to assume  
5 what was being -- what was being said as a hostile witness.  
6 I just felt within myself that I wasn't really thinking myself  
7 responsible in actually putting Mr. Marshall to gaol.

8 Q. Well, if I'm getting it straight there, you expected that if  
9 you were declared a hostile witness that you -- your testimony  
10 would not be believed and you wouldn't have to give any  
11 more testimony at that hearing -- at that trial?

12 A. In the reasoning of a fourteen year old, yes.

13 Q. Yeh, but in fact what happened was the Court had declared you  
14 a hostile witness, isn't that so?

15 A. I'm glad of that.

16 Q. And that read to you at that time was the statements that you  
17 had given in the Preliminary before George MacDonald in  
18 July of that year, and that was read into the evidence. Do  
19 you recall that?

20 A. No.

21 Q. All right, and we had gone through that, and I believe we  
22 went through that in the last day or so?

23 A. Yes.

24 Q. You may recall it from yesterday or maybe this morning,  
25 and that was -- you had given inconsistent statements and

MAYNARD CHANT, by Mr. Elman, by Mr. Saunders

1 then you were brought around to admitting that the statements  
2 which you had given on a previous occasion before in a  
3 previous Court under oath, was incorrect?

4 A. Yes.

5 Q. Isn't that correct?

6 A. Yes.

7 MR. ELMAN:

8 Would you give me a moment, My Lord. That's all the questions  
9 I have, My Lord. Thank you. Thank you, Mr. Chant.

10 THE WITNESS:

11 Thank you.

12 MR. CHAIRMAN:

13 We'll take a short recess.

14

15

16 INQUIRY ADJOURNED AT: 3:23 p.m., AND RECONVENED: 3:47 p.m.

17

18

18 MR. CHAIRMAN:

19 Oh, Mr. Saunders, I'd forgotten about you.

20

20 MR. SAUNDERS:

21 Thank you, My Lord.

22

22 BY MR. SAUNDERS:

23

23 Q. Mr. Chant, my name is Saunders and I represent the Attorney  
24 General's Department. In 1971, Mr. Chant, you were sworn to  
25 give evidence under oath on three occasions?

MAYNARD CHANT, by Mr. Saunders

1 A. Yes.

2 Q. The first one being at the Preliminary Inquiry in July, the  
3 second time being before the Grand Jury in November, and the  
4 third time being before the Jury and Judge at the Marshall  
5 Trial in November, 1971, correct?

6 A. Yes.

7 Q. And although it's painful for you, sir, to admit this, it's  
8 obvious to us all now that on all three occasions you lied  
9 under oath?

10 A. Yes.

11 Q. It's also clear to me that when you attended at the Preliminary  
12 hearing and gave your evidence for the first time under oath  
13 before the Magistrate you understood that it was a serious  
14 thing to lie under oath?

15 A. I had some knowledge of -- of -- the lying, yes, at that  
16 time was bad but I probably didn't understand the impact.

17 Q. Perhaps not the impact but you knew it was unlawful to take  
18 an oath on the Bible to swear to tell the truth in Court --

19 A. Yes, I was brought up for that, yes, thank you.

20 Q. And not to tell the truth, correct --

21 A. Yes.

22 Q. -- you knew that was an offense, sir?

23 A. Pardon me.

24 Q. You knew that was an offense?

25 A. Yes.

MAYNARD CHANT, by Mr. Saunders

1 Q. And you knew it at age fourteen just as well as you know it  
2 today?

3 A. Yes.

4 Q. And so if someone were to suggest to you in 1971 the serious  
5 consequences of telling falsehoods under oath, they'd be  
6 telling something to you you already knew?

7 A. Excuse me, would you repeat that.

8 Q. Certainly. If someone were to suggest to you in 1971 the  
9 serious consequences of lying under oath, they'd be telling  
10 you something you already knew?

11 A. I don't think so, not as far as implying it to the justice  
12 system, no. As far as the knowledge of good and evil, if  
13 I may continue, right and wrong--I was brought up to distinguish  
14 right from wrong but I -- I was -- There again I might add  
15 that I was fourteen years of age. There was somethings that  
16 were probably still fantasy for me that could be perfectly  
17 right or it could be seriously wrong. There could be  
18 something that had been told to me that would be completely  
19 wrong that I would believe that was right and tell it in  
20 the intentions that it was right maybe even knowing it was  
21 wrong, so --

22 Q. Yeh.

23 A. -- I think viewing the age I had a clear definition of what  
24 was right and what was wrong.

25 Q. And you knew what you were doing was wrong?

MAYNARD CHANT, by Mr. Saunders, by Mr. Ross

1 A. Pardon me?

2 Q. And you knew what you were doing was wrong?

3 A. Yes.

4 Q. And you knew the consequences of that could be serious?

5 A. Yes.

6 Q. Thank you, and if someone suggested to you, Maynard, if you  
7 weren't telling the truth the consequences are serious, you  
8 already knew that, correct?

9 A. Yes.

10 MR. SAUNDERS:

11 Thank you. Those are all my questions, Mr. Chant.

12 MR. CHAIRMAN:

13 Mr. Bissell.

14 MR. BISSELL:

15 No questions, My Lord.

16 MR. CHAIRMAN:

17 Mr. Ross.

18 BY MR. ROSS:

19 Q. Mr. Chant, my name is Anthony Ross and I will be asking you  
20 a few questions which relate to the interests of the Seale  
21 family and when I'm through and with the premission of the  
22 Commissioners, my associate Mr. Drolet will ask you some  
23 other questions with respect to another aspect of the  
24 Inquiry. Now I think it's fairly clear that you did not  
25 see what happened to Sandy Seale on the 20th of May, 1971?



MAYNARD CHANT, by Mr. Ross

1 A. Yes.

2 Q. However, I think you might be helpful to the Commission if  
3 you can assist us in just tracing your steps from church up  
4 to when you got on the corner of Bentinck and Byng. Do you  
5 remember where Byng is?

6 A. Yes.

7 Q. Yes. Now I take it you were in church around what time?

8 A. Church went in, I believe, around maybe seven-thirty at that  
9 time.

10 Q. Yes, and you stayed until approximately when?

11 A. Between maybe nine and ten o'clock.

12 Q. Is that the closest you can give us, between nine and ten?

13 A. At this time.

14 Q. I see, and when you were leaving between nine and ten did you --  
15 sorry, before I get to that, was your father at church with  
16 you?

17 A. Yes.

18 Q. Was your mother also at church?

19 A. Yes.

20 Q. Did you have any brothers at church or just the three of  
21 you?

22 A. It was a custom in that -- for all of us to go to church.  
23 My older brother, I don't know, but I believe -- I believe  
24 everybody else was there.

25 Q. I see, and when you say everybody else, how many brothers did

MAYNARD CHANT, by Mr. Ross

1 | you have or do you have?

2 | A. I have four brothers.

3 | Q. And they were all at church? If the short answer is that you  
4 | can't remember, just tell me that.

5 | A. I just mean to say that the youth part of our family to a  
6 | certain age was probably instructed to attend all the services  
7 | or any services pertaining to our faith, and I was -- I believe  
8 | everybody below my age at that time was there.

9 | Q. I see. That would be who, all -- It would be you and who  
10 | else?

11 | A. That would be my three younger brothers and my two sisters?

12 | Q. And I take it your three younger brothers and your two sisters  
13 | went home with your mother and father after church?

14 | A. Yes.

15 | Q. So you were the only one that left church prematurely?

16 | A. Yes.

17 | Q. And I understand from reading your evidence that you left  
18 | there to go to visit a friend in Whitney Pier?

19 | A. Yes, sir.

20 | Q. And did you actually go to Whitney Pier that night?

21 | A. Yes, sir.

22 | Q. And did you meet this friend?

23 | A. I went to the place where he was, yet he had already left.

24 | Q. And what's this person's name?

25 | A. David Dollimont.

MAYNARD CHANT, by Mr. Ross

1 Q. David?

2 A. Dollimont from Louisbourg.

3 Q. David Dollimont?

4 A. Yes.

5 Q. Yes, and when you arrived at this place, what was this place?

6 Where were you supposed to meet David Dollimont?

7 A. At his girlfriend's place in the Pier.

8 Q. Yes, and what is her name?

9 A. Nancy Tarr.

10 Q. And did you attend at the Tarr residence?

11 A. Pardon me.

12 Q. Was she living at home at that time?

13 A. I believe so, yes.

14 Q. So you attend at her home, at the residence of where she  
15 lived?

16 A. I went to the -- yes, where she -- and inquired to where  
17 David was.

18 Q. Yes.

19 A. And I was informed that he was gone.

20 Q. Can you recall who you spoke with?

21 A. No.

22 Q. Could you recall around what time that would have been?

23 A. Assuming that the time was between nine and ten which I  
24 had left, it would probably be after ten o'clock. I  
25 couldn't give you a really specific time.

MAYNARD CHANT, by Mr. Ross

- 1 Q. Sure, and I guess it was your -- I guess you had some  
2 definite plans for that evening. You were going to see  
3 your friend David, and from there what did you intend to  
4 do? Did you intend to go right home after?
- 5 A. I planned on getting home with David.
- 6 Q. Oh, David was from Louisbourg also?
- 7 A. Yes.
- 8 Q. I see, and I must jump forward a bit. Did you see David  
9 the following day, the Saturday?
- 10 A. I don't think so.
- 11 Q. Did you see him on the Sunday?
- 12 A. No.
- 13 Q. When do you recall that was the next time that you saw  
14 David?
- 15 A. Oh, I couldn't give you that in detail. I don't --
- 16 Q. I see.
- 17 A. Not really. I couldn't really give you any information on  
18 that.
- 19 Q. Okay. Fine. Thank you. I will move now back to leaving  
20 the Tarr residence. So I take it you cannot recall the time  
21 you would have been at the Tarr residence?
- 22 A. Not specifically, no.
- 23 Q. Yes, but your best approximation would be what?
- 24 A. As I said before, after ten.
- 25 Q. After ten. And not having met David and having learned that

MAYNARD CHANT, by Mr. Ross

1 David had left, what did you plan to do then?

2 A. I had decided to possibly take the -- head over town and  
3 catch the bus to go home.

4 Q. Did you have money for bus fare?

5 A. Yes.

6 Q. You had money with you?

7 A. Yes.

8 Q. Yes. I see. So you took -- I take it you went up to the  
9 bus station which I understand is on Bentinck at around  
10 Falmouth?

11 A. Yes.

12 Q. Yes, and when you got there the bus had already left?

13 A. Yes.

14 Q. Did you have any idea what the bus schedule was for that  
15 night? It was a Friday night.

16 A. I was -- I remember that it was after eleven.

17 Q. Did the last bus leave at eleven?

18 A. I couldn't pinpoint that time for you, sir?

19 Q. But I take it that you would have known when you were --  
20 Back in 1971, you would have known the bus schedule  
21 quite well, wouldn't you?

22 A. Yes.

23 Q. So that if we knew what time the last left we would have  
24 an idea around what time you would have arrived at the bus  
25 station?

MAYNARD CHANT, by Mr. Ross

1 A. Yes, you would.

2 Q. Yes, because you went intending to catch that last bus?

3 A. Yes, sir.

4 Q. And not having caught the bus I take it you intended to  
5 hitchhike to Louisbourg?

6 A. Yes.

7 Q. Now I have got another map, another plan of the Sydney area,  
8 particularly the Bentinck Street, George Street, Falmouth  
9 Street area, and I'd like to show that to you?

10 MR. CHAIRMAN:

11 Is it your intention to put this in as an Exhibit, Mr. Ross?

12 MR. ROSS:

13 I propose to donate it to the Commission, yes.

14 MR. CHAIRMAN:

15 All donations will be greatly received.

16 MR. ROSS:

17 Thank you, My Lord.

18 BY MR. ROSS:

19 Q. If you would be more comfortable then you can just have a  
20 seat?

21 A. No, it's all right.

22 Q. Okay. Now I notice there's an indication here, Highland  
23 Lines. Was that the bus that you intended to catch on  
24 Bentinck Street at Falmouth? Was that the bus that you --

25 A. Yes.

MAYNARD CHANT, by Mr. Ross

1 Q. We'll mark it with a red "X".

2 A. Okay.

3 Q. And then perhaps you'd be good enough -- First, just to get  
4 some bearings, now just up from the bus terminal there's  
5 George Street?

6 A. Yes.

7 Q. And on the Sydney River side there's Bentinck Street?

8 A. Yes.

9 Q. Now perhaps you'll be good enough, sir, with the red marker  
10 just trace what your proposed steps to go home that night  
11 having missed the bus? If I could assist you, here's George  
12 Street going toward Crescent and here's Bentinck Street  
13 going toward Crescent.

14 A. You want me to go to the point -- to where I -- to where  
15 my intention to George Street is?

16 Q. Your intention to get home?

17 A. Okay.

18 Q. But you had -- You had a plan how you were going to get to  
19 George Street, am I correct?

20 A. Yes.

21 Q. Tell me, what was your plan? Just show it on the--

22 A. Show it to you?

23 Q. Yes, please.

24 A. Do you want me to continue on?

25 Q. Yes, as much as you had contemplated.

MAYNARD CHANT, by Mr. Ross

1           You are now at George Street and Cottage Road.

2   A.   I was going to continue and start to hitchhike right there.

3   Q.   Perhaps you could have a seat again.

4   A.   Thank you.

5   Q.   So I take it it was your plan to go up Bentinck Street to  
6       Byng, across Byng to some degree, down the footpath into  
7       Wentworth Park, across the railroad track to George  
8       Street and then out George Street and from around the  
9       intersection of George Street and Cottage Road, just around  
10      the place where there was the dance, to hitchhike from  
11      there to Louisbourg?

12  A.   Yes.

13  Q.   Yeh. Did you know at that time there was a dance at St. Joseph's  
14      High School?

15  A.   No, no knowledge of that.

16  Q.   So the fact that there was a dance, that had no -- no affect  
17      at all on your plans?

18  A.   No.

19  Q.   Now perhaps you'd be good enough -- Then I'm going to ask  
20      you in green to pick up from where you met Junior Marshall  
21      and just to trace the path that you followed until you  
22      were -- until Sandy Seale was put in the ambulance?

23  A.   Until I -- Okay.

24  Q.   I take it that you met Junior Marshall around Byng and  
25      Bentinck?



MAYNARD CHANT, by Mr. Ross

1 A. Yes. Yes.

2 Q. And just give us an idea where you went from there?

3 A. Approximately right about there, and we met up -- we walked  
4 a little bit.

5 Q. Just mark it. Feel free to mark it.

6 A. Okay. We walked a little bit and met up with somebody  
7 there. At that time the car was flagged down.

8 Q. Yes.

9 A. Do you want me to draw where I went in the car?

10 Q. Pardon me.

11 A. Do you want me to draw where I went with Mr. Marshall in the  
12 car?

13 Q. In the car, yes. Just trace your -- Follow yourself right  
14 through. Here's Argyle if that helps you, Argyle coming  
15 into Crescent.

16 A. Oh, oh, okay. Oh, this -- I'm sorry. I was a little up  
17 there on myself.

18 Q. Yes. Now -- Thank you. Now just to come from -- for the  
19 record, you met Donald Marshall around the intersection of  
20 Bentinck and Byng?

21 A. Yes.

22 Q. You proceeded along Byng to George, up George to Argyle,  
23 across Argyle to Crescent, and around Crescent to here,  
24 and Sandy Seale was on the road. Now there's been evidence  
25 of a Mr. Mattson who lives on Byng Avenue, that he stayed

MAYNARD CHANT, by Mr. Ross

1 in his house and he heard conversation -- he heard conversation  
2 and he heard something to the effect that somebody was  
3 bleeding in the park. Now his evidence is that this  
4 occurred to the best of his recollection around ten minutes  
5 to twelve, ten minutes before mid-night. Would this assist  
6 you in trying to tie down the time?

7 A. Tie down the time -- To tie down the time as to what?

8 Q. That you were outside on Byng Avenue.

9 A. I don't know. His recollection of time and my recollection  
10 of time could be totally different. Just because he stated  
11 that he was up -- if he had beckoned that he'd give  
12 reference to looking at his watch, that would help me a lot.

13 Q. I see. But without him making a specific reference as to  
14 how he determined the time, it's no help to you?

15 A. No.

16 Q. I see, and then there's also evidence that after -- sorry, that  
17 two people were walking through the park --

18 A. Yes.

19 Q. --and came up on Crescent Street, and these people were  
20 Robert MacKay and Ms. Timmins, Debbie Timmins, that they  
21 came up onto the street, onto Crescent Street and from  
22 a distance they noticed that somebody was down in the road.  
23 The evidence further is that nobody else was on the street in  
24 their view. The evidence further is that they walked over  
25 to the body and from that point Ms. Timmins was asked to

MAYNARD CHANT, by Mr. Ross

1 go to see about catching her bus and Robert MacKay ran  
2 through the park over to Pollett's where he tried to get  
3 help and returned and it was at that time that a car arrived  
4 with Donald Marshall and Donald Marshall got out of the car.

5 A. Okay.

6 Q. Were you in the same car with Donald Marshall?

7 A. Yes.

8 Q. Do you recall when you returned to the scene that there was  
9 somebody present?

10 A. Besides us?

11 Q. Yes.

12 A. No.

13 Q. Do you recall Robert MacKay?

14 A. No.

15 Q. You don't remember him at all?

16 A. No.

17 Q. I see.

18 A. Are we finished with the --

19 Q. Yeh, we're through there. You can have a seat. Perhaps you  
20 can tell me, do you recall whether or not there were people  
21 in the park?

22 A. No.

23 Q. Is it that no, there were no people or no, that you do not  
24 recall?

25 A. You asked me did I recall and I said, "No".

MAYNARD CHANT, by Mr. Ross

- 1 Q. Okay. Fine. Thank you, and as you walked along -- as you  
2 walked along Byng I understand that you ran into two couples.  
3 Am I correct?
- 4 A. Yes.
- 5 Q. And this is before the car stopped for you?
- 6 A. Yes.
- 7 Q. And one of these -- As a matter of fact, of the four people,  
8 you identified one later on as Patricia Harriss?
- 9 A. Yes.
- 10 Q. Did you also identify another one as Terry Gushue?
- 11 A. I don't recall.
- 12 Q. I see. Do you know Terry Gushue?
- 13 A. In what respect?
- 14 Q. Do you know him to see him?
- 15 A. I don't know. I would have to see him. Is he here?
- 16 Q. Oh, I see. But you don't -- You don't know that you know  
17 him right now?
- 18 A. No.
- 19 Q. Okay. Fine. And as far as the other two people are concerned,  
20 could you recall anything at all about them? There is  
21 Patricia --
- 22 A. Appearance wise?
- 23 Q. Pardon me.
- 24 A. Excuse me. I didn't follow you. What did you say?
- 25 Q. Okay. Fine. I'll slow down. There were four people that

MAYNARD CHANT, by Mr. Ross

1 | you met when you were travelling with Donald Marshall, Jr.?

2 | A. Yes.

3 | Q. One of them you've identified some time later to be

4 | Patricia Harriss?

5 | A. Yes.

6 | Q. As far as the other three are concerned, did you ever identify  
7 | them?

8 | A. The other three?

9 | Q. Yes.

10 | A. No, that I can remember.

11 | Q. I see, and when you got back over to the body -- Sorry, when  
12 | you got back over to him, Mr. Seale was on the ground. Do  
13 | you recall people coming from the park to the place where  
14 | this activity had apparently taken place?

15 | A. No, my attention was pretty well focused on Mr. Seale. I  
16 | never really paid too much attention to what was going on  
17 | except for him.

18 | Q. Now let me ask you something, had you ever gone down to  
19 | Whitney Pier to see your friend and hitchhiked home after?

20 | A. Have I ever done that before?

21 | Q. Yes, prior to the 20th of May, 1971.

22 | A. I used to do a bit of thumbing. I don't particularly  
23 | remember if I thumbed with my friend at that -- at that  
24 | time or anything previous to that. No, I don't think so.

25 | Q. Did you know downtown Sydney quite well at that time, Mr. Chant?

MAYNARD CHANT, by Mr. Ross

1 | A. I guess about the --

2 | Q. Fairly well perhaps?

3 | A. Yeh, not too -- not too bad.

4 | Q. Sure, and it would appear as one looks at that map which  
5 | I'm going to have marked as an Exhibit shortly, that the  
6 | more practical route would have been to go up directly onto  
7 | George Street from Falmouth and from there try to get a ride  
8 | to Louisbourg?

9 | A. For me?

10 | Q. Yes.

11 | A. It would probably be.

12 | Q. Is there any reason why you elected to go up Bentinck Street  
13 | that night?

14 | A. You mean again that -- to your interpretation that it would  
15 | be knowledgeable for you to go up there --

16 | Q. No, I --

17 | A. Looking back at it now -- May I finish?

18 | Q. Oh, sure. Sure.

19 | A. Viewing the point that I was fourteen years of age, I never  
20 | really considered the real shortness or even -- I just  
21 | left the bus terminal thinking -- maybe my attention was  
22 | focusing on, as we discussed earlier, breaking my curfew  
23 | and I never really gave any attention to the fastest way  
24 | to get to George Street or the -- or the -- which way was  
25 | the longest way pending to get to my destination to

MAYNARD CHANT, by Mr. Ross, by Mr. Drolet

1 |       hitchhike. I never really thought of that. I was just  
2 |       walking.

3 | Q. I see. It was just a case of missing the bus, going in the  
4 |       general direction with the idea being to get onto George  
5 |       Street and from there to hitchhike home?

6 | A. Yes.

7 | Q. Yeh. So I take it that there was nothing in particular  
8 |       which brought you to the intersection of Bentinck and Byng?

9 | A. Nothing in particular, no.

10 | MR. ROSS:

11 | Thank you very kindly, Mr. Chant. They'll be no more questions,  
12 | My Lord.

13 | THE WITNESS:

14 | Thank you.

15 | MR. CHAIRMAN:

16 | The plan has been marked as Exhibit 32. That's all right the  
17 | rest --

18 | MR. ROSS:

19 | If it's marked I'll take it down.

20 | MR. CHAIRMAN:

21 | Now are we ready to --

22 | MR. DROLET:

23 | Yes, My Lord.

24 | BY MR. DROLET:

25 | Q. Mr. Chant, my name is Kevin Drolet and I'm Counsel for the

MAYNARD CHANT, by Mr. Drolet

1 Black United Front. I think after two days of your  
2 testimony we understand fairly well now the environment  
3 and your movement and your statements in 1971 and  
4 in subsequent investigations of this unfortunate event.  
5 However, I think we need to understand a bit more the  
6 atmosphere and the attitudes which were prevalent at that  
7 time in the youth of Sydney in terms of your relationship  
8 with other youth from other racial groups and also with the  
9 police in Sydney. We're also interested in what the  
10 affect of these events had on you and what your role on  
11 these events had on your attitudes towards the different  
12 racial groups that were involved and also on the Sydney  
13 Police. First, just some general background --

14 MR. CHAIRMAN:

15 Now, that will be --

16 COMMISSIONER EVANS:

17 Don't give a speech when you're asking questions.

18 MR. CHAIRMAN:

19 No.

20 MR. DROLET:

21 Yes, My Lord.

22 MR. CHAIRMAN:

23 The question relating --

24 MR. DROLET:

25 I just want to --



MAYNARD CHANT, by Mr. Drolet

1 | MR. CHAIRMAN:

2 | -- relating to this man's knowledge.

3 | COMMISSIONER EVANS:

4 | At fourteen.

5 | MR. DROLET:

6 | Yes, that's correct, and subsequent to that, My Lords, for the  
7 | purpose of understanding how the event affected him and what the  
8 | impact of these events was on him.

9 | MR. CHAIRMAN:

10 | Well, carry on. We'll listen careful. I hope you haven't lost  
11 | the witness because you've lost me.

12 | MR. DROLET:

13 | I'm simply trying to explain to the witness, My Lord, where I'm  
14 | coming from and where I'm hoping to go.

15 | COMMISSIONER EVANS:

16 | Let's try a -- Let's try a question and we'll see --

17 | MR. DROLET:

18 | Right.

19 | BY MR. DROLET:

20 | Q. I understand that you lived and went to school in Louisbourg  
21 | in 1971?

22 | A. Yes.

23 | Q. Is that correct? How often had you been in the City of  
24 | Sydney at that time and prior to that time? Would you visit  
25 | it regularly?

MAYNARD CHANT, by Mr. Drolet

- 1 A. Oh, I would visit every Sunday because we were going to  
2 church there. Growing up "Young Peoples" which was involved  
3 in a -- with our church which was a youth program.
- 4 Q. And when would the "Young Peoples" meet?
- 5 A. I believe it would either -- sometimes it was on a Friday  
6 night, mostly Friday, and sometimes on Tuesday night for --  
7 if there was special speakers in or something to do with  
8 activities.
- 9 Q. And the "Young People" would meet at your church?
- 10 A. Yes.
- 11 Q. In downtown Sydney?
- 12 A. Yes, in Ashby area.
- 13 Q. Were you very often in Wentworth Park at night prior to this  
14 occasion?
- 15 A. It wasn't my habit, no.
- 16 Q. No. But had you been there before at night?
- 17 A. Viewing it at fourteen years of age?
- 18 Q. Yes.
- 19 A. I couldn't give you any description on that.
- 20 Q. Okay. The Cape Breton Post at that time carries a number of  
21 editorials about a youth problem in Wentworth Park with  
22 rowdiness and drinking. Were you aware of that at that time?
- 23 A. I don't see any relativity -- No. As -- Growing up I  
24 wasn't really what you'd call -- I was just beginning to --  
25 I was pretty well sheltered as far as the impact of racial

MAYNARD CHANT, by Mr. Drolet

1 |       problems in Sydney --

2 | Q. Yeh. But even apart from the racial problem were you aware  
3 |       that there was a problem with rowdiness in Wentworth Park?

4 | A. No.

5 | Q. No. That's fine. So you --

6 | BY MR. CHAIRMAN:

7 | Q. Can I assume then that at age fourteen you weren't reading the  
8 |       editorial page of The Cape Breton Post?

9 | A. Yes, sir.

10 | BY COMMISSIONER EVANS:

11 | Q. Or if you were, you weren't paying any attention to it?

12 | A. Yes, sir.

13 | BY MR. DROLET:

14 | Q. Or simply that The Cape Breton Post wasn't reaching the  
15 |       youth. So do I understand then, Mr. Chant, that you had  
16 |       no reason particularly to want to avoid Wentworth Park?  
17 |

18 |

19 |

20 |

21 |

22 |

23 |

24 |

25 |

MAYNARD CHANT, by Mr. Drolet

- 1 | A. No.
- 2 | Q. That night. You didn't think it was a troubled spot at all?
- 3 | A. No, the park is a beautiful spot. I never had anything to  
4 | fear from it.
- 5 | Q. And that's all you thought of it, just a nice place where you  
6 | went on Sunday walks with your family.
- 7 | A. Don't put words in my mouth.
- 8 | Q. I believe you said that on previous testimony. I'm not trying  
9 | to put words in your mouth.
- 10 | A. Can you bear record to that in a statement. Show it to me,  
11 | I'll agree with you then.
- 12 | Q. You'd indicated that you'd been there with your parents a few  
13 | times on a -- on Sundays.
- 14 | A. Yes.
- 15 | Q. I'm not trying to intimidate you, Mr. Chant, or to put words  
16 | in your mouth. I'm simply trying to understand how you felt  
17 | when you were coming through the park that night, whether you  
18 | had any reason to be fearful at all.
- 19 | A. Yeh, I feel we've clarified that. Thank you.
- 20 | Q. Now do I understand that you prior to these events, you had  
21 | never met Donald Marshall? Is that correct?
- 22 | A. No, I hadn't. I didn't know Donald personally, no.
- 23 | Q. And had you met Sandy Seale?
- 24 | A. Neither personally.
- 25 | Q. When did you first become aware that Donald Marshall was an

MAYNARD CHANT, by Mr. Drolet

1 Indian?

2 A. Maybe after the court was all over.

3 Q. I -- For example, you say you didn't know that he was an Indian  
4 when you met him in the park that night, understandably quite  
5 dark.

6 A. Well, thinking that, as I told you before, not really exposed  
7 to racial problems, I had no lines for drawing the difference  
8 between black or white or Indian or anything like that. There  
9 was nothing. I was only fourteen. I never really got into the  
10 racial problems or anything like that or focusing on that or  
11 even had any thread of thought in that area so I wouldn't  
12 -- I was just -- As I said before, I was scared of him as a  
13 person, not as --

14 A. That's quite understandable so even when you saw him later,  
15 I guess it would have been Sunday, May 30th, when you met  
16 him at the police station, at that time you weren't aware  
17 that he was an Indian.

18 A. Are we going anywhere with this?

19 MR. CHAIRMAN:

20 Absolutely nowhere. Absolutely nowhere but you might as well  
21 answer the question.

22 BY THE WITNESS:

23 A. No.

24 BY MR. DROLET:

25 Q. When did you first become aware of the fact that Sandy Seale

MAYNARD CHANT by Mr. Drolet

1 | was black?

2 | A. Oh, my lord.

3 | Q. Were you aware when you saw him laying on the pavement --

4 | A. Yes.

5 | Q. -- that night?

6 | A. Yes.

7 | Q. That's fine. Now can you tell me, Mr. Chant, what was your  
8 | attitude towards the police in 1971? Did you respect the  
9 | police?

10 | A. In reference to what?

11 | Q. Did you --

12 | A. Have a respect for the law?

13 | Q. For the -- for police officers themselves. Did you generally  
14 | find --

15 | A. I was scared to death of them.

16 | Q. Scared to death of them. And what was the basis of your fear  
17 | of police?

18 | A. Well, it's been already stated that I was in trouble with the  
19 | law because I was on probation. There was a curfew. Maybe  
20 | I was a couple of minutes over my curfew. That would give me  
21 | reason to fear. It was pointed out to me as growing up if I  
22 | broke my probation, I would be on it a lot longer so I just  
23 | had a general fear.

24 | Q. Did you -- Were you used to seeing police in your neighbour-  
25 | hood? Did you see them often in Louisbourg?

MAYNARD CHANT by Mr. Drolet

1 A. We had -- yes, they were very good. It was a daily thing.

2 Q. So you'd daily see the police in your neighbourhood, would  
3 you?

4 A. Yes.

5 Q. On a regular basis. That's fine. Had you formed any opinions  
6 at that time when you were fourteen as to whether the police  
7 were generally doing a good job, whether they were protecting  
8 you, protecting your family?

9 MR. CHAIRMAN:

10 Well, Mr. Drolet, this -- Do you really expect a fourteen year  
11 old boy to have any opinions, to have formed opinions as to  
12 whether or not police or any other officials were doing the job  
13 that they were being paid for?

14 MR. DROLET:

15 Well, he had opinions that he was frightened of them, My Lord.

16 MR. CHAIRMAN:

17 That's right.

18 MR. DROLET:

19 I'm just wondering whether he had --

20 MR. CHAIRMAN:

21 Well, if you intend -- if the thrust of your question is that  
22 because he was -- the fright can be interpreted as meaning that  
23 the police are doing a good job, I suppose it's relevant but  
24 you've -- I'm having great difficulty tying in the relevancy  
25 of this line of questioning so far and we've -- We've been very,

MAYNARD CHANT, by Mr. Drolet

1 | very generous in -- as Commissioners and in particular with the  
2 | first witnesses (Please don't interpret this as it will continue  
3 | for every witness.) of stretching the rules of relevancy but the  
4 | elastic is getting dangerously close to breaking.

5 | MR. DROLET:

6 | I understand, My Lord. It's the position of the Black United Front,  
7 | however, that in order to understand why these events transpired,  
8 | we have to have some understanding even if the witnesses understanding  
9 | is that there was no impact or awareness that he knew of at that  
10 | time with respect to racial tensions or racial problems --

11 | MR. CHAIRMAN:

12 | He's told us that. He's already told us that.

13 | MR. DROLET:

14 | And I'm just exploring all of the avenues to make sure that we  
15 | have some basis for his opinion adequately. That's the only purpose  
16 | for my questioning. That I have simply --

17 | MR. CHAIRMAN:

18 | I guess I -- Anyway, you've taught me a lesson. It's better to  
19 | let you ramble on and get the answers instead of interrupting you.

20 | BY MR. CHAIRMAN:

21 | Q. Now will you answer the question if you can, Mr. Chant?

22 | MR. DROLET:

23 | I simply had one more question, My Lord, and that simply is:

24 | BY MR. DROLET:

25 | Q. Mr. Chant, did you have any reason to feel during the conduct



MAYNARD CHANT, by Mr. Drolet

1 of the investigation that Blacks or Indians or Whites were  
2 being treated any differently in the conduct of the investiga-  
3 tion by the police?

4 A. Viewing the scene of that night, --

5 Q. Just --

6 A. Viewing what?

7 Q. In the conduct --

8 A. During what time, I mean?

9 Q. In the conduct of the police investigation in 1971, were you  
10 left feeling that the police treated you any differently than  
11 they treated Donald Marshall?

12 A. After the trial was over?

13 Q. Yes.

14 A. Like I said, in view of me not looking at Donald as an Indian,  
15 I thought they were bringing a man to justice that I was  
16 responsible for in an act that I had wronged a person. The  
17 feeling was at that time through other people that he was  
18 guilty. Some say that he was or not. I was to the point  
19 in my life where I felt he was guilty depending upon the  
20 evidence that was received from everything that was coming  
21 my way. I have -- I never have related it to a racial  
22 problem.

23 MR. DROLET:

24 Fine, thank you. No further questions.

25 MR. CHAIRMAN:

Mr. Wildsmith.

MAYNARD CHANT, by Mr. Wildsmith

1 MR. WILDSMITH:

2 I do have questions for this witness, My Lord. I'm not sure that  
3 I would finish in the time left this afternoon in view of my  
4 starting --

5 MR. CHAIRMAN:

6 Well, we propose to sit until this witness concludes his testimony.

7 BY MR. WILDSMITH:

8 Q. Mr. Chant, I know it's been a long this afternoon. I'll try  
9 not to be too long.

10 A. Thank you.

11 Q. My name is Bruce Wildsmith and I'm here on behalf of the Union  
12 of Nova Scotia Indians. First of all, I'd like to ask you a  
13 few questions about the events of that evening, a few things  
14 that have been left somewhat muddled in my mind after hearing  
15 it gone over by several other lawyers. First of all, your  
16 testimony is that you met Mr. Marshall on Byng Avenue and I --  
17 Is that correct?

18 A. Yes.

19 Q. And I believe that your testimony is that at that time, Mr.  
20 Marshall seemed to you to be agitated and excited.

21 A. Yes.

22 Q. There has been some reference to conversations that you had  
23 with Mr. Marshall at that time, some reference to his arm,  
24 for example, some reference to his friend who was hurt on the  
25 other side of the park. Would you say that Mr. Marshall's

MAYNARD CHANT, by Mr. Wildsmith

1 | tenor was one of wanting to get help for that friend?

2 | A. Viewing it now?

3 | Q. Yes.

4 | A. Yes.

5 | Q. It's your impression that his objective in speaking to you  
6 | was to secure help for that friend.

7 | A. Yes.

8 | Q. And his course of action after that was one of getting help  
9 | as soon as he reasonably could to that friend?

10 | A. Yes.

11 | Q. Did all of this take place in a fairly short period of time,  
12 | the encounter with Mr. Marshall and meeting with a couple of  
13 | other couples and then flagging down the car, returning to the  
14 | scene?

15 | A. I felt it did, yes.

16 | Q. Yes. As soon as it reasonably could.

17 | A. Yes.

18 | Q. Thank you. Now when you got back to the scene where Mr.  
19 | Seale was laying, you've told Mr. Ross, who just proceeded me,  
20 | that you did not see a Mr. MacKay there. Is that correct?

21 | A. Yes.

22 | Q. You did not see a Miss Timmins there? I believe her name at  
23 | the time was MacPherson.

24 | A. Yes.

25 | Q. You did not see that person?

MAYNARD CHANT, by Mr. Wildsmith

- 1 A. Yes, that's correct.
- 2 Q. To the best of your knowledge, there was no one else there  
3 at the scene of the body.
- 4 A. That's correct.
- 5 Q. We have heard some testimony to the effect that those individuals  
6 were there and that Mr. Marshall went with Mr. MacKay to secure  
7 assistance. Is it possible that you lost track of Mr. Marshall  
8 after you arrived back at the scene where Mr. Seale was laying?
- 9 A. I don't understand the --
- 10 Q. Well, I believe your testimony is to the effect that Mr.  
11 Marshall did not go near Mr. Seale and that this seemed to  
12 you to be somewhat suspicious. I believe that is your  
13 testimony.
- 14 A. Yes, that's my testimony.
- 15 Q. And what I'm suggesting to you is that in fact it's entirely  
16 possible that there were other people at Mr. Seale and that  
17 you lost track of Mr. Marshall when he went with somebody  
18 else to seek assistance.
- 19 A. While I was there?
- 20 Q. Yes.
- 21 A. Could be. I don't know.
- 22 Q. You're not sure on that point?
- 23 A. I wouldn't be, no.
- 24 Q. And it's reasonable to think that in the excitement of the  
25 situation you could lose track of Mr. Marshall.

MAYNARD CHANT, by Mr. Wildsmith

1 A. I believe I've already stated that, yes.

2 Q. Thank you. Now I'd like to turn your attention to the June  
3 4th statement which appears in Volume 12 in front of you.  
4 Several other people have been discussing this statement  
5 with you. It's the one that was made in Louisbourg and  
6 you've given testimony already that you were picked up by,  
7 I believe, two police officers, one of whom you've identified  
8 or at least that you ended up at the Town Hall and that you  
9 were questioned there by several police officers.

10 A. Yes.

11 Q. And that the main person who was doing those -- engaged in  
12 those discussions was Sergeant MacIntyre, John MacIntyre.

13 A. Yes.

14 Q. And you know Sergeant MacIntyre and who he is.

15 A. Yes.

16 Q. I'd like to direct your attention to page 89 in that book in  
17 front of you. And I believe in the context, if we look on  
18 the previous page, at page 88, there's a reference to going  
19 down to the Town Hall and various people being there. The  
20 particular passage I want to direct your attention to is  
21 in the answer to question 89 on page 89 and if we look at  
22 that passage, it says:

23           Because like after I said I didn't see anything  
24           then they started saying that they had me for  
25           perjury because of my first statement and stuff  
          like that and I could get into a lot of trouble.  
          I could even go to gaol or you know I can't

MAYNARD CHANT, by Mr. Wildsmith

1           remember if they actually said two to five years  
2           but I know they said I could be doing time  
3           because of where I was on probation and stuff, I  
4           think they brought the whole thing in. Well, by  
5           then I was almost in tears. I was pretty scared  
6           so right then and there.

7           Now my point to you, sir, is and I'd like you to take your  
8           time and answer this to the best of your recollection. Is  
9           this passage correct when it suggests that the person doing  
10          the speaking, which we understand to be Sergeant MacIntyre,  
11          made a reference to you possibly going to gaol because of  
12          the previous statement that you had made? Take your time.  
13          Reflect back and tell us whether to the best of your  
14          recollection today there was a reference to going to gaol  
15          because you made a previous statement that was inconsistent.

16        A. yes.

17        Q. I'd now like to direct your attention to page 102, the same  
18        " volume. We've been over this ground once again but I ended  
19        up being confused myself. This is on page 102 and it's the  
20        questions and answers given to question 136, on page 102,  
21        Mr. Chant. Now if you take a look at the question 136,  
22        you'll see that it's a reference to a paragraph 12 from  
23        the affidavit that you've already been referred to and  
24        relates to a conversation with the Crown Prosecutor, Donald  
25        MacNeil, and makes reference to the fact that in that affidavit  
26        you attribute to Mr. MacNeil the statement that if you  
27        changed your testimony you would be charged with perjury.

MAYNARD CHANT, by Mr. Wildsmith, Discussion

1 Then you give as your answer as it's recorded here:

2 That was, like, basically that was what was  
3 in the -- they were saying that was probably  
4 worded a little bit different there. They  
5 were saying to me that where I was on probation,

6 MR. MacDONALD:

7 My Lord, I wonder if I can interrupt my friend for a moment.

8 MR. WILDSMITH:

9 Yes.

10 MR. MacDONALD:

11 I'm having some difficulty, My Lord, understanding how the interests  
12 of Mr. Wildsmith's client is being represented now. The -- all  
13 of this stuff has been dealt with first of all by Commission  
14 Counsel and then in cross-examination by a group of people.  
15 The order of counsel was fixed, you know, to permit cross-  
16 examination to deal with various interests and it seems to me  
17 that what's happening here now is that point that may or may  
18 not have been made by others are being tried to be dealt with  
19 again and again by Mr. Wildsmith on behalf of the Union and I  
20 have great difficulty to understand how the interests of Mr.  
21 Wildsmith's clients are being dealt with in this line of  
22 questioning. Not only is it repetition but it seems to me to be  
23 unfair to the other counsel who have already done their work.

24 MR. WILDSMITH:

25 If I could speak to that before Your Lordship rules. Two points,  
My Lord. First of all, I would emphasize the fact that Mr.  
Marshall was an Indian and the interests of Mr. Marshall and the

MAYNARD CHANT, by Mr. Wildsmith, Discussion

1 | interests of the client group that I represent are not divorced.  
2 | The second point that I would make is if it would be fairer to other  
3 | counsel, I would be happy to change positions with counsel for  
4 | Mr. Marshall and be first.

5 | COMMISSIONER EVANS:

6 | Do I understand are those the two reasons you have for continuing  
7 | with this?

8 | MR. WILDSMITH:

9 | Yes, I think it's in the interest of the Inquiry to be absolutely  
10 | certain of the testimony of this gentleman.

11 | COMMISSIONER EVANS:

12 | How many times do you think that the Commission has to hear it,  
13 | and from how many counsel?

14 | MR. CHAIRMAN:

15 | There's a couple of points I want to hear you on, too; one that  
16 | Mr. MacDonald raised, and that is this and as Mr. Justice Evans  
17 | has just pointed out. We've heard this at least four times.  
18 | We've heard -- It's a question -- For instance, counsel for the  
19 | Commission, counsel for Mr. Ruby, counsel for the investigating  
20 | officers, and in particular that line of questioning is clearly  
21 | very relevant to their clients interests, which embraces Mr.  
22 | Marshall. I'm assuming that no counsel present are taking  
23 | instructions from other counsel who've finished their cross-  
24 | examination to put questions to any witness that they would like  
25 | to see raised now to answer other evidence that came as a result



MAYNARD CHANT, by Mr. Wildsmith, Discussion

1 of subsequent cross-examination. I operate on that basis otherwise  
2 the ethics would be very much in question. I take it I'm entitled  
3 to assume that.

4 MR. WILDSMITH:

5 Are you looking for a response?

6 MR. CHAIRMAN:

7 Yes.

8 MR. WILDSMITH:

9 My response is that I'm acting in the best interests of my client  
10 and it doesn't mean that I don't have conversations with other  
11 counsel.

12 MR. CHAIRMAN:

13 I'm not concerned about conversations. I'm concerned about any  
14 attempt to get around the agreed order of examination -- cross-  
15 examination by counsel. That I would find totally unacceptable  
16 so on the assumption that that is not the case, -- I know counsel  
17 chat amongst each other. You've got to find something to do during  
18 the breaks but I'm -- so I started from that assumption and I'm  
19 -- I share the view of Commissioner Evans that the continued  
20 repetition of this question is at the very -- the least I can  
21 say is very tenuous as to how I could tie it in with the  
22 interests of your clients, the Union of Indians, bearing in mind  
23 that Mr. Marshall himself, personally, is being very adequately  
24 represented at this Hearing. But you can continue on with this  
25 question because maybe it will unfold but somewhere we -- you --

MAYNARD CHANT, by Mr. Wildsmith, Discussion

1 you're expecting to get from this witness who so far has been  
2 very clear on one thing, very definite, that he knew nothing of  
3 racial discrimination or racial problems at age fourteen.

4 BY MR. CHAIRMAN:

5 Q. So will you answer the question for the fourth time, Mr.  
6 Chant? As I understand it the question relates to paragraph  
7 136 and whether the answer -- question 136 on 102 and  
8 whether the answer is correct, the answer you gave then.

9 BY MR. WILDSMITH:

10 Q. Perhaps if you'd take the time to think about your answer.

11 A. I don't know. I don't -- I can't follow this at all.

12 MR. CHAIRMAN:

13 You have our sympathy.

14 BY MR. WILDSMITH:

15 Q. If I could put the question again to you, Mr. Chant, I think  
16 " with His Lordship's indulgence, the question and answer on  
17 page 136 relates to another conversation on the subject of  
18 perjury, this time a conversation between the time of the  
19 preliminary hearing and the time of Mr. Marshall's trial.  
20 What I want to be absolutely sure about is whether you have  
21 a recollection of having such a conversation. Here it  
22 indicates with the prosecutor. I'm less concerned about who  
23 it's with. Did you have a conversation with someone on  
24 the subject of perjury between the Preliminary and the trial?

25 A. Without to sound -- without being too bold or -- I'd already

MAYNARD CHANT, by Mr. Wildsmith

1 given a statement later on today --or earlier today to not  
2 knowing of who these statements came from to my memory. As  
3 far as answering the question, I have a hard time - I've  
4 been talking a lot today. I have a hard time understanding  
5 things at this point. I'm very sorry, but my attention  
6 span is certainly going from me and my -- I'm sore. I don't  
7 know how to answer you, man. I'm drained out as far as  
8 answering and --

9 Q. Okay. Well --

10 A. If you could ask me a little specific more question maybe --  
11 I little more specific detail.

12 Q. Well my specific question -- I'm quite prepared to accept  
13 the answer that you have no recollection, but the simple  
14 question is, do you have a recollection of having a second  
15 conversation on the subject of perjury or going to gaol  
16 if you changed your testimony after the Preliminary Inquiry?

17 A. Thank you. No, I have no recollection of that. Thank you.

18 MR. WILDSMITH:

19 Okay. Now again with Your Lordship's indulgence I would like  
20 to ask some questions that touch on the racial issues. In  
21 particular, this witness has already said today that he had an  
22 obsessive fear of Indians. You're prepared to entertain questions?

23 MR. CHAIRMAN:

24 I'm prepared to entertain any questions that would -- that --  
25 with respect to racial attitude on the part of this witness.

MAYNARD CHANT, by Mr. Wildsmith

1 MR. WILDSMITH:

2 Yes, and that's all I propose to ask, My Lord.

3 MR. CHAIRMAN:

4 My concern is that sometimes there seems to be a tendency to try  
5 use that witness to typify -- or some witnesses for the  
6 whole Province and that's certainly not relevant.

7 THE WITNESS:

8 If I may interrupt, I don't recall making any statements to say  
9 that I was scared of Indians. I recall making a statement earlier  
10 that I was scared of his appearance. I didn't regard the fact  
11 that he was an Indian. I'm sorry, that's all that I -- As I  
12 stated before I never had any grounds for fear as far as the  
13 racial part. The only fear that I experienced at that time was  
14 a man that was--as I said before, is rugged, was boisterous in  
15 attitude --

16 BY MR. WILDSMITH:

17 Q. Perhaps I could refresh your memory by directing you to the  
18 incident I'm speaking about when this gentleman here was  
19 asking you questions about your conversion to Christianity.  
20 You described various changes that had come about to you at  
21 that point. One of the changes that you described which I  
22 took to be in the time frame of 1979, is that -- and my  
23 quote is "an obsessive" -- "your obsessive fear of Indians  
24 dissolved".

25 A. If I could give a -- an opinion on that?

MAYNARD CHANT, by Mr. Wildsmith

1 Q. Well, I'm going to ask you about that so I'd like to know  
2 what you --

3 A. You can ask me about it. I don't mean to sound smart or  
4 anything like that. I'm sorry. Relating to that -- Up to  
5 the point of my conversion I had also implicated that within  
6 the time of the trial -- the ending of the trial, that I  
7 have had incidents to be afraid after the trial and because of  
8 that -- because of that, don't you -- I could give you some  
9 reference to -- and Mr. Magee would probably -- hopefully  
10 bear reference to -- of people from his -- his Indian  
11 people coming out to the dances in Louisbourg and having  
12 knives taken from them after the trial. As I said, I have  
13 no knowledge during the trial, and viewing my testimony as  
14 a Born-Again-Christian about resolving the -- the plague  
15 that I had within myself of insecure towards their race was  
16 on the part relevant to everything that happened after the  
17 trial. Does that clear up anything?

18 Q. I think I understand a little more than I did before. I  
19 understand that you had an obsessive fear of Indians -- at  
20 least --

21

22

23

24

25

MAYNARD CHANT, by Mr. Wildsmith

- 1 A. After the trial --
- 2 Q. Yes.
- 3 A. Thank you.
- 4 Q. And I understand that the reason for this is because at  
5 dances, that you attended in Louisbourg, Indians were  
6 present.
- 7 A. Thank you. Yes.
- 8 Q. And further I understand that the reason why is because  
9 at these dances Indian were in possession of knives.
- 10 A. I felt towards me but I don't see how it related back  
11 to when I was fourteen. It was a couple of years latter  
12 -- it was -- I was 22 years of age when I made my step  
13 into Christianity or conversion or accepting the Lord or  
14 whatever you want to interpret it. At that time, viewing  
15 back, don't you think that I would have some opportunity  
16 to fear Indians because in respect that -- or viewing  
17 from age 22, not viewing from age 14. Viewing from age  
18 22 that having a handle on a racial problem then or  
19 understanding racial differences then, that I could relate  
20 as being an Indian in 22 where at -- whether it -- in '82  
21 when I was 14.
- 22 Q. What you're saying is that you were -- If I understand  
23 you correctly you're saying when you were younger you  
24 had a fear but by the time you reached the age of 22 --
- 25 A. The fear got greater.

MAYNARD CHANT, by Mr. Wildsmith

1 Q. The fear got greater. I see.

2 A. But I didn't mean -- I was probably in feared of him.

3 Q. Of Mr. Marshall?

4 A. As a person. Yeh, I don't see the -- I don't see --

5 Q. Let me direct me to a couple of other statements that you've  
6 made in the past and see what comments you have on those.

7 Particularly I direct you to a comment from -- on page 123  
8 in the book in front of you.

9 A. Page 123?

10 Q. Yes. On page 123 there is a reference to the Sheriff --  
11 I'm not sure if it's the Sheriff or the Chief of Police  
12 in Louisbourg, Mr. Magee -- talks about you being under  
13 pressure and then question 164 says: "Was the law the  
14 enemy?" And your answer: "To a point, just like cowboys  
15 and indians, I guess?"

16 MR. CHAIRMAN:

17 This -- Surely you are not going to try and take that phrase  
18 and establish some sort of racial attitude -- unfavourable racial  
19 attitude on the part of this witness. This is the silliest  
20 cross examination I've heard in 30 years.

21 MR. WILDSMITH:

22 Well, I'm prepared to accept Your Lordship's ruling that you  
23 don't wish to hear on this point. I would like to say to  
24 the Commission, however, that understanding racial attitudes  
25 is a very difficult thing.

MAYNARD CHANT, by Mr. Wildsmith, by Commissioner Evans

1 MR. CHAIRMAN:

2 It certainly is and we're proposed to do our utmost to try and  
3 understand it but that kind of questioning is certainly not  
4 going to aid us in that desirable goal.

5 BY MR. WILDSMITH:

6 Q. Then let me turn to another passage. We turn to 197 in  
7 this volume. I'm sorry, not 197 but 97. This is a very  
8 long answer on page 97 and about two-thirds of the way  
9 down this portion appears:

10 I was always haunted with the fact -- I've always  
11 I emphasize the word 'always'

12 had people trying to -- people of his race trying --  
13 coming to try to kill me at dances and stuff like  
that for a number of years.

14 A. I have no problem with that.

15 Q. Well, is this a reference to the knives at the dances?

16 A: Yes.

17 Q. And did anybody of his race -- any Indian try to kill you?

18 A. To go into detail. After the trial in '71, there has been  
19 times when I have encountered some serious -- serious  
20 problems with the Indian people.

21 Q. Would you care to elaborate?

22 A. Is it important that I elaborate on that issue? I consider  
23 it to be very --

24 BY COMMISSIONER EVANS:

25 Q. As I understand what you're being asked, that it was some



MAYNARD CHANT, by Commissioner Evans, by Mr. Wildsmith

1 time after the trial was over. Some time after this trial  
2 that you developed a fear?

3 A. Yes.

4 Q. Of Indians and --

5 A. Yes.

6 Q. -- that haunted you for --

7 A. Yes.

8 Q. -- some period of time? And then in 1979 when you rejoined  
9 the church or became more interested in it, that fear  
10 dissipated?

11 A. Yes. Thank you.

12 COMMISSIONER EVANS:

13 Well, I'm not sure whether that's an answer for you --

14 BY THE WITNESS:

15 A. Does that answer your question?

16 BY MR. WILDSMITH:

17 Q. Well, it doesn't completely answer it with respect. This  
18 passage uses the word 'always' and I want to clarify whether  
19 you had some view of Indians prior to the conviction of  
20 Mr. Marshall?

21 A. As far as playing with words, in respect --

22 Q. If the answer is no, say so.

23 A. I don't understand your implication.

24 Q. Did --

25 A. To me you're playing with one word 'always' as a -- as in

MAYNARD CHANT, by Mr. Wildsmith

1 viewing to after the court that I had always had trouble  
2 after that particular time. Yes, I could say yes. But  
3 other ways I don't know how to answer because I don't  
4 know --

5 Q. Did you have any --

6 A. I would say -- I would have to say, no.

7 Q. Did you have any experience with Indians prior to --

8 A. Not my -- no.

9 Q. \* --1971?

10 A. Prior to everything, no.

11 Q. You'd never met an Indian or come across an Indian? To  
12 your knowledge. I know it's a long way back.

13 A. I don't know. I'm sorry. I can't think. I can't --

14 COMMISSIONER EVANS:

15 Mr. Wildsmith, he's lived in Sydney and you're asking him  
16 if up until he was 14 years of age whether he ever met an  
17 Indian. Now doesn't that -- on reflection, isn't that a  
18 rather stupid question? I hate to use the word but isn't it?

19 MR. WILDSMITH:

20 Well, I --

21 COMMISSIONER EVANS:

22 From the context of the population of this area.

23 MR. WILDSMITH:

24 Actually, this gentleman lives in Louisbourg.  
25

MAYNARD CHANT, by Mr. Wildsmith, Discussion

1 COMMISSIONER EVANS:

2 So!

3 MR. WILDSMITH:

4 Which is a little farther away but it seems to me, Your Lordship,  
5 with respect that it is quite possible to live in Sydney and  
6 never meet an Indian. This man hasn't said that he meets Indians  
7 on the street every day. He hasn't said that they are in his  
8 school.

9 COMMISSIONER EVANS:

10 I've been here ten days and I met a lot of them.

11 MR. WILDSMITH:

12 Yes, probably at the Inquiry with respect.

13 COMMISSIONER EVANS:

14 And elsewhere too. I think when one travels in the street  
15 you're going to meet them. Nothing wrong with that.

16 MR. WILDSMITH:

17 It is apparent to me from my prospective, Mr. Commissioner is  
18 that we do have a problem over the kinds of the questions which  
19 are appropriate to ask of these witness. At such a late hour  
20 today it's probably not wise to press this issue further and  
21 go into it but I --

22 MR. CHAIRMAN:

23 Well, press the issue. Tell me what the problem is.

24 MR. WILDSMITH:

25 Well, there are two important points that I would like to make

MAYNARD CHANT, by Mr. Wildsmith, Discussion

1 and it's not so much about this man.

2 BY THE WITNESS:

3 Thank you.

4 MR. WILDSMITH:

5 At no -- it's not comment directed at him. One problem about  
6 racial attitudes is something called stereotype. Now stereotyping  
7 essentially is, I'm sure you're aware, means that you form a  
8 image of a particular group and you tend to classify everybody  
9 in the same way. Now, I'm wondering whether witnesses such  
10 as this individual, carry a kind of stereotyping of Indians around  
11 with them. Like "knives at dances" and therefore believe that all  
12 Indians carry knives and are a threat. Now maybe you feel that  
13 that is not germane to the Inquiry in general. Maybe you feel  
14 it's not germane to this portion of the Inquiry.

15 MR. CHAIRMAN:

16 It's certainly not germane to trying to get the facts. Difficult  
17 as this may be as to what caused the events to unfold that  
18 resulted in the conviction of Donald Marshall, Junior of the  
19 crime that he didn't commit. We, as a Commission, place a very  
20 broad interpretation on our terms of reference. And said that we  
21 would -- because representation had been made to us by you on  
22 behalf of the -- your clients to ensure -- to examine rather,  
23 whether or not there is indeed, in the criminal justice system  
24 in Nova Scotia, proof of racial discrimination. But asking  
25 this witness or witnesses -- any of the witnesses that we've had

MAYNARD CHANT, by Mr. Wildsmith, Discussion

1 | so far to whether they can stereotype attitudes prevailing through-  
2 | out the province is not helpful to us and is causing us a great  
3 | deal of difficulty.

4 | MR. WILDSMITH:

5 | And I'm trying to help Your Lordship which why we think that  
6 | it is germane and --

7 | MR. CHAIRMAN:

8 | Well --

9 | MR. WILDSMITH:

10 | -- I may not turn out to be successful. But let me just elaborate  
11 | a little bit further. This witness has given testimony that one  
12 | of the reasons that it didn't bother him so much that he didn't  
13 | come forward after Mr. Marshall when to gaol was because he thought  
14 | he was guilty. That there was some possibility that he was  
15 | in fact guilty and he related various reasons including some  
16 | rumors that Marshall had talked in prison to this effect.

17 | COMMISSIONER EVANS:

18 | Marshall never indicated that it was because he was an Indian.

19 | MR. CHAIRMAN:

20 | Right. That's right.

21 | MR. WILDSMITH:

22 | But this is certainly a point that I'm interested in. As whether  
23 | or not it could be a factor. Now this witness has already told  
24 | the Commission that he had an obsessive fear of Indians.  
25 |

MAYNARD CHANT, by Mr. Wildsmith, Discussion

1 COMMISSIONER EVANS:

2 After --

3 MR. WILDSMITH:

4 And that Indians carried knives.

5 COMMISSIONER EVANS:

6 Afterwards.

7 MR. WILDSMITH:

8 Afterwards. And this is during the germane time period when he  
9 failed to come forward. Why didn't he come forward? Because  
10 he thought he was guilty. Why did he think he was guilty? One  
11 of the contributing factors may have been because he was an Indian.

12 COMMISSIONER EVANS:

13 Ask him that.

14 MR. WILDSMITH:

15 It's very difficult to ask a question like that point blank and  
16 get an answer that is truly reflective for you.

17 MR. CHAIRMAN:

18 Well, I'll ask it for you.

19 BY CHAIRMAN:

20 Q. Mr. Chant?

21 A. Yes.

22 Q. Between the period of Mr. Marshall's conviction and your  
23 coming -- and your, not coming forward, your interview with  
24 the R.C.M.P, was the reason that -- for your failure to  
25 come forward tell people the truth the fact that Mr. Marshall

DISCUSSION BETWEEN COMMISSION AND COUNSEL

1 | was an Indian.

2 | A. No.

3 | MR. CHAIRMAN:

4 | Well, what's your next question?

5 | MR. WILDSMITH:

6 | Thank you, My Lord.

7 | MR. CHAIRMAN:

8 | Mr. Orsborn, do you have any re-examination?

9 | MR. ORSBORN:

10 | No, My Lord.

11 | MR. CHAIRMAN:

12 | That's all. Thank you, Mr. Chant. You've had two very lengthy  
13 | days and I'm sorry for the discomfort that goes with being in  
14 | the witness box for a long time.

15 | MR. ROSS:

16 | My Lord, before you rise I wonder if it would be appropriate  
17 | that I ask one question now which might lend a little guidance to  
18 | Counsel with respect to questions of witnesses like this person  
19 | with respect to group interest matters. It would be appropriate  
20 | now, or I can ask it tomorrow morning.

21 | MR. CHAIRMAN:

22 | No, you can ask it now.

23 | MR. ROSS:

24 | My Lord, it would appear that we have got two -- two sets of  
25 | people who are going to be asking questions. I would classify them

DISCUSSION BETWEEN COMMISSION AND COUNSEL

1 as specific interest people. For instance, like Marshall,  
2 like MacIntyre and so on and others with group interest type  
3 questions and I know that Counsel would find it embarrassing  
4 recognizing that unlike a civil or a criminal where there are  
5 set rules. In Inquiries, we don't have -- we don't have them  
6 often enough to have a set of rules which would prescribe the  
7 type of questions which could be asked. For instance, with this  
8 witness it appeared as though there were two stages of his life  
9 which was being examined. Number one, around 1971 when he was  
10 around 14 and later on when he came forward. Now, to that end  
11 it appeared as though under certain circumstances it would be  
12 appropriate to ask questions relating back to 1981 and others  
13 relating to the 1980's. Now, if it is purely in a criminal justice  
14 context, I understand it. But then it seems to rule out the  
15 other group interest representation which could come forward and  
16 without -- I'm not in any way trying to be critical. I'm trying  
17 to learn the scope. It appears though it is up to Commission  
18 Counsel to paint the broad picture and for the group interest  
19 parties to fill in the blanks if any are left. Am I correct  
20 with that understanding?

21 MR. CHAIRMAN:

22 The responsibility of Commission Counsel is to bring before the  
23 Commission all evidence that they, as a result of their very  
24 extensive investigation and reading, believe may be of some  
25 assistance to us in determining the issues that have been placed



DISCUSSION BETWEEN COMMISSION AND COUNSEL

1 before us for determination. And in the process of so doing it  
2 is within their -- the scope of their examination to test the  
3 credibility of witnesses. And this is where it departs from the  
4 civil proceedings or criminal proceedings that you find in  
5 a court of law. That they actually, as been the case here, will  
6 cross-examine their own witnesses. And no one objects to it because  
7 that's part of their duty. It's not their witness in that sense.  
8 counsel then, for parties of interest, cross-examine -- have  
9 the right of cross-examination as well. To cover areas hopefully  
10 that have not been covered, to the extent that they would -- this  
11 Counsel would like to see it covered by Commission Counsel. And  
12 hopefully to avoid as much repetition as can possibly be. Because  
13 if the witness on four occasions says no it was Saturday not Friday  
14 I see no point in a fifth counsel asking that same question again.  
15 Then we have -- well, you're in two categories. You're representing  
16 the direct -- in the interest of a client who -- this somewhat  
17 direct, in so far as the -- our determination of the facts surrounding  
18 these regrettable events. And you and Professor Wildsmith both  
19 represent groups who've indicated to us that they would like  
20 to make representation to this Commission with respect to suggestive  
21 racial discrimination that may exist within the criminal justice  
22 system of Nova Scotia. I suspect that most of that will be done  
23 as a result of -- the best evidence that we will get as a result  
24 of the research that we are commissioning in consultation with you  
25 and with Mr. Wildsmith. But it may be that there will be some

DISCUSSION BETWEEN COMMISSION AND COUNSEL

1 witnesses who, in your opinion, because of their experience have  
2 some special knowledge that they can impart to us. But so far  
3 we haven't seen any of these witnesses. And all I can tell you  
4 is Mr. Ross that we as Commissioners will have to rule of each  
5 witness if and when that becomes a problem. But I would be  
6 disappointed if you interpreted our trying to keep the -- some  
7 semblance of order in the presentation of the viva voce evidence  
8 dealing with these facts as an attempt to constrain you or  
9 ourselves in dealing with these other issues, that the two special  
10 interest groups say that they would like to bring before us and  
11 which we, as a Commission, are having some meaningful research  
12 carried out. Now, that's as far as I can go.

13 MR. ROSS:

14 Thank you very much, My Lord. I think that they have clarified  
15 my concerns.

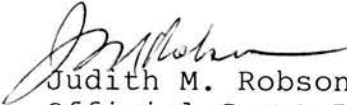
16 MR. CHAIRMAN:

17 We will rise until tomorrow.

18  
19  
20 INQUIRY ADJOURNED AT 4:59 o'clock in the afternoon on the 16th  
21 day of September, A.D., 1987.  
22  
23  
24  
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COURT REPORTER'S CERTIFICATE

I, Judith M. Robson, an Official Court Reporter, do certify that the transcript of evidence hereto annexed is a true and accurate transcript of the Royal Commission on the Donald Marshall, Jr., Prosecution as held on the 16th day of September, A.D., 1987, at Sydney, in the County of Cape Breton, Province of Nova Scotia, taken by way of recording and reduced to typewritten copy.



Judith M. Robson  
Official Court Reporter  
Registered Professional Reporter