

1 Adjournment to 17/10/70.

2 Q. If you look at the Information, Chief, on page 5.

3 A. Yeh.

4 Q. See down the bottom is says:

5 Sworn before me this 5th
6 day of November.

7 A. Yes.

8 Q. That's the Information, isn't it?

9 A. Yeh.

10 Q. It's sworn by you.

11 A. That's right. But then on the next page, isn't that the -- The
12 next page, isn't that the same thing? Is that correct?

13 Q. It says:

14 Adjourned to...

15 A. Yeh, September -- October 17, '70.

16 Q. Well, how can you adjourn it if you haven't even got it sworn?

17 A. No, but I mean, that's not the same case, I'd say.

18 Q. Well, isn't that just a mistake? The trial was actually heard
19 on the 11th of -- the 17th of November, I believe. That's when
20 the trial was actually heard or the -- both the intoxicating
21 liquor charges and when that -- no evidence was presented on
22 that one.

23 A. Oh, no, I don't know what's --

24 Q. Did you talk or do you -- Was it your practice to talk with
25 the people in your department as to what they were doing and --

JOHN F. MacINTYRE, by Mr. MacDonald

1 before you swore out an Information?

2 A. Yes. I don't know just what the -- I haven't got an answer
3 to that, sir.

4 Q. Okay. Thank you. Chief, do you now believe that Junior
5 Marshall --

6 COMMISSIONER EVANS:

7 Were both Informations, the one against Christmas and the one against
8 Christmas and the one against Marshall, sworn to on the same date?
9 That'd be on November the 5th, which was again --

10 MR. MacDONALD:

11 The one against Christmas is November the 5th.

12 COMMISSIONER EVANS:

13 Yeh, that's again after the date of a statement made by Christmas.

14 MR. MacDONALD:

15 Yes. Sworn against Christmas -- all sworn by Chief MacIntyre.

16 COMMISSIONER EVANS:

17 Right.

18 MR. MacDONALD:

19 All on the same day it appears. And the question is why you would
20 swear one out against Marshall when you know you're not going to
21 present any evidence because you haven't got any evidence.

22 COMMISSIONER EVANS:

23 Unless they didn't believe the statement made by Christmas.

24 MR. MacDONALD:

25 Well, perhaps that's an explanation. If that's the explanation,

1 fine.

2 BY MR. MacDONALD:

3 Q. Anyway, Chief --

4 MR. PUGSLEY:

5 I guess when we use the word, "statement," it's a statement the
6 person's refused to sign.

7 MR. MacDONALD:

8 That's correct.

9 MR. PUGSLEY:

10 He would not sign it.

11 BY MR. MacDONALD:

12 Q. Chief, do you now believe that Marshall was not involved in
13 the stabbing of Sandy Seale?

14 A. Well, I respect the court, and at this stage, somebody else
15 has been found guilty of it.

16 Q. That's not my question. Do you believe that Marshall was not
17 involved in the stabbing?

18 A. At this time, I would have to say that -- In the stabbing of
19 Seale?

20 Q. Yeh.

21 A. That the court has ruled otherwise, and I take that ruling.

22 Q. Yeh, but do you believe it?

23 A. Well, I --

24 Q. Do you believe that Marshall was not involved --

25 A. I believed the court when they brought in that verdict.

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 Q. Okay. And do you now believe then that Maynard Chant lied to
2 you on June the 4th of 1971?
- 3 A. That he witnessed Marshall stabbing Seale?
- 4 Q. Yes.
- 5 A. According to the verdict of the court, he did.
- 6 Q. No, according to your belief. Do you believe that?
- 7 A. Well, I go along with the court, Mr. MacDonald.
- 8 Q. And do you believe that Pratico lied to you on June the 4th?
- 9 A. At this time, I would have to say that he did according to --
- 10 Q. When did you reach that belief, Chief?
- 11 A. When did I reach what belief?
- 12 Q. When did you believe or reach the conclusion on the belief that
13 Marshall was not involved with the stabbing, that Chant lied
14 to you, and that Pratico lied to you?
- 15 A. Well, I think -- That came out in the evidence; so they -- the
16 Appeal Court in 1982.
- 17 Q. I want to read you some of the evidence that was given before
18 this Commission and get your view on it. You appointed both
19 Richard Walsh and Ambrose MacDonald as inspectors in
20 the department, did you not? That was during your tenure.
- 21 Q. They were recommended because of the results of a test they
22 were given by the Nova Scotia Police Commission.
- 23 Q. And were they recommended by you? Did you support their
24 appointments?
- 25 A. I recommended the candidates that came first, second, and third

1 on the test, yeh.

2 Q. Were they close to you as you worked -- when they were inspectors.

3 Were they your closest --

4 A. Oh, they would be, yes.

5 Q. That's also --

6 A. And the Deputy Chief, of course.

7 Q. Yes. All right. Now, these are just brief references. I'll

8 read them to you instead of giving you the transcripts, if you

9 wish. This is what Richard Walsh said. And this is on

10 page 1362 of the transcript:

11 A. I would think that Chief
12 MacIntyre still feels that
13 Donald Marshall was the
guilty party. I would think
that that is his feeling.

14 That's what he said here when he gave evidence. And he said
15 it again on page 1363. Do you remember you had him and Ambrose
16 MacDonald review the transcript of the appeal re-hearing?

17 A. Yes, I asked him to look at it and -- look it over and --

18 Q. He said on page 1363:

19 ...I won't say ...he put it in
20 words, but I felt that that's
exactly where he was leading,
21 that he still felt...

22 And at the time "still," he's talking there, Chief, when he
23 reviewed the transcript in 1982.

24 ...he still felt...

25 That's you.

1 ...that in 1971 he had gotten
2 the right person, and he had
3 taken it to the Courts and so
4 on. I think that's still his
5 feeling.

6 And then Ambrose MacDonald was talking about the same review.

7 And on page 1188, he says:

8 A. Yes, I think at that point
9 he still believed that he
10 had the right man based on
11 all the evidence that he had.

12 Was that your belief in 1982 notwithstanding what took place
13 in the Appeal Division?

14 A. That was my belief up until the court geared their decision on
15 it.

16 Q. Gave the decision from the Appeal Court?

17 A. That's right, yeh.

18 Q. All right. But after the decision came down from the Appeal
19 Board, you then accepted that in fact you had been deceived by
20 Pratico, Chant, and others, is that correct?

21 A. The -- Whatever the Appeal Court said at the time. I don't
22 think Pratico was called at the Appeal Court.

23 Q. No, that's not my question. I'm saying that once the Appeal
24 Court came down with their decision, you then accepted that you
25 had been deceived in the course of your investigation by
26 Pratico, Chant, Patricia Harriss, and others?

27 A. What others, sir? I -- I'm not --

28 Q. Mattson, O'Reilley.

1 A. I think there was only Pratico and Chant that were eyewitnesses
2 to what took place.

3 Q. Did you not place emphasis on the evidence of Patricia Harriss?

4 A. And I did -- Patricia Harriss, yes, but she didn't witness the
5 murder or the stabbing.

6 Q. Let me leave it with those three then. Do you --

7 A. No.

8 Q. Are you saying that once the decision of the Appeal Court was
9 handed down on the re-hearing, you then accepted and believed
10 that you had been deceived by Pratico, Chant, and Patricia
11 Harriss?

12 A. Well, I'd have to accept the Court decision.

13 Q. Let's go to the event that took place here, Chief. On May
14 the 28th, 1971, did you work that day?

15 A. The 28th, yes.

16 Q. That's the night --

17 A. Yeh.

18 Q. That's the Friday --

19 A. Yeh, I would've worked that day, yes.

20 Q. And would you -- You always worked day shift, did you?

21 A. That's right.

22 Q. What time would you normally go home?

23 A. Normally, supper time -- five o'clock or so.

24 Q. Now, we know that the detective on duty that afternoon and
25 evening was Michael R. MacDonald, and you've already told us

- 1 that you had confidence in his ability?
- 2 A. Yes.
- 3 Q. During the course of that night, did you receive a call about
- 4 the events that took place in the park?
- 5 A. Yes, I did.
- 6 Q. Who gave you the call?
- 7 A. M.R. MacDonald.
- 8 Q. M.R. MacDonald?
- 9 A. Yeh.
- 10 Q. Did you have a call from Deputy Chief MacGillivray?
- 11 A. No.
- 12 Q. M.R. MacDonald called?
- 13 A. He wasn't the Deputy Chief, MacGillivray; he was sergeant on
- 14 the desk.
- 15 Q. Okay. So it was MacDonald who called you?
- 16 A. That's right.
- 17 Q. And do you have independent recollection today of that call?
- 18 A. I remember MacDonald calling me that night, yes.
- 19 Q. And what do you remember him telling you then?
- 20 A. He told me that there was a stabbing took place and that it was
- 21 in the park area, and I think it was some time after midnight.
- 22 It was late. Of course, I went to bed early that night. I
- 23 wasn't feeling too well. I went to bed. I retired early that
- 24 night, but I was woke up in my sleep by the phone ringing,
- 25 and my understanding, it was after midnight when the call came

1 | in.

2 | Q. And you were told that there'd been a stabbing?

3 | A. Yes, and that there was people that -- There was people taken
4 | to the hospital. That's my recollection.

5 | Q. Yes. Now, did you have the impression that it was a stabbing,
6 | in the course of some sort of an altercation or -- What did you
7 | understood had happened.

8 | A. That it was an altercation, yes.

9 | Q. Between who?

10 | A. Well, the names of -- I think Seale's name and Marshall's name
11 | were mentioned that were -- that went to the hospital.

12 | Q. Okay. So you understood that two people had been stabbed?

13 | A. Yeh.

14 | Q. Not by each other but by someone else?

15 | A. Yes, that's what I understood.

16 | Q. And with that stage then, are you dealing with a serious crime?

17 | A. You're dealing with a stabbing at that stage, which is serious,
18 | yes.

19 | Q. Stabbing is not a phrase that has any meaning, Chief. You're
20 | dealing with an attempted murder, aren't you, or an assault?

21 | A. No, all you're -- No, you're dealing with a stabbing at that
22 | time, that was it.

23 | Q. All right, aren't you at least dealing with either an attempted
24 | murder or an assault with a deadly weapon or something of that
25 | nature?

- 1 A. Not at that time, no.
- 2 Q. Well, what's a stabbing mean to a policeman? It doesn't mean
3 anything to me.
- 4 A. Well, you'd have to arrive at that, I guess, after you'd had
5 an investigation into it, what was behind it and what took
6 place. Stabbings at times can be very serious, and some more
7 times that -- Any stabbing, I would say, is -- could be serious.
- 8 Q. Well, you had people in the hospital with this one. Did
9 you know that Seale was unconscious?
- 10 A. No, not at that time, no.
- 11 Q. Did you ask?
- 12 A. No, I understood that he was just -- that he was at the station
13 and that he was going to the hospital.
- 14 Q. Seale?
- 15 A. No, MacDonald.
- 16 Q. I'm sorry.
- 17 A. Yeh.
- 18 Q. You understood that MacDonald was at --
- 19 A. Yes.
- 20 Q. -- the station?
- 21 A. That's right.
- 22 Q. But he reported to you that someone was in the hospital?
- 23 A. That's right.
- 24 Q. In fact that Seale and Marshall were both there?
- 25 A. That they had been taken to the hospital, yeh.

1 Q. And what did you tell him to do?

2 A. I told him to do whatever -- to look at the scene and to
3 complete -- to do his investigation there and to pick up any
4 evidence and to get the names of anybody he could and to go as
5 far as he could that night, and if he wanted to call me back
6 later, to call me. I didn't receive any other calls that
7 night.

8 Q. So you told him to go to the scene, get whatever evidence he
9 could, --

10 A. That's right.

11 Q. -- the names of anybody he could, --

12 A. That's right.

13 Q. -- and do whatever else he --

14 A. That's right.

15 Q. -- thought was appropriate?

16 A. That's right.

17 Q. Did you speak to the Chief of Police?

18 A. No.

19 Q. Did you speak to the Deputy Chief?

20 A. No, I didn't.

21 Q. Did you think you were dealing with something serious here?

22 A. Didn't know.

23 Q. Well, did you not consider it appropriate for you to find out?

24 A. Well, I had told him to call me back.

25 Q. Did he?

- 1 A. No.
- 2 Q. Were you expecting him to?
- 3 A. If it was -- If he thought he should, I was to receive the
4 call.
- 5 Q. You were confident then or -- to leave it in the hands of
6 Mr. MacDonald?
- 7 A. Yes.
- 8 Q. Not knowing yourself --
- 9 A. And there'd be other men, of course, out there with him.
- 10 Q. Well, those are patrolmen, are they?
- 11 A. Well, they're -- Some of them had sixteen, eighteen years
12 service. I think they'd all have to use their common sense
13 with him there.
- 14 Q. But you, as the man in charge of that division, were content
15 to say, "Call me back," without even knowing --
- 16 A. That's right.
- 17 Q. -- the seriousness of the offence?
- 18 A. I didn't know at that time, no.
- 19 Q. If you had known that Seale had been taken to the hospital in
20 a state of shock with his intestines spilling out, would that
21 have made any difference to your --affected the action you
22 took?
- 23 A. Well, I didn't have that evidence that night.
- 24 Q. I realize that you --
- 25 A. Yeh.

- 1 Q. I'm saying that if you had, do you think that would've prompted
2 you to come out?
- 3 A. I would expect him to call me and tell me the seriousness of
4 it, and then I would have to see what I would do at that point
5 because as I told you already that I retired early that night,
6 and I wasn't feeling well. Well, I did retire early. I had --
7 I think it was the cold or the flu I had at the time, and I
8 didn't come out, and I didn't get any call -- any further calls.
- 9 Q. I appreciate that, Chief. My question to you is, If you
10 had known -- if you had been told that you were dealing with
11 a stabbing which resulted in the boy being rendered unconscious,
12 he's in a state of shock, his intestines are coming out of his
13 abdomen -- If you had been told all of that, would you have
14 got up and gone out?
- 15 A. I guess I'd have to try and get out.
- 16 Q. You would have then?
- 17 A. I'd have to try and get out, yeh.
- 18 Q. But you didn't make -- Am I correct? Didn't make any effort or
19 tell MacDonald, "Find out how serious that is. Call me back
20 when you find out --
- 21 A. I told him to call me back, sir, and I didn't see --
- 22 Q. Told him to call you back --
- 23 A. That's right.
- 24 Q. -- if he needed help?
- 25 A. If he had any further information for me, yes.

- 1 Q. Okay.
- 2 A. Yeh.
- 3 Q. But the next thing you did -- If you can back up for a second.
- 4 MacDonald's the only one you spoke to?
- 5 A. That's right.
- 6 Q. You didn't speak to the desk sergeant?
- 7 A. No, sir.
- 8 Q. Okay. And you expected MacDonald, then, would be doing the
- 9 things you told us?
- 10 A. That's right.
- 11 Q. Going to the scene and whatever?
- 12 A. That's right.
- 13 Q. What did you expect the patrolmen would be doing?
- 14 A. Assisting him.
- 15 Q. Would he have the right to just grab those patrolmen and tell
- 16 them to help him?
- 17 A. If they're at the scene, they would have to assist him, and he
- 18 could give them instructions, yes.
- 19 Q. If they were at the scene?
- 20 A. Well, they would be at the scene. If there was a stabbing, the
- 21 cars would be called there, and they would be at the scene.
- 22 Q. After the body had been removed?
- 23 A. No, not after the body -- Well, he could've kept some of them
- 24 back there after the body was removed.
- 25 Q. When MacDonald called you, he was at the police station, did

1 | you say?

2 | A. Yes.

3 | Q. Did you know what was happening at the scene?

4 | A. No, I didn't at that time.

5 | Q. What was the next thing you did then, Chief? When did you next
6 | get involved?

7 | A. I was out -- went out the next morning.

8 | Q. Did you get to work at the normal time?

9 | A. Well, it was early. I can't tell you just what time I got
10 | there, but it was early in the morning.

11 | Q. Do you have independent recollection of the events of that day?

12 | A. I was off Saturday and Sunday, but I did go out Saturday.
13 | That was Saturday morning I did go out.

14 | Q. Do you remember that day?

15 | A. Yes, I remember being over around the park that day. I
16 | remember --

17 | Q. Do you remember arriving at the police station?

18 | A. -- Harriss being at the station that morning.

19 | Q. Do you remember arriving there?

20 | A. I remember being down there, yeh.

21 | Q. Okay. And what would you've done when you first arrived?

22 | A. I would've looked at any reports that were there and talked to
23 | the police there.

24 | Q. Would you have talked to MacDonald?

25 | A. No, MacDonald -- I didn't see MacDonald.

- 1 Q. You didn't see MacDonald?
- 2 A. No.
- 3 Q. Would you have not called him to find out what he did?
- 4 A. No, I didn't call him, no.
- 5 Q. But he was the man who had done the investigation the night
- 6 before.
- 7 A. That's right.
- 8 Q. Did you have any written report from him?
- 9 A. No, I don't -- No, I didn't have any. No.
- 10 Q. Well, how would you know what he did?
- 11 A. Well, I'd -- I expected that he would be in touch with me.
- 12 Q. You expected he would --
- 13 A. Yeh.
- 14 Q. -- be in touch with you?
- 15 A. Yeh, that's right.
- 16 Q. What was your understanding about the state of Seale when you
- 17 arrived?
- 18 A. I don't think I knew too much earlier that morning, only that
- 19 he wasn't -- you know, that they had operated early that morning
- 20 and later on that morning, I contacted the hospital. He was --
- 21 I think they were after operating the second time.
- 22 Q. Who do you remember speaking to that day?
- 23 A. I can't recall, sir. I can't recall.
- 24 Q. I'm sorry. And I mean when you arrived at the station as
- 25 opposed to other people.

JOHN F. MacINTYRE, by Mr. MacDonald

1 A. No, I can't recall.

2 Q. Now, that -- Would you have reviewed the occurrence reports?

3 A. I would've looked at whatever was there, and that's what I
4 usually -- That's what I would always do when I went to the
5 station.

6 Q. Would you have reviewed anything else? Would MacDonald have
7 his -- He's testified he made his own notes. Would those have
8 been available -- with you?

9 A. No, I didn't see those.

10 Q. In fact, I think he testified that he went over them with you.

11 A. No, I didn't see those, sir.

12 Q. But you don't recall that?

13 A. No. No.

14 Q. Have you ever seen his notes?

15 BY MR. CHAIRMAN:

16 Did you keep --

17 BY THE WITNESS:

18 A. I don't recall seeing his notes, no.

19 MR. CHAIRMAN:

20 Q. Did you keep notes of your own, Mr. MacIntyre?

21 A. Did I keep notes?

22 Q. Yeh.

23 MR. MacDONALD:

24 Exhibit 38.

25

JOHN F. MacINTYRE, by Mr. MacDonald

1 BY THE WITNESS:

2 A. At the time, I would keep notes, I suppose. At the time. I
3 don't know what was in my --

4 BY THE CHAIRMAN:

5 Q. Well, ordinarily, in the course of your duties as Sergeant of
6 Detectives, would you carry it with you all the time, the --
7 that usual police notebook that --

8 A. I'd carry a small notebook, yes, for keeping things in it, and
9 of course I took -- not that day but the following day, I took
10 several statements and what have you.

11 Q. But ordinarily, would you have made a note of the person or
12 persons who you called on Saturday at the hospital concerning
13 the condition of Sandy Seale?

14 A. If I did, I haven't got them now.

15 Q. I see.

16 A. No.

17 BY MR. MacDONALD:

18 Q. Was it your instruction to the people in your department to
19 keep notes of what they did?

20 A. It was -- Yes, they kept notes of what they done.

21 Q. And you would know then that MacDonald had kept notes of what he
22 had done the night before, if he did anything?

23 A. He was -- I would expect him to, yes.

24 Q. You would expect it. In fact, you had instructed him to do
25 certain things?

JOHN F. MacINTYRE, by Mr. MacDonald

1 A. That's right.

2 Q. To go to the scene?

3 A. Yeh.

4 Q. To pick up whatever evidence was available?

5 A. Right.

6 Q. Get names of anyone he could?

7 A. That's right.

8 Q. What did you do to find out what he had ascertained?

9 A. That day -- I don't recall seeing MacDonald at all that day.

10 Q. Okay. I'm going to show you, Chief, the copy of the notes
11 that were presented here by Sergeant MacDonald.

12 MR. MacDONALD:

13 They're marked as Exhibit 38, My Lord.

14 BY MR. MacDONALD:

15 Q. And they're not numbered, I don't think, Chief; so I'll
16 perhaps --

17 A. Yeh.

18 Q. Have you seen those before?

19 A. No.

20 Q. You haven't seen them until I showed them to you now?

21 A. No.

22 Q. Okay. If you'd just take a moment then and read them, would
23 you please? To yourself, and then I'll ask you some questions.
24 Those notes covered several events, Chief. They also cover
25 taking Marshall to gaol, and so on. If we can just look at the

1 first couple of pages. At any time, did you meet with MacDonald
2 and get briefed by him what he had done the night before; that
3 is, the night of the stabbing?

4 A. I wasn't -- I don't recall talking to Sergeant MacDonald until
5 Sunday.

6 Q. And on Sunday, did he tell you what he had done?

7 A. Sunday, yes. He told -- Well, he told me he was up at the
8 hospital and that -- In fact, I didn't get that much out of him,
9 to be honest with you.

10 Q. You didn't get much out of him?

11 A. No. I was interested at that time in that chap that he was
12 supposed to have seen that night by the name of Chant.

13 Q. Yes.

14 A. And I think that -- My recollection is that I went to the --
15 Saturday evening to the police station when that shift was --
16 when that shift came on and that I was -- that I likely picked
17 the information up there at that time. I knew about Chant before
18 I seen M.R. and -- MacDonald, and my recollection is that I had
19 drove to a summer bungalow on the northside of East Bay and
20 picked him up and took him to Louisbourg with me on Sunday.

21 Q. Were you ever critical of him for what he had done or not done
22 on the night of the stabbing?

23 A. Well, I thought he could've done more on that night.

24 Q. But did you think he had carried out your instructions?

25 A. Well, I think he -- As you say, he should've been around the

1 next morning -- let me know what he did do. Yeh.

2 Q. But other than that, were you critical of what he did the night
3 of the murder or of the stabbing? Yes or no?

4 A. Well, I think he could've probably stayed at the scene or have
5 somebody else stay there.

6 Q. I'm not asking you so much, Chief, what you think --

7 A. Yeh.

8 Q. -- he should have done now. I'm asking you, did you ever
9 criticize him? Did you ever reprimand him for what he did or
10 did not do on that night?

11 A. I don't recall, to be honest with you.

12 Q. In this Exhibit 38, that's the notes, --

13 A. This one?

14 Q. Yeh. Mr. MacDonald -- Sergeant MacDonald was talking about what
15 he had been told at the hospital, but then he has a couple of
16 descriptions. Detective MacDonald said he wrote those descrip-
17 tions out on the night of the crime. Do you see those
18 descriptions? First:

19 Heavy set.
20 Short -
Dark Blue Coat To KNEES.

21 A. Yeh.


22 Q. Hair - Grey.
23 Black Lace Shoes.
24 Wearing Glasses.
Dark Rims.

25 MacDonald ever give you that description of what he had been

1 told by Marshall on the night of the stabbing?

2 A. No, I never seen this before.

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1 Q. You never seen that before until just now?

2 A. That's right.

3 Q. MacDonald, then, didn't pass along that information to you,
4 is that correct?

5 A. That's correct.

6 Q. Let me read to you the evidence from Mr. MacDonald then and
7 get your comments on this. This is found on page 1672 of
8 the transcript which is volume 10. In answer to question by
9 Mr. Orsborn. Now, question 5:

10 So you were not scheduled to
11 work on that Saturday but you
12 came out?

12 Yes.

13 You came out specifically because
14 of this case?

15 Yes, sir.

16 And did you work a full day?

17 Just about.

18 Did you work on any other case
19 that day?

20 No, we were pretty well looking
21 at this.

22 And when did you first speak to
23 Sergeant MacIntyre about the
24 case?

25 A. When he came out in the morning.

Do you know how early that was?

It could have been close to
eight-thirty, nine o'clock.

1 Eight-thirty, nine o'clock, and
2 where did you speak to him?

3 In the Detective Office.

4 And what did you tell him?

5 I explained to him what took place.
6 I read my report to him and I read
7 this -- this report...and from
8 there ...

9 Q. You read over your notes?

10 Yes, sir.

11 Now that's the evidence of Sergeant MacDonald saying that
12 he met with you on that morning and read those notes over
13 to you?

14 A. Yes.

15 Q. Is that wrong?

16 A. He must be mistaken.

17 Q. He must be mistaken?

18 A. That's right.

19 Q. Did you know when you arrived at work in the morning, Chief,
20 or shortly thereafter that you were dealing with a serious
21 crime?

22 A. I knew that Mr. Seale was -- was in hospital and that the
23 injury was serious, yes.

24 Q. And did you believe you were dealing with an attempted murder
25 at that stage?

 A. I had no -- I hadn't got into any of the evidence at that
 stage.

1 Q. After you had reviewed, sorry, did you speak with the
2 patrolman who had been on duty that night?

3 A. I was talking with police at the Station that morning but
4 I imagine -- I would imagine that the patrolmen that were
5 on duty would have -- would have gone home.

6 Q. Okay, let's look at volume 16, Chief, that's the occurrence
7 and crime reports. Volume 16 starting on page 2, I think;
8 actually page 3 would be the crime report. It's typed on
9 page 2. You would have actually read the crime reports
10 themselves, isn't that correct?

11 A. Yeh.

12 Q. Well, let's go to the crime report. That's on page 3 of
13 volume 16. That says that:

14 Mr. ... Mattson...called the police
15 station and reported...he had heard
16 some men talking on the street
17 outside his home and from this
18 conversation it seems someone has
19 assaulted...

20 is it?

21 A. Yes.

22 Q. ...in Wentworth Park and in need
23 of medical attention.

24 A. Yes.

25 Q. And then over to the right-hand side. I understand the left-
hand side would have been completed by the Desk Sergeant?

A. By the Sergeant at the Desk.

Q. And on the right-hand side would have been completed by the

1 officer?

2 A. That's right.

3 Q. Well, the officer says:

4 On arrival noticed Sandy Seale
5 of Westmount on the ground
6 after being felled by three
7 stab wounds inflicted
8 apparently from a person or
9 persons who had fled the scene.
10 Seales intestines were visible
11 and a considerable amount of
12 blood had been lost as a result
13 of this stabbing. The family
14 were notified. A companion
15 Donald Marshall also treated
16 & released.

17 Now, you would know from that, I take it, that you were
18 dealing with a very serious crime, and in fact, an attempted
19 murder, wouldn't you?

20 A. Again, I would have to look into the evidence, sir, of what
21 happened.

22 Q. What evidence are you want to look?

23 A. I would -- what's that?

24 Q. What evidence were you going to look into?

25 A. Of what took place. And why it took place and what have you.
What took place there.

Q. Okay. Now you also have an occurrence report and that's
found on page 5, is that correct?

A. Yes.

Q. That would be written out as well would it by the officer?

A. That's right.

1 Q. Why would some of them write out a crime report and others an
2 occurrence report?

3 A. I couldn't say, sir, unless they run out of crime reports, but
4 if they did, I've seen it happen, they would strike out
5 "occurrence" and put "crime" above it.

6 Q. All right.

7 A. But I'm not -- they didn't do it in this instance.

8 Q. You would have read this report as well prepared by Howard
9 Dean?

10 A. No, sir.

11 Q. If you'd like to look at the type-written copy, it's probably
12 easier. It's on page 4.

13 A. Yeh. Yes, I seen -- I seen a couple of reports there that
14 morning; but I didn't see them all.

15 Q. Why not?

16 A. Well, because I think there was one or two of them made out
17 that night, if I recall. That night, you know, as they came
18 out the next night.

19 Q. On Saturday night, you mean?

20 A. Yeh, that's what I think.

21 Q. After the men came out, you would have -- they would have filled
22 in the report for the night before?

23 A. Yeh.

24 Q. Did that happen on occasion?

25 A. Well, I didn't know about -- of it going on and them doing it;

1 but it did on that occasion.

2 Q. Okay. Is there any way now you can tell me which of the
3 reports in --

4 A. No. I can't --

5 Q. -- this volume you would have seen?

6 A. No, I can't at this time.

7 Q. Do you have any recollection of what, having looked at the
8 report, what you knew, what you understood had happened here?

9 A. I knew there was a stabbing over there and one man -- it was
10 serious and in the hospital. And I think I also knew that
11 Marshall was released to -- the men on the day shift that
12 morning, they come out at eight o'clock. They were probably
13 talking to the other chaps before they went home and had
14 the story.

15 Q. Look at the occurrence report from Dean, that's the one on
16 page 5.

17 A. Yeh.

18 Q. The type-written's on page 4.

19 A. Yeh.

20 Q. Down in the last paragraph, where he says:

21 I checked Seale briefly and then
22 called for an ambulance at which
23 time Const. Walsh and Mroz in Car
3 came in off Bentinck St.

24 A. Yeh.

25 Q. Marshall told me it was a tall
with white hair and a short

1 fellow. He showed me the knife
2 wound on his left arm...

3 Etcetera. Now do you recall if you saw that on the morning
4 of May the 29th?

5 A. I wouldn't be sure. I wouldn't be sure.

6 Q. Did you take --

7 A. I could have seen it.

8 Q. Did you take over conduct of this case when you turned up for
9 work on May the 29th?

10 A. I was out there to see what I could do on it and I think I
11 left the Police Station and I went to the Park area looking
12 for clues over there. And I had some men with me to my
13 recollection.

14 Q. My question though is, did you assume command? Were you
15 then going to be then the officer-in-charge of this
16 investigation?

17 A. I was going -- yes, I was going to dig into it, yes.

18 Q. So you would have taken it away from MacDonald who had it
19 the night before? Is that correct?

20 A. I guess you could say that, yes.

21 Q. Is there any particular reason you would do that?

22 A. Well, I wanted to work on it and see what I could get out of
23 it.

24 Q. Was it normal for you --

25 A. That would be my job and that's what I came out there for and

1 to do.

2 Q. Did you have confidence in MacDonald to leave -- were you --
3 would you have been confident to leave it with him to do
4 the entire investigation?

5 A. Well, I didn't see anything wrong with me getting into it
6 myself, sir.

7 Q. Okay, thank you. Well, having read what you did, spoke to
8 who you did, you had understood there was a serious crime
9 occurred?

10 A. Yes.

11 Q. Did you have any idea who you would be looking for?

12 A. There was -- there was a description and --

13 Q. That's what I'm trying to find, sir, where is it?

14 A. Oh, I -- no, but the men were talking that morning --

15 Q. Yeh.

16 A. -- about this tall fellow and the short fellow and I see
17 here he's got:

18 ...tall fellow with gray hair...

19 but I understood it was the -- what I had in my mind, it was
20 a short fellow with gray hair and the tall fellow with him.

21 Q. Well, is that what you would have done, though, just listen
22 to what was being said around the Police Station?

23 A. Well, at that -- at that time now --

24 Q. Rumors?

25 A. -- I went to the Park, sir, very early that morning also. And

1 I was interested in getting a search on there in case there
2 was something there to be picked up and took some men with
3 me. And that's what I had in mind at that time and then
4 Marshall was in the Park area that morning and -- and I
5 talked to him at the Station on my orders. I wanted to see
6 him at the Station.

7 Q. Well, didn't you expect that a search had already been
8 carried out at the Park?

9 A. I expected it but it was daylight when I was -- it was day
10 time when I came out and I wanted to have a look because there
11 was nothing left there that I could see that was picked up.
12 I didn't hear it from anybody at that time.

13 Q. You don't recall though whether you made it a point to talk
14 to the actual officers who were on duty that night. That
15 is to Mroz, Dean?

16 A. At that time?

17 Q. Yes, Walsh?

18 A. I don't recall that all, I don't recall.

19 Q. And your recollection --

20 A. I would say they were -- would be gone home, sir. That shift
21 was over at eight and they would be relieved earlier than that
22 if the relieving partner came out.

23 Q. And your recollection is you would not have spoken to M. R.
24 MacDonald enough he says he went over it with you in some
25 detail?

1 A. No, don't recall that at all.

2 Q. Look at page 6 of exhibit 16. That is a crime report and it
3 is -- the actual document is on page 7.

4 A. Yeh.

5 Q. That's dated May 29th, at 1:00 a.m. so I take it that that's
6 when it would have been written?

7 A. That's what that says, yes.

8 Q. Yes.

9 A. Yeh.

10 Q. And was that the normal practice for your police officers
11 to write in the date and time on they actually filled in these
12 reports?

13 A. That's when they should have. They should -- they should
14 have written the report before they left the station on the
15 night it occurred.

16 Q. When you -- you decided you would go to -- I'm sorry, let
17 me get to page 10 as well, Chief. Would you look there,
18 please? Do you know if you saw that on the morning of
19 May the 29th? That is where there's a description:

20 According to Marshall, the responsible
21 parties ...as a man in his mid 40(s, very
22 tall and having white hair. The second
man...as having been much shorter and
younger...

23 Do you know if you had that description?

24 A. I don't recall which ones I had. I don't recall.

25 Q. As the man in charge of this investigation of May the 29th,

1 | 1971, did you give any instructions to the patrolmen working
2 | that day to be on the look-out, to be searching for anybody?

3 | A. All we had at that time was the description of those two
4 | chaps.

5 | Q. And what was the description?

6 | A. Well, my -- my -- I was talking with Donald Marshall that
7 | morning and it was supposed to be a short man, a short fellow
8 | with gray -- gray hair and a taller younger man with him.

9 | Q. Anything about their clothing?

10 | A. Yeh, I think it was blue Burberrys.

11 | Q. Yes.

12 | A. And there was, I think, the short fellow was supposed to
13 | have black-rimmed glasses, gray hair, long Burberry, black
14 | shoes with pointed toes, I recall.

15 | Q. And is that a description you would have put out on the --
16 | to your patrolman?

17 | A. The -- the patrolmen -- the patrolmen -- that is the
18 | description that I took that was around the station and that
19 | I also thought I got from Donald Marshall on that point.

20 | Q. But would that be given to the people out on the street?

21 | A. Yeh, the police would know about that, yes.

22 | Q. Well, how would they know?

23 | A. They would know about that that morning because there was
24 | talk about, I guess, from the night before. There was two
25 | fellows mentioned.

- 1 Q. But is that what happens that --
- 2 A. And some of those reports here, I didn't see them and what
- 3 I -- and that I seen MacGillivray's. I don't think Walsh's
- 4 report was there that morning. And you're asking me about
- 5 a couple of others here, all -- I'll tell you, all the
- 6 reports weren't there that morning for me to see.
- 7 Q. Okay. You -- after having reviewed what you did, what was
- 8 your next step, to go to the Park?
- 9 A. Went to the Park, yeh.
- 10 Q. Have you -- you don't remember if Sergeant MacDonald was
- 11 with you?
- 12 A. No. John Mallowney was one of the officers that was with
- 13 me and I think there was a couple of more. I didn't remember
- 14 the names at this time but --
- 15 Q. What were you going to the Park for?
- 16 A. To search around to see if we could come up with that -- with
- 17 a weapon.
- 18 Q. When you got to the Park, were you surprised at all or were
- 19 you -- anything of note there when you got there?
- 20 A. No, except that Mallowney picked up a kleenex on a lawn, I
- 21 think, at 130 Crescent Street with what appeared to be blood
- 22 on it.
- 23 Q. Were you surprised that the Park had not been secured in
- 24 some way?
- 25 A. Well, if I was out there, I would have probably -- in all

1 probability would have left somebody there until somebody got
2 there in the morning.

3 Q. But was there anyone there?

4 A. But it was dark and there was nobody there, no.

5 Q. And was that a surprise to you?

6 A. Well, I thought that somebody should have been left there.

7 Q. And did you bring that to the attention of MacDonald?

8 A. I don't know whether I did or not.

9 Q. The Chief?

10 A. I don't know what discussion I had with the Chief.

11 Q. Anything else of concern to you that morning?

12 A. No, I don't think.

13 Q. So if MacDonald had left someone there, that would have been
14 -- he would have performed his duties to your satisfaction?

15 A. Well, there would be nothing picked up until after it became
16 daybreak, I suppose, for him to look at.

17 Q. Did you call in --

18 A. The main --

19 Q. I'm sorry.

20 A. The main object would have been a weapon of some kind.

21 Q. Did you call in the Identification Section of the R. C. M. P.?

22 A. Would I call them in?

23 Q. Did you?

24 A. Did I? No.

25 Q. Did you see any need to call them in?

- 1 | A. Not at that time.
- 2 | Q. Were you aware that or were you not contacted by Constable
3 | Ryan who offered the services of the Ident Section and you
4 | said, "perhaps at a later date, but not now"?
- 5 | A. Don't recall that discussion at all, sir.
- 6 | Q. Are you saying it didn't say or you just don't recall?
- 7 | A. I don't recall it, sir. I don't recall him being there that
8 | morning. That was on a Saturday morning. He could have been
9 | there, I don't know.
- 10 | Q. I believe his evidence is that he called you and asked if you
11 | needed his services.
- 12 | A. He called me?
- 13 | Q. Yes?
- 14 | A. I don't remember getting any call, sir.
- 15 | Q. And you're saying --
- 16 | A. But I knew -- I knew Ryan and I knew Wood and --
- 17 | Q. And you know he would call you? He would offer you something?
- 18 | A. Well, it wasn't a question of offering me something, the City
19 | was supposed to do their work. If we -- we were -- we usually
20 | called them if we wanted assistance. But this time, it's the
21 | other way around.
- 22 | Q. Would you be surprised if he called and offered you assistance?
- 23 | A. No, I don't say I would be. I mean I knew him and he knew me.
- 24 | Q. Why wouldn't you take his, assuming he did call you?
- 25 | A. Yeh.

1 Q. Why wouldn't you accept his offer to get his expertise or the
2 expertise of his section?

3 A. Well, I just didn't do it at that time. I didn't think --
4 I thought I'd carry on myself.

5 Q. And what were you going to do from a Ident point of view?

6 A. From an Ident point of view?

7 Q. Yeh?

8 A. Well, there was nothing there to do it except to look for the
9 weapon at that time. I had the scene drawn by the City
10 Engineer's Department a couple of days --

11 Q. That was months later?

12 A. It wasn't months later, sir, no.

13 Q. Oh, I'm sorry, I thought it was. When was it?

14 A. I don't know, you got a date on it. I know it was very shortly
15 after I had that done.

16 Q. But --

17 A. I think -- I think it was said there was pictures taken months lat-
18 in August I believe. But I don't --

19 Q. So you had the Engineer draw a plan.

20 A. A plan of the whole area -- what I wanted there, yes.

21 Q. And what did you want there?

22 A. I wanted everything in there that belongs, the street, the
23 tracks, the lawned area, the trees, the telephone poles and
24 what have you.

25 Q. But --

1 A. And -- and the spot -- of course, the section where Seale
2 was lying. That whole section.

3 Q. Would you have wanted a diagram of where the body was actually
4 lying?

5 A. Well, we knew where the body was lying. It was in a -- across
6 from a driveway between the Green Apartment house there.

7 Q. How did you know that?

8 A. How did I know that?

9 Q. Yeh, who told you that?

10 A. Well, the police were there that night at -- I had found that
11 out.

12 Q. Is there anything in the report that say where the body was
13 lying?

14 A. I was -- in fact, I think, I was shown by one of them where
15 the body was lying.

16 Q. You were shown by one of the officers?

17 A. That's what I -- that's my recollection.

18 Q. Was there any attempt to find blood from the area where the
19 body was lying?

20 A. No, I don't recall seeing any blood there, no.

21 Q. Did you not expect there would be?

22 A. Well, there might of have been -- there could have been a lot
23 in his clothes at that time and you know, as he was picked up
24 it probably didn't on the ground at that time.

25 Q. But when you went back to the scene on May the 29th, did you

1 | cause a search to be made or an investigation to find out
2 | if in fact there was blood there?

3 | A. Well, I looked the area over. I was there.

4 | Q. Relying on what you could see?

5 | A. I take -- yeh, I looked over it. I looked the scene over, yes.

6 | Q. Do you know Constable Wood of the R. C. M. P.?

7 | A. Yes.

8 | Q. Do you recall seeing him on the morning of May the 29th?

9 | A. No, I don't.

10 | Q. He -- he's given evidence in this Inquiry and files his
11 | exhibit 40. Some of the portion of his diary notes. These
12 | are notes, Chief, that he put in his diary and he said on
13 | May the 29th, 1971?

14 | A. Yes.

15 | Q. And he says:

16 | Between nine thirty and eleven he
17 | was at his office and the Sydney
 Police Station.

18 | He refers to the stabbing and then he says this:

19 | Conversation with Edward MacNeil
20 | and Detective MacIntyre. Feeling
21 | at this time, Marshall was
22 | responsible and incident happened
 as a result of argument between
 both Seale and Marshall.

23 | Do you have any recollection of that discussion with
24 | Constable Wood?

25 | A. No, I have no recollection of it, sir.

- 1 Q. Did you have any knowledge on May the 29th of any suspicion
2 that Marshall may have been involved in an altercation with
3 Seale which resulted in a stabbing?
- 4 A. No, I had no -- I hadn't made up my mind at that time.
- 5 Q. Had you any impression at all as to what happened?
- 6 A. Just the stories that were -- that he told me.
- 7 Q. And what stories had you been told?
- 8 A. Well, this would be -- I was over in the Park for quite some
9 time that morning, so it wasn't -- if he seen me at all --
10 if he seen me at all at the station, it would be later on
11 in the morning.
- 12 Q. You don't think --
- 13 A. And I don't know what time, I think Marshall was around that
14 morning and I thought I had Marshall taken to the Station
15 that morning -- asked him to go to the Station for me to
16 see him.
- 17 Q. You don't think Constable Wood would just dream this up, do
18 you?
- 19 A. Well, that's his -- that's his note on it, sir, but I'm --
20 what I'm saying to you know is I don't recall talking to
21 Constable Wood that morning.
- 22 Q. Okay. You went to the Park then to have a look around for
23 evidence?
- 24 A. That's right.
- 25 Q. What was -- what did that involve? How many people were there?

- 1 A. I would say probably three or four of us.
- 2 Q. And what did you do?
- 3 A. Well, we picked sections and we'd look it over.
- 4 Q. Specifically, you just walked around?
- 5 A. Walked around, that's right. Checked -- we checked houses
- 6 around there. The lawns. The backyards. The bushes and
- 7 what have you. And sections of the Park and the tracks.
- 8 The right of way.
- 9 Q. Did you use any equipment?
- 10 A. Around the lawns. No, just the naked eye.
- 11 Q. And what was found, if anything?
- 12 A. Just a piece of kleenex on one of the lawns was found there.
- 13 Q. Was that it?
- 14 A. That was it, sir.
- 15 Q. How long would that have taken you?
- 16 A. Oh, I couldn't say, sir, we were there for quite some time.
- 17 Q. Did you do anything else at the Park other than just carry
- 18 out that search that you talked about?
- 19 A. At that time, that's all we done. Of course, at the Park
- 20 we had the -- I had the -- the Pond was drained by the
- 21 City Engineering Department.
- 22 Q. Was that that day?
- 23 A. Not that day, but it was the first of the week I believe.
- 24 Q. Okay, if we can just stick to that day. You went, you carried
- 25 out your search, then what did you do?

- 1 A. Well, I went back to the Station after that, sir.
- 2 Q. Yes.
- 3 A. And I think I was talking with Donald Marshall there that
4 morning.
- 5 Q. You asked that he'd come down?
- 6 A. Well, he was over around the Park and I left word with somebody
7 there if they seen him to -- I think -- I recall that he was
8 around the Park or I had knowledge that he was around the Park.
9 And I asked somebody in one of the cars to have him drop into
10 the Station.
- 11 Q. Why did you want him there?
- 12 A. Because I wanted to talk to him.
- 13 Q. Did you?
- 14 A. And I did. And I seen his injury that morning.
- 15 Q. What did you think of that?
- 16 A. On his arm. Well, I thought it was very, a very shallow injury.
- 17 Q. How could you tell that?
- 18 A. Well, he had it bandaged and he pulled it down and I seen it.
- 19 Q. But wouldn't it be stitched up?
- 20 A. It was, yeh.
- 21 Q. How can you tell how shallow or deep it was, did you split it?
- 22 A. By just looking at it, sir, I thought it was.
- 23 Q. You can tell by looking at a stitched cut whether it's shallow
24 or deep?
- 25 A. Well, a deep cut is pretty, you know, it's a little different

1 to one that's not deep.

2 Q. I can't understand that, Chief, if it were open?

3 A. Sure.

4 Q. But I have trouble when it's stitched up to get that in my
5 mind?

6 A. Well, I didn't -- I went to see the doctor that done it at
7 that time. I had a conversation with him.

8 Q. On this Saturday?

9 A. I don't know whether--I don't know if it was Saturday.

10 Q. Yeh?

11 A. I think it was after I got the jacket.

12 Q. Okay, well, when Marshall came to the Station then on
13 Saturday and showed you his cut?

14 A. Yeh.

15 Q. Did you form any opinion at that time whether it was shallow,
16 deep, self-inflicted or whatever?

17 A. No, no, I was keeping my mind open at that time.

18 Q. Okay, so you spoke to Marshall, how often or how long would
19 you have spoken to him?

20 A. Oh, it was -- more than once, probably three or four times,
21 just casually. He was just hanging around the Station there.
22 He wasn't --

23 Q. Did you ask him to hang around?

24 A. Hang around for a while, yeh.

25 Q. Why did you want him around?

- 1 A. Well, in case I needed him. If something came in or some
2 information came in to me, I might need him.
- 3 Q. How long would you have spoken to him?
- 4 A. Oh, not very long, but on more than one occasion, I would say.
- 5 Q. Couple of minutes each time?
- 6 A. Probably, yeh.
- 7 Q. Did you take a statement from him?
- 8 A. No.
- 9 Q. Why not?
- 10 A. Well, I just didn't at that time.
- 11 Q. Is there any particular reason that you wouldn't?
- 12 A. No, no.
- 13 Q. Wouldn't that be basic, good police practice to take a statement?
- 14 A. Yes, but it wasn't necessary at that time, I don't think.
- 15 Q. Why not?
- 16 A. I left it, I'm telling you.
- 17 Q. I'm sorry?
- 18 A. I said, I didn't take it at that time, that's my answer.
- 19 Q. But it would have been good practice to take it?
- 20 A. I could have taken one, yes. I could have taken one, sure.
- 21 Q. But would it have been good practice to take one?
- 22 A. I was waiting to see what else I could gather, to be honest
23 with you.
- 24 Q. From who?
- 25 A. Well, you know, when something like that happens, I think it

1 was on the radio Saturday. And when something like happens
2 we get calls from people and we did have calls, I think, from
3 two or three people about it and see what they had to say.
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- 1 Q. But is that what you're doing, and I don't know how to phrase
2 it, but you've told us you went to the park and you're back
3 at the station?
- 4 A. Yeh.
- 5 Q. You've talked to Marshall a few times. Were you talking to
6 anybody else?
- 7 A. I would talk then I suppose to the men at the station there.
8 I can't give you -- I can't recollect everything at this
9 time just what I done every minute that morning or that
10 afternoon. I believe -- I'm not too sure -- I haven't got it, but
11 I thought I seen some people in Westmount that day too, didn't
12 I?
- 13 Q. Would you have made notes of anybody you saw?
- 14 A. I think one was a Dixon girl. Have you got it there,
15 those --
- 16 Q. Yes, I can show you the notes you have, Chief, but I --
- 17 A. Well, yeh, but can I find out what day that was.
- 18 Q. I think in -- in that volume that you have, Exhibit 16, you
19 have notes starting on page 123 -- 123. It's under a tab,
20 Chief, that says, "Handwritten notes".
- 21 A. Oh, Yeh.
- 22 Q. You can flip through them if you like. I believe those are
23 all your handwritten notes. Some of them are dated and some
24 are not, for example, on page 130 there is a note of May 30th
25 about halfway down the page.

- 1 A. Yes. Oh, yeh. Barbara Floyd, yes, made it. That was on
2 May the 30th.
- 3 Q. I don't believe --
- 4 A. That was -- That was Sunday.
- 5 Q. I don't believe there are any dated May the 29th?
- 6 A. No.
- 7 Q. Was it your practice to date your notes?
- 8 A. At times.
- 9 Q. Pardon?
- 10 A. At times.
- 11 Q. So not all the time, hey?
- 12 A. No.
- 13 Q. Your best recollection today then is that you may have gone to
14 Westmount and saw a couple of witnesses?
- 15 A. Yeh, but I'm not -- I have no --
- 16 Q. What, if any, review of the Sydney Police records did you carry
17 out to see if you could get any assistance there?
- 18 A. I wouldn't say I carried out any there.
- 19 Q. Had you any knowledge of knife offenses that had taken
20 place in Sydney within the past several years?
- 21 A. I could say there was but --
- 22 Q. I'm saying --
- 23 A. I could say there was but I wouldn't have knowledge of that
24 time of recall.
- 25 Q. Was there any way -- any method that you could have --

- 1 A. Yes, if you had -- if you had names.
- 2 Q. Only if you had names?
- 3 A. Names, yes. To look up cards, yes, you'd have to have a name
4 unless somebody -- unless somebody else came up with a name.
5 Say I'm talking about the police, you know, if they --
- 6 Q. At that time where was the card record kept?
- 7 A. That must be in '71. They'd be down in our offices there.
- 8 Q. The same office that you're in?
- 9 A. Yeh, I don't know if there's any in the courtroom or not.
10 We had another small room that was used for a courtroom. I
11 don't know if there's files in there or not. The space was at
12 a premium, but anyhow they would be in the Police Department,
13 the cards.
- 14 Q. Do you have any prior knowledge of John Pratico? Did you know
15 who he was on May the 29th?
- 16 A. Yes, I think I knew him to see him, Pratico.
- 17 Q. Did you have any --
- 18 A. I don't recall having any dealings with him.
- 19 Q. You knew about -- or did you -- On May 29th did you know about
20 Chant?
- 21 A. That was Saturday. May 29th, yeh, not until the evening.
- 22 Q. Not until the evening?
- 23 A. Not until the evening.
- 24 Q. What happened in the evening that you found out about?
- 25 A. Well, I think Mr. -- I think Mr. Seale expired that night

1 | somewhere in the vicinity of eight o'clock and my recollection
2 | tells me that I went to the station that night after that --
3 | a while after that to -- to see the police and to see the
4 | people who were coming on. That's my recollection that Chant's
5 | name came up at that time and I was informed that this -- that
6 | Sergeant MacDonald would know something about it so Sunday
7 | I drove out to his summer bungalow and my recollection is that's
8 | where I picked him up. I went to Louisbourg to see Chant.

9 | Q. So did you say that you were at the station on Saturday night
10 | after you learned of Mr. Seale's death?

11 | A. After, that's right. Yeh.

12 | Q. To talk to the people that were coming on?

13 | A. That's what I -- That's what I --

14 | Q. And those were the officers that had been on the night before?

15 | A. Yes. Yes.

16 | Q. And at that time they would have completed all of their occurrence
17 | reports?

18 | A. They would have done them, yes.

19 | Q. But at that time you don't think you would have spoken with --

20 | A. MacDonald?

21 | Q. --MacDonald?

22 | A. No. No. No, I -- I believe it was Saturday evening that I got
23 | his name, Chant's, and I went to Louisbourg on Sunday with
24 | MacDonald and got a hold of Chant.

25 | Q. If I get you to look at page 15, I think, of that
volume 16. Are those typewritten notes or typewritten

JOHN F. MacINTYRE, by Mr. MacDonald

1 | copies of your notes?

2 | A. The --

3 | Q. I don't have the handwritten copies.

4 | A. I'd have to have the handwritten copy but I was -- I have a
5 | recollection that it would be my notes, those.

6 | Q. Okay, and that would indicate that you were at the Dixon home
7 | in Westmount on May the 30th?

8 | A. Yes.

9 | Q. So on May 29th, if we assume that that note is accurate, am I --

10 | A. This one here?

11 | Q. Yeh. Am I correct that what you did was review the occurrence
12 | and crime reports. You spoke to Donald Marshall on a couple of
13 | occasions and you went to the park and carried out a search?

14 | A. Yeh.

15 | MR. COMMISSIONER EVANS:

16 | On page 123 I think there was a handwritten note having to do with
17 | David Noseworthy.

18 | MR. MacDONALD:

19 | Yes, My Lord, that --

20 | BY MR. MacDONALD

21 | Q. That is the handwritten copy of what's shown on page 15, is it?

22 | A. Yeh, that is my handwriting, yeh.

23 | Q. Which would indicate that -- if we take it -- the handwritten
24 | or the typewritten copy, Chief, that you would have interviewed
25 | them on May the 3rd?

1 A. Yeh.

2 Q. Again on May 29th, then you did a search of the park, you
3 spoke to Marshall a couple of times and you read the occurrence
4 reports, and spoke to the officers as they came on duty that
5 night?

6 A. On May the --

7 Q. Twenty-ninth, Saturday.

8 A. Twenty-ninth. That would be my recollection.

9 Q. Can you tell me anything else that you would have done on that
10 day?

11 A. No, I really can't recall.

12 Q. Can you tell me any useful information then that you would have
13 obtained on that day?

14 A. I can't recall at this time.

15 Q. At the end of that day was there any suspect?

16 A. No, I was -- I was keeping an open mind on that.

17 Q. So there was no suspect?

18 A. No, I had no suspect at that time.

19 MR. CHAIRMAN:

20 Sunday?

21 MR. MacDONALD:

22 I'm sorry, My Lord, I was talking Saturday.

23 MR. CHAIRMAN:

24 Saturday. All right. Okay.

25 BY MR. MacDONALD:

Q. After you had visited the shift coming on Saturday night and

1 went home --

2 A. Yeh.

3 Q. --you had no suspect, correct?

4 A. No, I don't -- No, I don't think I did. No.

5 Q. Okay. Let me ask you to look at page 90.

6 A. Ninety?

7 Q. Of Exhibit 16. Chief, that is a copy of an -- of a Telex
8 from the Sydney Detachment of the R.C.M.P. to Halifax Division
9 M.C.I.S. You've seen that before?

10 A. Yes, I did. This was sent on May the 30th at three-eleven a.m.

11 Q. Yes, so that was sent early in the morning of Sunday, May the 30th,
12 yes?

13 A. Yes.

14 Q. Let me take you through that. First of all, who in the Sydney
15 Police Department would have the authority to ask the R.C.M.P.
16 to run such a check for them?

17 A. I wouldn't know at that time what took place there at three-eleven
18 a.m. in the morning. I wouldn't be out there.

19 Q. I realize that, Chief, and I'm asking who in the Sydney Police
20 Department would have the authority to go to the R.C.M.P. and
21 ask them to run a check through M.C.I.S. to assist?

22 A. Well, unless the two departments, personnel from the two
23 departments were talking at that time and somebody sent this
24 through, I -- other than that I don't know anything about it.

25 Q. Would the ordinary patrolman on the beat have the authority to

- 1 go in to the R.C.M.P. and say, "Find out from M.C.I.S. for
2 us if there's any information."? Isn't this an investigation
3 under your control?
- 4 A. Yes, it was. Yes.
- 5 Q. And you wouldn't expect any of your patrolmen to step into your
6 territory, would you?
- 7 A. No, I don't know -- They might have been talking to the desk
8 for all I know. I don't know just who --
- 9 Q. Did you ask the R.C.M.P. to do this?
- 10 A. This is -- I have no recollection of this, sir.
- 11 Q. Are you saying you didn't do it or you just can't recall?
- 12 A. No, I didn't do it. This was sent through at May the 30th at
13 three-eleven a.m.
- 14 Q. That may be when it was sent, but did you ask the R.C.M.P. --
- 15 A. No, I have no recollection of this, sir.
- 16 Q. Well, why wouldn't you ask them to run a check through M.C.I.S.
17 to find out what information would be there?
- 18 A. Well, I didn't do it, sir.
- 19 Q. Yeh, but why wouldn't you? That's a resource available to you.
- 20 A. Yeh.
- 21 Q. Why would you not ask them to go through their records and
22 find out what's on their record that might be of assistance
23 to you?
- 24 A. Yeh, it could have been done but I don't know if there was --
25 It could have been done but I -- at that time I -- I wasn't --

JOHN F. MacINTYRE, by Mr. MacDonald

1 I was carrying it on myself at that time under this
2 investigation and --

3 Q. Well, at any time did you ask the R.C.M.P. to assist you by
4 going through the M.C.I.S. system?

5 A. No. Not that I recall, sir.

6 Q. Let's go back to this Telex in any event, page 90. It says about
7 Mr. Seale having died and then a couple of sentences into that
8 it says:

9 DONALD MARSHALL JR INDIAN AGE 17...
10 GALLAGHER STREET MEMBERTOU, SYDNEY
11 ALSO LOCATED SAME AREA IN PARK. AND
12 ALSO ADMITTED TO HOSPITAL WITH
SEVERE LACERATION TO RIGHT ARM
CONDITION SATISFACTORY...

13 MR. CHAIRMAN:

14 Severe?

15 BY MR. MacDONALD:

16 Q. ...SEVERE LACERATION TO RIGHT ARM
17 CONDITION SATISFACTORY CIRCUMSTANCES
18 PRESENTLY BEING INVESTIGATED BY
SYDNEY PD INVESTIGATION TO DATE
REVEALS MARSHALL...

19 Probably...

20 ...THE PERSON REASONABLE...

21 COUNSEL:

22 Possibly.

23 MR. MacDONALD:

24 I'm sorry, possibly.

25 BY MR. MacDONALD:

Q. I'm sorry.

1 ...POSSIBLY THE PERSON RESPONSIBLE...

2 Now did you have any -- hear any talk around the station that
3 the investigation to date would say that Marshall is possibly
4 the person responsible?

5 A. No, I wasn't involved in any -- in any of this.

6 Q. So on the morning of Saturday, May the 29th, Wood -- Constable
7 Wood who was at your station and reports a conversation with
8 you and Edward MacNeil. The feeling in the station being that
9 Marshall was responsible and then that night the R.C.M.P.
10 reporting that the investigation by Sydney PD to date reveals
11 Marshall possibly the person responsible, and none of that
12 had anything to do with you?

13 A. This report. No. And I think on that morning Wood
14 wasn't sure whether he was talking to me or Eddie MacNeil, isn't
15 that correct?

16 Q. Wood's evidence (You're correct, Chief.) said he couldn't say which.
17 I am just -- I was referring to his diary.

18 A. I don't -- I have no recollection of that.

19 Q. His diary says he was speaking with you and --

20 A. Or was it me and/or MacNeil?

21 Q. Well, you can look at it if you like. It's Exhibit 40.

22 A. No, but I mean I just -- Huh?

23 Q. It's Exhibit 40 in front of you.

24 A. Yeh.

25 Q. And it says:

1 Conversation with Edward MacNeil and
2 Detective MacIntyre.

3 A. Yeh.

4 Q. And you're correct, his evidence was that he said he couldn't
5 remember which or both --

6 A. I don't remember that. I have no recollection of it.

7 Q. Is it fair though, Chief, for us to say that based on the
8 documentary evidence available at least there was some people
9 in the Sydney Police Department who believed on Saturday and
10 throughout Saturday of May 29th, 1971, that Marshall was possibly
11 the perpetrator of that crime?

12 A. It could have been. It could have been. I don't know
13 exactly what their feelings were. I wasn't -- I was
14 investigating at that time and I -- at that time I -- I
15 was interested in seeing other people and taking statements.

16 Q. Let me go on here on page 90, Chief --

17 A. Ninety?

18 Q. Yes.

19 A. Yes.

20 Q. --where it says:

21 Marshall states he and deceased were
22 assaulted by an unknown male
23 approximately five foot eight to six
24 foot tall, grey hair, approximately
 fifty years who stated he did not like
 Indians or Negros and assaulted both
 persons with a large knife.

25 Are you able to say if there's any description available to the

1 | police in Sydney on that day, on the Saturday, that they were
2 | assaulted by a male approximately five foot eight to six feet
3 | tall, grey hair, and approximately fifty years old, where
4 | that description comes from?

5 | A. I think myself that that's in one of the police reports, isn't
6 | it?

7 | Q. Well, let's go. It certainly isn't in --

8 | A. Yeh.

9 | Q. It's not M.R. MacDonald who says that it's a heavy set, short,
10 | dark blue coat to knees, hair, grey. It's not him?

11 | A. I think Dean's report is --

12 | Q. Okay. Let's see what Dean's says.

13 | A. It's a little different too, hey.

14 | Q. Dean says:

15 | It was a tall fellow with white hair.

16 | A. Yes.

17 | Q. That's all he says?

18 | A. Yes, and I think Walsh says that, doesn't he.

19 | Q. Well, we'll go to Walsh then. Constable Mroz said, and this
20 | is on page ten.

21 | A. Page ten.

22 | Q. A man in his mid-forties, very tall, and
23 | having white hair.

24 | A. Yeh.

25 | Q. That's all Mroz said. And I don't have any description -- I

1 don't think Walsh filed any other description. On Saturday
2 night or early Sunday morning at three o'clock could Junior
3 possibly have been the person responsible?

4 A. Could who, sir?

5 Q. Junior Marshall possibly could have been the person responsible
6 in your mind?

7 A. I was keeping my mind open at that time, sir, about anybody
8 being responsible while I carried the investigation further.

9 Q. Do I understand, Chief, that -- and you've told us you didn't
10 send this -- a request that this particular document be sent,
11 but are you telling me that at no time in the course of
12 your investigation did you ask the R.C.M.P. or ask M.C.I.S. to
13 give you any assistance?

14 A. I have no recollection of that at all. In my opinion I didn't.

15 Q. You knew that that resource was available?

16 A. Yes, but I didn't use it at that time.

17 Q. And you didn't use it at all in the Marshall investigation or
18 the investigation of Seale's death?

19 A. Not at that time, no.

20 Q. Now was that because you never used it? Is it something you
21 just didn't use at all as a practice?

22 A. No, I wouldn't say that. I had -- I was -- I had discussions
23 with the R.C.M.P. on other cases, but this one here I kept
24 digging and came up with what I came up with.

25 Q. Isn't it a fact that the M.C.I.S. maintain a so called M.O. wheel

- 1 | that kept track of the M.O.'s of all known criminals in
2 | the major crime categories?
- 3 | A. No, I didn't know that, sir. I was never in their office. I
4 | never seen that --
- 5 | Q. Well what did you understand M.C.I.S. was?
- 6 | A. I didn't know what their card system was, sir, in Halifax.
7 | I was --
- 8 | Q. So as the person in charge of the investigation section of
9 | Sydney Police you had no idea what M.C.I.S. was?
- 10 | A. Well, yes, I knew what it was, but you're telling me they had an
11 | M.O. wheel there, I didn't know anything about that.
- 12 | Q. Well, what was it?
- 13 | A. Well, I don't know. I was never in their office, Mr. MacDonald.
- 14 | Q. I'm sorry, Chief. You say you knew what it was? I'm asking
15 | you to comment. What was M.C.I.S.?
- 16 | A. It was an information center for -- where you could get leads
17 | at times on different situations where crime reports of crime
18 | were sent in and they were tabled there and that was my
19 | information on it.
- 20 | Q. So they had a store of material on crimes?
- 21 | A. That's right. Yeh.
- 22 | Q. Well, why wouldn't you go and ask them for help?
- 23 | A. I just didn't at this time, sir. I continued my own
24 | investigation.
- 25 | Q. Thank you.

1 MR. MacDONALD:

2 My Lord, this would be a convenient time if you would like to take
3 a break.

4 MR. CHAIRMAN:

5 Okay.

6
7 INQUIRY ADJOURNED AT: 3:25 p.m., AND RECONVENED AT: 3:43 p.m.

8
9 MR. CHAIRMAN:

10 Yes. Okay, George.

11 BY MR. MacDONALD:

12 Q. Chief MacIntyre, at the end of -- when you went home on that
13 Saturday night and you knew Sandy Seale was dead, other than
14 that what did you know that you didn't know at the start of the
15 day?

16 A. Well, one thing I didn't know, I didn't know when I started
17 the day it was about Chant and what the police had to say to
18 me that evening, Saturday evening, and as a result of that, of
19 course, I went to Louisbourg on Sunday to see him and
20 continued on.

21 Q. The end of that --

22 A. I think also on Sunday, May the 30th, I visited those people
23 in Westmount, some time Sunday.

24 Q. We'll come to Sunday. We're thinking of Saturday night.

25 You knew about Chant. You didn't know that at the start of the

1 day. Other than that, what were the essential facts then you
2 knew? What were you working on at the end of the day? What
3 were the facts that you had in mind?

4 A. I was to interview people and as time went on I had some more
5 names.

6 Q. But you knew this and you knew that Seale had been killed. You
7 knew that Marshall had been cut. You knew that Marshall was
8 telling you that he had been attacked by two people.

9 A. Yeh.

10 Q. You had a description of those two people from Marshall?

11 A. Yes.

12 Q. A description from some of your men?

13 A. Yes.

14 Q. And that's what you knew at the end of the day, and you knew that
15 Chant had some information he could perhaps pass on to you. That's
16 all you knew, isn't it?

17 A. That was close to it, yes.

18 Q. Did you ever criticize MacDonald or the partrolmen for what they
19 had done on the night of the 28th? That's the night that
20 Seale was stabbed.

21 A. I can't recollect at this time.

22 Q. Mr. Walsh said -- or Chief Walsh said that you had criticized
23 him for failing to get a dying declaration. Do you recall
24 that?

25 A. I recall saying that to Walsh. I --

- 1 Q. Did you know that all of the patrolmen on the scene that night
2 had left the scene and nobody secured the scene at all?
- 3 A. I knew that later, yeh. Yeh.
- 4 Q. Did you know that no statements were taken from anyone that
5 night?
- 6 A. Yes.
- 7 Q. Did you know that they didn't go that night to the spot --
8 no one--that is, the patrolmen or MacDonald did not go to
9 the spot where the body was found to look for blood or any
10 other evidence?
- 11 A. Well, the cars were at the spot when they got the call, hey.
12 You mean, when -- At what time do you --
- 13 Q. After Seale is moved.
- 14 A. After Seale was moved, no, I didn't know that.
- 15 Q. You didn't know that?
- 16 A. No.
- 17 Q. Did you know that MacDonald did not give any instructions at
18 all to the patrolman or the Desk Sergeant that night?
- 19 A. No.
- 20 Q. You knew, or did you, that no search was made of Marshall to
21 see if he had a knife?
- 22 A. No.
- 23 Q. You knew it or you didn't know it?
- 24 A. I didn't know, no.
- 25 Q. Did you know there was no search of Seale's clothing or

1 arrangement to secure his clothing?

2 A. No, I wouldn't have that information.

3 Q. There was no listing taken of what was in Seale's clothing,
4 what information -- what money he had, any of this sort of
5 stuff?

6 A. No.

7 Q. You didn't know that?

8 A. No.

9 Q. There was no request made of the doctor who obtained blood
10 samples to check for alcohol, drugs, any of that thing -- any
11 of that sort of thing from Seale. Did you know that?

12 A. No, we had -- we had his blood type sent to me.

13 Q. Yeh, but I'm saying, a sample of the test for alcohol?

14 A. No.

15 Q. Drugs?

16 A. No.

17

18

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25

JMR.

1 Q. You did know that the scene was not secured? The identification
2 services were not called in?

3 A. That's right.

4 Q. And that no search was made for witnesses that night?

5 A. That's right.

6 Q. No residents were talked to that night?

7 A. Well, they were -- No, I suppose Doucette was talked to that
8 night. I -- I couldn't say whether he talked with the police
9 or not. I know they went to his house and --

10 Q. Who was that?

11 A. -- somebody went to the house calling for the police that
12 night for the -- for an ambulance.

13 Q. And it wasn't the police?

14 A. No, it wasn't.

15 Q. The police didn't go to call themselves.

16 A. No, but Doucette came over to the scene.

17 Q. Yeh.

18 A. Yeh.

19 Q. And you know that now that MacDonald had a description
20 that he obtained from Marshall that he has told us that
21 was not put out over the radio or given to the patrolmen.

22 A. No, I didn't know about that, no.

23 Q. Now, all of those things don't you think that MacDonald failed
24 to do basic police work that night?

25 A. He didn't do everything he should have done, no. I agree

1 with that.

2 Q. Well, all of the things I've listed for you --

3 A. Yeh.

4 Q. -- he should have done those shouldn't he?

5 A. Well, a great number of them anyway, yeh.

6 Q. Well, let me go through them again and you tell me which
7 one he shouldn't have done.

8 He did not secure the scene?

9 A. That's right.

10 Q. He should have?

11 A. He should have, yeh.

12 Q. He didn't go to the spot where the body was found to search
13 for blood or to find any sort of evidence there?

14 A. Not to my knowledge, no.

15 Q. Do you think he should have done that?

16 A. He should have went to the scene, sure.

17 Q. He did not get information from Constables Walsh, Dean or
18 Mroz as to what they saw. He didn't talk to them.

19 A. I couldn't say that, sir.

20 Q. Well, he testified to that.

21 A. Yeh, but I mean -- Well, I --

22 Q. Should he have?

23 A. -- didn't get his answer. He was up at the hospital with
24 some police there so I wouldn't know who he was -- I don't
25 know who he was talking to.

- 1 Q. Well, assuming that he did not. Just assume that.
- 2 A. He should have, yeh.
- 3 Q. He should have?
- 4 A. He should have, yeh.
- 5 Q. He didn't -- He says he did not give instructions to the
- 6 patrolmen or the Desk Sergeant. He should have done that?
- 7 A. He should have, yeh.
- 8 Q. He made no search of Seale's clothing. No -- and no effort
- 9 to obtain Seale's clothing. Should he have done that?
- 10 A. At that time or that night, I don't know if -- I think that could
- 11 have waited at that time.
- 12 Q. You --
- 13 A. I think you could have waited at that time over that.
- 14 Q. That could have waited?
- 15 A. That could have waited at that time, yeh.
- 16 Q. Okay. He did not request of the doctor that he get a blood
- 17 sample to determine if there's any alcohol or drugs?
- 18 A. No, he didn't do it.
- 19 Q. Should he have?
- 20 A. I suppose it would be a good thing to know but I -- the
- 21 condition of the man. I think-- I think MacDonald tried to
- 22 see the doctor and couldn't.
- 23 Q. MacDonald says he was not allowed in with the doctor but --
- 24 A. Yeh. Yeh. So therefore --
- 25 Q. -- he didn't say he couldn't talk to him.

- 1 | A. No.
- 2 | Q. Should he have asked for a sample or asked the doctor
3 | to get a sample?
- 4 | A. I don't know at that time.
- 5 | Q. He didn't search for witnesses that night? No search was
6 | carried out by him?
- 7 | A. No, no.
- 8 | Q. Should he have?
- 9 | A. Well, yes, if there was any witnesses there for him to get
10 | but I understand when he got there there was nobody there
11 | at the park unless the police knew something.
- 12 | Q. Perhaps that's tied into not talking to the patrolmen to
13 | find out who would have been there?
- 14 | A. I couldn't answer that, sir.
- 15 | Q. And he had a description from Marshall that was not put
16 | out over the radio or given to patrolmen in any way. Should
17 | he have done that?
- 18 | A. If he had a description, yes.
- 19 | Q. Now, would you not have known on Saturday that MacDonald
20 | didn't do any of those things?
- 21 | A. I didn't see MacDonald. I didn't see MacDonald on Saturday
22 | and he didn't get in touch with me.
- 23 | Q. When did you see him? Sunday?
- 24 | A. Sunday.
- 25 | Q. Did you ask him then? You would have known then what he did

1 or didn't do.

2 A. No, I didn't. I don't believe.

3 Q. So when did you find out that he didn't do any of these
4 basic things?

5 A. He would have told me if he done them.

6 Q. He would have told you if he does them?

7 A. I think so, yeh.

8 Q. So, can I take from that that you just assumed he didn't
9 do them?

10 A. I would say that the -- I didn't see him on Saturday and
11 Sunday, as I told you; why I went to Louisbourg with him.

12 Q. Are you assuming --

13 A. To see Chant.

14 Q. Did you --

15 A. I'm assuming he didn't do it, yeh.

16 Q. He didn't do it?

17 A. No.

18 Q. And did you assume it back in May of 1971, that he didn't
19 do those things?

20 A. Yes.

21 Q. And are you telling us that's the mark of a competent
22 investigating officer?

23 A. Well, there was a lot of things, as you say, that he didn't
24 do that night. He should have been in touch with me the
25 next day and tell me what he did do but he wasn't.

1 Q. Tell me if you agree with me that these are standard
2 techniques that should be followed when you're investigating
3 a serious crime and these are taken from evidence given by
4 Inspector Ryan, Terry Ryan, --

5 A. Yeh.

6 Q. -- and from Assistant Commissioner Wright. Tell me if you'd
7 agree that these are standard techniques to be done?

8 A. Yes, I would say they --

9 Q. Let me list them off to you first before you agree. That you
10 should protect the scene, cordon off the area in order to
11 preserve evidence?

12 A. That's right.

13 Q. That's right?

14 A. Yes.

15 Q. And that's a standard technique that should be followed?

16 A. Yes.

17 Q. That you should get statements as soon as possible from
18 witnesses?

19 A. Well, you should get the names of the witnesses and then
20 arrange for statements, yes.

21 Q. As soon as possible?

22 A. Well, if it was convenient for him to do it.

23 Q. That you should call in your identification services immediately
24 to obtain things like photographs, measurements and other
25 physical assistance? Do you agree that that's a standard

1 basic technique?

2 A. Yeh, but I -- again, I think you've got to take this scene
3 into consideration. There was nothing there once Seale
4 was moved from there and Marshall was gone. Everybody was
5 gone. There was nothing there that a man on duty that night
6 wouldn't have looked after until a proper search was made
7 the next morning in that particular case.

8 Q. Yeh. I'm saying that you should call in and -- I'm not
9 saying it. This is what Ryan and Wright have said. That
10 you should call in your indentification services immediately.
11 Do you agree or disagree?

12 A. Well, I wonder what the Ident. service would have done that
13 night. I mean, a man protecting the scene would have done
14 the same thing. It was the weapon I was concerned with. I
15 didn't see, you know, any need for them at that -- on that
16 particular night.

17 Q. All right. What about the next day?

18 A. Well, I didn't call them the next day, sir. I can't --

19 Q. I know you didn't --

20 A. No.

21 Q. -- but I'm asking if it's not basic techniques to get
22 them there?

23 A. Well, I didn't use them the next day.

24 Q. I know you didn't.

25 A. Yeh.

1 Q. I'm saying, is that not a standard technique?

2 A. If I thought it was urgent I would have asked them.

3 Q. You don't agree with Ryan and Wright that those are --

4 A. Well, I had my own opinion on it, sir. That's -- you know
5 on that particular thing. The next day I was looking for
6 a weapon and I had the scene drawn and what have you.

7 Q. That you should get a post-mortem done in all cases of
8 a homicide according to Ryan and Wright. Do you agree with
9 that?

10 A. In this case, again, this was a stabbing and the party
11 was taken to the hospital and he lived for 20 hours and
12 I was of the opinion at that time, of course the hospital
13 would have to get in touch with the -- with the coroner
14 and on the other hand it was a specialist that was handling
15 this case and he knew -- well, he'd had no trouble knowing
16 what the cause of death was and the injuries that were done.

17 Q. Is that your belief the only purpose for the post-mortem?

18 A. And I thought --

19 Well, the post-mortem is to know the -- to find out what
20 the cause of death is and --

21 Q. Is that the only purpose?

22 A. Well, I mean, I heard some other purposes here and in that
23 particular case we knew there was a stabbing and there was
24 one stab wound and the specialist knew the cause of death
25 and what the injuries were. So --

- 1 Q. So are you saying that that's the only purpose of a post-
2 mortem in your experience? Is to find out the cause
3 of death?
- 4 A. The cause of death and anything else. If you found somebody
5 dead you would see if it was foul play or what, you know,
6 what the cause of death is.
- 7 Q. Mr. MacDonald testified here, (M. R. MacDonald,) page 1719
8 that the police decide whether a post-mortem is necessary or
9 not or should be called and ask the medical examiner to
10 order one. Is that your experience as well?
- 11 A. That's if body is found outside but this chap was taken
12 to the hospital and he died in the hospital and I thought
13 that that was sufficient to be honest with you.
- 14 Q. If you'd get back to what Ryan and Wright say, you disagree
15 I take it --
- 16 A. That is --
- 17 Q. Listen to my question first.
- 18 A. Yeh.
- 19 Q. You disagree that getting a post-mortem is a standard
20 technique in all homicide cases?
- 21 A. I don't disagree with them on that, no, but on this
22 particular case I'm telling you what -- what was done.
- 23 Q. Okay. And it's standard technique to secure and obtain
24 the victim's clothing?
- 25 A. Yes.

1 Q. And immediately. Would you agree with that?

2 A. Yes, that should be.

3 Q. And what was done here to get the victim's clothing?

4 A. Well, I think some of the clothing -- Marshall's jacket
5 went to the -- to his home.

6 Q. Did not Mr. Seale's go to his home as well?

7 A. Yes, but I don't know just when but --

8 Q. Do you know what --if no effort was made by the Sydney
9 Police Police Department to secure Seale's clothing from
10 the hospital?

11 A. No.

12 Q. You don't know if it was washed later or anything like
13 that?

14 A. No.

15 Q. But it's standard practise according to Ryan and Wright
16 where you're dealing with something that took place in
17 a residential area to do a door to door canvass. Would
18 you agree with that?

19 A. Yes. Yeh, I would.

20 Q. Was that done here?

21 A. I talked to some of the neighbours on Crescent Street.

22 Q. Door to door, Chief.

23 A. I talked to the neighbours in the scene -- at the -- around
24 the scene there, yes.

25 Q. So you went door to door?

- 1 A. Yes, I knew all the neighbours along there.
- 2 Q. And that when you do that it's standard to make notes
3 of anything that's told you?
- 4 A. If you come up with anything.
- 5 Q. If you come up with anything. That's only --
- 6 A. Yeh, that's right.
- 7 Q. What are the names of the neighbours there that you spoke
8 to?
- 9 A. Well, I was talking with the Campbell's there. With Mrs.
10 Campbell--
- 11 Q. Mr. --
- 12 A. -- and V. W. Campbell. Like the grey haired man that lived
13 in the grey house there.
- 14 Q. V. W. Campbell, yes.
- 15 A. Yeh. And I remember having a -- talking with the
16 MacQueen's.
- 17 Q. MacQueen's?
- 18 A. Yeh.
- 19 Q. Was that all done --
- 20 A. I don't think I done Doucette. I think somebody else done
21 Doucette. Somebody else was talking to him.
22 I spent considerable time in that area, along with that day.
23 I spent, you know, other times there by myself. I visited
24 that scene at night also. I spent considerable time and it
25 wasn't a matter of spending a -- some time on Saturday morning.

1 I made more than one trip to the area.

2 Q. Yeh, I know you made a search there. I'm talking about
3 a door to door canvass of the residents. Are you saying
4 you did that or you didn't do it?

5 A. Well, I -- all I'll tell you at this time, that I recall
6 talking to some neighbours there.

7 Q. You talked to some neighbours?

8 A. Some neighbours there in the area, yes.

9 Q. But can I take from that there was no systematic door to door
10 approach to the neighbours on the street asking if they had
11 seen anything?

12 A. No. No, there wasn't. No.

13 Q. Okay. And would you agree that that would be a standard
14 technique that should have been followed?

15 A. It could have been done.

16 Q. Should it have been done?

17 A. Probably so. I'm not disputing you on that.

18 Q. Now, when you came out on Saturday, why didn't you cordon
19 off the area?

20 A. Cordon off the area?

21 Q. Yes.

22 A. I don't -- At that time I searched the area pretty thorough.
23 I didn't see any reason to cordon it off then.

24 Q. There was no reason to secure whatever evidence might be there?

25 A. When we were there, we were there until we were through with it.

- 1 Q. You know Mr. Seale was actually -- Wasn't he actually
2 lying on the street when he died -- when he was stabbed
3 I mean?
- 4 A. I wasn't there that night, sir, but it was on the -- to the
5 side, I think, of the street. Yeh.
- 6 Q. Let's go to May 30th then, Chief. That's the Sunday.
- 7 A. Yes.
- 8 Q. Do you recall that day?
- 9 A. Sunday? Yes, I recall that day.
- 10 Q. And you have recollection of it now? You do?
- 11 A. Yeh.
- 12 Q. Okay. What did you do on that day? What time did you get
13 to work?
- 14 A. I couldn't tell you. Some time in the morning, I guess, I
15 went in. I can't tell you as to what time.
- 16 Q. You did see certain people on that day?
- 17 A. That's right.
- 18 Q. I think you've already seen --
- 19 A. Yeh.
- 20 Q. You saw -- You went to the Dixon home in Westmount?
- 21 A. Yeh, that's my recollection. Yes, around the 30th.
- 22 Q. Do you recall seeing Barbara Floyd?
- 23 A. Yes, I remember seeing Barbara Floyd.
- 24 Q. What do you recall about that?
- 25 A. Well, I -- I got a -- Have I got a statement there from her?

1 I'm not sure.

2 Q. No.

3 A. No.

4 Q. At least I don't believe you do.

5 A. No. I remember --

6 Q. That's one of my questions, I guess.

7 A. What's that?

8 Q. That was going to be one of my questions. Why you didn't
9 have a statement from her? You do recall seeing her?

10 A. I remember going to the house, yes.

11 Q. On page 130 of exhibit 16, down at the bottom of that page
12 there's reference to the name:

13 Barbara Floyd
14 Inglis St.
Blond Haired. Kabatay girlfriend.

15 A. Yeh.

16 Q. Do you see that?

17 A. Yes, I see it. Yeh.

18 Q. Do you recall seeing her?

19 A. Yes, I have a recollection of going to her house. Yeh.

20 Q. Why would you have gone to see her?

21 A. I guess her name turned up that she was at the dance on that
22 Friday night.

23 Q. Do you know how that turned up?

24 A. Who told me or -- ?

25 Q. Yes.

1 A. Not at this time, no. Through talking to people, I guess.

2 Q. They told you that she was at the dance or that she was
3 in the park? Do you recall?

4 A. I couldn't venture to say which one but I had her name and
5 I went to see her.

6 Q. She has testified here that when you went to see her you told
7 her that you had an eye witness that saw her in the park and
8 she denied that and you were very insistent saying that you
9 had seen -- you had an eye witness that saw her in the park.
10 Do you have any recollection of that?

11 A. No, I would have -- I wouldn't have approached her in that
12 way. I'd have approached her in the way that if I want to
13 know if she knew anything about this and if I have no statement
14 from her it's that she didn't know anything about it.

15 Q. So if there's no statement it's because she didn't know --

16 A. I'd take a the statement if she could assist me in any way
17 for the court. I think I would have taken a statement. I
18 have no recollection other than that.

19 Q. Well, let me read to you what Barbara Floyd said on page

20 3130: Can you give us any idea of how many
21 times they suggested to you that
you were in the park?

22 A few times.

23 And would those suggestions have
24 been made by MacIntyre or by
Mullowney?

25 A. MacIntyre.

1 What was Mallowney doing?

2 Just standing over against the
3 wall.

4 Can you describe macIntyre's attitude
5 towards you that morning?

6 Well, he was persistent that I did -- that
7 I was there -- that they had an
8 eye witness saying that I was there.

9 Did he tell you who the eye
10 witness was?

11 No.

12 And did you persist in saying, "No,
13 I wasn't."?

14 That's right.

15 That's what she said.

16 She said you persistently kept telling her you had
17 an eye witness who saw her there.

18 A. No.

19 Q. You're saying you didn't do that?

20 A. No.

21 Q. You did not do it?

22 A. No. No, I --

23 Q. You also saw on that day, you said, -- if you look back
24 at page 15, Chief, in volume 16. You saw Donald Noseworthy
25 and was it Gaye Dixon?

 A. Yes. I think it was Dave. I'm not sure. Gaye or Dave.

 Q. There's also a statement from Alanna Dixon dated May the 30th
 of 1971. That's on page 24. Do you recall taking that statement?

- 1 A. "...went to the dance Friday night...".
2 Yes, that's my handwriting.
- 3 Q. Is that your handwriting on page 25?
4 A. Yeh.
- 5 Q. Why is your name not on that one?
6 A. Just didn't put it on, I guess.
- 7 Q. Was Marshall at the station that day?
8 A. He was at the station on Sunday, yeh. He was --
- 9 Q. You asked him --
10 A. -- sometime Sunday he was there.
- 11 Q. You asked him to be there?
12 A. I couldn't say about Sunday but he was there on Sunday and --
- 13 Q. Did you ask him --
14 A. I don't recollect now what my conversation was. I know he
15 was there in the afternoon because I took a statement from
16 him.
- 17 Q. You don't recall if he was there that morning?
18 A. He could have been but my recollection is -- I'm not sure.
- 19 Q. Now, you had a lineup that day, isn't that correct?
20 A. Yeh, I was supposed to have a lineup on the weekend, yes.
- 21 Q. You did in fact have one?
22 A. Yeh. I gave evidence there in the court at that time that
23 I did but I have no recollection of that at this time and
24 I have no names that were in the lineup.
- 25 Q. This is the evidence that you gave at the preliminary that

1 you refer to, Chief.

2 A. Yeh, that's right.

3 MR. MacDONALD:

4 And it's on page 7, My Lords, of volume 15 where he said

5 Well, in fact I had a line-up at the
6 police station that morning.

7 And that morning was Sunday.

8 BY MR. MacDonald:

9 Q. Do you have any recollection of that line-up?

10 A. No.

11 Q. What's the purpose of a line-up?

12 A. Well, there must have been somebody that somebody mentioned
13 and I must have had a line-up and had somebody -- and Marshall
14 must have been there to have -- to look at it to see if
15 the party was there. That's all I can recollect. I can't
16 recollect it so I can't -- but that would have been -- that
17 would be the reason for a line-up.

18 Q. What's the purpose of a line-up?

19 A. To see if the party answering -- that would be close to
20 the description given that might be picked out.

21 Q. It -- You wouldn't have one if you didn't have the suspect
22 would you?

23 A. This would be somebody that they might have -- that might
24 have been suspected from outside. A name was mentioned to
25 me but I don't recall what that name might be.

- 1 Q. Chief, isn't there some sort of procedure you would follow
2 if you're going to have a line-up. You'd get the names
3 of people or something to that nature?
- 4 A. If there's something that comes of it.
- 5 Q. Only if something comes of it?
- 6 A. That's right. Yes. If somebody is picked out -- out of it
7 then we would and now we have a different procedure. We
8 give each person a number and they go by numbers and what
9 have you.
- 10 Q. The Cape Breton Post on Monday, the May 30th, 1971 reported
11 this: That seven men were placed in
12 a police line-up at headquarters
13 Sunday afternoon but Marshall
could not identify any of them.
- 14 And do I take it from that that there was some attempt to
15 have Marshall identify from it?
- 16 A. That's what it was. That's what the paper says, yes.
- 17 Q. But what would you do, just go grab seven people off the
18 street and hope you're going to strike gold or something?
- 19 A. No. I don't --
- 20 Q. Why would you have a line-up --
- 21 A. There was --
- 22 Q. -- if you didn't have a suspect?
- 23 A. There was somebody in that line-up that was close to the
24 identification -- or the description given.
- 25 Q. What description are you operating on now? On this Sunday?

- 1 | A. The short --
- 2 | Q. Who were you looking for?
- 3 | A. The short grey haired man and the tall fellow.
- 4 | Q. Which one did you have there?
- 5 | A. When I don't recollect it at time, I can't discuss that
- 6 | with you. I'm sorry but that's it.
- 7 | Q. You said you went to Louisbourg on that day as well?
- 8 | A. Yeh.
- 9 | Q. And that was -- You had M. R. MacDonald with you?
- 10 | A. That's right.
- 11 | Q. Why were you going there?
- 12 | A. To get hold of this -- to see Chant.
- 13 | Q. And what did you have about Chant before you went to Louisbourg?
- 14 | What indication did you have that he had some knowledge for
- 15 | you?
- 16 | A. Well, I understood that the police had picked him up the night
- 17 | before and that he was carrying that -- the shirt with
- 18 | blood on it and that they had brought him back to the
- 19 | hospital and that Mickey R. was supposed to have
- 20 | seen him and I wanted --
- 21 | Q. Did you talk to MacDonald about that?
- 22 | A. I talked to MacDonald about it and --
- 23 | Q. What did he tell you?
- 24 | A. MacDonald did tell me that he did see him and he was at the
- 25 | station and his father came in and took him home. That there

1 was no statement taken and I wanted to see what he had
2 to say. I wanted to question him. He was brought back
3 to Sydney that day and a statement was taken.

4 Q. Did you ask MacDonald why he didn't take a statement from
5 him on the night of the incident?

6 A. I couldn't say at this time. I don't think I did.

7 Q. Would it not be an appropriate thing or a proper thing for
8 him to have taken one?

9 A. I -- He should have taken one, yes.

10 Q. Let me -- I wanted to show you page -- Give me just a
11 second.

12 Page 97, Chief. Yes, volume 16. Are you able to tell
13 me whose handwriting that is?

14 A. That's -- looks like Sergeant -- the late Sergeant MacGillivray.

15 Q. He was the Desk Sergeant?

16 A. Yes.

17 Q. And the bottom reference on that -- that page talks about
18 someone from Byng Avenue saying he picked up the man in
19 Louisbourg. Did you know about Chant before you saw that
20 note dated May the 30th?

21 A. No, I didn't see that note on -- I didn't see that note
22 on Saturday morning because it was Saturday evening that
23 I knew about Chant.

24 Q. Well, May 30th is Sunday. This is written on Sunday.

25 A. Sunday, Yeh. I believe I did -- My recollection at this time

1 that I did find out about Chant late Saturday night when
2 I went to the station talking to the police.

3 Q. So you're going to Louisbourg to see this fellow, did you
4 know he was a juvenile?

5 A. All I knew he was a young fellow. I took him to be -- I
6 didn't know his age, no.

7 Q. Did you work through Sheriff Magee out there?

8 A. No, I went to his -- to the house that Sunday and I think I
9 was talking with his mother and told her I'd like to talk
10 with him in regard to this and I asked her also if she'd
11 like to come with him and she said, to the extent -- words
12 to the extent, no, he can go along with you and he did.

13 Q. Now, did you speak to Chant before you took him into
14 Sydney?

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1 A. No. I don't recall talking to Chant. I remember what the mother
2 said the other day in the house. She said we came in first and
3 talked to him. I don't recall that. I think I -- And again, it's
4 quite awhile ago but I think I just remained at the door. And I
5 think he came out and we took him in to -- into Sydney.

6 Q. Did you tell him why you were taking him in there?

7 A. Well, I told -- I told his mother and he was in at the police
8 station the night before and I think that I must have told them
9 I wanted him to show me what he seen or what he knew. I wanted
10 to talk with him anyway and I went in to Sydney with him.

11 Q. Did you want him to take you to the park?

12 A. Yeh, that was my intentions, too. That's the only time I had --
13 I recall having Chant into Sydney myself.

14 Q. Did you talk with him --

15 A. The second trip, I stay -- I left him in Louisbourg the second tri

16 Q. Did you talk to him on the way into Sydney?

17 A. Did I talk? I could have. I don't know. I don't recall --

18 Q. You don't recall?

19 A. -- what the conversation would be.

20 Q. Would you not have told him why you wanted to talk to him or
21 discussed it with him on the way in?

22 A. I would have told him, I think, that I wanted to talk to him with
23 regard to this case here, yes.

24 Q. Why wouldn't you talk to him on the way in?

25 A. Well, I said I could have talked to him. I didn't say I didn't.

1 Q. Okay. Would it not be usual that you would talk to him or normal
2 to talk to him on coming in from Louisbourg?

3 A. Yeh, he was just a young fellow. I just wanted to find out what
4 he could tell me.

5 Q. I know what you wanted to do but are you saying that you would hav
6 just let him sit in the car wondering what was going to happen until
7 you got to the police station?

8 A. He knew he was coming in for this reason. I-- you know, I don't
9 know what conversation took place.

10 Q. Did you take him to the park?

11 A. My recollection is that I did.

12 Q. Is that before or after you took the statement?

13 A. It would have been before.

14 Q. And while you were at the park, would you have been discussing what
15 he had seen on the night of the stabbing?

16 A. I think it was his route that he took -- that he was taking home
17 that night that we were discussing. I -- I took the statement at
18 the station and --

19 Q. When did you go out and get him? What time of the day would you
20 --

21 A. It was some time after dinner that we were there.

22 Q. That's afternoon, is it?

23 A. Well, not late afternoon, early afternoon.

24 Q. And you would have taken him to the park on the way to the station?

25 A. That's my -- that's my recollection, yeh.

1 Q. And you would have spoken to him about the route he was taking
2 home on the Friday night.

3 A. Yes.

4 Q. And he would have shown you that route, would he?

5 A. Yes. I --my recollection is not too clear at this time to be
6 honest with you but I know one thing when I went out the next
7 time, I left him in Louisbourg. I didn't take him in. And
8 then I don't think I seen him until the trial, so --

9 Q. We're talking about the Sunday. You've brought him in from
10 Louisbourg together -- Was MacDonald with you?

11 A. MacDonald was with me, yes.

12 Q. And you would have taken him to the park to see the route he
13 was intending -- he described?

14 A. That is what my thoughts are, yes.

15 Q. And do you recall what he told you?

16 A. I have a statement there from him that he -- I think he said
17 he came down from the bus stop and came down Bentinck and came
18 over to Byng Avenue and he crossed over to the tracks and while
19 on the track that he seen two men on Crescent Street walking
20 and two more walking slow and --

21 Q. Is that what he told you when you visited the park with him?

22 A. I'm not going to be sure on that, sir. It was either there
23 or at the station that he told me that.

24 Q. Why would you have taken him to the park?

25 A. To see what direction he was in or where he was heading.

- 1 Q. So you were interested in knowing that?
- 2 A. Oh, yes, sure, I was. Yeh.
- 3 Q. And he told you --
- 4 A. He told me. He told me how he came, yeh.
- 5 Q. And you picked him up in early afternoon?
- 6 A. Yes.
- 7 Q. And then you went to the park with him. What did you do with
- 8 him then?
- 9 A. Went to the station.
- 10 Q. Now why would you take him to the station?
- 11 A. I wanted to get it down in writing, sir. I wanted to get some-
- 12 thing from him. I think I have a statement somewhere on that
- 13 particular --
- 14 Q. Yes, I can direct you to it but first of all, there's a state-
- 15 ment from Donald Marshall, Junior.
- 16 A. Yes.
- 17 Q. Why would you have taken Chant -- taken him to the park and
- 18 then bring him to the police station and then take a statement
- 19 from Marshall before you took one from Chant?
- 20 A. Well, Marshall might have been there and I figured I would
- 21 do Marshall -- get a statement from Marshall first. I think
- 22 I took three statements on that date.
- 23 Q. Yes.
- 24 A. And I think they were all hand-running.
- 25 Q. Why did -- Why didn't you take one from Marshall before?

1 A. I decided they would take them that day.

2 Q. When did you decide that?

3 A. I can't tell you that. That day, I guess.

4 Q. Marshall's statements on page 17 of Volume 16, Chief.

5 A. Seventeen?

6 Q. That's the first one you took.

7 A. Yeh, that --

8 Q. Did Marshall tell you anything different at this time than he
9 had been telling you during your discussions over the past couple
10 of days?

11 A. It's hard to read this.

12 Q. You had told us before your practice in taking statements was
13 to write down everything that was said --

14 A. Yes.

15 Q. -- except perhaps some introductory remarks you might make.

16 A. Yeh.

17 Q. Do you recall if there were any introductory remarks you
18 would've made to Marshall to get him talking?

19 A. Well, I think I would've told Donald that -- Marshall at that
20 time that I was -- like to take a statement from him and put
21 down this -- get as many facts as I could and I went along and
22 took the statement, and he went along at that time, as I can see
23 at the top of this, but I didn't ask any questions until about
24 the middle of it.

25 Q. Would this statement -- And this is the typewritten copy, but

1 the handwritten copy, would it contain everything that Marshall
2 or you would have said during that interview?

3 A. I would say that pretty well -- Yes, at that time. I'd say
4 that pretty well covers it. I can't -- You know.

5 Q. And that was your normal practice that the handwritten statement
6 that you would take other than perhaps introductory remarks
7 were contained -- everything that you said and everything the
8 witness said.

9 A. That's what I'd put down in the statement.

10 Q. That's your normal practice?

11 A. That's my normal practice, yeh.

12 Q. Now, the description that Marshall gave you on May the 30th at
13 four fifty:

14 ...1 fellow - the small fellow...

15 -- five foot nine or ten --

16 ...190 lbs...

17 --grey hair --

18 ... combed back. wore glasses
19 (black rimmed)...Long wide face.
long blue coat;...

20 A. Yeh.

21 Q. ...dark blue sweater; black
22 shoes-rounded toes.

23 Was that consistent with what he had told you on the Saturday?

24 A. Yes, I suppose a little more -- probably a little more detailed.
25 I can't just recall.

1 Q. And:

2 The other fellow...

3 A. One was short and one was tall, one was grey haired. The other
4 fellow was black haired, and there were --

5 Q. All right. Now, that statement from Marshall was taken at ten
6 to five. It started and finished at five twelve.

7 A. Yeh.

8 Q. So it took twenty-two minutes.

9 A. Yeh.

10 Q. Then you brought Chant in immediately, did you?

11 A. Yeh.

12 Q. Now, had they had any opportunity to see each other -- to be
13 together before Chant gave his statement?

14 A. It wouldn't be my policy to leave any of them together. It
15 wouldn't be my policy when -- If they were at the station, I'd
16 want to keep them apart.

17 Q. Well, you brought Chant to the station.

18 A. Yes.

19 Q. So you would've kept him apart from Marshall.

20 A. That's what I would think, yes.

21 Q. They had no opportunity then to speak to each other?

22 A. Not that -- No. That would be my thinking on it, sir.

23 Q. And then you took a statement from Chant, is that correct?

24 A. That's right, yes.

25 Q. Now, is that the same thing? You started off by telling him,

1 "I want you to tell me what you did Friday night," and he just
2 talked about it?

3 A. That's right, and I wrote it down.

4 Q. And you wrote it down?

5 A. That's right.

6 Q. The route that he has described in his statement, which is on
7 page 18 of Volume 16, is that the same route he showed you when
8 you walked? When you visited the park with him? I'm sorry.

9 A. Yes.

10 Q. The same route?

11 A. That he came down Byng Avenue -- again down Bentinck and went
12 over Byng Avenue, yeh.

13 Q. Did he tell you during your visit to the park that his intention
14 was he wanted to hitchhike to Louisbourg, and he wanted to get
15 a shortcut over to George Street -- get there the quickest way
16 he could?

17 A. He didn't say anything about the quickest way he could, but he
18 told me he was going to hitchhike. I think he said something
19 about missing the bus.

20 Q. And the way he described is a pretty quick way to get to
21 George Street, isn't it? Down Bentinck, over Byng, up that
22 walkway, across the park to George Street?

23 A. Yes.

24 Q. That'd be a logical way to go.

25 A. Well, that's the way he picked to go, yeh.

1 Q. But that'd be illogical unless you wanted to go from the Bus
2 Lines down to George --

3 A. Down to George and up, yeh. You could go either way.

4 Q. Did you ask him if he had any discussions with Marshall on
5 Friday night? What he had been told by Marshall on Friday night?

6 A. I can't recall at this time, sir.

7 Q. The statement that he gave you -- that Chant gave you on
8 May 30th, did you believe it?

9 A. Well, I took down what he said, sir, and then went over it later.

10 Q. I'm sorry?

11 A. I said I took down what he said and went over the thing. I
12 visited the scene later and --

13 Q. When he told it to you, though, did you believe what he was
14 telling you?

15 A. Well, I never seen the chap before, and I thought that he was
16 trying to tell me that -- what he had seen.

17 Q. Trying to tell you the truth?

18 A. Yeh, trying to tell me what he'd seen, yes.

19 Q. You knew that he was a fifteen year --

20 A. His description here was what? Six foot --

21 A. one man about 6'2 - light
22 brown hair; dark pants;...

23 Q. ...over 200 lbs...

24 A. Yes.

25 Q. The other was six foot tall.

1 A. Yeh, that's right.

2 Q. That doesn't correspond at all with what Marshall told you?

3 A. Not what Marshall told me, no.

4 Q. And that's within three minutes or within a matter of a few
5 minutes.

6 A. Yeh.

7 Q. Would you not have said, "Are you sure? That's not the same
8 description Marshall gave me."?

9 A. No, I wasn't taking one against the other at the time. I was
10 taking what he had to say.

11 Q. You knew that he was fifteen years old?

12 A. I likely knew. Yes, I would know that.

13 Q. And you didn't even have another policeman present let alone one
14 of his parents?

15 A. No.

16 Q. Why is that?

17 A. Well, it wasn't necessary to have another policeman there.

18 Q. It wasn't necessary?

19 A. No. No, I felt comfortable with him, and I think he did.

20 Q. You think he felt comfortable?

21 A. I think so, yes.

22 Q. Being in a police station involved in a murder investigation,
23 fifteen years old, he'd feel comfortable?

24 A. Well, I mean, he didn't -- He was only going to tell me what
25 he knew or seen that night, and I thought he did.

1 Q. Would you have been sitting down throughout the taking of the
2 statement?

3 A. Yes, sir.

4 Q. Why didn't M.R. MacDonald stay there?

5 A. I can't recall what -- I can't recall, sir.

6 Q. But your objective was just to get down what he said and then
7 send him home? That's basically --

8 A. Yeh, and we -- And I did send him home right away --

9 Q. Okay.

10 A. -- in a car.

11 Q. He was only there for twenty minutes?

12 A. I had him for -- whatever the time is on here. I had a car
13 take him right back to Louisbourg.

14 Q. If you hadn't wanted to go through the park with him, can I
15 assume that you would've just taken the statement out in
16 Louisbourg rather than bring him back to Sydney?

17 A. Could've been that. Could've been that, yeh.

18 Q. Your major purpose in bringing him to Sydney was to walk the
19 park with him?

20 A. Go through the park with him, yes.

21 MR. CHAIRMAN:

22 Tomorrow, nine thirty.

23

24 INQUIRY ADJOURNED AT 4:32 p.m. in the afternoon on the 7th
25 day of December, A.D., 1987.

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 7th day of December, A.D., 1987, at Sydney, in the County of Cape Breton, Province of Nova Scotia, taken by way of recording and reduced to typewritten copy.



Judith M. Robson

Official Court Reporter

Registered Professional Reporter

Sydney Discovery Services

December 7, 1987