

JOHN F. MacINTYRE, by Mr. MacDonald

1 INQUIRY RECONVENED: 2:02 p.m.

2 BY MR. MacDONALD:

3 Q. Can we move to June the 4th, 1971, Chief MacIntyre, would  
4 you agree with me that that's probably the most important  
5 day of all of the investigations that you carried out?

6 A. Yes, it was a very important day, yes. What page did you say --  
7 are you --

8 Q. I haven't got a page yet.

9 A. Oh, fine.

10 Q. I'll come to it. I take it from what you've told me already  
11 when you started your efforts on June the 4th, you had  
12 spoken to Doctor Virick about the cut on Junior Marshall's  
13 arm. You had his jacket and you had formed some concerns  
14 as a result of looking at his jacket. He was a suspect in  
15 your mind if not the only suspect, a suspect, and you had  
16 belief from a -- as a result of your visit to the Park in  
17 the evening that John Pratico had lied to you or had not  
18 told you the truth when he gave you the first statement,  
19 is that correct?

20 A. Yes, I decided I would talk with him again.

21 Q. Yes, now at that time before you spoke with him again, had  
22 you formed the opinion then that his first story, the one  
23 that you could not accept, had been given to him by Junior  
24 Marshall?

25 A. I suspected that, yes.

- 1 Q. Okay, tell me then how you contacted Pratico on that day and  
2 what took place with Pratico?
- 3 A. On that day he was taken to the station by who at this time  
4 I don't recollect.
- 5 Q. At your -- on your instructions?
- 6 A. Yeh, that's right and a statement was taken from him.
- 7 Q. He was picked up, taken to the station and a statement was  
8 taken from him?
- 9 A. That's right, yeh. And he would have been told that I  
10 figured there was more he could tell me in regard to what  
11 happened or I don't -- I don't remember my exact words; but  
12 I --
- 13 Q. That's the way --
- 14 A. -- I knew that he knew that I was making -- I would make it  
15 known to him that I thought probably I wasn't getting the  
16 truth in the first statement. Something -- words to that  
17 effect.
- 18 Q. But you didn't feel you -- he had given you the truth on  
19 the first statement and you wanted the truth?
- 20 A. That's right, yeh.
- 21 Q. And then having said that to him, you would have taken down  
22 everything that he said?
- 23 A. That's right, yes.
- 24 Q. Had you seen him since you had taken the statement on May 30th  
25 until he was brought to your office on June the 4th, which was

2:06 p.m.

1 a Friday?

2 A. No, no.

3 Q. So this was your first contact with him from the first  
4 statement until the second. And you told him, "I don't  
5 think you," or words to this effect, "you weren't telling  
6 me the truth before, I want the truth"?

7 A. That's right, yes. Some words to that effect.

8 Q. Who was present do you recall, Chief, when you interviewed  
9 him?

10 A. Yeh, may I see the statement, sir?

11 Q. Yes. It's on page 41 of volume 16. Volume 16, Chief?

12 A. Yes, I'm getting it. Sergeant Urquhart --

13 Q. Sergeant Urquhart --

14 A. Sergeant Urquhart was with me.

15 Q. It's your handwriting isn't it on this statement?

16 A. The statement itself, yes.

17 Q. Yes, okay. Why did you have Urquhart present?

18 A. Well, he was around on that morning with me, I guess. That's --

19 Q. Did you make any --

20 A. Sergeant Urquhart might have taken him to the station. I  
21 haven't got any recollection at this time.

22 Q. And that statement started at 10:45 a.m.?

23 A. Yes.

24 Q. And you believe there would have been some introductory remarks  
25 made by you?

JOHN F. MacINTYRE, by Mr. MacDonald

1 A. Yes.

2 Q. With reference to his earlier statement?

3 A. That's right.

4 Q. Was there any reference -- was there any statements such as  
5 "I don't believe you told me the truth the last time. You're  
6 going to be in real trouble if you don't tell me the truth"?

7 A. No, I don't, as I said yesterday, I don't -- I keep away from  
8 making any threats.

9 Q. Would you have been sitting as this statement was taken or --

10 A. That's correct.

11 Q. Throughout?

12 A. I sit when all statements -- yes, this statement and all  
13 others when I take them.

14 Q. And all other statements?

15 A. Yeh, throughout.

16 Q. I just want to refer you to a couple of statements that Mr.  
17 Pratico gave here and have your comment on them. And this  
18 is with respect to the second statement. I'm referring to  
19 page 2064, Chief, I'll just read it. He's saying:

20 Sergeant MacIntyre.

21 MR. CHAIRMAN:

22 What page is it?

23 MR. MacDONALD:

24 I'm sorry, 2064.

25



1 | MR. CHAIRMAN:

2 | Of the transcript.

3 | BY MR. MacDONALD:

4 | Q. Okay:

5 |                               Sergeant MacIntyre, "All we want  
6 |                               is the truth."

7 |                               I said...I (don't)didn't know what  
8 |                               to say so we kept talking and he  
9 |                               said, "You know, if we don't get  
10 |                              the truth, you could be going to  
11 |                              gaol."

12 |                              Did you say that to Mr. --

13 | A. No, I didn't.

14 | Q. -- Pratico?

15 | A. No, I didn't.

16 | Q. Okay, and then he said:

17 |                              So we're talking a little bit and  
18 |                              he said

19 |                              Talking about you again:

20 |                              "We have a witness saying you were  
21 |                              in the park that night."

22 |                              That I was in the park

23 |                              and a witness was in the park

24 |                              and seen what happened.

25 |                              Did you tell him that?

26 | A. No, sir.

27 | Q. And he repeated that on a couple of occasions. You did not  
28 |                              tell him that, I take it?

29 | A. I did not tell him that, no.

2:09 p.m.

JOHN F. MacINTYRE, by Mr. MacDonald

1 Q. Let me take you to the statement then, Chief, it's on page 41.  
2 He starts out by saying he went to the dance "last Friday  
3 night" and he named certain people that he went with. At  
4 any time did you talk to those people, Bobby Christmas,  
5 Donald Gordon and Bob Janes?

6 A. I have no recollection of that.

7 Q. Okay. Did you ever make any attempt to determine the state  
8 of Pratico that night? That is his -- whether he was drunk  
9 or sober or --

10 A. Just what he -- just what he told me that's here --

11 Q. That's what he had told you in the statement?

12 A. That's right. That's right.

13 Q. Okay, we'll come -- you made no independent effort to determine  
14 his state?

15 A. No.

16 Q. Okay, he goes on to say:

17 I met Donald Marshall and  
18 Sandy Seale. We walked (down)  
to the corner of Argyle St.  
19 Donald said John come down to  
the Park in a rough voice. I  
20 said No. I went down Argyle  
St. and over Crescent St. I  
was walking on the park side.  
21 I seen Sandy and Donald on the  
other side of the bridge stopped.  
22 I did not pay much attention to  
them. I kept walking for the  
23 tracks. On the tracks, I  
stopped where I showed you.

24

25 What does he mean, where he "showed you"?

JOHN F. MacINTYRE, by Mr. MacDonald

1 | A. Well, I have no recollection of -- of picking him up but I  
2 | would say that that must have -- that he must have showed  
3 | me where he was standing and I must have been in the car.  
4 | I don't know.

5 | Q. You must have been in the Park with him?

6 | A. No, but I mean, "I stopped where I showed you".

7 | Q. He stopped on the tracks, "where I showed you"?

8 | A. Yeh, yeh.

9 | Q. He must have showed you where he stopped in the tracks?

10 | A. Yeh, that's what I'm saying.

11 | Q. So when were you in the Park with him?

12 | A. It must have been the morning he was picked up.

13 | Q. Did you pick him up?

14 | A. I've -- I've no recollection of it at this time.

15 | Q. Mr. Pratico testified on page 2128 and this is in response  
16 | to questions from Ms. Edwardh:

17 | ...I went to the Park with them  
18 | after the first statement...

19 | Okay, that's what I wanted to...  
20 | draw (to) your attention... So  
21 | let's talk about the time you went  
22 | to the Park before you gave this  
23 | second statement.

24 | Okay, and do you recall who you went  
25 | to the Park with on that...occasion?

Who was that?

Sergeant MacIntyre.

Did you take him to the Park?

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 A. I would say that I was over at -- must have been over at the  
2 Park with him; although I got no recollection of it.
- 3 Q. Well, certainly this statement would led one to that  
4 conclusion, wouldn't it?
- 5 A. Yes, but the -- the first statement he was supposed to be  
6 over to the court house, so it couldn't --
- 7 Q. I know, Chief, I'm talking about you and Pratico?
- 8 A. Yes, I would say I must have been.
- 9 Q. And you and Pratico were together in the Park before he gave  
10 you this second statement, isn't that correct?
- 11 A. I would say by this statement that I must have been.  
12 Although I have no recollection of it now. That's what I  
13 said.
- 14 Q. Is that just -- are you just coming to that now as a result  
15 of my showing you this statement?
- 16 A. Yeh, that's right, yeh.
- 17 Q. Did you walk about the Park with him?
- 18 A. Yes.
- 19 Q. Did he take you to the place on the tracks that he "showed" you?
- 20 A. I know where he was supposed to be on the tracks.
- 21 Q. Where?
- 22 A. I think it was the -- the bush in front of the second house.
- 23 Q. How do you know where he was supposed to be?
- 24 A. I -- he says, "I stopped where I showed you", so --
- 25 Q. I know he says that, but you just said you knew where he was

JOHN F. MacINTYRE, by Mr. MacDonald

1 "supposed" to be. How did you know where he was supposed to  
2 be?

3 A. I'm saying I have no recollection of it now; but he must  
4 have taken me over there. That's as far as I can go on that,  
5 Mr. MacDonald.

6 Q. So you must have been in the Park with him then?

7 A. Well, I could have been, but I don't, you know, I have no  
8 recollection of it right now.

9 Q. That's something, Chief, I would think would be pretty  
10 important for you to recollect. That's a pretty important  
11 fact whether you were in the Park with him before you took  
12 that second statement?

13 MR. PUGSLEY:

14 It may or may not be important; but the man has said five times  
15 he doesn't recall if he was there or not. I mean whether it's  
16 important or not it's something that he --

17 MR. CHAIRMAN:

18 He also said -- made a statement that I presume will be clarified,  
19 that Mr. Pratico was where he was supposed to be. Now I don't  
20 quite know what that means either, so I'm -- So if I could get  
21 that clarified then, we can move on.

22 BY MR. MacDONALD:

23 Q. Where was he supposed to be?

24 A. My recollection, you know, at the time, my recollection was  
25 that Chant was down near the trestle and Pratico was up near

JOHN F. MacINTYRE, by Mr. MacDonald

1           Bentinck Street.

2           Q. But did you tell Pratico where Chant was supposed to be?

3           A. No, indeed I didn't.

4           Q. No reference to that at all?

5           A. No, sir.

6           Q. But where was Pratico supposed to be?

7           A. Pratico -- Pratico, my recollection at the time was that  
8           Pratico was supposed to be up near Bentinck Street on the  
9           -- near the railroad track.

10          Q. Supposed to be there?

11          A. Yeh.

12          Q. Where did you get that information, Chief? Why was he  
13          supposed to be there?

14          A. Why?

15          Q. Yes?

16          A. I have recollection that he was having a bottle of beer and  
17          he was watching what was going on. I don't -- I didn't --  
18          I didn't read this yet, Mr., I don't know what's in here,  
19          Mr. MacDonald.

20          Q. But you're telling me that you copied down -- you told me,  
21          you copied down verbatim as best you could what was said by  
22          Pratico, isn't that correct?

23          A. That's what I thought I did, yes.

24          Q. Yes, and so as we go through it, he says "I stopped on the  
25          tracks", not in a bush, "on the tracks, where I showed you"?

2:14 p.m.

1 A. Yeh.

2 Q. And you offered the comment, "he was supposed to be some  
3 place"? And are you saying he was supposed to be behind  
4 a bush up on Bentinck Street?

5 A. No, there was bushes along the track, along the railway on  
6 the Crescent Street side.

7 Q. Is that where he was supposed to be?

8 A. That's where he was supposed to be, yes.

9 Q. I see. Okay, let me just go on:

10 Then Donald Marshall and Sandy  
11 Seale were up where the incident  
happened.

12 What does that mean, "where the incident happened"?

13 A. Could I -- I'd like to read some more of this statement if  
14 you don't mind, sir?

15 Q. Take your time, Chief, I'm -- Would I be correct in  
16 assuming you've read that statement a lot of times over the  
17 past sixteen years or seventeen -- sixteen years. You've  
18 seen that statement a lot of times?

19 A. I've seen it, yes, on several occasions, yes.

20 Q. Okay, what does it mean; "where the incident happened"?

21 A. I would say that the -- I would say that he had, in that,  
22 that he had pointed out where he was at and where the  
23 incident happened over on Crescent Street?

24 Q. But how could he point that out to you in the office?

25 A. No, I said before that I must have been over there with him

2:18 p.m.

1 in the car.

2 Q. You must have been over there with him in the car?

3 A. Yes, when I -- and he's saying: "I stopped where I showed  
4 you".

5 Q. Yes?

6 A. Yes.

7 Q. And he -- did he point out where the incident happened?

8 A. Yes, he did.

9 Q. Or did you?

10 A. No, I didn't -- I didn't point anything out because I wasn't  
11 there, sir, on that particular night I was seeing what he  
12 had to say.

13 Q. You were there with Pratico in the Park, were you?

14 A. Well, I was in that vicinity, yes.

15 Q. Were you standing on the tracks?

16 A. No, I can't --

17 Q. Where he showed you?

18 A. I can't recall. He could have pointed that out from the car  
19 where he was at on Crescent Street if we were on it.

20 Q. Now, Chief, wouldn't you have been having discussions with  
21 him then when you were in the car or on your foot whatever  
22 you were, you would have been having discussions with him  
23 as to what happened on that night?

24 A. Yeh, yes, I would have.

25 Q. Then why didn't you take a statement about that? Why didn't

2:20 p.m.



1 | you make a note about that somewhere?

2 | A. Well, I haven't got it there. Only he says, "I stopped where  
3 | I showed you".

4 | Q. Chief, I'm talking about the --

5 | A. Yeh.

6 | Q. -- time you must have been in the Park with him or in your  
7 | car?

8 | A. Yeh.

9 | Q. And you're -- and you're at the scene?

10 | A. Yes.

11 | Q. Why didn't you make some note to your file, take a statement  
12 | from him then? You've left the impression, sir; I suggest  
13 | to you, that everything you've talked about with Pratico,  
14 | everything, is contained in this statement?

15 | A. But he's saying something in the statement that must have  
16 | taken place before I took the statement. He says:

17 | I stopped where I showed you.  
18 | Then Donald Marshall and Sandy  
19 | Seale were up where the incident  
happened.

20 | Q. Chief, shouldn't you --

21 | A. So I must have -- I must have -- I must have been over to  
22 | the -- to the Park with him. I might have been in the car  
23 | when he was picked up. I'm saying that I don't recollect  
24 | that at this time.

25 | Q. Is it possible, Chief, that what you did with Pratico was

1 take him over to the Park. Take him where he said he was  
2 on his first statement and say: "That's not possible, you're  
3 lying"? Did you do that with him?

4 A. I don't recall that, no.

5 Q. You don't?

6 A. No, no.

7 Q. And then was it possible that you then took him and said, "Let's  
8 go up where the incident happened and see if you have any  
9 recollection about that."?

10 A. I -- I would say that I must have went up to the Park with  
11 him; but he would -- I wouldn't be showing him where the  
12 incident happened. I'd want to know what -- what he had  
13 to say.

14 Q. Were you assisting him --

15 A. If anything --

16 Q. -- in any way?

17 A. No, I would say, no.

18 Q. Although you don't really recollect being with him at all?  
19 Isn't that so?

20 A. No, I don't recollect it at this time, sir, no.

21 Q. But you will agree with me that you must have been with him  
22 somewhere --

23 A. Yes.

24 Q. -- in that vicinity?

25 A. Yes, when this is in the statement the way it is here, yes.

JOHN F. MacINTYRE, by Mr. MacDonald

1 Q. Thank you. What's your best recollection today of where  
2 Pratico was supposed to be?

3 A. Behind a bush, near the track, near Bentinck Street on the  
4 Crescent Street side.

5 Q. And is that what you got from your discussion with Pratico?

6 A. That's what I --

7 Q. Okay, now, Chief, you take the time (You just have.) to read --  
8 to read through this statement.

9 A. Yeh.

10 Q. There is no reference in this statement at all, I suggest.

11 A. Yes.

12 Q. To Pratico being behind any bush?

13 MR. CHAIRMAN:

14 Which statement is this -- the first?

15 MR. MacDONALD:

16 That is Pratico's statement, My Lord, yes the second one, starting  
17 on page 41.

18 MR. CHAIRMAN:

19 Wait now --

20 BY THE WITNESS:

21 A. On the next page --

22 MR. CHAIRMAN:

23 Yeh.

24 BY THE WITNESS:

25 -- Were you standing on the track

2:24 p.m.

JOHN F. MacINTYRE, by Mr. MacDonald

1 at the time Sandy Seale fell  
2 to the ground

3 Yes. I was.

4 BY MR. MacDONALD:

5 Q. Okay, why were you standing on the tracks?

6 A. Why were you standing there

7 I was drinking a pt. of beer

8 Wait now, there's something else here.

9 MR. PUGSLEY:

10 There is a reference at the bottom of the page --

11 MR. MacDONALD:

12 Yes, I'm going to direct him to that.

13 MR. PUGSLEY:

14 It would be kind of you to direct it to him before you make an  
15 allegation that there's no reference at all in the statement.

16 MR. MacDONALD:

17 I think the record will show that my allegation, if it is an allegation,  
18 My Lord, is that there's no reference in the statement of Mr.  
19 Pratico standing behind or squatting behind a bush and if there  
20 is, I'll certainly withdraw it.

21 BY MR. MacDONALD:

22 Q. The only reference to a bush, Chief, is the second last  
23 answer.

24 A. Yes, I see it here.

25 Q. It says:

JOHN F. MacINTYRE, by Mr. MacDonald

1           Would there be any obstruction  
2           between you and Sandy Seale and  
3           Donald Marshall when you were on  
4           the tracks from them seeing you

5           Bushes between them and me -  
6           blocking the view

7           A.           ...on them.

8           Q.           It was easier for me to see them.

9           A.           Yeh.

10          Q.          Do you take from that that he's saying he's squatting behind  
11          a bush having a beer?

12          A.          Well, the bushes were -- the bushes were quite handy the  
13          track along there. There was probably, I don't know how  
14          many, there was every -- every so many feet there were  
15          bushes and that's what I took; that he was behind one of  
16          those bushes near the railroad tracks.

17          Q.          Do I understand then when you completed taking the statement  
18          from Pratico on June the 4th, it was your understanding and  
19          your conclusion that he told you he was behind a bush up  
20          around Bentinck Street?

21          A.          He was -- no, he was on the -- the railroad track and those  
22          bushes were quite handy to the rail -- to the track on  
23          Bentinck, they'd be on the right hand side, on the Crescent  
24          Street side. And they were so many feet apart each one of  
25          them. And they were so high. And I -- I took it that that's  
26          where he was standing.

27          Q.          Standing on the tracks or behind a bush?

2:26 p.m.

JOHN F. MacINTYRE, by Mr. MacDonald

1 A. Well, near -- near the tracks by the bushes.

2 Q. Even though he had told you in the statement he was:

3 standing on the track

4 A. Yeh.

5 Q. at the time Sandy Seale fell  
6 to the ground?

7 A. Yeh.

8 Q. That's what he told you?

9 A. Well, I think he probably meant the track area, you know, he  
10 was right -- that's where he would be.

11 Q. Well, if you -- if I can just take you the statement again,  
12 on page 41, we already looked:

13 On the tracks, I stopped where  
14 I showed you.

15 We looked at that already?

16 A. Yes.

17 Q. And then if you go over to the top of page 42:

18 Were you standing on the tack at  
19 the time Sandy Seale fell to the  
20 ground

20 Yes. I was.

21 A. Yeh.

22 Q. How can you take from that, sir, that he may not have been  
23 on the track?

24 A. Well, I said before, I must have been at the scene and he  
25 must have showed it to me. And I -- I took it it was --

1 the bushes were quite handy the track and he was there.

2 Q. And that's my point, Chief, when you left after you finished  
3 your statement from Pratico, no matter what was said, it was  
4 your impression --

5 A. Yeh.

6 Q. -- that he was by a bush?

7 A. That he was, yeh, and by the track, yeh.

8 Q. Thank you. And then Pratico told you starting on the bottom  
9 of page 41:

10 I seen Sandy fall to the ground  
11 and Donald Marshall running up  
Crescent St. towards Argyle St.

12 Now my understanding of that is that you would be running  
13 then on Crescent Street in a -- an easterly direction, is  
14 that correct that Marshall would be?

15 A. In a westerly direction, yeh.

16 Q. Easterly?

17 A. Well, he ran towards Bentinck.

18 Q. Running, no, running toward Argyle?

19 A. I know, but Argyle -- Argyle is up parallel with Crescent,  
20 back.

21 Q. Isn't it also at the other end of -- isn't it at the other  
22 end of Crescent Street?

23 A. Oh, in --

24 Q. Toward Argyle?

25 A. If he was going easterly -- if he was going -- yes, if he was

1 going that way, he'd be going east. It runs east and west,  
2 Crescent Street.

3 Q. Well, Pratico said "I saw Marshall running along Crescent  
4 Street to Argyle", didn't he?

5 A. Yeh, but he could be running either way to go to Argyle.

6 Q. But did you ask him which way he was running?

7 A. No, I didn't, why?

8 Q. Would that be as important?

9 A. At Crescent Street, Argyle was at one end -- at one end over  
10 here and if you go up Bentinck, just one block, you're on  
11 Argyle. It goes right through. The same as Crescent does  
12 goes straight through to Alexandra.

13 Q. You didn't -- you would agree with me, Chief, that he could  
14 be running easterly toward Argyle?

15 A. He could be, yes, or he could be running the other way. I  
16 could take it to be either.

17 Q. But you didn't ask him either one?

18 A. No, no, no.

19 Q. But Pratico said that what he did was: "run home up Bentinck  
20 Street"? That's what he told you, didn't he?

21 A. Yes, yes.

22 Q. And that would mean --

23 A. Northerly.

24 Q. He would be running north on Bentinck Street?

25 A. That's right. That's right.



1 Q. Did you think they were both running in the same direction,  
2 Marshall heading towards Bentinck and then going up Argyle  
3 and Pratico heading towards Bentinck and going north?

4 A. He could have been.

5 Q. Is that what you thought?

6 A. That's what I thought, yeh.

7 Q. Are you surprised they didn't bump into each other?

8 A. No. No, because Pratico would be quite handy the corner --  
9 right handy Bentinck on Crescent where he was supposed to  
10 be standing and the other fellow would be over further on  
11 Crescent. He'd be over one, two, three, four -- four to  
12 five houses over.

13 Q. Pratico told you they were about forty feet away from him?

14 A. Yeh.

15 Q. Thirty to forty feet?

16 A. Yeh.

17 Q. That's not far?

18 A. No, it would be further than that.

19 Q. Pardon?

20 A. It'd be further than that.

21 Q. No, but I'm just referring to the statement?

22 A. Yeh.

23 Q. If you look at the statement on page 42, about half way down  
24 it says:

25 How far...would you be from Sandy

2:30 p.m.

JOHN F. MacINTYRE, by Mr. MacDonald

1                   Seale and Donald Marshall  
2                   when they were on Crescent St.

3                   30 to 40 ft.

4 A. Yeh, well, each lot is fifty. Each lot's between forty and  
5 fifty feet wide and he was supposed to be close to the  
6 second house, so there'd be one, two, three, it'd be a  
7 hundred, could be a hundred and twenty to a hundred and fifty  
8 feet.

9 Q. Who was? Was Pratico?

10 A. No, no. Where Seale and -- where Seale and --

11 Q. Marshall?

12 A. -- Marshall are supposed to be.

13  
14  
15  
16  
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25



JMK

1 Q. Are you saying that they would be one hundred and fifty  
2 feet from Pratico?

3 A. Well, there was three houses there. Three -- Queen's,  
4 Campbell's and MacDonald's. It would be one hundred and  
5 fifty feet away.

6 Q. Where do you get that, Chief, out of Pratico's statement?  
7 Pratico told you --

8 A. Wait now.

9 Q. -- that he was thirty or forty feet away.

10 A. Yeh.

11 Q. How can you tell us --

12 A. That was his estimation, yeh.

13 Q. Well, did you challenge him on it?

14 A. No, I just took what he said at the time.

15 Q. But you took it to be wrong then, did you? You didn't  
16 accept it.

17 A. It says:

18 I stopped where I showed you. Then  
19 Donald Marshall and Sandy Seale were  
up where the incident happened.

20 You see? So --

21 Q. Yes.

22 A. -- I thought at that time that he had pointed out that spot  
23 on Crescent Street. Yeh.

24 Q. Where the incident happened?

25 A. Yeh.

2:31 p.m.

JOHN F. MacINTYRE, by Mr. MacDonald

1 Q. We know where that is, don't we?

2 A. Yeh.

3 Q. But the spot where he showed you, you're saying then is the  
4 bush close to Bentinck Street?

5 A. That's where he was standing, yes.

6 Q. And that's where he showed you, is it?

7 A. No, I think there's a double --

8 How far away would you be from  
9 Sandy Seale and Donald Marshall  
when they were on Crescent Street?

10 30 to 40 feet.

11 So, he says:

12 How long were they standing there?

13 About 10 minutes.

14 Now he said:

15 I stopped where I showed you.

16 meaning -- I took that to mean himself near the railroad  
17 track. And then:

18 Then Donald Marshall and Sandy Seale  
were up where the incident happened.

19 Q. Well, I know --

20 A. I know what you're saying. You're saying 35, 40 feet  
21 away.

22 Q. No, I don't mean to say anything. I'm just suggesting to you --

23 A. Yeh, that that's what's there. Yes.

24 Q. Yeh. If he stopped where he showed you and you've told us that  
25 that was up -- a bush up around Bentinck Street, if he was

JOHN F. MacINTYRE, by Mr. MacDonald

1 |       there --

2 | A.   Yeh, the second --

3 | Q.   -- then he would be about one hundred and fifty feet away  
4 |       from where the incident happened, isn't that correct?

5 | A.   That would be close to it, yes.

6 | Q.   And that's how you came up with the one hundred and fifty  
7 |       feet?

8 | A.   Yeh.

9 | Q.   And that is just, I suggest, further evidence or corroboration  
10 |       for you that indeed Pratico must have showed you where he  
11 |       was on Bentinck Street around the bush.

12 | A.   That's right.   That's right, sir.

13 | Q.   Okay.

14 | BY MR. CHAIRMAN:

15 | Q.   Was it a well lit area at night?

16 | A.   What's that?

17 | Q.   That section of the park, Crescent Street.

18 | A.   There was a couple of lights in the area.   I think on the  
19 |       -- I think when the city -- I think there was a light in  
20 |       front of MacQueen's which would be the third house on  
21 |       Crescent according to the plan that the city drew and I think  
22 |       the other street lamp was one hundred -- I think it was one  
23 |       hundred and sixty-five feet between the two of them. There  
24 |       was two poles and two lamps in the area.

25 | Q.   Given the conditions, in your estimate, that Mr. Pratico --

1 John Pratico, was one hundred and fifty feet from where the  
2 stabbing occurred, would that have caused -- this part  
3 of the statement of John Pratico then cause you some concern  
4 when he said he -- to quote him:

5 I just seen Donald Marshall's hand  
6 going towards the left hand side of  
7 Seale's stomach. He drove his hand  
8 in - turned it and pulled it back.

9 Would you think that Mr. Pratico would have been able  
10 to see all of that from one hundred and fifty feet away  
11 at night?

12 A. Well, he knew those people before that and Marshall was  
13 the taller of the two and what he was wearing, I imagined  
14 he wouldn't have any problem making him out there and they  
15 had talked to him before that. He knew both of them and  
16 let me see now. The first light is in front of MacQueen's,  
17 the -- MacDonald's and there'd be Campbell's. That would  
18 be one hundred so I think the second light would be somewhere  
19 around the big apartment house. The green -- the large one  
20 there.

21 Q. No, I was thinking about the actions --

22 A. I know what you're saying.

23 Q. Putting it in --

24 A. I get it, My Lord, yeh.

25 Q. -- turning it.

A. Yeh.

Q. Turning his hand to the left.

2:34 p.m.

JOHN F. MacINTYRE, by Mr. MacDonald

1 A. I don't know how much of that would be -- but he says he  
2 did see him doing that and really I didn't give that that  
3 much thought. It's a good point. But there was two lights  
4 in the area there.

5 Q. Okay.

6 BY MR. MacDONALD:

7 Q. You were there in the evening yourself, Chief, to see whether  
8 it was possible to get a good view, weren't you?

9 A. Yeh.

10 Q. And you were satisfied that there was --

11 A. I was of the opinion that they did see it. Now, whether --  
12 Chant at the other time was on the other end of the track.  
13 I thought they could see what was -- you know -- what was  
14 going on there.

15 Q. At that time, what was your knowledge of John Pratico?

16 A sixteen year old boy. What did you know about him?

17 A. Well, I knew that he -- I took him to be a very nervous  
18 chap but I didn't know very much more about him. I don't --

19 Q. Did you know --

20 A. I didn't have any dealings with him.

21 Q. Did you know his mother?

22 A. I knew her, yes.

23 Q. Did you know he used to periodically sleep off drunks in  
24 the tank in the police station?

25 A. Well, I've -- To be honest with you I never seen him in there

1 but that's the evidence.

2 Q. No, I'm asking if you knew that?

3 A. No, I didn't know that, no.

4 Q. The evidence --

5 A. No, I have no recollection of any of that stuff.

6 Q. The evidence that you obtained on June 4th, this statement  
7 from Pratico, that would be very important evidence, would  
8 it not?

9 A. It would be, yes.

10 Q. Did it ever occur to you that a boy of sixteen who had --  
11 if he had seen what he said he did may have related that to  
12 his mother?

13 A. Well, he could have but I wouldn't know whether he did or  
14 not.

15 Q. Well, I ask you did it ever occur to you he might have?

16 A. Well, he might have.

17 Q. You knew he lived with his mother?

18 A. Yes.

19 Q. Or is father?

20 A. He lived with his mother, I think. I don't think his father  
21 was there. I'm not sure.

22 Q. Did you ever ask his mother if John had ever told her about  
23 the incident that he says he saw on the night of May 28th?

24 A. No, I didn't, no.

25 Q. Why not?

2:37 p.m.



JOHN F. MacINTYRE, by Mr. MacDonald

1 A. I just didn't.

2 Q. Did you believe John Pratico when he gave you this statement  
3 on June the 4th?

4 A. I took it -- took down what he had to say and then of course  
5 I wanted to see what this Chant had to say and Chant, when  
6 I took a statement, it re-enforced that it was a dark-  
7 haired fellow and I think that's around the bush there  
8 quite handy Bentinck Street in the vicinity of the tracks.  
9 I think that's what he told me in his statement and that--

10 Q. We'll come to Chant in a moment.

11 A. Yeh.

12 Q. Did you ever interview Pratico again after June the 4th?

13 A. This is the last statement I took from him. I don't  
14 recall -- I don't recall.

15 Q. Never took another statement from him?

16 A. No.

17 Q. Having received that statement from Pratico you then elected  
18 or decided you would go to Louisbourg. Is that correct?

19 A. That's right.

20 Q. Why is that?

21 A. I wanted to have another chat with Chant.

22 Q. Why did you want to talk to Chant again?

23 A. Well, Chant was supposed to be on the track that night and  
24 he was on the George Street side of the trestle and claimed  
25 that -- I have a statement here of May the 30th, what he claimed

1 he seen and the description he gave of the men and I wanted  
2 to see if -- I thought that probably I wasn't getting  
3 all the truth from him too. That was my opinion at the  
4 time.

5 Q. So you decided to go to Louisbourg and at that time you asked for  
6 the assistance of the Louisbourg police, didn't you?

7 A. Yes, we went to the Town Hall and requested Chief MaGee  
8 to -- if he'd go and look for Chant for us and bring him  
9 to the station. I also requested that, if his mother was  
10 there, to have the mother or the father to come along and  
11 we stayed at the Town Hall until he arrived back and he  
12 had his mother with him and there was a Burke chap with  
13 him. He was a probation officer-- Junvenile Probation  
14 Officer. They came into the room and I introduced myself  
15 and Urquhart that there were --

16 They sat down. There was a long table. It was twelve  
17 or fourteen feet long and I recall that. The three of them  
18 sat on one side of the table and young -- the young chap  
19 sat opposite them and we were down -- Urquhart and I --  
20 at this end of the table.

21 Q. A twenty foot long table, did you say?

22 A. No, It wouldn't be twenty. Probably fourteen. Twelve, Fourteen.  
23 Somewhere in that vicinity.

24 Q. Fourteen, sorry.

25 A. There was a bunch of -- those tables here I believe put together.

2:40 p.m.

JOHN F. MacINTYRE, by Mr. MacDonald

1 I'm not sure.

2 Q. And if we can just use the one that's up front.

3 A. Yeh. About --

4 Q. For example, you were sitting -- Were you at one end?

5 A. I was -- This end, yes. I was at this end of the table,  
6 Urquhart and I.

7 Q. Sitting in the same type of position that Justice Poitras  
8 is? The last one here?

9 A. I think I was at the end of it but they were both on this  
10 end but he'd be up quite a piece at the other end and the  
11 three that came in, Mrs. Chant, MaGee and Burke were sitting  
12 on that side.

13 Q. Okay. So Chant would be up approximately where Justice  
14 Evans would be and --

15 A. That's correct. Across.

16 Q. -- his mother and the other two on -- across from him?

17 A. That's right, on that side.

18 Q. And you and Mr. Urquhart sat at this end?

19 A. That's right.

20 Q. And did all of those people stay throughout?

21 A. They did.

22 Q. Now, you are aware, of course, that there is conflicting  
23 evidence on that point?

24 A. I am.

25 Q. And I want to put some of that evidence to you.

1 Mrs. Chant -- This is in volume 20 of the evidence on  
2 page 3538. The question was:

3 Did you stay in this room to your  
4 recollection for the whole  
5 interview?

6 The answer was:

7 No, they asked me if I would leave, and  
8 I said, "Yes." So I got up and left.

9 Do you recall who asked you to leave?

10 I believe it was Sergeant MacIntyre.

11 And also -- this is on page 3535:

12 Do you have (any) recollection today..of  
13 that interview...

14 I don't remember, like, too much. I  
15 know we went in the room and they  
16 had talked to him for a bit, but they  
17 thought they weren't getting anywheres  
18 with him; so they asked me if I would  
19 leave.

20 Did that happen?

21 A. That never happened. Mrs. Chant didn't leave that room  
22 from the time this statement started until it was over.

23 Q. And then Maynard Chant testified on page 857. He talked  
24 about his mother being upset and she said -- he said:

25 ...so he beckoned to her...

the he -- you

...so she come over and they  
stood behind me and...I remember  
him saying something reflecting  
that he, he's not going to -- maybe  
if you leave the room, he'll tell us  
more. He felt that by her being there,

2:44 p.m.

JOHN F. MacINTYRE, by Mr. MacDonald

1 I wasn't being -- I wouldn't  
2 tell them anything. So she  
left the room.

3 Do you have a clear recollection  
4 of your mother leaving the room  
that day?

5 Yes, I do.

6 And he said that three or four times.

7 A. Yeh, and that is not right, sir.

8 Q. That is not correct?

9 A. That is not correct, no.

10 Q. Okay. And then we have Mr. Burke. Do you say he was present  
11 throughout?

12 A. That's correct.

13 Q. And you heard his evidence in this --

14 A. I did.

15 Q. -- in where he denied being there?

16 A. Yes.

17 Q. And he's wrong too is he?

18 A. That's right.

19 Q. So they were all wrong when they say -- Mrs. Chant when  
20 she says she was asked to leave the room, Maynard when  
21 he says you asked his mother to leave the room, and Burke  
22 when he says he wasn't there?

23 A. That's correct.

24 Q. Now, what --

25 A. Yeh.

JOHN F. MacINTYRE, by Mr. MacDonald

1 Q. Now what was said to Chant then when he arrived?

2 A. Words to the effect that I spoke, I think, to his -- spoke  
3 to his mother and told her that I'd interviewed him before  
4 on this matter here and that this time that I had a -- I think  
5 I told her I had a murder on my hands. I didn't think I was  
6 getting all the truth and I would like to interview him again  
7 today and I'd like to get the truth so she --at that point  
8 she pointed at her son across the table and she said,  
9 Maynard, if you know the truth about this -- If you know  
10 anything about this, she said, you tell the Sergeant the  
11 truth, words to that effect, and then of course Maynard  
12 started to talk and as I see here it was -- there's a  
13 paragraph there and then it's all question and answer from  
14 there and when this statement was completed Urquhart and I  
15 signed it and on an extra page here I put down the names  
16 of Mrs. Beulah Chant, Mother, Lawrence Burke, Probation  
17 Officer, Juvenile Court, Chief Wayne R. Magee, Urquhart and  
18 myself. I put down their names as being present there and --

19 Q. Do you have a vivid recollection of taking that statement?

20 A. Yes, I have. Yes.

21 Q. Is there any particular reason you recall that one vividly  
22 and you haven't recalled very many other ones?

23 A. No, there's no reason. I -- This statement here, of all  
24 those people being present and that statement, I think, took  
25 about fifty minutes. I have --

JOHN F. MacINTYRE, by Mr. MacDonald

1 Q. You can recall it?

2 A. I can recall this one here, being there, yes.

3 Q. Okay.

4 A. And what took place, yeh.

5 Q. And it does contain the statement, everything that was  
6 said by you or Chant other than your admonition at the beginning  
7 to tell the truth or Mrs. Chant's statement to him to tell  
8 the truth.

9 A. After she said that he started talking and I started to  
10 write it down and I asked questions and I got answers and  
11 to the best of my ability I wrote the answers down.

12 Q. Didn't you tell -- Did you say to Maynard Chant at any time througho  
13 that interview, we have somebody who saw you there. We  
14 have a statement from someone who saw you there.

15 A. No, I didn't make any remarks like that.

16 Q. Any suggestion at all that what he was telling you was  
17 inconsistent with what you had been told by any other witness?

18 A. Inconsistent with what I'd been told by any other witness.

19 Q. Any statement to Maynard that anything he said that day  
20 is -- doesn't correspond with --

21 A. No.

22 Q. -- what you'd been told by another witness?

23 A. No, I didn't.

24 Q. No suggestion of that?

25 A. No, sir.

2:48 p.m.

JOHN F. MacINTYRE, by Mr. MacDonald

1 Q. Okay. I want to refer you again to some evidence if  
2 I could to get your comments. Mrs. Chant, and this  
3 is on page 3534, it's in volume twenty and this is  
4 a statement that she says was made at her home and she  
5 says the Sydney Police came to her home to get her -- to  
6 get Maynard and this is what she said:

7 Yes. They said they had a witness to  
8 prove that Maynard had been there  
and that he was lying.

9 Question was:

10 Was this said to you in the house?

11 The answer was:

12 Yes.

13 And then on 3540 the question was:

14 ...do you recall this being stated at  
15 the Louisbourg Town Hall that this  
16 eye witness was there -- that they  
had other evidence to prove that  
Maynard was lying?

17 A. Yes.

18 Was that ever said to him?

19 A. That was never said to them by me and I was the only  
20 person that done the talking there.

21 MR. PUGSLEY:

22 In fairness to the people involved, it's my recollection of the  
23 evidence that Wayne Magee said that he was the one that picked  
24 up Chant.

25

2:50 p.m.



JOHN F. MacINTYRE, by Mr. MacDonald

1 MR. MacDONALD:

2 I appreciate that. That's why I identified that it happened  
3 at the house.

4 MR. PUGSLEY:

5 Yes, right.

6 MR. MacDONALD:

7 That's why --

8 MR. PUGSLEY:

9 Mrs. Chant is certainly in conflict with Wayne Magee's evidence  
10 on that point.

11 BY MR. MacDONALD:

12 Q. And Maynard Chant -- I'll just refer to some of them.

13 This is on page 866, Volume 5. I guess, actually 855 first.

14 This is about starting at line 11, 855:

15 So at one point in time through  
16 the questioning, they had told  
17 me that there was a, that they  
18 had a witness there that had told  
19 a story and he said that he saw  
20 me there. And that I had seen  
21 what he had seen regarding to the,  
22 to the incident that had happened  
23 that night on May the 30th.

24 You have a recollection now of being  
25 told that during that interview?

A. Yes.

And down the bottom:

Who told you?

I believe it was MacIntyre.

Did you ever say that?

JOHN F. MacINTYRE, by Mr. MacDonald

1 A. No, that is not right.

2 Q. And just without referring to them all, it's also similar  
3 statements down on pages 866, 868, 872, 943, 44, 961, 62  
4 and 64 of Maynard Chant's evidence. You heard him  
5 Chief, say that numerous times didn't you?

6 A. Yes.

7 Q. You heard him testify here?

8 A. Yes, sorry.

9 Q. But you say you never said that to him?

10 A. No.

11 Q. Would you have in telling Chant you must have seen  
12 something --

13 A. No, I -- The statement I took from him is down here  
14 in question and answer form, sir.

15 Q. Okay. Let me read to you from the evidence of Wayne Magee.

16 A. Yes.

17 Q. It's on page 3634. That's in volume 20. Down at the  
18 bottom of line 20:

19 Do you recall the format of the  
20 interview whether or not it was  
21 a discussion or whether or not it  
was a more formal question and  
answer approach?

22 A. Detective MacIntyre conveyed to Maynard  
23 that certain information in a prior  
24 statement did not correspond with other  
25 information that they had obtained afterwards  
and that they wanted more or less some  
clarification pertaining to the first  
statement...

2:53 p.m.

1 Did you do that?

2 A. No, I --

3 Q. Did you tell Maynard --

4 A. No, only on -- at the opening of the statement, as I  
5 said before, I told his mother why I was out there. That  
6 I had taken a statement from Maynard before and I didn't  
7 think I was getting all the truth and that I had a very  
8 serious case on my hands and I'm out here to get the truth  
9 today and is that too much to ask.

10 Q. Did you tell Maynard --

11 A. That's what I remember saying, sir, and a statement started.

12 Q. Did you tell Maynard, as Wayne Magee testified, that certain  
13 information in a prior statement did not correspond with  
14 other information that you had obtained afterwards?

15 A. No. No, I didn't say that, no, but I imagine that might  
16 have been the way he tried to put what I did say first.  
17 I don't know what he had in mind there. I thought it  
18 was very neutral that day. Everything went along, I thought,  
19 fine and there was no questions asked except for myself.

20 Q. Let me read you something else that Wayne MaGee said.

21 A. Yes.

22 Q. This is on page 3647:

23 Now, you've related to us the --  
24 you recall comments being made to  
25 the effect that there was information  
that was inconsistent with what  
Maynard had said?

JOHN F. MacINTYRE, by Mr. MacDonald

1 A. Yes.

2 Q. And you wanted to question Maynard again.  
3 Do you have any recollection of what  
4 that other information was that the  
5 police had at that time?

6 A. I can't recall specifics. I do recall  
7 that there was answers that Maynard  
8 gave to Detective MacIntyre that, I think,  
9 he felt that wasn't quite right and that  
10 he would -- he may say well, we were  
11 talking with this individual and they  
12 said this and -- that line of questioning...

13 Did that happen?

14 A. No, what happened there, is written down here, the  
15 questions and answers as I put them down, sir.

16 Q. And then on the bottom of page 3648 continuing on  
17 to 49. Again, Wayne Magee:

18 Q. Okay. If I understand you correctly,  
19 and please correct me if I'm wrong,  
20 was there a sort of a scene painted  
21 for Maynard so that he could put  
22 himself into it?

23 A. I don't think that would -- that  
24 that was the case. I believe that  
25 Maynard was -- he might have been  
getting confused and he was given  
advice as to well, you know, this  
one in this statement didn't say  
that. You know, what's the situation  
here or there...

Magee's wrong about that too, is he?

A. I --

Q. Did you tell Maynard Chant during that interview that  
he could be in trouble if he was lying or that he could

2:56 p.m.

JOHN F. MacINTYRE, by Mr. MacDonald

1           be charged?

2           A. No, sir.

3           Q. On page 3541, Mrs. Chant. She was asked:

4                    Q. While you were in the room, do you  
5                    recall any reference being made to  
6                    the fact that Maynard was on probation  
7                    and could get in some trouble?

8                    A. Yes...

9                    Q. Do you recall who made that reference?

10                   A. No, I don't know. But I know --  
11                    It was said that he was on probation  
12                    and he could be in a lot of trouble  
13                    if he didn't tell the truth...

14                   Q. Who was doing most of the talking?

15                   A. I believe it was Sergeant MacIntyre.

16           A. Yeh.

17           Q. Was that ever said?

18           A. No, sir.

19

20

21

22

23

24

25

1 Q. So then, so I understand it, the statement that we've got here  
2 is typed on page 46 -- starting on page 46 of 16 and continued.  
3 That contains everything that was said other than your initial  
4 comments?

5 A. Yes.

6 Q. Would it be question/answer, or would there be periods of dis-  
7 cussion take place and then you would write down the answers?

8 A. No, it'd be question and answer.

9 Q. Would there be periods of discussion for two or three minutes  
10 before you'd write down an answer?

11 A. No, there wouldn't be two or three minutes. I'd ask a question  
12 and then I'd get the answer from him and would proceed with a  
13 question. They were very short answers.

14 Q. Let me read to you just another passage from the evidence of Wayne  
15 Magee. This is found on page 3662.

16 Q. But you said they would quiz  
17 each other. I want an example  
18 of Maynard Chant quizzing  
Sergeant MacIntyre.

19 A. That's my error. I totally  
20 meant that Detective  
MacIntyre was asking-was  
21 asking the questioning --  
22 questions and Maynard was  
answering. There was no  
argumentative type answer --  
question-answer.

23 Q. Well, as an example that I might  
24 dream up --

25 A. Yes.

2:59 p.m.

1 And this is in the form of a question, Chief.

2 Q. -- of Maynard Chant quizzing  
3 Sergeant MacIntyre would be:  
4 "Sergeant MacIntyre, how can  
5 I swear to this if it didn't  
6 happen? Sergeant MacIntyre,  
7 I've told you a number of times  
8 I wasn't there and didn't see  
9 the murder. How can I confess  
10 that he did it, that this man  
11 did it?" Those are examples,  
12 are they not, of Chant quizzing  
13 MacIntyre?

14 Magee said:

15 A. Well, they would be examples,  
16 but I do not recall it being  
17 said.

18 Question -- This is what I wanted to direct your attention to.

19 Q. You said that there were periods  
20 of one and a half to two minutes  
21 of questioning before the answer  
22 would be written down. Correct?

23 A. That would be my estimate, more  
24 or less...

25 Could that have happened?

A. Well, it took time to write -- for me to write the question  
and time to answer it and it took time to -- I mean, it took  
time to write the answer down.

Q. Okay, let's go to the --

A. I thought it was fairly fast.

Q. -- statement on page 46. He says:

Last Friday night after 11:30...  
I left the Acadian Lines on  
Bentinck...and walked down

1                   Bentinck St. to the tracks.  
2                   Then I started down the tracks  
                  toward George St.

3           Now, as I understand that, Chief, he's coming down Bentinck  
4           Street until he hits the tracks, and then he starts walking  
5           down the track heading toward George Street.

6   A.   That's right.

7   Q.   That's right?

8   A.   Yeh.

9   Q.   Okay. Now, you had been told by Pratico that he was standing  
10       on the tracks there. Did it occur that Chant and he may have  
11       bumped into one another?

12   A.   I thought that he was -- Although that says that here, I was of  
13       the opinion that he was by the bush, that he wasn't between the  
14       rails.

15   Q.   "He" being Pratico?

16   A.   Yeh. Yeh.

17   Q.   That's what Chant says.

18                   I noticed a dark haired fellow  
19                   sort of hiding in the bushes about  
20                   opposite the second house on  
                  Crescent St.

21       Now, that's where Pratico was supposed to be, isn't it?

22   A.   That's where he was supposed to be, yes.

23   Q.   Did you tell that to Chant, that that's where Pratico was  
24       supposed to be?

25   A.   No, sir.



1 Q. Okay. He just came up with that himself?

2 A. That's right, sir.

3 Q. That he put Chant in the same place that you say Chant was  
4 supposed to be? Is that correct?

5 A. That's right.

6 Q. You have no suggestion or indication that there was any  
7 collaboration between Chant and Pratico, do you?

8 A. No, I didn't suspect anything like that had -- In fact, I didn't  
9 think they -- I was of the opinion they didn't even know one  
10 another.

11 Q. All right.

12 A. But I think he said something later on that he might've seen  
13 this fellow at a dance in Louisbourg or something.

14 Q. Well, let's just go on.

15 A. Yeh.

16 Q. Did you know him.

17 A. No, I did not know his  
18 name but I had seen him  
19 before out at the dances  
20 in Louisbourg.

19 Q. Did you see him since?

20 A. Sunday afternoon at the  
21 Police Office in Sydney.

22 So he had seen him in the police office in Sydney. That's what  
23 he told you, wasn't it?

24 A. That's what he's saying there, yeh.

25 Q. Even though you tried to keep them separate and apart?

1 A. That's correct, sir.

2 ...I walked by this fellow on  
3 the track...

4 A. Yes.

5 Q. ...I looked back to see what he  
6 was looking at. Then I saw 2  
7 fellows standing about 1½ feet  
8 from each other on Crescent St.  
9 near the house with the railing  
10 up the middle...

11 A. Yeh.

12 Q. Now, what house would that be?

13 A. That's be the grey house. That's be Campbell's.

14 Q. Is that the --

15 A. That's the house on this side of the green apartment there.

16 Q. On the west side of the green apartment?

17 A. On the west side, right.

18 Q. Is that about where the incident happened?

19 A. That's about where the incident happened, yes.

20 Q. ...The same house which I called  
21 the police from.

22 A. That's --

23 Q. -- There was --

24 ...an old man with grey hair &  
25 glasses answered the door.

Is that Mr. Campbell.

A. That's be correct. He's deceased now, yes.

1 Q. Did you ever talk with Mr. Campbell?

2 A. Yes.

3 Q. And what did you find out from him?

4 A. I'm not -- I don't know if I talked about this or not to  
5 Mr. Campbell. I don't recall, but I don't -- knew the Campbells  
6 very well, you know, and I did -- I was in the area there.  
7 I remember chatting with him. I don't -- can't recall my  
8 conversation at this time.

9 Q. You don't know if you went to see him after --

10 A. I think I did.

11 Q. -- Chant gave you this statement?

12 A. I would say I did. I think I did. I knew them very well.

13 Q. Now, he says that he was on the tracks. This is on top of  
14 page 47.

15 Q. How long were you on the tracks  
16 watching them?

17 A. About 5 minutes.

18 Did you ask him if he saw anyone else there on the tracks or --

19 A. No, I didn't. No, I don't think I did, no.

20 Q. Then he goes on, Chief, to say that he saw Marshall haul a knife  
21 from his pocket and jab the other fellow with it on the right  
22 side. He saw him jab it in and slit it down. Where did you  
23 understand Chant was standing when he was observing all this?

24 A. The -- It'd be the west side of the trestle there joining the  
25 two parks -- where the two parks -- where the culvert is on the  
track there.

3:07 p.m.

- 1 Q. So he would be on the Bentinck side --
- 2 A. Be on the Bentinck side of that.
- 3 Q. Bentinck Street side of that?
- 4 A. That's right, yeh.
- 5 Q. And you thought it would be -- from where he was standing, he
- 6 could see that sort of activity, jab it in and slit it down.
- 7 A. Well, that's what he said.
- 8 Q. And did you think that that was believable?
- 9 A. Well, I took his story, and I believe he could see some -- he
- 10 could see some activity going on there.
- 11 Q. He then says:
- 12 A. When Marshall drove the knife
- 13 in, Seale, he bent over.
- 14 When Chant gave you a statement on May 30th, he said he didn't
- 15 know Seale.
- 16 A. That's right, yeh.
- 17 Q. Were you surprised that he is now identifying who was stabbed?
- 18 A. Well, this is on June the 4th, unless he heard -- got the names
- 19 since that.
- 20 Q. All right. Then he says he ran down George Street -- down
- 21 toward George Street, down the tracks onto Byng Avenue. So what
- 22 he's doing there, isn't it, he's running across that trestle,
- 23 down the path onto Byng Avenue?
- 24 A. That's right, sir.
- 25 Q. And he runs into Marshall right at Mattson's house. We know

1 | that, don't we?

2 | A. Yes. Yes.

3 | Q. Which is almost directly across from the path that he would  
4 | come down.

5 | A. Yes, pretty close to it. Pretty close to it.

6 | Q. And that's where he met Marshall?

7 | A. Yes.

8 | Q. Well, Marshall would've had to run from the scene of the  
9 | incident, up Crescent, down Bentinck, and along Byng -- two-  
10 | thirds of the way along Byng Avenue to catch Chant. Yes?

11 | A. Yes. Yes.

12 | Q. While Chant is going a relatively small distance.

13 | A. Wait now. Wait. Chant says:

14 |                   ...Then I ran toward George St.  
15 |                   down the tracks. I went into  
16 |                   the Park, through the Park; then  
17 |                   up to George St.; crossed the  
                  tracks and then on to Byng Ave. -  
                  about 3 houses over I met Donald  
                  Marshall...

18 | So he would go down the tracks and he would then cut into the  
19 | park area and then up to George, across the track again and  
20 | then over to Byng Avenue.

21 | Q. So you think he would run all the way down to George Street --

22 | A. That's what he's saying here, sir, you know.

23 | Q. Okay. Now, that doesn't make much sense, does it, Chief? Why  
24 | would he be doing that?

25 | A. Well, I haven't got an answer for it unless he -- after what

1 he'd seen, probably got worked up over it. I don't know what  
2 took him there.

3 Q. It's not a very logical route for him to be heading back to the  
4 bus station?

5 A. No, that is -- That's what he said, though, what I've written  
6 down there.

7 Q. Did you -- Did it raise any question in your mind?

8 A. No, not at that time.

9 Q. You would know, though, at that time that, according to his  
10 story, Marshall would've had to run from that grey house on  
11 Crescent Street, up to Bentinck, north on Bentinck, onto Byng  
12 Avenue and over there. Is that correct?

13 A. Yeh, but it --

14 Q. Yeh. Did it ever occur to you that in the meantime, Pratico,  
15 who was also running in the same place, and Marshall should've  
16 come upon one another?

17 A. No, I would say Marshall would be ahead of -- If he took off up  
18 Bentinck Street, he would have a -- He'd -- whether he was  
19 running or walking, I don't know.

20 Q. Who is?

21 A. Pratico. But he would have a head start on the other fellow  
22 if he took off at that -- you know, at the moment he --

23 Q. Didn't it strike you strange though that everybody -- There's  
24 a couple of people running around Bentinck Street there.

25 They're not seeing each other. They're not bumping into each

1 other.

2 A. Now, once he would clear Byng Avenue on -- going up Bentinck,  
3 then Marshall would be -- He'd be out of Marshall's reach.

4 Q. Down toward the bottom of page 47, in that long paragraph, he  
5 says:

6 ...At the time a car came along  
7 and Donald stopped it and...asked  
8 for help...

8 What efforts were made by you to find the driver of that car?

9 A. I -- The driver of the car wasn't picked up, but I thought  
10 there might've been a note on something here -- one of the  
11 notes.

12 Q. You had known about that car from the first time you spoke with  
13 Chant on Sunday. That's in his first statement as well.

14 A. Yes.

15 Q. What efforts did you make to find the driver of that car so you  
16 could interview him and find out if he knew anything?

17 A. I didn't -- I don't think I made any effort.

18 Q. Wouldn't you think that that person may be an important witness?

19 A. Well, yes, I suppose, in -- to what they might've been told  
20 at the time.

21 Q. But you didn't make any effort to get --

22 A. Well, it didn't come to my attention at that time, and I didn't  
23 know who it was.

24 Q. On page 48, you ask this question of Chant:

25 Q. Did Donald Marshall call the

1                    police or ambulance at any time?

2            Why were you asking him that question?

3    A.    Well, I wanted to know if he did.

4    Q.    Why?

5    A.    Why?    Because I thought it would -- I thought that he should've  
6           called.    I thought that probably he should've got help on  
7           Crescent Street before he left the area if that man was injured.

8    Q.    But was this again evidence --

9    A.    No.

10   Q.    -- that you considered important to point the finger of guilt  
11          to Marshall?

12   A.    No, I was wondering why he didn't try to get help before he  
13          went to Byng Avenue from one of the houses along Crescent  
14          Street for his buddy at the time.

15   Q.    Did you ask Marshall that?

16   A.    I couldn't say if it's in his statement or not.

17   Q.    I don't believe it --

18   A.    I don't think it is.

19   Q.    Why didn't you ask him if you were wondering about it?

20   A.    I just didn't, sir.

21   Q.    Having got this statement from Chant, did you compare it with  
22          his earlier one or did you just disregard the earlier one  
23          totally?

24   A.    Well, when we got this statement here into Louisbourg -- from  
25          Louisbourg, we went to see the Crown with it; so --

3:15 p.m.



- 1 Q. At this time --
- 2 A. And a discussion took place on it.
- 3 Q. At this time, did you think you had the truth?
- 4 A. I thought that that was a -- Coupled with the other statement  
5 as --
- 6 Q. The other statement being Pratico?
- 7 A. Pratico's and what this chap here said he seen. They didn't  
8 know one another. They lived thirty-one miles apart, and  
9 given this type of statement, I thought that the -- that I  
10 was getting the truth from them.
- 11 Q. You thought you were getting the truth?
- 12 A. I thought I was, yes.
- 13 Q. Did you ask him why he told you an untrue statement earlier?
- 14 A. No.
- 15 Q. Why not?
- 16 A. Well, I didn't, sir.
- 17 Q. But that would be a -- I would think -- just a fundamental  
18 question you would ask him.
- 19 A. Yeh. No, I didn't go into that?
- 20 Q. Weren't you interested?
- 21 A. It would've been here if I had asked him that question.
- 22 Q. Well, weren't you interested?
- 23 A. Well, I was interested. Yes, I was, but I didn't ask him the  
24 question there.
- 25 Q. Why didn't you have all of the witnesses or all the people

- 1 | you've said were present -- Why didn't you have them all sign  
2 | the report or your handwritten statement?
- 3 | A. Do you mean on the statement?
- 4 | Q. Yes.
- 5 | A. Yeh. I didn't think it was necessary at the time as long as I --  
6 | I felt it was necessary for me to write their names down in  
7 | case it had to be referred to at a later time that they were  
8 | there. Urquhart and I witnessed the statement, and I just wrote  
9 | it on another sheet here, that's all.
- 10 | Q. Now, you -- Then on June the 4th at three forty-five p.m. in  
11 | the afternoon, had two statements from witnesses who like  
12 | you just said lived thirty-one miles apart, no connection one  
13 | with the other.
- 14 | A. Not that I knew of, no.
- 15 | Q. Who told you that Junior Marshall had stabbed Sandy Seale?
- 16 | A. That's right.
- 17 | Q. Can I come back to the question I asked you this morning, Chief?  
18 | Who do you believe stabbed Sandy Seale?
- 19 | A. At this time here --
- 20 | Q. No, now.
- 21 | A. Well, I suppose, I would have to say that -- To be honest with  
22 | you, I'm a little confused over the thing. Everybody says they  
23 | were lying at this time and --
- 24 | Q. Do you believe today --
- 25 | A. You know, I ask when, you know, when are they telling the truth?

3:18 p.m.

- 1 Q. Do you believe today --
- 2 A. You know.
- 3 Q. -- that Donald Marshall stabbed Sandy Seale?
- 4 A. The Court has found Mr. Ebsary guilty, and I would have to go  
5 along with the findings of the Court on that, sir.
- 6 Q. I recognize as the --
- 7 A. No, it's not what I -- It's not what I think. I mean, I have  
8 thoughts on many people who took part in this and the  
9 confusion that it caused and the lies that were told, and I  
10 thought I was getting the truth in '71, and it was quite a  
11 surprise, you know, to find out that this did take place, and  
12 I thought I --
- 13 Q. Do you believe today that Maynard Chant lied to you on June the  
14 4th, 1971, when he said he saw Marshall stab Seale?
- 15 A. Well, if -- I'll put it this way. If Ebsary was convicted of  
16 the offence, the evidence couldn't have been there, sir. He  
17 says he lied to me in '71.
- 18 Q. And I'm asking, do you now --
- 19 A. You know, if he says he lied, and the Court has convicted some-  
20 body else, I'll have to take the ruling of the Court.
- 21 Q. Yeh, I know you will do that as a police officer.
- 22 A. Yeh. Yeh.
- 23 Q. You will do that, and that's your --
- 24 A. Yeh.
- 25 Q. -- training, but do you believe in your heart of hearts that

3:20 p.m.

- 1 Marshall did not stab Seale?
- 2 A. Well, I believe in '71 that -- I believed that at that time,  
3 but in '82, I had to take another look at it. And --
- 4 Q. And what about '87? What do you say today?
- 5 A. Eighty-seven?
- 6 Q. Yeh. Deep down, what's your belief?
- 7 A. Well, I think now, from what I hear, that Ebsary did have a --  
8 did have a -- did stab Seale.
- 9 Q. Okay. Thank you. And if that's the case, then you will agree  
10 with me that Chant and Pratico certainly couldn't have seen  
11 Marshall stab Seale?
- 12 A. No, they said they lied to me.
- 13 Q. Yeh, so they could not have seen --
- 14 A. That'd mean they lied to me. But are -- You know, on the other  
15 hand -- My problem is this. Are they reliable witnesses at  
16 any time, you know?
- 17 Q. Can we come back to the same point then, Chief?
- 18 A. You know, -- I don't know.
- 19 Q. Are you saying --
- 20 A. You know, I mean --
- 21 Q. Are you saying that you're not convinced? You really don't  
22 believe --
- 23 A. You know, I wouldn't believe Chant today, no.
- 24 Q. You wouldn't believe him today?
- 25 A. No. No.

JOHN F. MacINTYRE, by Mr. MacDonald

1 Q. So when he says, he lied to you --

2 A. Well, I heard him on the stand here and when I was taking the  
3 statement, I was walking up and down the hall -- or the room  
4 in Louisbourg and what have you. That wasn't true; so, you  
5 know, he wasn't telling the truth about that and other state-  
6 ments he was making.

7 Q. So you wouldn't believe him today?

8 A. No, not listening to him now, and he said he lied to me and  
9 then -- He lied twice to me.

10 Q. Okay. You don't believe him today?

11 A. Yeh.

12 Q. You don't believe Chant?

13 A. Yeh.

14 Q. And this may be a double negative:-- And are you saying you  
15 don't believe that he lied to you in -- You don't believe him  
16 when he said he lied to you in June of 1971?

17 MR. PUGSLEY:

18 I don't even follow that question. If you can repeat it.

19 THE WITNESS:

20 This is getting --

21 MR. PUGSLEY:

22 I don't understand the question.

23 BY MR. MacDONALD:

24 Q. You don't believe anything Chant said?

25 A. I believed Chant in '71, sir.

- 1 Q. Yeh. You don't believe him today?
- 2 A. And I believe Pratico in '71, sir.
- 3 Q. I know that. I know that.
- 4 A. Yes. The Court has ruled different on evidence that they got  
5 since that in '82.
- 6 Q. You don't believe Chant today?
- 7 A. Well, I -- I've heard him on the stand, sir, and I ask, you  
8 know -- I don't think you were getting the truth in '82 either.  
9 You don't -- getting all the truth now.
- 10 Q. You don't believe Chant today? Yes?
- 11 A. I don't believe him in which --
- 12 Q. When he -- You don't believe Chant's evidence?
- 13 A. You mean back -- that he gave in '71 or that he gave when?
- 14 Q. The evidence that Chant gave to the Commission here, you don't  
15 believe it?
- 16 A. Well, Chant told the Commission that when I was taking a state-  
17 ment, sir, that I was walking up down the -- which I wasn't,  
18 and that's not truthful. That's what I'm talking about.
- 19 Q. Chant said --
- 20 A. And I think that's the evidence that Chant put before the  
21 Commission for My Lords to believe, and I was sitting down  
22 when -- at all times when I took this statement. Still, he  
23 made a statement here under oath that I was on my feet and that  
24 I was walking. Am I correct, sir?
- 25 Q. So did a couple of other witness, Chief.

JOHN F. MacINTYRE, by Mr. MacDonald

1 A. Yeh, but this was -- Well, we're talking about Chant now.

2 Q. Yeh, we're talking about Chant.

3 A. Yeh.

4 Q. When Chant says he lied to you in 1971, when he said that -- You  
5 know he has said that in the Appeal Division. You know he has  
6 said that in the Trial Division on three or four times. You  
7 know he has said it to the Commission. Do you believe that?

8 A. I have to believe, don't I?

9 A. You do accept that evidence?

10 A. I have to believe it at this time because that's what --

11 Q. And when Pratico says that he lied to you in June of 1971, do  
12 you believe that?

13 A. At this time, I go along with the Courts. The Courts believe  
14 that they lied at that time. They said they lied at that time.  
15 What else could I have to --

16 Q. When Pratico says he lied to you in June -- on June 4th, 1971,  
17 do you believe that?

18 A. Well, it was the evidence of the witnesses who told -- I thought  
19 told me the truth in '71, that turned the conviction over in '82  
20 by the Court.

21 Q. I'll repeat it again, Chief, and I'm going to keep saying it  
22 at least until you give me an answer.

23 MR. PUGSLEY:

24 With respect, that's unfair. My friend's been at this for the last  
25 fifteen or twenty minutes as to whether or not he believes that

JOHN F. MacINTYRE, by Mr. MacDonald

1 Seale was stabbed by Ebsary, and he said he did and he was at him  
2 for fifteen minutes this morning. How this is relevant I really  
3 don't quite see but I think my friend is now getting to the point  
4 where he is badgering the witness.

5 MR. CHAIRMAN:

6 Well, our terms of reference asks us to examine the investigation  
7 into the death of Sandy Seale and clearly a very relevant and key  
8 part of that investigation was the interviews of Maynard Vincent  
9 Chant and John Pratico; and in that context, it is, in my  
10 opinion, a relevant question. The question I think that is being  
11 -- that an answer is being sought from is a rather simple one and  
12 that is, does Mr. MacIntyre today believe Maynard Chant when he  
13 now says under oath "I did not see Junior Marshall stab Sandy  
14 Seale.". That's the question and I'm still waiting for that  
15 answer too.

16 BY MR. CHAIRMAN:

17 Q. So what's the answer to the question, Mr. MacIntyre?

18  
19  
20  
21  
22  
23  
24  
25

*JMC*



JOHN F. MacINTYRE, by Mr. MacDonald

1 A. I'd say I'd have to believe that.

2 BY Mr. MacDonald:

3 Q. And the same thing for John Pratico?

4 A. Yes.

5 MR. MacDONALD:

6 I think this would be an appropriate time to break, My Lord.

7 MR. CHAIRMAN:

8 Okay.

9

10 INQUIRY ADJOURNED AT: 3:27 p.m., AND RECONVENED AT: 3:43 p.m.

11

12 BY MR. MacDONALD:

13 Q. Chief MacIntyre, I don't know if it's possible, sir, but if  
14 you just could sort of keep your hand available to flip from  
15 the Statement of Pratico to the Statement of Chant on June  
16 the 4th --

17 A. Yeh.

18 Q. --so we can go one to the other. Now these are two people,  
19 as you've described them they're thirty-one miles apart, they  
20 don't know each other and they certainly haven't collaborated;  
21 but they have told an amazingly similar story and I'd just like  
22 to point out some of the similarities and see if you agree  
23 with me that this story is very similar. Mr. Pratico said  
24 he was on the tracks and could see where the incident was  
25 happening about thirty or forty feet away. We've already seen

JOHN F. MacINTYRE, by Mr. MacDonald

1 that as you recall.

2 A. Yeh.

3 Q. And Chant said he was on the track and he saw Pratico in the  
4 bushes. Of course, the evidence of Pratico is that he wasn't  
5 in the bushes at all. He wasn't there. But in any event,  
6 that's what's in the statement. And then both of them say  
7 that they saw Seale and Marshall arguing. That's in both  
8 of their statements, isn't that correct? In Chant's on page 41  
9 toward the bottom of that last -- of the last long paragraph.

10 COMMISSIONER EVANS:

11 Pratico?

12 THE WITNESS:

13 Pratico, yes.

14 MR. MacDONALD:

15 I'm sorry, Pratico.

16 BY MR. MacDONALD:

17 Q. See where he says:

18 They were standing at this time where  
19 the incident happened. They were still  
arguing.

20 A. Yes.

21 Q. And you have Pratico saying -- I'm trying to find that in  
22 Chant's. Just give me a moment.

23 A. Yeh, that's up at page 47.

24 Q. On 47?

25 A. Yes, one, two, three, four, fourth line down.

1 Q. The fourth line:

2 I...heard a mumbling of swearing.

3 So that they were both suggesting that they were arguing,  
4 and then they both say that Sandy Seale was facing the  
5 tracks. Do you see that? That's on page 41 of Pratico --

6 A. Facing the tracks, yes.

7 Q. --and on page 46 of Chant: (The)

8 A. Short dark fellow was facing the  
9 tracks.

10 Do you see that?

11 A. Yes.

12 Q. They say Marshall was facing the other way. They both say  
13 that. And they both say -- or at least Chant says they were  
14 about one and a half feet away from each other. Oh, yes, on  
15 46 about halfway down:

16 Then I saw 2 fellows standing about  
17 1½ ft. from each other...

18 That's what Mr. Chant said. And Pratico said they were within  
19 arms length. Yes, on page 41:

20 Q. How close were they

21 A. Arms length

22 A. Yes.

23 Q. Pratico said Marshall's hand went toward the left side of  
24 Seale's stomach, and Chant said Marshall took a knife from  
25 his pocket and jabbed the right-hand side of Seale. And Chant

3:48 p.m.

1 | says Seale bent over and Pratico says Seale fell and Marshall  
2 | ran away. Now you would agree with me, Chief, that those --  
3 | there's a lot of similarities in those stories?

4 | A. Yes.

5 | Q. And that was compelling to you in June, 1971, when you heard  
6 | it?

7 | A. Yes.

8 | Q. Do you have any suggestion you can give the Commission as to how  
9 | two people completely unconnected with no opportunities  
10 | to collaborate could possibly have come up with that same  
11 | story?

12 | A. That's what bothered me. That's why I said they didn't even  
13 | know one another.

14 | Q. Isn't the only possibility -- Isn't there only two possibilities;  
15 | one, that they were telling the truth, or secondly, that someone  
16 | must have prompted them and given them the information?

17 | A. Somebody must have prompted them.

18 | Q. And given them the information?

19 | A. Well --

20 | Q. There's no other possible -- no other probable way, is there?

21 | A. That's what I've been saying all along.

22 | Q. That -- What, either they saw it happen --

23 | A. Well, if they weren't there how could they make those  
24 | statements. That's what I was saying.

25 | Q. Well, they could make them if, for example, Chant was telling

JOHN F. MacINTYRE, by Mr. MacDonald

1 | the truth when he gave evidence here and said that you told  
2 | him he had -- that you had a witness who saw him there and  
3 | he asked you, "All right, tell me, what did he say I saw"?

4 | A. And I'm saying that I didn't tell Chant anything.

5 | Q. I know you are.

6 | A. Yeh, so that's -- as far as I'm concerned, that's out, you know.

7 | Q. It could happen if Pratico -- if you had taken Pratico to the  
8 | park as you say you did, and showed him where he was and what  
9 | happened?

10 | A. No, I--show him where who was, Chant?

11 | Q. No, where Pratico was. Where he was supposed to be.

12 | A. I wouldn't suggest where he was supposed to be. I would want  
13 | to know where he was at, sir.

14 | Q. Can you come up -- Can you offer any other possible, reasonable  
15 | explanation for the fact that these guys came up with  
16 | identical stories, other than this, either that they're telling  
17 | the truth that they did see Marshall stab Seale or that  
18 | someone told them -- put the evidence in their mouth?

19 | A. No, I can't.

20 | MR. PUGSLEY:

21 | Whether or not they are similar as my friend suggests or whether  
22 | or not they are different as I will submit is a matter of argument  
23 | and I will be submitting an argument how these two stories were  
24 | concocted.

25 | MR. MacDONALD:

Well, let me put this to you --

3:50 p.m.

*Sydney Discovery Services, Official Court Reporters  
Sydney, Nova Scotia*

JOHN F. MacINTYRE, by Mr. MacDonald

1 MR. PUGSLEY:

2 And this is a matter of argument and my friend is putting it.

3 MR. CHAIRMAN:

4 The question itself is not an argumentative one, Mr. Pugsley, but  
5 there are differences in the two statements and they have been  
6 drawn -- these differences have been drawn to the attention of  
7 the witness, but there are some similarities as well, and so that  
8 the statement -- the opportunity that is presented to Mr. MacIntyre  
9 to let us have his reason as to why the similarities, wherever there  
10 are similarities are contained in these two statements, that's  
11 relevant. And I think it's fair to give him the opportunity at  
12 this time to advance his views or opinion based on his years in  
13 the -- in the Police Department as a Detective as to how that  
14 could happen. Now when it comes to argument it's perfectly within  
15 your rights, and I'm sure you will do --, submit to the Commission  
16 that there are a lot of dissimilarities in these statements.

17 MR. PUGSLEY:

18 Yes, I will, My Lord.

19 BY MR. MacDONALD:

20 Q. Chief, let me put it this way, whatever the similarities  
21 or dissimilarities may be, they both said that they saw  
22 Marshall stab Seale, isn't that correct?

23 A. Correct.

24 Q. And there's no -- no difference there. Now I'm inviting you,  
25 if you can come up with any other reasonable explanation that

JOHN F. MacINTYRE, by Mr. MacDonald

1 | two people say they saw Seale stab Marshall other than they  
2 | did see it or that someone -- two people that had no  
3 | opportunity to meet and collaborate, someone must have told  
4 | them that they saw it, put the words in their mouth. Is  
5 | there any other possibility that you can offer to us?

6 | A. No, I -- but I always -- that was the -- that's what I always  
7 | looked at, how two people that didn't know one another and  
8 | lived that far apart could tell a story like this and not be  
9 | there. That was my opinion all along, sir.

10 | Q. But the other --

11 | A. You know, it's hard -- hard to believe. It's --

12 | Q. It's hard to believe?

13 | A. Yeh, that they -- Yeh, without them being there.

14 | Q. Or without somebody -- And I'm not inviting you to accept this,  
15 | but I'm saying that --

16 | A. No.

17 | Q. --the other reasonable explanation is that someone gave them  
18 | that information, someone put the words in their mouth?

19 | COMMISSIONER EVANS:

20 | There's another alternative; or that they collaborated unknown to  
21 | the Chief.

22 | MR. MacDONALD:

23 | That's correct, My Lord, and that is the third -- I --

24 | THE WITNESS:

25 | I have no --

JOHN F. MacINTYRE, by Mr. MacDonald

1 MR. MacDONALD:

2 I'm sorry.

3 THE WITNESS:

4 I have no --

5 MR. MacDONALD:

6 I premised that on the basis that there had been no collaboration.

7 THE WITNESS:

8 Yeh, I didn't know of any, you know.

9 BY MR. MacDONALD:

10 Q. Now as of June 4th, would you agree, to that date you had really  
11 taken no active step to investigate anything other than the  
12 possibility that Junior Marshall had killed Seale?

13 MR. PUGSLEY:

14 I'm sorry, I missed that question, Mr. MacDonald, would you repeat  
15 it please.

16 BY MR. MacDONALD:

17 Q. That as of June 4th, you had taken no active step, and by that,  
18 Chief, I mean going around and doing investigating yourself  
19 to show anything other than that Junior Marshall was the  
20 guilty party?

21 A. Guilty party after those statements were taken?

22 Q. Yes, prior to the statements you've gone to Doctor Virick  
23 because you were -- really, you weren't accepting that this  
24 wound had been caused by a stab, at least you were  
25 questioning it, you had the jacket and that raised questions

3:54 p.m.



1 | in your mind as well?

2 | A. That's right.

3 | Q. And you believed when you went out to Pratico on June 4th  
4 | that Marshall had told him the story that he had told you on  
5 | May the 30th. Had you done anything active now, as opposed  
6 | to sitting around waiting for something to come to you to  
7 | prove any other theory other than that Marshall was guilty?

8 | A. It was after those two statements were taken and I interviewed  
9 | the Crown that Marshall was charged.

10 | Q. I appreciate that. I know when he was charged.

11 | A. On instructions from the Crown, sir.

12 | Q. You'd made no attempt --

13 | A. I could have all the theories I want. Unless I had proof of  
14 | it, and I thought that two eyewitnesses were proof at this  
15 | time and I took it to the Crown at that time, sir.

16 | Q. You made no attempt to locate the men that were described  
17 | by Junior Marshall and by George and Sandy Seale, you made  
18 | no attempt?

19 | A. The men weren't located.

20 | Q. You made no attempt? I'm talking of John MacIntyre now.

21 | A. Nothing came to my attention that would --

22 | Q. Can I put it this way?

23 | A. Yes.

24 | Q. That you were waiting for something to come to your attention  
25 | on that matter?

- 1 A. I wasn't -- Well, of course, I was, yes.
- 2 Q. You had not carried out any review of the Sydney Police  
3 records which might have lead you to the record of Roy Ebsary?
- 4 A. No.
- 5 Q. You had made no request for assistance from the R.C.M.P. or from  
6 M.C.I.S. services?
- 7 A. Not at that time, no. No. No.
- 8 Q. You did not carry out -- or perhaps this is my recollection.  
9 I may be wrong. I understood you said you did not carry out  
10 a house-to-house canvas of the neighbours?
- 11 A. No, not a house-to-house, but I was talking to some of  
12 the neighbours, but not a house-to-house.
- 13 Q. Would you not agree really what you were doing, Chief,  
14 that you had made up your mind that Marshall was guilty  
15 early and were looking for facts that fit that theory?
- 16 A. No, I wouldn't make up my mind on that that early at all.  
17 Those are things that came to me and I was keeping them in  
18 mind, but I didn't make up my mind on Donald Marshall until  
19 the evidence on June the 4th when those statements were  
20 received by me.
- 21 Q. And those statements we now know and you've accepted are  
22 fabrications of the witnesses?
- 23 A. The -- That's what they're taken to be, yes.
- 24 Q. Yes. Okay. You've talked about laying the information. That  
25 was after a discussion with the Crown, was it, sir?

JOHN F. MacINTYRE, by Mr. MacDonald

1 A. That's correct, sir.

2 Q. And that was Donald MacNeil?

3 A. Yes, sir.

4 Q. What did you bring to Donald MacNeil -- Was he kept up to date  
5 as you did -- were carrying out your investigation?

6 A. I would say that Donnie MacNeil knew everything I was doing.

7 Q. As you carried out your investigation?

8 A. We were very close on things like this and I -- I wouldn't  
9 be prepared to say that -- whether it was at one time I sat  
10 down on all this with him or whether it was on a couple of  
11 occasions I met him. I'm not prepared to say at this time.  
12 My recollection doesn't go back to that but Donnie MacNeil  
13 would know, and I would have the file with me, what was going  
14 on here and what was going on and read those statements.

15 Q. Do you recall going to see Donald MacNeil after you took the  
16 statements from Pratico and Chant?

17 A. The same afternoon, sir.

18 Q. And where would that have been?

19 A. That would be at the court house on Crescent Street in  
20 Sydney.

21 Q. And the information you had with you was what? What did you  
22 have?

23 A. I had statements -- statements from Pratico and statements  
24 from Seale.

25 Q. And Chant you mean?

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 A. Or Chant I mean, yes. Yeh.
- 2 Q. Did you have both statements from them or just one?
- 3 A. I would have -- I can't say whether I had my file with me  
4 that afternoon or not, you know, I can't say.
- 5 Q. But at least you had the latest one?
- 6 A. Yes, I made him aware of what was going on, yes, and he read  
7 those statements and then he ordered the charge laid.
- 8 Q. And at that time what Donald MacNeil had placed in front of  
9 him was statements from two witnesses unconnected --
- 10 A. That's right.
- 11 Q. --thirty-one miles apart both saying that they had seen  
12 Donald Marshall stab Sandy Seale?
- 13 A. That's correct, sir.
- 14 Q. Do you know -- And I guess you've answered; you're not  
15 sure if you had your file with you or not?
- 16 A. At that time, I'm not -- I'm not sure, no.
- 17 Q. In any event, acting on the prosecutor's instructions an  
18 information was sworn?
- 19 A. That's right.
- 20 Q. Is that correct? And you then -- Were you, yourself, involved  
21 in the arrest of Donald Marshall?
- 22 A. That's correct.
- 23 Q. Tell me about that. How did that happen?
- 24 A. I got a warrant for his arrest and we went up to the Membertou  
25 Reservation in Sydney to the home of Donald Marshall looking for

4:00 p.m.

1 | him and we were advised there by a brother of his that, I  
2 | believe he was up in Whycomagh. I proceeded up there and  
3 | we did meet -- I think we picked up an R.C.M.P. Constable in  
4 | Baddeck and he went along with us, and we went up there and Donald  
5 | Marshall, Jr., was there, his father was there, I think the  
6 | other -- part of the family were there. We had got a  
7 | warrant for Donald and I talked with -- I remember talking  
8 | to the father aside and we read the -- I read the warrant to  
9 | Donald and he was taken in the car to Sydney.

10 | Q. Was there any warning of any kind given to him?

11 | A. Yeh, I did give him a warning. I gave him a warning that you  
12 | usually give and there was no communication from there to Sydney.

13 | Q. What would the warning be? Is it a standard --

14 | A. A standard warning, you need not say anything, you've got  
15 | nothing to hope from any promise or favour, nothing to fear  
16 | from any threat whether or not you say anything and anything  
17 | you may say may be used as evidence.

18 | Q. Did Donald Marshall, Jr., say anything?

19 | A. No, no, he didn't do any talking.

20 | Q. Did he deny?

21 | A. No.

22 | Q. Nothing at all?

23 | A. Nothing, sir.

24 | Q. Were you at that time, or when you finished getting your  
25 | statements from Chant and Pratico, were you surprised that

- 1 Donald Marshall had in your -- as far as you knew then  
2 committed this crime? Was that a surprise to you?
- 3 A. Well, I knew that -- I knew he was in the park that night  
4 and here's two eyewitnesses saying that they seen it and  
5 ordered by the Crown to lay the charge --I had to -- and  
6 I was investigating the matter at the time. I had to go  
7 along with his request and there's two eyewitnesses there at  
8 the time that said that they seen it.
- 9 Q. Yeh, I know that and I'm saying that based on your knowledge  
10 of Marshall, and we've gone through your experience with him,  
11 were you surprised that he had done such a thing?
- 12 A. No, I don't think I was when I seen the -- there was  
13 eyewitnesses to the thing and --
- 14 Q. I'm not asking you whether -- but if you did -- I'm saying  
15 well, did it surprise you -- were you saying: I'm surprised that this  
16 guy would have done that?
- 17 A. No, I don't think it hit me that way.
- 18 Q. And I referred you yesterday to your evidence given on Discovery  
19 where you said based on your previous knowledge of him you  
20 wouldn't be surprised or alarmed if he was involved in the  
21 stabbing? Isn't that correct?
- 22 A. Yeh, he was never into anything like -- never in a stabbing  
23 before but it did happen and there was eyewitnesses to it.
- 24 Q. Did you carry out any search of Marshall that day to determine  
25 if he had any weapon?

- 1 A. I can't say.
- 2 Q. Did you get a warrant to search his home to see if he --
- 3 A. No.
- 4 Q. --had any weapon?
- 5 A. No, sir.
- 6 Q. Wouldn't that be a fairly fundamental thing to do? I mean we  
7 are --You didn't have a weapon at this stage?
- 8 A. That's correct.
- 9 Q. Well, why wouldn't you have at least gone to where the fellow  
10 lived to see if he had a weapon?
- 11 A. I didn't, sir.
- 12 Q. I know you didn't, Chief, but I'm trying to find out why you  
13 wouldn't.
- 14 A. All I can say is I didn't.
- 15 Q. Do you agree that that would be a standard and routine thing  
16 that you should have done?
- 17 A. Well, I wouldn't be able to identify any weapon there, I don't. --
- 18 Q. Well, you would have been able to identify a knife if you  
19 saw a knife?
- 20 A. Identify it as a knife, yes.
- 21 Q. Yes.
- 22 A. But it wouldn't -- It wouldn't -- At that time I don't think  
23 it was -- It might. I don't know.
- 24 Q. Well, why would that --
- 25 A. Anyhow I didn't search the house for a knife, sir.

JOHN F. MacINTYRE, by Mr. MacDonald

1 Q. Yeh, I appreciate it. I'm just trying to find out if you  
2 would agree that that's something that should have been  
3 done?

4 A. I don't know. It could have been done, I suppose, sir,  
5 but I didn't do it.

6 Q. Okay. Now during the next several days did you continue to  
7 be involved with this case after Donald Marshall was arrested?

8 A. There was statements taken after that.

9 BY MR. CHAIRMAN:

10 Q. Did you ever, after the charge was laid, take your file to  
11 the Crown Prosecutor, Mr. MacNeil, the entire file, the  
12 file that contained the statements of the MacNeil's, the  
13 statements -- the two original statements of Pratico and  
14 Chant?

15 A. All I can say at this time, My Lord, is that -- I will say  
16 that I did, but at this time -- at this stage I -- I --  
17 Donnie MacNeil would be the type that would want the whole file,  
18 would want to go over it, and I would say that I would.

19 Q. Do you recall discussing with the Crown Prosecutor the  
20 differences, for want of a better word, between the original  
21 statements and the second statements?

22 A. No, I -- just that they -- they had told me two different  
23 statements. They lied I would do that and then,  
24 of course, leave the file -- If he wanted the file left  
25 with him I would leave it with him.

4:06 p.m.



1 | BY MR. MacDONALD:

2 | Q. When did you decide that you would want a blood sample from  
3 | Donald Marshall?

4 | A. I spoke to Doctor Virick about that when I was talking with  
5 | him.

6 | Q. Is this after Marshall was arrested?

7 | A. No. No, that was before that.

8 | Q. How were you going to get a blood sample from him if he --

9 | A. Yes, after Donald was arrested but he was -- what I meant --  
10 | He was in the County Gaol, that's what I meant, you know.

11 | Q. And you were going -- You wanted to get a blood sample?

12 | A. It was after -- Yes.

13 | Q. Why?

14 | A. Well, I'd like to have a blood sample. We had picked up  
15 | Kleenex as you know with blood on it and I'd like to know  
16 | the type and Doctor Virick said that he'd see what he could  
17 | do for me.

18 | Q. Did you ever ask Marshall if he would give you one?

19 | A. No, I didn't ask Donald, no.

20 | Q. You knew he was represented by Counsel?

21 | A. Yes.

22 | Q. Did you think of asking their Counsel?

23 | A. I don't know when he was represented by Counsel, sir, at that  
24 | time. This was -- He was remanded at the County Gaol and  
25 | he was to go out on Friday and I believe he was to go the

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 following week some time to have the stitches taken out  
2 at the City Hospital, and I spoke to Doctor Virick about it  
3 and he told me he'd see what he could do.
- 4 Q. He'd try and get you a sample?
- 5 A. He said he'd see what he could do, yes.
- 6 Q. Now do you consider that's a proper way to -- to approach  
7 getting evidence from someone who was accused of a crime?
- 8 A. Well, he was the -- he was the doctor in charge of his wound  
9 at the time and I told him to see what he could do for me.
- 10 Q. You asked him to get you -- get a sample of Marshall's blood?
- 11 A. Yes.
- 12 Q. Without advising Marshall?
- 13 A. I imagine he would ask him for it. He was going to deal with  
14 him taking the stitches out of his hand.
- 15 Q. And if you wanted the sample of blood and you were -- you  
16 were prepared to ask for it, why didn't you just go ask  
17 instead of asking the police to run around and -- I'm sorry,  
18 the doctor to run around and pick up a bandage or something?  
19 Why wouldn't you just go straight at it?
- 20 A. I didn't expect the doctor to run around at all, sir. He  
21 was going to -- He had an appointment with the doctor the  
22 following week to take his stitches out at the hospital.
- 23 Q. Did you expect the doctor would ask him, Mr. Marshall, can  
24 I take a sample of your blood?
- 25 A. Yes, I expect -- I would expect, yeh. Yeh. Yeh.

JOHN F. MacINTYRE, by Mr. MacDonald

1 Q. Why would you ask the doctor to do that for you as opposed to  
2 just yourself going and saying, "Can we have a sample of your  
3 blood"?

4 A. Yes, I suppose -- I thought either way would -- either way would  
5 be all right I suppose.

6 Q. The doctor was going to co-operate with you, was he?

7 A. He said he'd see what he could do, yes.

8 Q. Did you advise the Crown Counsel, Mr. MacNeil, that you were  
9 interested in getting a blood sample from Marshall?

10 A. I can't say at this time, sir.

11 Q. Okay. There is a couple of other statements, Chief, that were  
12 taken the next couple of days. I don't think that there are  
13 any particular consequences. Roy Gould -- You're just  
14 taking a statement of him getting the --

15 A. About -- about the jacket, yeh.

16 Q. -- getting the jacket. There's Marvel Mattson. That is one  
17 that he prepared himself, isn't it? You didn't interview  
18 Mr. Mattson? That's on page 59 --

19 A. Fifty-nine.

20 Q. -- of Exhibit 16.

21 A. Now I see it. I don't -- It could have been. I don't see  
22 any original from me.

23

24

25

*JMB*

4:09 p.m.

- 1 Q. Okay, I believe Mr. Mattson testified that he prepared that  
2 himself and just delivered it to the police.
- 3 A. Yeh.
- 4 Q. But you knew that Mattson was the person who called in the  
5 report initially, didn't you?
- 6 A. Yes.
- 7 Q. And that's -- that's on your occurrence report.
- 8 A. That's right, yeh.
- 9 Q. Why wouldn't he be one of the first people you'd go see?
- 10 A. I believe -- I believe I was talking with him. I knew Dwight.  
11 He worked -- I think he worked for the City at the time. He  
12 was an ex-R.C.M.P. officer and I believe he was working for the  
13 City at the time.
- 14 Q. Do you believe you talked with him before you got the statement?
- 15 A. Yeh. I think I was talking with him, sir.
- 16 Q. All right. John Butterworth gave evidence here, Chief. Do  
17 you remember John Butterworth?
- 18 A. Yes.
- 19 Q. And he talked about a meeting with Pratico up on Charlotte  
20 Street --
- 21 A. Yes, I --
- 22 Q. -- where Pratico was supposed to have advised or told him,  
23 described to him a stabbing that he witnessed Marshall  
24 stabbing Seale. You heard Butterworth give that evidence?
- 25 A. Yeh. Yes.

4:11 p.m.

1 Q. Did Butterworth ever tell you about that?

2 A. I have no recollection at this time about it.

3 Q. Is it something that you would have expected your patrolman  
4 to tell you?

5 A. Yes, I would.

6 Q. But you don't recall him telling you?

7 A. No, I don't recall. No.

8 Q. There was an incident involving Tom Christmas and alleged  
9 threats against John Pratico. Do you remember those? Do  
10 you remember that incident?

11 A. Yes, I knew there was -- a recollection that there was a  
12 charge laid there, I believe.

13 Q. Yes. And that was Exhibit 22, Chief. I think you have it  
14 in front of you, as well. Do you? If you'll turn to page  
15 sixteen.

16 A. In Volume 16?

17 Q. No, I'm sorry, in Volume 22, volume 16. Yes, I think it's  
18 that one, I think.

19 A. Which one?

20 Q. The one on the bottom.

21 A. No number on it. Oh, yeh. Volume 22. Page what?

22 Q. Page 16.

23 A. Thank you. Yes.

24 Q. Do you have that page 16?

25 A. I have it.

JOHN F. MacINTYRE, by Mr. MacDonald

- 1 Q. Now that's an Information sworn by you, is it not? Yes?
- 2 A. Yeh, the one that -- pardon me, yes.
- 3 Q. And do you recall that event?
- 4 A. My name is on the Information and it's not that clear
- 5 to me at this time.
- 6 Q. You don't remember it?
- 7 A. Well, I remember there was something about -- about it
- 8 but I just can't give you the details at this time.
- 9 Q. When you took the statement from John Pratico on June
- 10 the 4th, did you tell him to keep away -- not to associate
- 11 with Indians and not to discuss his evidence with anybody?
- 12 A. No.
- 13 Q. You never told him that?
- 14 A. No.
- 15 Q. And in particular, did you tell him not to go near Tom
- 16 Christmas?
- 17 A. No.
- 18 Q. Let me ask you to look at page 25 of Volume 22. This
- 19 is the transcript of the preliminary inquiry for Tom
- 20 Christmas on that charge of obstructing justice.
- 21 A. Yes.
- 22 Q. And this is the evidence given by Margaret Pratico.
- 23 Was it your practice, Chief, as a -- when you were the
- 24 informant to be present during preliminary inquiries?
- 25 A. Yes.

1 | Q. Okay. I want you to look at page 25 and starting  
2 | about a quarter of the way down:

3 |                   Did anybody suggest to you  
4 |                   that Tom Christmas should not  
5 |                   be around your house?

6 |                   A. Not then, but when this other  
7 |                   thing came up, they told Johnny...

8 | Johnny is what she calls her son.

9 |                   ...they didn't want him with them.

10 |                   Who did want...?

11 |                   Mr. MacIntyre.

12 |                   Mr. MacIntyre meaning who?

13 |                   He told my son to stay clear of him.

14 |                   Which Mr. MacIntyre?  
15 |                   Were you present when this conversation  
16 |                   with Sgt. MacIntyre took place?

17 |                   Up at the station.

18 |                   You heard it. Were you present?

19 |                   Yes.

20 |                   And what did MacIntyre say?

21 |                   He told Johnny last Friday that  
22 |                   Johnny was to keep clear and not  
23 |                   to go down around the park and  
24 |                   not to go with those Indian boys.

25 | A. I have no recollection of that, sir.

26 | Q. No recollection?

27 | A. No.

28 | Q. Do you recall Mrs. Pratico giving that evidence?

29 | A. I heard her giving evidence here that day, yes.

1 Q. And on page 28, this is the evidence of John Pratico,  
2 starting at line 10:

3 Tell me, sir, were you ordered by  
4 anyone to cease from discussing the case  
you are to be a witness in with anybody?

5 Yes, sir.

6 Who instructed you?

7 Sgt. MacIntyre, sir.

8 Anybody else?

9 That's all sir.

10 Did the Crown Prosecutor instruct  
you?

11 Yes, sir.

12 Do you recall that?

13

14 A. No, I don't.

15 Q. Do you remember, Chief, that when that case came on for  
16 trial -- I guess, I'm sorry, between the time of the  
17 preliminary and when it was supposed to come on for trial  
18 Mr. Christmas was charged with another offense. The  
19 information is on page 46 of volume 22. That is a charge  
20 of break and enter is it not? Do you have that? 46?

21 A. Oh, pardon me. 46, yeh.

22 ...with intent to commit an  
23 indictable offence...

24 Yeh.

25 ...therein, to wit: the crime...

Q. Do you remember that?

4:18 p.m.



- 1 | A. ...of indecent assault...
- 2 | Q. Do you remember that incident?
- 3 | A. I can't recollect it.
- 4 | Q. You were not the informant here. That's --
- 5 | A. No.
- 6 | Q. That's Detective M. J. MacDonald.
- 7 | A. M. J. MacDonald, yes.
- 8 | Q. When the charge for the obstruction of justice, interferring
- 9 | with the witness came up no evidence was called and that
- 10 | charge was allowed to lapse. Are you aware of that?
- 11 | Any knowledge of why that was done?
- 12 | A. No, only what I heard the other day here, sir. I have
- 13 | no recollection at this time.
- 14 | Q. That's on page 44.
- 15 | A. Only what I heard here the other day in the court from
- 16 | Mr. Elman that was --
- 17 | Q. You can't remember it yourself?
- 18 | A. No.
- 19 | Q. Thank you. Let's go to June the 17th. That's the day
- 20 | of the Harriss statement. That's the date to remind you
- 21 | of that.
- 22 | Do you remember that day?
- 23 | A. June the 17th. What page was that on?
- 24 | Q. Pardon?
- 25 | A. What page was that on?

- 1 Q. I haven't got a page. I'm just saying --
- 2 A. Oh, yeh.
- 3 Q. -- do you remember the day of taking the statements from  
4 Patricia Harriss?
- 5 A. Yes.
- 6 Q. Did you tell me this morning that you were up Sackville  
7 around June the 15th, Sackville, New Brunswick?
- 8 A. Yes, that's what I thought, yeh.
- 9 Q. And that was to take up the jacket and find out what--
- 10 A. Yeh.
- 11 Q. -- what the police could do.
- 12 A. The -- Not only the -- the exhibits.
- 13 Q. Yeh.
- 14 A. Yeh.
- 15 Q. Is that normal for you to deliver them up like that?
- 16 A. By car. I think they were delivered by car, yeh.
- 17 Q. Why was Patricia Harriss picked up on the --
- 18 A. Page 64. I have it here.
- 19 Q. Why was she picked up and brought -- why was she asked  
20 to come to the police station?
- 21 A. Somebody must have had -- Sergeant Urquhart must have had  
22 evidence that she was able to tell him something.
- 23 Q. If you look at page 140, Chief, the volume 16, there's  
24 reference to Terry Gushue and Patricia Harriss. That's  
25 the only, I think, the only reference I've seen. That's

JOHN F. MacINTYRE, by Mr. MacDonald

1 Mr. Urquhart's writing is it?

2 A. Yes.

3 Q. Were you present when Mrs. Harriss and Patricia Harriss  
4 arrived at the police station on June the 17th about eight-  
5 fifteen p.m?

6 A. No, I don't recall that but I do recall talking with her  
7 later on that evening or that night.

8 Q. But you don't recall being there when she arrived?

9 A. At eight-fifteen. At eight-fifteen, no.

10 Q. Mrs. Harriss, Eunice Harriss, has testified that you  
11 were there and that she's known you for years, I think,  
12 from your -- both your childhood, is that correct?

13 A. That's right.

14 Q. Are you saying that she's wrong or you just don't remember?

15 A. No, I have no recollection of it. Later on in the night  
16 I have but -- and I wasn't sure at that time whether it  
17 was -- I knew there was two Harriss women down there.  
18 And I wasn't sure till I heard her here that it was her.

19 MR. MacDONALD:

20 My Lords, I'm going to be referring to some evidence again and  
21 rather than get into that now.

22 MR. PUGSLEY:

23 My Lord, before we adjourn the matter, Your Lordship raised a  
24 question to this witness about the disclosure of the file to  
25 Mr. MacNeil. I have some references that would be helpful, I think,

4:23 p.m.

JOHN F. MacINTYRE, by Mr. MacDonald

1 to Your Lordship if you would like to take them.

2 MR. CHAIRMAN:

3 All right.

4 MR. PUGSLEY:

5 In the evidence of Judge Matheson in volume 26 at page 4943.

6 It's -- Judge --

7 MR. CHAIRMAN:

8 What's the page number?

9 MR. PUGSLEY:

10 4943. He says:

11 I was aware that they had given  
12 -- earlier on they had made statements  
13 which were not consistent.

14 When you say "they" sir, who are  
15 you referring to?

16 Yeh, I believe Chant and Pratico --

17 Yes.

18 -- had made statements which were not  
19 consistent with what we came to believe  
20 as the truth of the matter.

21 And then at page 4946:

22 You've indicated earlier that you were--  
23 concerned maybe too strong, but you  
24 were aware after you reviewed the file  
25 that there were inconsistent statements  
from at least Chant and Pratico. Did you  
raise this matter of the inconsistent  
statements with Mr. MacNeil?

A. Yes.

And then at page 4964:

So if I were to ask you directly, sir,

JOHN F. MacINTYRE, by Mr. MacDonald

1 as -- for your opinion as to  
2 whether or not the police provided  
3 you with both statements of Patricia Harriss,  
4 what would your answer be?

5 A. My note indicates to me that they did.

6 MR. CHAIRMAN:

7 So this would indicate that the file -- the entire file you're --

8 MR. PUGSLEY:

9 Was given to the Crown Prosecutor.

10 MR. CHAIRMAN:

11 Was given to the Crown Prosecutor?

12 MR. PUGSLEY:

13 That's right. Yes, My Lord.

14 MR. CHAIRMAN:

15 All right.

16 COMMISSIONER EVANS:

17 One thing, Mr. MacDonald, I didn't know whether I got the  
18 impression that you had suggested to the witness that Mr.  
19 Marshall had done nothing about seeing -- getting help.

20 MR. MacDONALD:

21 No, I didn't suggest that to the witness, My Lord. I referred  
22 to the question that was put to Chant whether or not Marshall  
23 did go to get help and I will be dealing with that question later  
24 on because it arises out of comments, I think, made by Inspector  
25 Marshall.

COMMISSIONER EVANS:

Because in Marshall's statement, the first statement he made, he

JOHN F. MacINTYRE, by Mr. MacDonald

1 | says that he went to get help.

2 | MR. MacDONALD:

3 | Yes, My Lord, I appreciate that and the evidence is that he went  
4 | to get some help and I'll deal with that at a later date.

5 |

6 |

7 | INQUIRY ADJOURNED at 4:26 o'clock in the afternoon on the 8th  
8 | day of December, A.D., 1987.

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COURT REPORTER'S CERTIFICATE

I, Judith M. Robson, an Official Court Reporter, do certify that the transcript of evidence hereto annexed is a true and accurate transcript of the Royal Commission on the Donald Marshall, Jr., Prosecution as held on the 8th 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 8, 1987