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**ROYAL COMMISSION ON THE
DONALD MARSHALL, JR., PROSECUTION**

Volume 49

- Held: February 2, 1988, in the Imperial Room, Lord Nelson Hotel,
Halifax, Nova Scotia
- Before: Chief Justice T.A. Hickman, Chairman
Assoc. Chief Justice L.A. Poitras and
Hon. G. T. Evans, Commissioners
- Counsel: Messrs. George MacDonald, Q.C., Wylie Spicer, and David
Orsborn: Commission counsel
- Mr. Clayton Ruby, Ms. Marlys Edwardh, and Ms. A. Derrick:
Counsel for Donald Marshall, Jr.
- Mr. Michael G. Whalley, Q.C.: Counsel for City of Sydney
- Mr. Ronald N. Pugsley, Q.C.: Counsel for Mr. John F. MacIntyre
- Mr. Donald C. Murray: Counsel for Mr. William Urquhart
- Messrs. Frank L. Elman, Q.C., and David G. Barrett: Counsel for
Donald MacNeil estate
- Messrs. Jamie W.S. Saunders and Darrel I. Pink: Counsel for the
Attorney General of Nova Scotia
- Mr. James D. Bissell & Mr. A. Pringle: Counsel for the R.C.M.P.
and Counsel for the Correctional Services of Canada
- Mr. William L. Ryan, Q.C.: Counsel for Officers Evers, Green and
MacAlpine
- Mr. Charles Broderick: Counsel for Sgt. J. Carroll
- Messrs. S. Bruce Outhouse, Q.C. and Thomas M. Macdonald: Counsel
for Staff Sgt. Wheaton and Insp. Scott
- Mr. Guy LaFosse: Counsel for Sgt. H. Davies
- Messrs. Bruce H. Wildsmith and Graydon Nicholas: Counsel for
the Union of Nova Scotia Indians
- Mr. E. Anthony Ross: Counsel for Oscar N. Seale
- Mr. E. Anthony Ross and Jeremy Gay: Counsel for the Black
United Front
- Court Reporting: Margaret E. Graham, OCR, RPR

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SGT. CARROLL, EXAM. BY MR. PUGSLEY

1 FEBRUARY 2, 1987 - 9:34 a.m.

2 MR. CHAIRMAN

3 You have some questions, Mr. Pugsley?

4 MR. PUGSLEY

5 Thank you, My Lord.

6

7 JAMES CARROLL, still sworn, testified as follows:

8

9 EXAMINATION BY MR. PUGSLEY

10

11 Q. Sgt. Carroll, you presently are stationed at Sydney, Nova
12 Scotia?

13 A. Yes, I am.

14 Q. In what capacity, sir?

15 A. I'm the operational sergeant there, I'm second-in-charge.

16 Q. Who is in charge of the detachment?

17 A. Staff Sgt. Kelly Palmer.

18 Q. And you've been back in Sydney for what period of time?

19 A. Since the first of April last year.

20 Q. Of 1987?

21 A. Yes.

22 Q. Before that, you were where?

23 A. I was in charge of Baddeck Detachment for a year and a half
24 prior to that.

25 Q. How do transfers occur in the RCMP? What was the reason

SGT. CARROLL, EXAM. BY MR. PUGSLEY

1 for your transfer from Baddeck to Sydney?

2 A. There was an opening in Sydney Detachment and when I
3 transferred to Baddeck a year and a half prior to that, I
4 retained my home in the Sydney area, had rented it, in fact. I
5 also had increased my mortgage payment to bring it down at
6 a much faster rate and I had intended to retire at that
7 residence. So it was an option to get back into Sydney, back
8 in my own home and also to place my teenage son back in the
9 same school he had left.

10 Q. You've been in the force for what period of time?

11 A. 26 years on the 26th of January.

12 Q. And retirement is what? You have an option at 30, do you?

13 A. No, I could leave, I could have left at 20 with a penalty on my
14 pension, but the longer I stay, the lesser the penalty.

15 Q. But your present intention as to how long you plan to
16 continue in the force?

17 A. That's undecided.

18 Q. I see.

19 MR. CHAIRMAN

20 There is a compulsory retirement age, though, I take it?

21 SGT. CARROLL

22 No, sir, I think since the Charter came out, I don't think you
23 can be forced to leave at a certain age.

24 BY MR. PUGSLEY

25 Q. Sgt. Carroll, you've attended the Inquiry, you attended for all

1 of Staff Sgt. Wheaton's evidence, I believe.

2 A. Yes.

3 Q. John MacIntyre's evidence?

4 A. Not all of MacIntyre's, no.

5 Q. Any other days you attended?

6 A. I attended some days in Sydney when Chief MacIntyre was
7 giving his evidence, I didn't stay for it all. I believe I was
8 there just an hour or two on one other day and I can't recall
9 who was on the stand that day.

10 Q. And the balance, the other days you've attended have been
11 here at the Lord Nelson when Staff Wheaton was on the stand
12 and Sgt. Davies, I take it?

13 A. Yes.

14 Q. What documents have you read, sir?

15 A. Sorry?

16 Q. What documents have you read before you gave evidence?
17 Have you read some of the evidence that has been given in
18 the Inquiry?

19 A. The newspaper reports only.

20 Q. You haven't read transcripts of any evidence...

21 A. No.

22 Q. Of Maynard Chant or...

23 A. No, I have not.

24 Q. Had you worked with Staff Wheaton before this investigation
25 in 1982?

1 A. Yes.

2 Q. On a number of investigations?

3 A. No. His position in Sydney was the plainclothes coordinator
4 for my unit, which was a corporal and constable general
5 investigation section, I believe a nine-man drug squad, a two-
6 man customs excise squad, two other men who enforced the
7 Migratory Birds Act assisting game wardens, fish wardens,
8 and so on in their patrols. And he was the plain clothes
9 coordinator for all those people. So as such, we didn't work
10 together that much. There was an arson in Arichat that we
11 worked on very briefly in 1982.

12 Q. Is that really the only major file you had worked on prior to
13 this file?

14 A. It's the only one I can think of, yes.

15 Q. Had you seen his technique of taking statements on that
16 earlier occasion?

17 A. No. No, there was no suspect in the early stage of that fire.

18 Q. Had you ever been present when the statement was taken by
19 him before this investigation in '82?

20 A. I'm sorry, I missed the first part?

21 Q. Yes, had you ever been present while he had taken a
22 statement from any witness or suspect prior to this
23 investigation in February, 1982?

24 A. None that I can recall.

25 Q. And my recollection is that the first joint statement you took

- 1 together was that of Mitchell Sarson, correct?
- 2 A. Yes, I believe so.
- 3 Q. And I guess the second would be Maynard Chant.
- 4 A. Yes.
- 5 Q. Because you were not present when Staff Wheaton took
6 James MacNeil's statement.
- 7 A. That's correct.
- 8 Q. And he's described his practice of taking statements. He sits
9 down, he gets a background about the witness, he sits down
10 and gets some matter from the witness. He then writes down
11 line by line what the witness says and in the event, and...Is
12 that your recollection of his practice in taking statements?
- 13 A. Yes, to the best of my knowledge.
- 14 Q. And if there's anything critical left out, he will then do a
15 question and answer format at the end of the written
16 statement to pick up the critical points that had been missed.
17 Have you seen him do that?
- 18 A. Well, just the one occasion that I was with him on the Sarson
19 case, yes.
- 20 Q. On the...
- 21 A. On the Sarson interview.
- 22 Q. Is that, there was questions and answers on that, was there?
- 23 A. No, I don't recall there were but that's the first interview I
24 was with him that I can recall the narrative part being done
25 first and then the written portion.

1 Q. Yes, was there ever an occasion when there was a question
2 and answer format at the end of the written part?

3 A. Not that I can recall with Wheaton, no.

4 Q. No, okay. If he had missed anything critical, would you have
5 brought it to his attention? If he had missed anything critical,
6 I mean in the writing part of the statement that had been
7 disclosed in the narrative, would you bring that to his
8 attention and say, "Harry, what about this point," or "You
9 neglected to bring up that."

10 A. Yes, if I picked up on it, I would, yes.

11 Q. And during the written part, he testified that he would, the
12 witness would make a statement and he would write it down.

13 A. Yes. Sometimes in response to a question.

14 Q. Yes, okay. And when Staff Wheaton would write down the
15 response of the witness in writing, did he say it aloud? For
16 example, if the witness said, "I saw so-and-so go out the
17 door," would Wheaton when he's writing down the statement,
18 say, "I saw so-and-so go out the door." Would he repeat out
19 loud what the witness had said to make sure that he got it
20 down properly?

21 A. I don't think so.

22 Q. He would write it silently and then the witness would make
23 another statement and Staff Wheaton would write that down,
24 until he got to the end of the statement.

25 A. Yes.

1 Q. Yes, and was it his practice when he got to the end of the
2 statement to read aloud the statement that had been given by
3 the witness and ask the witness if there ar any changes he
4 wanted to make?

5 A. To my recollection, I believe he just passed the statement to
6 Sarson and let him read it himself.

7 Q. Okay, and was that the practice followed in all the interviews
8 you were present with Staff Wheaton, that he would simply
9 pass the statement to the witness and ask him to read it to
10 himself?

11 A. I can't really answer that because there were very few
12 interviews where a statement was taken in my presence with
13 Wheaton.

14 Q. Yes, I think there were about seven, as I've counted them.
15 Was it his general practice in those to simply hand the
16 statement to him and ask the witness to read it and note if
17 there were any changes to make?

18 A. Yes, to the best of my recollection.

19 Q. In your headquarters, I think it's been described that you
20 were on the second floor of the headquarters in Sydney, and
21 that your office was right next to Staff Wheaton's and you had
22 an office about ten by eight and his office was right next door
23 to yours, with doors off the hall, I suppose.

24 A. Doors from the main general office.

25 Q. I see, going into your office and to his office, okay.

1 A. Yes.

2 Q. Now the filing cabinet where the Marshall investigation file
3 was kept, where was that located?

4 A. In the main general office.

5 Q. I see. And this was in a filing cabinets with a lot of files in it
6 of which one happened to be Marshall.

7 A. Yes.

8 Q. Did you keep a file in your office?

9 A. No, sir.

10 Q. Or did Wheaton keep one in his?

11 A. Not to my knowledge.

12 Q. Or did Inspector Scott keep one in his?

13 A. I can't speak for Inspector Scott because their filing system is
14 separate from ours.

15 Q. Oh, he's in a separate location, is he?

16 A. Separate office down the hallway.

17 Q. I take it you had access to the file at all times. It was not
18 locked up.

19 A. That's correct.

20 Q. So that you could go to it and take a look at anything that was
21 there, and was it your practice to do that, to see what
22 statements Staff Wheaton had got that had been taken in
23 your absence?

24 A. Not really. I was working on many other files at the time and
25 if I was called upon to interview someone or take a statement

1 that was done, the statement was brought back and given to
2 the secretary to type and given to Wheaton.

3 Q. I see. Would the secretary make more than one copy? One
4 for you and one for Wheaton? Or just one for the file?

5 A. No, it would be typed probably in triplicate because the
6 statement would like be attached to the next outgoing report
7 to Halifax, in at least two copies.

8 Q. Sorry, the copies would go to Halifax, or some copies?

9 A. The original, not the handwritten original, but the original
10 typed version plus one or maybe two copies would be sent
11 forward to Inspector Scott to be submitted to Halifax on the
12 next outgoing police report.

13 Q. I see. And how many would be retained in the file in your
14 main office where you and Wheaton were located?

15 A. Normally one.

16 Q. That would be what, the original handwriting?

17 A. And one typewritten.

18 Q. And one typewritten, okay. Did Staff Wheaton discuss with
19 you the statements that he obtained. For example, would he
20 come back to you and say, "Look it, I interviewed so-and-so
21 today. He had this thing to say which is important. You
22 should know about this." How were you kept abreast of what
23 was going on?

24 A. It might be daily, it might be once a week, depending on, if I
25 was out of town on a fire investigation, I might be gone for

1 three or four days.

2 Q. Your notebook, which has been introduced as an exhibit, or a
3 copy of it, the original of which you gave to me this morning,
4 what was your practice about keeping notes? I note this book
5 says "Book #8, Cpl. J. E. Carroll, RCM Police GI, Sydney, N.S.,"
6 and then the phone number. Was that book for the, and I
7 haven't check the dates, but was that for the entire year or
8 were there more than one book for that year?

9 A. I lost my home in 1972, it was destroyed, previous notebooks.
10 So starting from '72 on, I started, of course, keeping new
11 books and numbering them. I used one book per year. I
12 don't think I ever got into a second book in one year, but this
13 represents the dates from the first of January to the 31st of
14 December.

15 Q. And was it your practice to what, put down everything that
16 was important?

17 A. Everything important, anything I thought that would may
18 crop up at a later date, or something that would be of
19 importance in any particular case. It could be something
20 personal or, but I don't think there is anything in there that
21 isn't other than police work.

22 Q. There is some writing in there relating to a statement from
23 Mrs. Pratico that I believe is in Staff Wheaton's handwriting.

24 A. That's correct.

25 Q. Why was that? How did he happen to take your notebook?

1 Were you present at that time?

2 A. Indeed, I was. He did not have his notebook with him on that
3 particular occasion and he borrowed mine in my presence and
4 he made those notes.

5 Q. I see. You said that you attended the reference or part of it.
6 How many days did you attend?

7 A. If I had the date, I could go to my notebook, because it shows
8 my departure time from Sydney and when I returned.

9 Q. All right, if it's there and it's an easy matter to refer to,
10 perhaps if you would just advise us of that.

11 A. If I had a rough date or even a month.

12 Q. December 1st and 2nd were the days.

13 A. Okay, I left Sydney on the 30th of November with Prosecutor
14 Frank Edwards. We flew down to Halifax, and on the
15 following day, the 1st of December, 1982, we attended the
16 Marshall appeal hearing in Halifax court. I was with Frank
17 Edwards. Stephen Aronson was present. And as I have noted
18 here on that date, Marshall was the first witness. James
19 MacNeil and Donna Ebsary. Returned to Sydney at 11 p.m.
20 that night.

21 Q. You did not hear Maynard Chant.

22 A. No.

23 Q. Did you read the evidence taken at the reference?

24 A. I don't believe so.

25 Q. Did you ever read the decision of the Appeal Decision?

1 A. I think that I have seen that by way of Frank Edwards' office.

2 Q. The interview with Maynard Chant occurred on the 16th of
3 February, I believe, 1982. Is that correct?

4 A. I have that notation in my book, yes.

5 Q. Yes. And is my understanding correct that about three or
6 four days earlier, you went down to see him, located him, and
7 perhaps had a word with him on the fish line and made
8 arrangements to go back on the 16th?

9 A. No, that's not, not to my recollection, no.

10 Q. I see.

11 A. I think on the 11th of February, we went down to try and
12 locate his residence, place of work, business, or whatever and
13 there was no contact with him on that date.

14 Q. I see. So the first occasion of contact was then on the 16th?

15 A. Yes.

16 Q. On the fish line at the Louisbourg plant.

17 A. That's correct.

18 Q. And you had a brief conversation with him there and made
19 arrangements to meet him at his parent's home that night.

20 A. Yes.

21 Q. Did you go back...Your discussion with him on the fish line
22 would have been about what time of day?

23 A. I would say approximately maybe four o'clock, three-thirty.
24 It was very, very brief, maybe as little as three or four
25 minutes, five minutes.

- 1 Q Any discussion of anything relevant as to what he
2 subsequently told you?
- 3 A. No.
- 4 Q Did you return to Sydney or did you stay in...
- 5 A. We came back to Sydney.
- 6 Q And returned to his parent's home at about what time?
- 7 A. I'm guessing but I would say approximately six, six-thirty,
8 maybe seven o'clock in the evening.
- 9 Q How long were you there?
- 10 A. I believe less than an hour.
- 11 Q The statement which is found at Volume 34, page 47. At page
12 48, it has: "Louisbourg, Main Street at 6:16 p.m." Would that
13 have been the time the statement was completed or the time
14 it was started?
- 15 A. I would say that's the time of completion.
- 16 Q And it's your recollection that the statement was taken in the
17 handwriting of Staff Sgt. Wheaton?
- 18 A. Yes.
- 19 Q Did you have the two statements with you that Maynard
20 Chant had given to John MacIntyre in 1971?
- 21 A. I feel we did, but I'm not certain.
- 22 Q That would have been a sensible thing to take with you, I
23 take it, as part of the background information on this
24 particular individual.
- 25 A. Yes, or at least the transcript of the trial.

1 Q I see.

2 A. We expected to ask Chant to, first of all, advise him why we
3 were there, that we were looking at the Marshall case again
4 and ask him if he had any comments on it. We expected him
5 to say what I said in 1971, '72, is what I'm saying today.
6 But that's not what he said. It's not the way it came out.

7 Q And this interview took place where in the parent's home?

8 A. In the, what I would call the livingroom of their home.

9 Q And there was a wake going on in another room of the home,
10 was there?

11 A. Yeah, behind another wall, behind a closed door, but you
12 could hear much of the people coming and going and
13 conversation. It was a very poor atmosphere for a
14 conversation such as we were having.

15 Q Was there anyone present during the course of your
16 interview with Chant, apart from the three of you?

17 A. His wife was there, part or all of the time, his mother and
18 father were in and out of the room. As I mentioned earlier.
19 People coming to the wake were coming, some of them were
20 coming to the back door, which meant they had to come in
21 through the kitchen, in through the diningroom, and then be
22 ushered into the room where the wake was in progress.

23 Q You testified that there were two critical things that, as I
24 recall it, that were left out of the statement taken by Staff
25 Wheaton that is found at page 47 and 48. One, the

SGT. CARROLL, EXAM. BY MR. PUGSLEY

1 identification of John MacIntyre; and two, the fact that
2 pressure was exerted by the Sydney Police, by MacIntyre to
3 get what he wanted.

4 A. Those things are not included in the statement.

5 Q. That is correct. Are there any other critical things that were
6 left out by Staff Wheaton?

7 A. None that I can recall.

8 Q. And after Staff Wheaton finished taking the statement, did he
9 hand it to Maynard for Chant to read?

10 A. I believe he did.

11 Q. Were there any errors or omissions that Chant made?

12 A. I don't think there were any changes at all.

13 Q. [To Mr. Spicer] Mr. Spicer, I don't think we have the original
14 to that statement, or do we? Is that part of the reference?

15 MR. SPICER

16 Yeah, I think perhaps we do have it.

17 MR. PUGSLEY

18 Do we have it? Has it been filed?

19 MR. SPICER

20 I'll have to check with David to see.

21 MR. PUGSLEY

22 Thank you.

23 BY MR. PUGSLEY

24 Q. And Chant signed the statement.

25 A. I believe he did, yes.

1 Q. And you can offer no explanation as to why these two critical
2 pieces of information were left out of the statement.

3 A. The only thing I can say in that regard is that we were
4 investigating Marshall's conviction and not the city police, not
5 John MacIntyre and William Urquhart. And we were actually
6 in a state of shock from Chant's expression, expression of
7 relief to get this off his mind.

8 Q. Yes?

9 A. It really set us back in our planned investigation.

10 Q. Why would that play a part in not putting down two critical
11 pieces of information?

12 A. Well, as I say, it basically took us off course. We expected a
13 totally different reply from Chant and hearing what he had
14 to say, it was shocking, to say the least.

15 Q. On the second occasion when you interviewed Chant alone,
16 you would, of course, be prepared for what he was going to
17 say and that reason for not identifying MacIntyre in the
18 second statement would, I take it, not be valid.

19 A. Would you repeat that again, please?

20 Q. Certainly.

21 A. The second part.

22 Q. In the second statement that you took from Chant some time
23 later, you would not, of course, be surprised as to what he
24 was going to say in the second occasion, and that reason you
25 offer for not identifying MacIntyre in the statement would

1 not be valid for a failure to identify MacIntyre in the second
2 statement.

3 A. Well, I think it's partly valid in that MacIntyre had been
4 identified in the first interview and he certainly was
5 identified in the second. But, again, my concern was
6 Marshall's conviction and the facts surrounding that, I did not
7 include it in my statement either. But the only thing I can
8 say in that regard is that Marshall was our main interest and
9 not the City Police.

10 Q. Although certainly...You took the statement from Pratico, I
11 think?

12 A. Yes, I did.

13 Q. And there's all kinds of identification of MacIntyre in the
14 Pratico statement.

15 A. That's true.

16 Q. Yes. But not in Chant's and not in Patricia Harriss.

17 A. I did not take the statement from Harriss.

18 Q. No, although you were present at the interview in Frank
19 Edwards' office.

20 A. Yes.

21 Q. And...

22 A. With no input.

23 Q. No, you're aware that there was no identification of
24 MacIntyre in Patricia Harriss' statements, though, that
25 Wheaton took.

1 A. I think she makes reference to Urquhart. I'd have to see that
2 to refresh my memory.

3 Q. Certainly. I'll address your attention to that, and we might as
4 well take a look at it now. It's found at page 50.

5 A. Of Volume 34?

6 Q. I'm sorry, found at page 54 of Volume 34.

7 A. No, I don't see that she mentioned Urquhart there either.

8 Q. No, nor MacIntyre.

9 A. No.

10 Q. So that Chant is not mentioned in the first statement taken by
11 you and Wheaton on page 47. He's not mentioned in the
12 second statement that you took alone. And, indeed, were you
13 aware that he was not able to identify either Wheaton...Sorry,
14 either MacIntyre or Urquhart when he testified at the
15 reference under oath?

16 A. You just said that Chant was not mentioned in the statement.
17 You mean MacIntyre?

18 Q. Yes, let me rephrase the question. Were you aware that when
19 Chant testified at the reference, that he was not able to recall
20 the names of the detectives who interviewed him in 1971.

21 A. No, sir, I did not hear him testify or read an account of his
22 evidence.

23 Q. In the first statement at page 47, midway down the page, he
24 states, in the third paragraph: "I felt his actions were quite
25 suspicious at the time." What did he mean by that? Did he

1 give any examples?

2 9:59 a.m. *

3 A. None that I can recall really.

4 Q. You cannot recall any. Would it not...

5 A. I'd be guessing. I would say that possibly his excited
6 movements showing the wound to his arm and just his
7 general...general actions.

8 Q. Would it not have been important to determine what Chant
9 considered to be suspicious actions on the part of Marshall?

10 A. It may have been, but it wasn't explored.

11 Q. Yes. How many statements did Marsh...did Chant indicate he
12 gave to the police when you interviewed him on the first
13 occasion?

14 A. I believe he referred to at least two.

15 Q. At least two. And did he say that there was any pressure
16 with respect to the first statement?

17 A. I think he referred to being scared.

18 Q. Scared.

19 A. Young and scared.

20 Q. In the first statement.

21 A. I believe so.

22 Q. Yes. And who did he say he was scared of?

23 A. In the statement he doesn't say.

24 Q. Did he tell you...did he tell you and Sergeant Wheaton who he
25 was scared of when he gave the first statement?

1 A. The police investigators.

2 Q. The police investigators, I see. And at that time you say that
3 he named them.

4 A. I recall MacIntyre being named for certain.

5 Q. And, you mentioned yesterday a threat of perjury that was
6 made that he'd go to the pen, or something of that nature,
7 was...who said that and on what occasion was that said?

8 A. That was said to Chant by MacIntyre when he was trying to
9 convince him that he had to know what happened in the park
10 because another witness had seen him there and if he saw it
11 then Chant had to see it.

12 Q. Was that on the first occasion or the second occasion?

13 A. First.

14 Q. On the first occasion. On the first statement that MacIntyre
15 took from him.

16 A. No, this is Chant relating to us the reference to perjury on his
17 meeting with the city police.

18 Q. Yes. And my question is did Chant tell you whether or not
19 this threat of perjury took place on the first time he was
20 interviewed by MacIntyre or on the second time?

21 A. I can't be sure. I would...I'm guessing, I'd say the second
22 time.

23 Q. The second. But that was the time in the Louisbourg Town
24 Hall.

25 A. I believe so.

1 Q. Yes. When we have the question as to whether or not others
2 were present.

3 A. Yes.

4 Q. Yes. Although you are aware that Wayne Magee told
5 Wheaton that there was no threats or intimidation of Chant at
6 all in that second interview?

7 A. That's true.

8 Q. You are aware of that.

9 A. Yes.

10 Q. Wheaton told you that.

11 A. I read the statement.

12 Q. Yes. But the statement doesn't say that. There's nothing in
13 the statement taken by Staff Wheaton that indicates that
14 there was no threats of intimidation, but this is something
15 that Staff Wheaton has testified that...

16 A. Well, I believe...

17 Q. ...Magee told him.

18 A. ...that Magee's statement says that there was nothing out of
19 the way or words to that effect, no threats or no...

20 Q. You did not...you were not present at the taking of that
21 statement.

22 A. No, sir.

23 Q. No. Let's just take a moment to find that statement of Magee,
24 that is 87, page 87, and it's dated March 2nd. Well, he says, "I
25 don't recall any hesitation on Chant's part he admitted seeing

1 the stabbing." I don't think there is anything there
2 concerning pressure or threats or intimidation.

3 A. If that's true.

4 Q. Yeah. But you read that statement and you would have read
5 it when, shortly after it was taken?

6 A. A few days later probably.

7 Q. And what, as a consequence of Wheaton telling you that he
8 had interviewed Magee and this is what Magee said or...

9 A. Yes.

10 Q. Yes. Okay. But Wheaton also told you that Magee advised
11 him that there were no threats or intimidation by MacIntyre
12 on the second...

13 A. I believe that's correct, yes.

14 Q. Yes. So, that the threats of perjury you say, to the best of your
15 recollection, occurred on the second statement taking at the
16 Louisbourg Town Hall and not on the first statement taken on
17 May 30th.

18 A. That's what I believed. I may be mistaken, but I believe it
19 was the second interview.

20 Q. Yes. And what was the threat, the threat was what, that if
21 you don't, what, you'll go to the pen?

22 A. If you don't tell the truth.

23 Q. If you don't tell the truth.

24 A. You'll be charged with perjury.

25 Q. Yes.

1 A. And you'll go to the penitentiary.

2 Q. Sure. If you don't tell the truth.

3 A. Yes.

4 Q. Yes. Were there any threats or pressure on the first occasion?
5 On the taking of the first statement on May 30th, did Chant
6 advise you at any time that there were any threats or
7 pressure on that first statement taken?

8 A. I can't really say. Chant told us when we first interviewed
9 him that those allegations had been made by MacIntyre
10 concerning perjury if he didn't tell the truth.

11 Q. Yes.

12 A. And whether it was the first meeting between MacIntyre and
13 Chant or the second I'm not certain.

14 Q. All right. Was there any other pressure, any other
15 intimidation used by MacIntyre, according to Chant, at either
16 the first or second interview?

17 A. Not that I can recall.

18 Q. Okay. So that on the two interviews you had with Chant the
19 only indication of pressure or intimidation by MacIntyre,
20 according to Chant, was Chant's allegation that MacIntyre
21 threatened him with a perjury charge in the event he did not
22 tell the truth.

23 A. Yes.

24 Q. Okay. Did Chant tell you why he lied in the first statement of
25 May 30th that he gave to MacIntyre?

1 A. I recall him saying words to the effect that he felt pressured
2 and he was young and scared.

3 Q. Uh-hum. Did he tell you that he was frightened of Marshall?

4 A. Not, no, I don't believe so.

5 Q. Did you note at the bottom...near the bottom of page 47 of
6 Exhibit 34 that Chant says, "I was interviewed by two
7 detectives, my mother was also there." Did you notice that
8 comment, "My mother was also there."?

9 A. What paragraph again, please?

10 Q. Second-last paragraph about four lines from the bottom of
11 that second-last paragraph. "I was interviewed by two
12 detectives, my mother was also there."

13 A. Yes, I see that.

14 Q. And did that refer to the second statement, the Louisbourg
15 statement?

16 A. I believe so.

17 Q. Yes. And that's what Chant told you and Wheaton on the 16th
18 of February that his mother was there?

19 A. Yes.

20 Q. At the bottom of that page he says, "I remember once the
21 Crown Prosecutor really was mad at me." Did anyone ask him
22 "What was he mad at you about?"

23 A. I feel that Wheaton very likely did. I can't recall the
24 questions or the answer, but I'm sure that that would have
25 been cleared up and it would have to do with Chant not giving

1 the story as desired.

2 Q. I see. Well, was it...was it because of my improper pressure
3 on the part of the Crown Prosecutor that the Crown
4 Prosecutor got mad at him?

5 A. I did not know Mr. MacNeil, the Prosecutor. He had died prior
6 to my arrival in Sydney or shortly thereafter. He didn't...I
7 don't think he died in Canada. But from what I can gather
8 from Staff Wheaton's evidence and my own comments with
9 his brother, Ian MacNeil, Donnie MacNeil was a very, ah, I'm
10 searching for a word, a very eager prosecutor. He liked to
11 win most of the time or if not all the time, and I don't feel he
12 would be happy with Chant's hesitation about giving this
13 evidence.

14 Q. But is that what Chant told you?

15 A. Not in those words, no.

16 Q. That...what's the reason that the Crown Prosecutor was mad at
17 him?

18 A. The reason being that he wasn't telling them what they
19 wanted to know.

20 Q. I see. And that's what Chant told you.

21 A. In his own terms, yes.

22 Q. But Wheaton did not put that down in the statement.

23 A. No, sir.

24 Q. Did you not think it was rather important to put in a sentence,
25 "I remember once the Crown Prosecutor really was mad at

1 me." Would it not be of some importance to put the reason
2 down why the Crown Prosecutor was mad, as to whether or
3 not it was a proper or improper motive on the part of the
4 prosecutor?

5 A. I think that gap is probably caused by the narrative maybe
6 being too long before the thing was reduced to writing. I
7 think that details can be, in fact, I know they can be, lost if
8 the narrative is too long before you start to repeat it and put
9 it written form.

10 Q. Well, during the course of the narrative how long would that
11 be?

12 A. I'm guessing again, but I would say that we probably talked
13 to Chant maybe fifteen, twenty minutes, possibly half an
14 hour. But probably closer to fifteen minutes before we
15 started writing.

16 Q. Well, during this course of time does not the person who is
17 going to write the statement make notes of the points that he
18 wants to cover in the written statement?

19 A. That does happen occasionally.

20 Q. Sure.

21 A. Sometimes you rely totally on your memory to bring back the
22 pertinent details.

23 Q. What's your practise?

24 A. I find it very difficult to interrogate someone, well, especially
25 a suspect and make notes at the same time because while

1 you're making notes the suspect is regaining his confidence or
2 thinking ahead of you for the next question.

3 Q. Well, while Wheaton was interrogating Chant, would it not be
4 possible for you to make notes?

5 A. It would have been possible, yes.

6 Q. Did you do so?

7 A. No.

8 Q. Why did you go back and interview Chant again?

9 A. We wanted some further detail as to the taking of statement
10 and his conduct at the trial.

11 Q. Why? Why did you want further detail on that?

12 A. Because the first statement was extremely brief.

13 Q. In what sense brief?

14 A. I beg your pardon.

15 Q. In what sense brief?

16 A. It was brief and cut short because of the circumstances in the
17 family home at the time.

18 Q. You mean because of the funeral or the wake?

19 A. The wake, yes, and the people coming and going.

20 Q. Certainly he was giving you critical, very sensitive
21 information.

22 A. Yes.

23 Q. Would it not have been possible to take him somewhere else
24 other than the home that night?

25 A. It was possible, but we chose not to. We decided to come

1 back another day.

2 Q. Another day was two months, four days later. Why another
3 day when you've got critical...

4 A. I don't recall it being...I don't recall it being that much time
5 elapsed, but if you say it is then it was.

6 Q. Well, it is. You checked the dates. It's February 16th and
7 April 20th, if you take a look at page 81, it is April 20th that
8 you went back on the second occasion, which is two months
9 and four days after the taking of this first statement. Now,
10 this was critical, sensitive information. Why would you wait
11 two months and four days?

12 A. I can only say that I was directed to go back for the second
13 statement by Staff Sergeant Wheaton and that's the result of
14 it.

15 Q. And what direction did he give you?

16 A. Go interview Chant and see if there is any further details that
17 can be had.

18 Q. Right. And did you get any further details?

19 A. Just what's shown in the statement.

20 Q. Yes. What details were you trying to get? What details were
21 you looking for?

22 A. Well, more details from what was given in the original
23 statement. For instance, his meeting with Marshall in the
24 park, any conversation they had. He mentions that he flagged
25 down a car.

1 Q. Yes.

2 A. That's also mentioned in the first statement.

3 Q. The suggestion in the first statement that Chant thought
4 Marshall's actions were suspicious at the time, that's not
5 repeated in the second statement, nor does there appear to be
6 any detail about that suspicion.

7 A. That's true.

8 Q. With respect to the identification of the individuals who
9 interrogated him, you'll see at page 81 about the middle of
10 the page, "I went to the station with the policemen." There is
11 no identification of those policemen. Was he able to say who
12 that was?

13 A. We were talking about MacIntyre for one, I don't know that
14 he mentioned Urquhart as being the second.

15 Q. I see.

16 A. But I did not include that, and there's also a detail there
17 concerning Marshall's statement to him when Marshall comes
18 out of the Sydney Police Station saying, "there were two of
19 them, right?"

20 Q. Yes.

21 A. "Two of them, eh." But that was not included in the first
22 statement.

23 Q. Right.

24 A. And I'm sure it wasn't said in the first statement.

25 Q. Okay.

1 A. It wasn't part of the narrative.

2 Q. At the bottom of that, or near the bottom or the start of the
3 second full paragraph, "Two policemen came to my home on
4 Sunday." Did he identify who those were?

5 A. I don't recall, sir.

6 Q. "I gave a statement to them in their car, basically what
7 Marshall had told me that night in the park and in the car
8 going to see Seale. There was no pressure from the police at
9 that time." He told you that, did he?

10 A. Okay. I feel that the reason that those policemen were not
11 identified there is because the statement given by the Sydney
12 Police would certainly show who took the statement. Their
13 signatures would be on the bottom of the statement.

14 Q. Yes.

15 A. Your question was?

16 Q. "There was no pressure from the police at that time." He told
17 you that, on the taking of the first statement that there was
18 no pressure from the police.

19 A. Yes.

20 Q. "I did not tell them my information came from Marshall.
21 About a week later I went to Louisbourg Town Hall with my
22 mother, there was at least one policeman there."

23 A. Yes.

24 Q. Was he able to identify who that was?

25 A. I don't recall. There would have to be more than one because

1 Wayne Magee was the town policeman there, so...

2 Q. But you say Wayne Magee was not there.

3 A. No, I'm not saying that. I'm saying I don't believe he was
4 there for the signing of the statement.

5 Q. Yes.

6 A. I have reason to believe that Magee went to the home to help
7 Chief MacIntyre or whoever it was there with him.

8 Q. Yes.

9 A. To pick up Chant and his mother and take them to the Town
10 Hall which also was the Louisbourg Town Police Station, I
11 believe. So Magee would be at least one policeman there.

12 Q. But what happened to Wayne Magee after he got to the Town
13 Hall?

14 A. I don't know, sir.

15 Q. You say you do not know.

16 A. I do not know.

17 Q. But you do not believe he was present when Chant was
18 interrogated by MacIntyre.

19 A. I base that on the statement of Lawrence Burke who says he
20 was definitely not there, that he Burke was not there, plus the
21 fact the way the names appear on the back of the statement,
22 Urquhart, Burke, Magee, Beudah Chant and myself. It seems
23 like it's all written in the...by one person.

24 Q. And those are the reasons that you come to that conclusion.

25 A. Yes.

- 1 Q. Although there is...and that's...although...this is the same
2 evidence that Staff Sergeant Wheaton gave. He did not
3 believe that Magee was there either.
- 4 A. That's true.
- 5 Q. Although at least Wheaton was present to interview Magee,
6 you weren't even there to assess Magee's credibility.
- 7 A. No, sir.
- 8 Q. And you are, of course, aware of the evidence of everyone
9 else who says that Magee was there.
- 10 A. No, I'm not.
- 11 Q. Well...
- 12 A. I'm only aware...I'm only aware of Chief MacIntyre's evidence
13 in that regard.
- 14 Q. Chief MacIntyre said that he was there. What about William
15 Urquhart? What does he say about Magee being present?
- 16 A. I don't know, sir.
- 17 Q. It's rather critical as to whether or not Magee was there, is it
18 not? And when viewing MacIntyre's performance of
19 investigation whether or not Mac...whether or not Wayne
20 Magee was present at this Louisbourg taking of the statement
21 is rather a critical issue, is it not?
- 22 A. It's certainly important, yes.
- 23 Q. Yeah. Critical, I suggest to you, because Wayne Magee has
24 told Staff Sergeant Wheaton that there was no intimidation or
25 pressure used, and that is in sharp contrast to what Maynard

1 Chant has said.

2 A. If Magee was not there, he would not be able to say that.

3 Q. Precisely. So that whether or not Magee was there is a critical
4 issue in viewing MacIntyre's performance.

5 A. Yes.

6 Q. Yes. And you and Staff Sergeant Wheaton have taken the
7 position that you do not believe that Magee was present.

8 A. That's correct, yes.

9 Q. Notwithstanding that you never interviewed Magee and
10 Magee says he was. I'd like to address, and I suggest to you
11 that this is an example, as I did to Staff Wheaton, of a bias,
12 and use the word not in any improper sense, but simply a
13 bias of your approach to MacIntyre's performance throughout
14 and because of that and because I think it is a critical issue,
15 and because I think it demonstrates completely and fully the
16 bias that you and Staff Wheaton have addressed towards
17 MacIntyre's performance, I'm going to take a moment with
18 you and just review the objective evidence of others that will
19 indicate that Wayne Magee was present. And, I'd first of all
20 like to refer you to Beudah Chant. And Beudah Chant, you
21 took a statement from her, did you not?

22 A. Yes, I did.

23 Q. And you took that statement from her the same day you took
24 the statement from Maynard Chant, just a little earlier in the
25 afternoon.

1 The statement of Beudah Chant is at 4:04 p.m. It's found at
2 page 84. And the statement of Maynard Chant is 5:05 p.m..
3 It's found at page 81.

4 A. That's correct.

5 Q. Both statements were taken at the same house, were they?

6 A. Yes, they were.

7 Q. At the parents' house.

8 A. Yes.

9 Q. Was Maynard present when you took a statement from
10 Beudah?

11 A. I feel that he just came home from work at 5:05 from the fish
12 plant.

13 Q. You'll note at the...near the end of the first paragraph,
14 "Maynard was on probation at the time. I believe Wayne
15 Magee was present at that time and a Burke fellow. I think I
16 went outside and waited." Now that's what Beudah Chant told
17 you, correct?

18 A. Yes, that's correct.

19 10:18 a.m. *

20 Q. If you would turn to Volume 44, and this perhaps is, Volume
21 44 of the transcript, and this is perhaps the easiest and
22 fastest way to find this. This is cross-examination of Staff Sgt.
23 Wheaton last week, at 8098. And I'm referring to the
24 transcript taken, the Examination of Beudah Chant by Mr.
25 Orsborn. The question is:

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Q So you went into a room, this was a room in the Town Hall, the Court Room, is it?

A. Town Hall, yeah.

Q In Louisbourg?

A. Yes.

Q Right. Do you remember if there was anybody else present?

A. I believe Wayne Magee but that's all besides the two officers. That's all I remember being there.

Q Did you know Mr. Magee?

A. Oh, yes.

Q Is he a friend of yours?

A. Yes.

Q A friend of Maynard's?

A. Yes.

Q Did he being there give you any comfort in any way?

A. Yeah. I believe it did.

Now that's evidence that she gave at the Inquiry. And also if I can direct your attention to Volume 45, the evidence of, again cross-examination of Staff Wheaton, at page 8190. And,

1 again, this is the evidence that Maynard Chant gave at the
2 reference and he says, and I'm reading to Staff Wheaton the
3 evidence given by Maynard Chant at the reference. And he
4 says:

5
6 Q. Do you recall who was present while the
7 second statement was being given [This
8 was the second statement at Louisbourg
9 at the Town Hall.]

10 A. My probation officer.

11 Q. What was his name?

12 A. Larry Burke. My mother, Beulah Chant,
13 Chief of Police, Wayne Magee, that's it.

14 And then on the following page at 8191, again evidence that
15 Maynard Chant gave at the reference:

16 To summarize your first statement given
17 on the night of the stabbing, that
18 statement, the gist of it is that you didn't
19 see the stabbing, right? And the gist of
20 the second one is that you did see Donald
21 Marshall do the stabbing. Now this
22 conversation at the Louisbourg Town Hall,
23 you said that your mother was there, your
24 probation officer was there, Wayne Magee
25 was there. He was then Chief of Police at
Louisbourg, is that correct?

A. Yes.

1 And there's a, the evidence of Larry Burke is that he wasn't
2 there at all. So he's not able to comment on whether or not
3 Wayne Magee was there.

4 A. In taking a statement from Larry Burke, I do recall him
5 saying the reason that he was convinced in his own mind he
6 was not there. It was an unusual request for him to attend
7 this interrogation and at the time he was traveling with
8 Family Court Judge Edwards, I believe, is the surname and he
9 sought out Judge Edwards' advice as to whether he should
10 participate and he vividly recalled Judge Edwards saying,
11 "There are lots of other people around they can use for
12 witnesses. Don't get involved." He said "I'm quite sure I
13 would have followed the judge's advice."

14 Q. Yes, but Larry Burke was not able to say whether or not
15 Wayne Magee was there.

16 A. No, sir.

17 Q. Because he says he was not there himself.

18 A. Yes.

19 Q. So that with respect to those people who were present...

20 A. But then, again, how would he know Magee was there if he
21 didn't attend himself?

22 Q. Precisely.

23 A. How would Burke know that Magee was there if he, Burke,
24 was not there?

25 Q. Well, if Burke was not there, he can't say whether Magee was

1 there or not.

2 A. Right.

3 Q. Correct, okay. So of the people who were there, there's
4 MacIntyre, Urquhart and Magee, all of whom say Magee was
5 there. There's Beudah Chant and Maynard Chant, and I
6 believe their evidence indicates that Wayne Magee was there.
7 So there's no one who was present who says Wayne Magee
8 wasn't there.

9 A. On the taking of the statement from Beudah Chant, not Beulah
10 but Beudah, B-E-U-D-A-H.

11 Q. Correct.

12 A. I found her a very, very difficult person to pin down on
13 details and the statement I think possibly reflects that. She
14 had a very poor memory about many things, including this
15 case. So many things have happened since. She was very,
16 very difficult to glean any detail from.

17 Q. But she says, "I believe Wayne Magee was present."

18 A. She believed that, yes.

19 Q. Yeah. So that there was no one who has testified or given a
20 statement who said Wayne Magee was not there. No one.
21 The only two people who say he wasn't there are you and
22 Wheaton.

23 A. That's correct.

24 Q. Okay. Did you conclude, as did Staff Wheaton, that Marshall
25 was innocent on the morning of February 18th before you

1 interviewed him at Dorchester?

2 A. I wouldn't say that I was totally convinced, but I was
3 certainly leaning in that direction strongly.

4 Q. Leaning in that direction strongly, yeah, okay. Although at
5 that point in time, the only people you had interviewed was
6 Maynard Chant and Sarson.

7 A. Yes.

8 Q. At page 85, the second, Volume 34, the second page of the
9 statement of Beudah Chant, she says at the top of the page:

10
11 I felt the police had finally learned the
truth from my son.

12 A. Yes.

13 Q. And that's what she told you, and when she said that, "the
14 police" that she meant there were the Sydney City Police in
15 1971.

16 A. Yes.

17 Q. Did she tell you that she was required to repeat to Maynard
18 on a number of occasions at the Louisbourg Town Hall, "Now,
19 Maynard, I want you to tell the truth." Did she tell you that?
20 It does not appear in the statement but I wonder if...

21 A. Yes, that's a fair statement, I believe.

22 Q. And at the bottom of her statement, she said, "He told his
23 father and Rev. William Legge, also the RCMP when they came
24 to her home about two months ago about the incident." And I
25

1 direct your attention to "two months," because the discussion,
2 and I'm not sure where it came from, but the discussion
3 generally in this hearing has been that it was some years
4 before this incident that Maynard Chant allegedly told Rev.
5 Legge.

6 A. Sir, I think that's the way you're reading it that's in error.

7 Q. You think I'm reading it in error?

8 A. I think that the two months refers to the RCMP part of the
9 sentence.

10 Q. I see, okay. So that the time limitation of two months does
11 not refer to Maynard telling his mother and Rev. Legge.

12 A. Rev. Legge, no.

13 Q. No, okay. Did Maynard Chant advise you that the prosecutor
14 threatened him with perjury if he changed his story?

15 A. Not that I recall, sir.

16 Q. On either the first occasion or the second occasion?

17 A. The prosecutor? No.

18 Q. Yes. Can you offer any assistance as to why that allegation
19 appears in Staff Wheaton's report on page 14 of Volume 34?
20 That is the first full report that he made after he was called
21 into this investigation. And you'll see it in Paragraph 18 on
22 page 14 about a little more than 50% down that paragraph.

23

24 He advised that the prosecutor threatened
25 him with a charge of perjury if he changed
his story after the lower court hearing.

SGT. CARROLL, EXAM. BY MR. PUGSLEY

1 A. No, sir, I can't offer any comment on that.

2 Q. You don't recall it being said?

3 A. No, sir.

4 Q. Staff Wheaton goes on to say:

5
6 Mr. Chant volunteered this information to
7 the investigators absolutely without
8 prompt...

MR. BRODERICK

9 Excuse me, I wonder what good it would do my learned friend
10 to continue reading it when the witness has already stated that he
11 can offer no evidence whatsoever on why it was put there or
12 when it was said.

MR. PUGSLEY

13
14 Only that the next sentence may be of some assistance in
15 ringing a bell in the witness's mind, that's all.

BY MR. PUGSLEY

16
17 Q. The next sentence says:

18
19 Mr. Chant volunteered this information to
20 the investigators absolutely without
21 prompting and said it has been on his
22 conscience since the trial.

23 Do you recall, does that ring any bells with you?

24 A. Again, I say I'm not the author of the report.

25 Q. Quite.

A. Chant's reference to perjury to me at this late date referred to

1 Chief MacIntyre.

2 Q. Yes. Sorry, "at this late date," what do you mean by that?

3 A. Six years later.

4 Q. Sorry?

5 A. Six years later. This was 1982?

6 Q. Yes.

7 A. Today's date and my memory.

8 Q. Yes, I see. I take it that it was your opinion that Pratico was a
9 completely unreliable person, witness, to give evidence in
10 1982?

11 A. Yes, quite unstable.

12 Q. Quite unstable, all right. Did you participate in the decision
13 that he should not give evidence at the reference?

14 A. I don't recall being asked but it certainly would be my
15 opinion that he should not...

16 Q. Yes.

17 A. He's still under a lot of medication, and probably still is today.

18 Q. Yes. He's still under care today, as far as you know?

19 A. I'm sorry?

20 Q. He is still under care today, as far as you know?

21 A. Oh, I'm quite sure.

22 Q. You would run into him from time to time in the course of...

23 A. I saw him at the Inquiry in Sydney. I hadn't seen him
24 probably for a year or more prior to that.

25 Q. Have you seen him since then?

1 A. No, sir.

2 Q. You made no investigation to determine whether or not the
3 nurses or medical staff at the Nova Scotia Hospital in August
4 and September of 1971 were aware that Pratico was going to
5 give evidence in November '71?

6 A. I did not.

7 Q. Or do you know of any investigation being made by Wheaton?

8 A. I feel he did, but I'm not certain. It wasn't part of my duties.

9 Q. Did you review this first report of Staff Wheaton's before it
10 was forwarded?

11 A. No, sir.

12 Q. Did you review it after? Did you see it ever?

13 A. Yes, I saw it days or weeks later.

14 Q. Did you have any discussion with him why he did not include
15 in this first report as appendices the June 4th statement of
16 Maynard Chant, the June 4th statement of John Pratico, the
17 only statement of Terry Gushue, the only statement of Mary
18 O'Reilly, the November 15th '71 statement of Roy Ebsary, and
19 the statement of Wayne Magee?

20 A. No, sir, it was not in my place to criticize a staff sergeant at
21 my level for the way he put his report together.

22 Q. Exhibit 88...

23 COMMISSIONER EVANS

24 I'm sorry, before you go on, do you consider it criticism if you
25 just ask a higher ranking officer why something was not put in, in

SGT. CARROLL, EXAM. BY MR. PUGSLEY

1 case he may have forgotten and just jog his memory? Do you feel
2 that's criticism that is...

SGT. CARROLL

4 No, My Lord, it wouldn't be criticism, I suppose, in that sense,
5 but I feel the report had been drafted, typed, and mailed some
6 time before I had a chance to see it and Wheaton was under no
7 obligation to ask for my remarks before he sent it out.

COMMISSIONER EVANS

9 I know you've told us that this is sort of a military
10 organization. Does one not speak to the one above or the one
11 below his rank?

SGT. CARROLL

13 Yes, My Lord. But, again, I say, I feel this report was drafted
14 and gone before I saw it.

COMMISSIONER EVANS

16 But if it had gone in to a higher rank, you would not feel that
17 you should comment on it. If he had shown it to you before it
18 went in, what would be your position?

SGT. CARROLL

20 If I had noticed that there were things missing, yes, I would
21 have told him in time to send the statements with the report, but
22 I don't feel I saw it in time.

BY MR. PUGSLEY

24 Q. Do you think it would have objective and fair to those who
25 were reading the report to have included the June 4th

1 statement of John Pratico?

2 A. The normal practice is when the readers in Halifax receive a
3 report and you have made mention of statements being taken
4 from various people, if they aren't attached, then you receive
5 a memo back asking for the statements referred to in the
6 body of your report.

7 Q. Yes. I'm not sure if the, I can't recall whether or not he
8 highlighted the fact that the June 4th statement of Pratico and
9 Chant were, in fact, taken. Yes, he does. He refers to it on
10 page 11 of Volume 34 in Para. 9, where he says: "On 71-06-
11 04 Pratico and Chant were again interviewed." But the
12 statement is not included as an appendix to the report, as I
13 recall it. If that had been something you had noted, would
14 you have brought that to his attention that it should have
15 been included, Pratico and Chant of June 4th?

16 A. If I had seen in time, yes, to remind him that he had
17 forgotten to attach that statement or statements.

18 Q. And Terry Gushue of June 17th?

19 A. Yes.

20 Q. Would you have reminded him of that?

21 A. Of course.

22 Q. And Mary O'Reilly and Roy Ebsary?

23 A. Yes.

24 Q. And Wayne Magee, as well, the statement of March 2nd of
25 Wayne Magee had been taken by the time this report was

1 forwarded, because there was reference to the trip to
2 Dorchester and meeting Donald Marshall and certainly Wayne
3 Magee's statement is not included as an appendix, as I recall
4 it, and I don't believe there's any reference to Wayne Magee
5 at all in this report.

6 A. Yes, halfway down the page, page 11, Paragraph 10, about
7 halfway through the paragraph: "It will be noted that the
8 second statement is signed by Detective..."

9 Q. Oh, I see. Oh, yes, yes, it's mentioned there but there's no
10 reference to the fact that Staff Wheaton had interviewed
11 Wayne Magee and Wayne Magee had told him that that
12 second statement was taken without intimidation or duress.
13 He did not mention that in that report.. In the event I'm
14 right in that suggestion to you, Sgt. Carroll, do you not feel
15 that's a notable omission from the report?

16 A. I haven't read this all through but, or at least recently, I
17 thought that Magee's statement appeared in either this or the
18 following report.

19 Q. It certainly was not in this one. It was, I believe, in a later
20 report submitted by Staff Wheaton, but it was not in this one.
21 Do you think that's a notable omission?

22 A. It's something that should have been included.

23 Q. Yes, okay. Exhibit 88A, which is the document that you
24 signed on the 27th of April, 1982. Do you have a copy of that
25 in front of you, sir?

1 A. Yes, sir.

2 Q. Just read to me the part that is in your writing.

3 A. In the top right-hand corner, "JEC," my initials. "Cpl." for
4 corporal. "11:31 82-04-27."

5 Q. Is that 11:31 a.m.?

6 A. Yes, it would be.

7 Q. That means at 11:31 in the morning, you took custody of this
8 document, Exhibit 88.

9 A. And signed it.

10 Q. And signed it. What is "17.31", what are those numbers
11 immediately after corporal, "Cpl."

12 MR. BRODERICK

13 I believe the witness has already testified that that is 11:31
14 he read it, not 17.31.

15 MR. PUGSLEY

16 I see. Well, there's, is there two 11:31's there?

17 MR. CHAIRMAN

18 Well, we're not sure. At least there's 11:31 at the top above
19 the line and are you suggesting, Sergeant, that the figures below
20 the line, that that's 11:31 as well, or 17...

21 SGT. CARROLL

22 Yes, My Lord.

23 BY MR. PUGSLEY

24 Q. That's just a repeat of the time, is it?

25 A. Yes.

1 Q. Okay

2 MR. BRODERICK

3 I believe, My Lord, not to interrupt, but if I may, the question
4 by my learned friend was to read everything that was in his
5 handwriting, perhaps maybe the other was in a different
6 handwriting.

7 SGT. CARROLL

8 The larger numbers are not mine.

9 BY MR. PUGSLEY

10 Q. The "11:31 a.m." is not yours?

11 A. No, sir.

12 Q. I see. That's Staff Wheaton's, is it?

13 A. I believe so.

14 MR. CHAIRMAN

15 The 11:31 above the line.

16 BY MR. PUGSLEY

17 Q. Above the line is Staff Wheaton's and yours is just "J" and
18 your middle initial, is it, what is that?

19 A. "JEC."

20 Q. "JEC Cpl. 17:31..."

21 A. No, sir.

22 Q. "11:31," sorry.

23 A. That's 11:31.

24 Q. 82-04-27.

25 A. Correct.

1 Q. And you signed this document because you were taking
2 custody of these pieces of paper and you presumably were
3 also taking custody of all the statements that had been
4 obtained by Staff Wheaton when he went to MacIntyre's
5 office, is that correct?

6 A. The statements as listed here on this document.

7 Q. The statements that are what?

8 A. The statements listed on this document.

9 Q. On this document, yeah. You were taking custody and
10 possession of those.

11 A. Yes.

12 Q. Now you told you that there was one file in the office where
13 everything was contained. When you signed this document,
14 Exhibit 88, and took custody of these documents, what did
15 you do physically with them? Did you put them in a separate
16 folder in your office?

17 A. No, sir, they were all in the main file.

18 Q. They'd just be left in the main file, were they?

19 A. Correct.

20 Q. So, physically, they did not change in any way. They were in
21 a file in the main office but you, from this point in time
22 onwards, had responsibility for them.

23 A. Yes, that's to the best of my memory.

24 Q. Is that a usual or unusual practice?

25 A. I wouldn't treat these as an exhibit such as, say, a drug

1 seizure or something like that where continuity would be
2 important. I don't recall these being locked separately.
3 That's the answer I have. I believe they went in the main
4 file.

5 Q Well, when you obtained, but you from that point in time
6 became responsible for these documents.

7 A. Yes.

8 Q And some of them contained original statements. Some of
9 these were original statements.

10 A. Yes.

11 Q And, therefore, important.

12 A. Yes.

13 Q Did you check through the list that you signed, receiving
14 possession of, to insure that all the documents that were
15 referred to in these four or five pieces of paper were, in fact,
16 there?

17 A. I believe I did.

18 Q I see. The letter, the question addressed to, by His Lordship,
19 Mr. Justice Evans, yesterday, what about the extra statement
20 of Patricia Harriss of June 17th? There is no note of that,
21 according to Staff Wheaton's evidence, on this document, and
22 certainly you have not written on this document indicating
23 that there was an additional statement from Patricia Harriss.

24 A. No, sir.

25 Q Now I suggest to you, sir, that if there was an additional

1 statement from Patricia Harriss, you would have noted it on
2 this piece of paper as having taken possession of it.

3 A. Yes.

4 Q. Yes, okay. Was there any explanation given to you by Staff
5 Wheaton, if you will turn to the page, typed page headed
6 "Original statements." If you'll turn to that, was there any
7 explanation given to you by Staff Wheaton of the words
8 opposite "P.A. Harriss, one statement given to S.S. Wheaton
9 already."

10 A. I'm not sure if I'm on the right page. Is this the...

11 Q. If you'll turn to the typewritten page, the next one after that,
12 Sgt. Carroll.

13 A. Yes.

14 Q. "P. A. Harriss, one statement given to S.S. Wheaton already."
15 Did he give you any explanation as to what that meant?

16 A. No, sir.

17 Q. You testified yesterday about the incident concerning a
18 document on the floor beside the Chief's desk or behind the
19 Chief's desk. And you say that Staff Sgt. Wheaton told you
20 about this.

21 A. Yes.

22 Q. When did he tell you about this?

23 A. Very likely on the same date that I signed this.

24 Q. Do you have any independent recollection of that...

25 A. No, sir.

1 Q. Because there is, of course, a discrepancy, certainly in the
2 notes of Frank Edwards, as to when this incident about the
3 passing of the Patricia Harriss statement took place. Do you
4 have any independent recollection as to when that took place,
5 the conversation with Wheaton?

6 A. From the date and time of my initials on this document, which
7 I believe from the evidence given by Staff Wheaton and Sgt.
8 Davies, I believe that incident occurred on the previous day,
9 the 26th of April, 1982...

10 Q. No, forgetting about the evidence that they have given. I
11 want you to divorce your mind from that. I'm asking you
12 whether or not you have any independent recollection,
13 because there presumably will be other evidence before this
14 Commission that the giving of the Patricia Harriss statement
15 occurred on the 16th of April. Now my question to you is, sir,
16 do you have any independent recollection as to when you had
17 this conversation with Staff Wheaton?

18 A. I feel it was one or two days after the incident. I can't be any
19 more accurate than that.

20 Q. But when that incident occurred, you're not able to say.

21 A. No, sir.

22 Q. No, okay. If you would turn to the statement taken from
23 Donald Marshall at Dorchester. That is the signed statement,
24 the second statement, and that is found at page 50, I think, of
25 Volume 34...Sorry, 52. In that statement on the first page, the

1 word "roll" is used by Mr. Marshall on three occasions in the
2 last paragraph on page 52. On page 52, about four lines from
3 the bottom, he also uses the word "rob" and that word rob is
4 used on three occasions on page 53. He says on page 53, "we
5 knew he meant business about robbing..." I take it, "They
6 then knew we meant business about r-o-b-b..." And then
7 something is cut off there. It's probably "robbing them." At
8 least in my copy, I don't have that word complete. And then
9 at the bottom of page 53 in the last paragraph:

10
11 When questioned about this I did not
12 mention that Sandy and I were robbing
13 these two as I thought I would get into
14 more trouble.

15 A couple of lines later, "I felt bad about Sandy dying as it was
16 my idea to rob these guys." Did you have any discussion with
17 Mr. Marshall about what he meant by the word "rolling"?

18 A. It's one in the same, to rob or to roll, is to take...

19 Q. It's one in the same.

20 A. Money or possessions from somebody who doesn't want to
21 give them up.

22 Q. Okay, all right. That's the impression had.

23 A. Yes, sir.

24 Q. If you would turn to Volume 20, sir. Your memo of, which is
25 found on page 14, your memorandum of 83-06-15.

A. Page again, please?

1 Q. Page 14. That memo starts off, "With reference to
2 correspondence dated 83-5-24 from Staff H. F. Wheaton." Do
3 we have that correspondence from Sgt. Wheaton?

4 A. I believe it's the preceding pages.

5 Q. The preceding pages are dated 83-05-30, at least the draft
6 that we have in this volume. Now there may have been an
7 earlier draft. My friend directs me to page five, which is the
8 memorandum from Inspector Scott. Do you think that might
9 have been...That is the right date. Do you think that is the
10 memo that you were referring to, or do you think that there
11 was, in fact, a memo from Wheaton dated 83-05-24?

12 A. I believe that would be the correspondence I was referring to.

13 Q. You say in the second paragraph:

14
15 Chant stated when first interviewed by
16 Wheaton and myself at Louisbourg that he
17 was threatened by MacIntyre and
18 Urquhart that perjury if he didn't tell
19 them what they wanted, then the penalty
20 would be Dorchester Penitentiary.

19 Now the words you've used there are "tell them what they
20 wanted," and the words you used this morning in response to
21 my questions were, "tell them the truth." Now was, in fact,
22 the words they used to "tell them the truth" rather than
23 "what they wanted."

24 A. "What they wanted" became more obvious as the questioning
25 continued and reference to another witness having seen the

1 murder take place and seen Chant in the park that night that
2 he had to see what the other witness saw because he was
3 there.

4 Q. Now was that on the first or second statement that he gave?

5 A. To the RCMP?

6 Q. No, to the Sydney City Police.

7 A. I can't say, sir, I don't know.

8 Q. Because certainly in the first statement, Chant says that he
9 saw the murder committed by a man other than Marshall. He
10 identifies other people. He doesn't identify Marshall at all as
11 being the culprit in the first statement.

12 A. True.

13 Q. So are you suggesting then that this statement must have
14 related to the Louisbourg Town Hall statement?

15 A. That or other interviews, or other visits to the home.

16 Q. Did Chant advise you of any other interviews MacIntyre had
17 with him other than two occasions?

18 A. I can't recall.

19 Q. You go on to say:

20
21 This procedure as well as his interview
22 with Urquhart, MacIntyre, Magee, and
23 Burke would appear to leave him open to
24 further criticism.

25 Now the words you use there are the "interview with
Urquhart, MacIntyre, Magee, and Burke," you include Magee

1 as being present at that interview, sir. Is that just a slip of
2 the pen?

3 A. I don't know the date when Burke was interviewed. It may
4 have been prior to this or after. If you can tell me when
5 Burke's statement was taken.

6 Q. Sure, this is in 1983.

7 A. Yes, but I'd still like to know when Burke's statement was
8 taken. Whether it was...

9 Q. Oh, sure, I'm sure it's in '82. I'm sure it's in, it's found in
10 Volume 34 at page 86. It's April 1st...Sorry, April 21st.

11 A. It was taken 2 March '82.

12 Q. '82, yeah, a year earlier.

13 A. Uh-huh.

14 Q. And my question is, certainly the reading of that at this point
15 in time in 1983, you presumably were considering that Magee
16 was present at that interview.

17 A. Yes, I'm accounting for the facts as they were told to us and
18 as the statements indicated that Burke was present. I don't
19 believe he was.

20 Q. And Magee was present?

21 10:50 a.m. *

22 A. Sorry.

23 Q. And Magee was present.

24 A. And I still don't believe Magee was present, no.

25 Q. Did you believe that Magee wasn't present in '83 when you

1 wrote this?

2 A. I think that you'd have to read that in the context that it
3 was...these people were present as it appeared by
4 other...other statements or other documents.

5 Q. All right. You go on to say, "Pratico when interviewed by
6 myself on several occasions." How many occasions did you
7 interview Pratico?

8 A. There was the first initial meeting at the New Waterford
9 Hospital Clinic where he was introduced to me by Mr.
10 Arsenault.

11 Q. That's the day you took a statement.

12 A. Yes.

13 Q. Yes.

14 A. There was another meeting when I took Aronson to his
15 apartment to have the affidavit read and sworn to.

16 Q. Yes.

17 A. There was a third meeting he called me one Sunday at my
18 home and asked me to assist in him moving from that
19 apartment in New Waterford to an area in Whitney Pier of
20 Sydney. He had no way of getting his belongings in. He didn't
21 have a vehicle or anyone that would help him. So, those are
22 three to begin with and there...there may have been at least
23 one more. I can't place where it would be.

24 Q. Were those other occasions interviews or...

25 A. More or less encounters or a casual meeting on the street or

1 something.

2 Q. When you took Mr. Aronson around to see these people did
3 you...were you present when the affidavits were signed by
4 the individuals?

5 A. I recall the one in Louisbourg. The one in New Waterford I
6 believe that was signed by Chief Doug Crowe, New Waterford
7 Town Police, I believe that he was a Commissioner of Oaths.
8 It would seem natural he would be, and to the best of my
9 memory he was the one that signed that affidavit. I don't
10 recall seeing him actually do it, but I recall being at the police
11 station with...

12 Q. Aronson...

13 A. In fact, Crowe might have even come to the apartment. I'm
14 not sure. But I believe that he was the one that signed it.

15 Q. Had Aronson seen these people before? Had he interviewed
16 Pratico and Chant before or was this the first occasion that he
17 had met them?

18 A. I don't really know, sir. I suspect that he had not met them.

19 Q. Okay. And would you have introduced him to them?

20 A. If that were the case, yes.

21 Q. Yes. Did you...was there anyone more than Chant and Pratico
22 that you took Aronson to see?

23 A. Not that I can recall.

24 Q. Did you take any other person around to have affidavits
25 sworn for the reference, apart from Aronson?

1 A. Not that I can recall.

2 Q. Okay. You say that Pratico should never have been
3 considered for court purposes and do you lay that at the
4 doorstep of John MacIntyre?

5 A. Not totally, no.

6 Q. Why would you lay it at his doorstep at all when he does not
7 make the decision as to who is going to be called to give
8 evidence?

9 A. I believe...I believe there is evidence before this Commission
10 that Pratico was taken by Sydney City Police transport to
11 Halifax prior to his testimony in an effort to have him, for
12 lack of a better term, bolstered before the trial came up.

13 Q. Gosh, why would you ever say that, Sergeant Carroll? I mean
14 that...that is such a...I suggest to you such a...well, I suggest it's
15 typical of your approach and Wheaton's report and Wheaton's
16 approach that you would say that...and are you suggesting
17 that it was John MacIntyre who ferried Pratico to the Nova
18 Scotia Hospital to bolster him up for the purposes of giving
19 evidence in November, '71, is that what you're saying?

20 A. No.

21 Q. Is that the suggestion you wish to convey though?

22 A. No, sir.

23 Q. A suggestion...

24 A. I'm saying that he would have knowledge of it, which I
25 believe he denied.

1 Q. That's right. You say that he did have knowledge of it.

2 A. I believe that he would have knowledge of it. If he was in
3 charge of his detectives.

4 Q. Yeah.

5 A. And this particular case being his.

6 Q. Yes.

7 A. He would have to have knowledge of it.

8 Q. If, in fact, the Sydney City Police did take John Pratico, but
9 my recollection is and I stand to be corrected on this, but
10 there is no evidence that the Sydney City Police took John
11 Pratico to the Nova Scotia Hospital in August of 1971.

12 A. I believe there is.

13 Q. Okay. Well, fine. The record will stand on that, but do you
14 not think it significant, sir, that the people in the Nova Scotia
15 Hospital knew that Pratico, not only was going to give
16 evidence, but that he was one of two key witnesses to a
17 murder in June of 1971 and was going to give evidence in
18 November, 1971, and to the best of our knowledge there is no
19 indication that they ever said anything to the Crown
20 Prosecutor or to a law enforcement authorities in Sydney that
21 Pratico was not fit to stand trial. Do you think that's a
22 significant matter? Is that a point in MacIntyre's favour or
23 would you discount that?

24 A. I don't...no, I don't think it's a point in his favour at all.

25 Q. I see.

1 A. I have been involved in numerous murders over the last
2 twenty-six years, some twenty-eight, to some extent, not as
3 the chief investigator. I've been involved in many cases
4 where people have been sent to the local Provincial hospital
5 in this province and other provinces, where their assessment
6 was crucial to the case that they, especially as an accused
7 person, and not a...certainly not a daily basis, but...not on a
8 daily basis, but the outcome of that assessment has been
9 crucial to the investigators, the main investigator, the
10 prosecutor and certainly the defence counsel, and when that
11 information is made known, it's relayed usually by telephone
12 and then by written report by the fastest means possible to
13 those people, to advise them that the person being assessed is
14 legally sane or fit to stand trial. So, what I'm saying is that
15 Chief MacIntyre...

16 Q. I don't quite follow the point you're making.

17 A. What I'm saying is that Chief MacIntyre, this being his case,
18 should have known, and in my opinion had to know, the type
19 of witness Pratico was going to make by his reports or his
20 assessment at the Nova Scotia Hospital in Dartmouth. He
21 would have to know or he should have known.

22 Q. Well, there's the world of difference between the two, isn't
23 there?

24 A. I'm sorry.

25 Q. I say there's the world of difference between the two. You

1 use the phrase, "The Sydney City Police sent him down to the
2 Nova Scotia Hospital to bolster him up so he can give good
3 evidence in November, '71, " that's the...that's certainly a...

4 A. That's my opinion.

5 Q. Yeah. Okay. And I've just suggested to you that is it not
6 significant that the people in the Nova Scotia Hospital who are
7 treating this man knew that he was going to be released and
8 give evidence, and presumably had no problems with that at
9 all.

10 A. I feel that their assessment of Pratico would certainly be
11 there for anyone that cared to...I mean in police circles, or the
12 Crown circles, Prosecutor, that that information would be
13 there available. I'm not saying that they're obligated to
14 volunteer it, such as a head nurse or someone to call and tell
15 the police department or the Prosecutor's office that this man
16 is unstable, was and still is unstable. I don't think, in my
17 opinion, that they wouldn't be obligated to volunteer that.
18 But I think the information will certainly be there from his
19 medical charts.

20 Q. Well, I guess that's...I guess it's a matter of argument, but
21 again the eventual decision to call Pratico as a witness was
22 surely that of Donnie MacNeil's and not Chief MacIntyre's.

23 A. The final decision I'm sure would be his.

24 Q. Sure. You indicated that you had one or two interviews with
25 Michael Harris.

1 A. Yes.

2 Q. And you were completely frank with him during those
3 interviews, were you?

4 A. I didn't say that.

5 Q. No, I'm asking a question.

6 A. As frank as I could be, yes.

7 Q. Well, is there anything you withheld from him? Any
8 information, any questions you didn't answer?

9 A. No, nothing that I can recall.

10 Q. Did you tell him that you did not wish to be identified or
11 quoted?

12 A. No, sir.

13 Q. Did he take notes of the interviews or did he...

14 A. Yes.

15 Q. ...tape you?

16 A. I believe he was taking some brief notes.

17 Q. Did he tape you?

18 A. There was a tape present. I don't know whether it was in
19 operation or not. I was leery about being taped.

20 Q. You were leery about being taped.

21 A. Yes.

22 Q. The word you used was "leery," yes.

23 A. Yes.

24 Q. You say but there was a tape recorder present.

25 A. A small miniature pocket-size...I would have to...I can't really

1 say it was used. I...when I saw it I was hesitant about being
2 taped.

3 Q. I see. He brought it up, did he?

4 A. I'm sorry.

5 Q. He brought out the tape recorder, did he?

6 A. It was there from the beginning of the conversation until the
7 end.

8 Q. Where did the conversation take place?

9 A. At the Holiday Inn in Sydney.

10 Q. Oh, I see, in his hotel room.

11 A. Yes.

12 Q. Yes, I see. But whether or not he started the tape you can't
13 recall.

14 A. I feel that he didn't, but I could be mistaken. If it was done it
15 was with my consent but I don't think that...

16 Q. When did this interview take place?

17 A. I can't say, sir.

18 Q. Well, relating to the reference. Can you pin-point it in time as
19 far as the reference is concerned?

20 A. I feel it would be after that.

21 Q. Yes. Within the twelve months after the reference.

22 A. I can't really say.

23 Q. Before the conclusion of the third Ebsary trial.

24 A. No, I can't even be sure of that. I don't have any notes of it.
25 It was...I believe it was on a weekend, my time off.

- 1 Q. Yes. And how long did this interview last?
- 2 A. Between twenty minutes and three-quarters of an hour.
- 3 Q. Yes. And was there another interview apart from this?
- 4 A. I think we may have met in the corridor of a courtroom or he
5 may have come to the office in Sydney. I'm not sure.
- 6 Q. Why did you consent to this interview?
- 7 A. I saw no harm in it from what I was prepared to give him,
8 and basically as I mentioned yesterday, he was interested in
9 possibly, not possibly, he was interested in my opinions of the
10 characters of some people involved, such as Pratico and Chant
11 and especially Ebsary.
- 12 Q. Yes. Did he ask you anything at all about Chief MacIntyre or
13 William Urquhart?
- 14 A. No, I don't believe so.
- 15 Q. No discussion at all.
- 16 A. I don't recall any. And, I say that because at that stage I had
17 very little, very few meetings with the Chief. I didn't really
18 have any opinions on him as to ...other than police work.
- 19 Q. How many meetings did you have with the Chief during the
20 course of this reinvestigation?
- 21 A. I can only recall one, the day that Wheaton and I went there
22 to interview his men and take statements from him.
- 23 Q. That was some time in May.
- 24 A. I'm not sure, whatever is shown in the documents.
- 25 Q. The time that Red Mike MacDonald was interviewed and...

1 A. Yes, that's correct.

2 Q. Yes. I think that was some time in May if I recall correctly,
3 around the...

4 A. Yes, the 11th of May.

5 Q. The 11th of May. That was the only occasion...that was really
6 the only occasion that you had contact with MacIntyre at all
7 during the course of this investigation.

8 A. Concerning this investigation, yes.

9 Q. Was there anything...

10 A. No, I shouldn't say that, because I have met him socially on
11 several occasions since that time, shopping centres, whatever.
12 He would bring up the issue of what's happening with the
13 case and it would be an uncomfortable thing to talk about. I
14 would usually answer very briefly that I had hoped it would
15 be over before long, or something like that.

16 Q. Yes. In the event that Michael Harris was under the
17 impression that he advised you that he would keep anything
18 he told you confidential, are you prepared to release him
19 from...

20 MR. BRODERICK

21 I don't know...I have a problem with that question, and
22 it's...perhaps I shouldn't even be raising it because I'm pretty sure
23 what my client's answer will be and I don't think it would be
24 anything that Mr. Pugsley wouldn't want to hear, but that
25 question itself being asked causes me some difficulties.

1 MR. CHAIRMAN

2 Go ahead.

3 MR. BRODERICK

4 The difficulty is if a statement is made at a particular time
5 and for certain reasons a protection that is offered is, in fact,
6 accepted, I wonder if whether or not, and with all due respect, it's
7 sort of like placing a shotgun at the witness' head and by
8 innuendo saying, "Unless you agree to release a particular thing
9 then you're definitely hiding something and we're going to find
10 out what it is." And I think that type of a sweeping blanket
11 release is not the type that should be put to a witness. Not just
12 this witness, not any witness.

13 MR. CHAIRMAN

14 It's was put to other witnesses.

15 MR. BRODERICK

16 And I would suggest, My Lord, that at that time it was not my
17 place to object, but this time it is.

18 MR. CHAIRMAN

19 True, true. Let me think of that during the break that we're
20 now going to take.

21 BREAK - 11:05 a.m. *

22 INQUIRY RESUMES - 11:26 a.m. *

23 MR. CHAIRMAN

24 Let me deal with the objection raised by counsel for Sergeant
25 Carroll and it's a unanimous judgement.

1 MR. PUGSLEY

2 Unanimous judgement.

3 MR. CHAIRMAN

4 Any privilege, if indeed there is a privilege in this instance, is
5 for the protection of a source of Michael Harris' information which
6 he may have used in writing his book Justice Denied or in his
7 capacity as a news person. The source in this instance is alleged
8 to be Sergeant Carroll. If he wishes to release Michael Harris from
9 any offer of privilege or any protection the same may afford he's
10 quite competent so to do. So, the last question put by Mr. Pugsley
11 is proper.

12 MR. BRODERICK

13 May I make one comment on that, My Lord.

14 MR. CHAIRMAN

15 Go ahead.

16 MR. BRODERICK

17 It's really...now, you've made a decision and sure we will live
18 with it, but one thing that you didn't address and perhaps you
19 may feel it's not your place to address, is the fact that it is really a
20 two-edged sword. It's not just what would happen to the
21 reporter, let's say, if he's given a release by this witness, but also
22 the reporter when he writes a story does so with the knowledge
23 that the person who gave it to him that the press does not
24 normally release its sources, and it becomes a decision of that
25 particular reporter whether or not before a tribunal such as this,

SGT. CARROLL, EXAM. BY MR. PUGSLEY

1 or any, that he is going to release that source. If in the future
2 they are taking confidential or agreeing not to release their
3 sources and something of this nature can occur then that would
4 certainly water down any information that they may receive or
5 information that they will report, because it does, in fact, make
6 their job an impossibility and destroy...

7 MR. CHAIRMAN

8 Oh, I don't agree with that.

9 MR. BRODERICK

10 Well, just to finish if I may. It does make their pledge, if it
11 were of confidentiality, rather useless in the future if it can be
12 asked of the witness to release that particular bond which they
13 have agreed to. Just that other side of it, as well, I think is the
14 question.

15 MR. CHAIRMAN

16 Anyway. Carry on, Mr. Pugsley.

17 MR. PUGSLEY

18 Thank-you, My Lord.

19 Q. I guess the question is, Sergeant Carroll, do you release
20 Michael Harris from any undertaking that he may have given
21 you with respect to confidentiality concerning the interviews
22 you had with him?

23 A. No, sir. No, I don't.

24 Q. Well, wow. May I ask, why?
25

1 MR. CHAIRMAN

2 Well, no, I don't think that he has to give any explanation
3 why, to simply say why, he said, "No," the answer is no. It's his
4 right.

5 MR. PUGSLEY

6 Well, ah, your Lordships' ruling on that point. I would have
7 thought it was relevant to determine why he feels that if...

8 MR. CHAIRMAN

9 Well, if you...now, I don't want to get into a great debate as to
10 whether or not there is such a thing as privilege.

11 MR. PUGSLEY

12 Yes.

13 MR. CHAIRMAN

14 And particularly since the Charter of Rights was thrust upon
15 us democratically. The...but he says, I gather what he's saying is
16 that "I was extended or given by Michael Harris an undertaking
17 that what I told him was privileged." You say, "Are you prepared
18 to release Michael Harris of that?" and he says, "No." Why would
19 he be called upon in your view to give a further explanation?
20 When he said, "I don't want to," I'm interpreting when he says,
21 "No, " he says, "I don't want you to."

22 MR. PUGSLEY

23 All right. I guess it's a matter of argument as to whether or
24 not his refusal is significant or not, and what it connotes. I guess
25 that's a matter of argument.

1 MR. ROSS

2 Well, My Lord, I'm not yet on tap, but I anticipate that this in
3 an area that I'm going to ask one or two questions of this witness
4 and am I to understand from your ruling then that there is such a
5 thing as a privileged communication between this witness and a
6 reporter?

7 MR. CHAIRMAN

8 No, no, that's not the question. The issue that is before us is
9 that if a gentleman named Michael Harris, who has written a book
10 entitled Justice Denied and who it's been suggested may have
11 written some articles in his capacity as a newspaperman, if during
12 his interview with this witness he said, "Anything you tell me is
13 privileged," the question is "Do you release Michael Harris, " was,
14 "Do you release Michael Harris of that offer for what it's worth?"

15 MR. ROSS

16 I see. But it does not prevent the questions from being asked.

17 MR. CHAIRMAN

18 No, no.

19 MR. ROSS

20 Thank-you kindly.

21 MR. CHAIRMAN

22 ...to ask, whether or not we'll allow it.

23 MR. PUGSLEY

24 Am I entitled to ask the witness as to whether or not he is
25 prepared to give any reasons why he will not release Michael

SGT. CARROLL, EXAM. BY MR. PUGSLEY

1 Harris?

2 MR. CHAIRMAN

3 What do you think? Well...

4 COMMISSIONER EVANS

5 Do you mean if I asked him did he say certain things to him?

6 Is that what you want to know?

7 MR. PUGSLEY

8 The difficulty is I don't know what was said, of course, My
9 Lord, in a forty-minute interview. I have no idea what...why he
10 would invoke what he considers to be a confidential disclosure
11 because I don't know what was said. I suppose I can...

12 COMMISSIONER EVANS

13 Ask Michael Harris.

14 MR. PUGSLEY

15 Precisely. I can guess what the answer will be from Michael
16 Harris.

17 COMMISSIONER EVANS

18 I don't know what the ruling might be.

19 MR. PUGSLEY

20 Yes. Quite so.

21 Q. Well, are you prepared to discuss fully with us, Sergeant
22 Carroll, the nature of the questions and answers that you gave
23 to Michael Harris during the course of the interview?

24 A. No, sir.

25 MR. BRODERICK

SGT. CARROLL, EXAM. BY MR. PUGSLEY

1 I believe, My Lord, if I may, and perhaps the wording of the
2 question I...the witness has taken a stand and has agreed that if
3 he asked a particular question he certainly will answer that
4 particular question. But this shotgun effect, "Are you prepared to
5 tell us everything that happened?" I...gauging the time that it was
6 and what's going on, I'm sure that if Mr. Pugsley has particular
7 questions that the witness, no doubt, will answer them.

MR. CHAIRMAN

9 My recollection is that he already answered the questions
10 during examination-in-chief concerning his information or an
11 opinion he expressed to Michael Harris.

MR. PUGSLEY

13 I thought he had generally responded.

MR. CHAIRMAN

15 He did, yes.

MR. PUGSLEY

17 ...to that. But I'm somewhat surprised by his most recent
18 answer.

MR. CHAIRMAN

20 Why...the point again raised by Mr. Carroll's counsel is a valid
21 one. That was a very general question.

MR. PUGSLEY

23 Yes.

MR. CHAIRMAN

25 Put the questions.

1 MR. PUGSLEY

2 All right.

3 Q. What conversation did you have with Michael Harris
4 concerning Chief MacIntyre?

5 A. None that I can recall.

6 Q. None that you can recall.

7 A. No.

8 Q. Or William Urquhart.

9 A. None that I recall. Again, I mentioned that my meetings with
10 Chief MacIntyre were very few in number.

11 Q. Yes.

12 A. And my opinions of him at that time, basically very little
13 opinion of the man period.

14 Q. What discussion...

15 A. I think...I think that I should say at this stage that part of this
16 interview with Mr. Harris dealt with my personal life, my
17 family life, growing up and so on, which I know he included
18 in the book. That was part of the interview, possibly a
19 reasonably large part of it.

20 Q. I see. Are there some aspects of your personal life that you
21 did not wish me to get into or...

22 A. Definitely.

23 Q. I see.

24 MR. BRODERICK

25 Objection, My Lord. I will say there are parts of my client's

1 personal life that...his personal life has nothing to do with this
2 hearing. Perhaps if Mr. Pugsley would like to meet with him
3 afterwards and have a discussion I have no problem with that.
4 But this is not the forum for...

5 MR. PUGSLEY

6 Off the record.

7 MR. BRODERICK

8 ...the two to get acquainted.

9 MR. PUGSLEY

10 Q. Was there any criticism of the Sydney Police Force that you
11 directed to Michael Harris?

12 A. None that I recall.

13 Q. Did Michael Harris ask you why...if you had an opinion as to
14 what led to the wrongful conviction of Donald Marshall?

15 A. Why I had opinions or what my opinions were?

16 Q. Yes.

17 A. Well, I think the quote was made yesterday by Mr.
18 MacDonald that he quoted me as saying that something went
19 wrong with the system and that I hoped...

20 Q. Yes.

21 A. To the best of my knowledge that is ninety-nine percent
22 accurate or a hundred percent accurate.

23 Q. Did you offer any other explanations as to why Marshall was
24 wrongfully convicted?

25 A. At this date I can't recall any.

SGT. CARROLL, EXAM. BY MR. PUGSLEY

1 Q. All right.

2 COMMISSIONER EVANS

3 What's the comment "something wrong with the system" do
4 you mean...what system? The judicial system or...

5 SGT. CARROLL

6 Yes, My Lord.

7 COMMISSIONER EVANS

8 Would that include the A.G.'s office, the Crown Prosecutor's
9 office, the Police Department?

10 SGT. CARROLL

11 Everything linked together.

12 COMMISSIONER EVANS

13 And the judiciary.

14 SGT. CARROLL

15 Well, I wouldn't go that far. But starting...starting with the
16 police investigation and the channels that followed after that,
17 channels the investigation went through.

18 MR. PUGSLEY

19 Q. But you did not discuss...give any reasons why you felt that
20 the system had broken down. You just made this general
21 comment.

22 A. I think it was a general comment.

23 Q. Yes.

24 MR. SPICER

25 Perhaps you could refresh his memory with page 8907.

1 MR. PUGSLEY

2 Right. I have the book here actually.

3 MR. SPICER

4 Page 403.

5 MR. PUGSLEY

6 Q. Right.

7
8 There was a weakness in the system there
9 somewhere along the line, this should
10 never have happened. I would like to
11 think that what happened in '71 wouldn't
12 happen now or couldn't happen. But
13 overall my outlook on life and human
14 nature doesn't change that much. Nothing
15 amazes me any more.

16 Is that roughly what you said, sir?

17 A. Yes, I think that's very accurate.

18 Q. Yeah. And was that the limit of your comment to Michael
19 Harris concerning this breakdown?

20 A. I believe so, yes.

21 Q. Sergeant, during the evidence of Melinda MacLean, who was a
22 solicitor in Truro who did act for Donald Marshall, Jr., on ...for
23 I guess a period of about two years, there was an interview
24 that was conducted at Dorchester Penitentiary by, I believe,
25 an articled clerk that was in her office. And Marshall
apparently, according to the documents that we have before
us, and I'm referring to Volume 36 at page 17, referred to a
chap by the name of Flynn. And, he apparently had been in

1 Dorchester Penitentiary at the same time Marshall was there
2 as well, Mr. Marshall was there, and the inference I took from
3 reading the statement taken at Dorchester was that
4 Mr. Marshall stated that it was Mr. Flynn who had committed
5 this attack on Mr. Seale in the park. Was Mr. Flynn's name
6 mentioned to you at all or was any other person identified in
7 the two meetings you had with Donald Marshall, Jr.?

8 A. Not to my knowledge, no.

9 Q. When you went to interview John Pratico did you have or had
10 you read the two statements he gave to the Sydney City
11 Police on May 30th and June 4th, '71?

12 A. I feel that I likely would have, yes.

13 Q. Yes. And the interview took place, it's found in book 34, at
14 page 50, at 11:15 a.m. on the 25th day of February, 1982,
15 about nine days after the first meeting with Mr. Chant. If you
16 would just turn to page 50, sir.

17 11:40 a.m.

18 Q. And no question about identification there. John MacIntyre's
19 identified in the first line of the statement. "In 1971, May, I
20 was questioned by John MacIntyre and I believe Michael R.
21 MacDonald..." and MacIntyre's name is mentioned on three
22 other occasions on page 1.

23 A. Yes, sir.

24 Q. Yes. Were you aware, or did you hear of a radio interview
25 that John Pratico gave shortly after he gave this statement to

1 you on February 25th?

2 A. I didn't hear it directly. I heard reports of it from other
3 people.

4 Q. And were you advised that he completely recanted the
5 information that he gave you in this statement?

6 A. Words to that effect, yes.

7 Q. Yes. Did you attempt to get a copy of that tape from the radio
8 station?

9 A. No, sir.

10 Q. No. Or did you follow up at all on that interview?

11 A. I did not.

12 Q. Did you ever speak to John Pratico as to why he gave that
13 interview?

14 A. No, sir.

15 Q. Did you ever interview Lou Matheson? And particular, ask,
16 concerning his role in 1971?

17 A. To the best of my knowledge, no. I know Judge Matheson
18 quite well. I don't recall discussing this case with him. There
19 is a possibility I might have asked him of his knowledge of
20 notes kept by the Prosecutor, Donald MacNeil, which we
21 anticipated might still be at the Prosecutor's office in Sydney,
22 that being the office of Frank Edwards. I did, in fact, do a
23 search of a filing cabinet there with the secretary to try and
24 locate some further notes on this file, the Marshall file, and
25 found nothing.

1 Q. Yes.

2 A. I may have asked Lou Matheson verbally, not in a statement
3 form, what he might be able to offer in that regard and that's
4 a possibility.

5 Q. Did you ever ask him as to whether or not he had seen the
6 June 17th statement of Patricia Harriss?

7 A. No, sir.

8 Q. Although certainly whether or not that had been turned over
9 by Chief MacIntyre to the Crown Prosecutor's office was a key
10 matter.

11 A. Sorry?

12 Q. Certainly whether or not Chief MacIntyre had turned that
13 June 17th statement over to the Crown Prosecutor was a key
14 matter.

15 A. Yes.

16 Q. Yes. The affidavit of John Pratico that was used in support of
17 the reference is dated the 15th day of July 1982 and it is
18 found at Volume 12, at page 271. And as you indicated
19 earlier, it's Douglas R. Crowe is the Commissioner. And he was
20 the Chief of Police, was he, for New Waterford?

21 A. Sorry, did you say the 15th of July?

22 Q. Yes, I believe so. That's the date that appears on the affidavit
23 itself.

24 A. I have a notation on the 14th that I went to New Waterford
25 re Pratico and Louisbourg re Chant.

1 Q. I see.

2 A. On the 15th?

3 Q. Well that's the date that appears on the affidavit as I read it.

4 A. Is it possible he may have filed that somewhere...

5 Q. Well, no, it says "Sworn to this 15th day of July." In any
6 event, Douglas R. Crowe was the Chief of Police, was he, for
7 the Town of New Waterford?

8 A. Yes. Still is.

9 Q. Are you a Commissioner of the Supreme Court?

10 A. Am I?

11 Q. Yes.

12 A. No, sir.

13 Q. Do you know why, why was it felt necessary to get the Chief
14 of Police for the Town of New Waterford to swear John
15 Pratico's affidavit?

16 A. The nearest Justice of the Peace that could be had and most
17 convenient.

18 Q. I see. Although Aronson himself obviously was a
19 Commissioner of the Supreme Court.

20 A. I'm not sure but I think it would be probably not fitting for
21 him to take the affidavit since he was representing Marshall
22 and...

23 Q. Did you say anything to Aronson about the, not necessarily
24 the propriety, but the relevance of taking an affidavit from
25 John Pratico who you, of whom you were of the opinion that

1 he was not mentally competent.?

2 A. I did not mention it. As I did say in my evidence the
3 affidavit, or the document, was totally prepared and typed,
4 I'm sure it was typed at that time. It was Aronson's resumé
5 of evidence, or facts, whatever, and he was asking Pratico to
6 examine it and swear to it.

7 CHAIRMAN

8 What page is that?

9 MR. PUGSLEY

10 271, My Lord.

11 Q. But you did not feel obliged to say to Aronson, "Look it, what
12 are you doing taking an affidavit from this gentleman or
13 using it in any court, in the reference, when he's really not
14 competent to testify?"

15 A. No, I did not have that conversation with Mr. Aronson...

16 Q. No.

17 A. I was quite confident that Aronson knew Pratico's capabilities
18 at that stage.

19 Q. Yes. Did you read the affidavit of Pratico before it was signed
20 or at any time?

21 A. I'm guessing, but I would say I did.

22 Q. Yes. It's been a while since I've refreshed my memory by
23 looking at it but I, yes, he does say that is continuously
24 treated by a psychiatrist since August of '70 to date. He does
25 say that in paragraph 2. In Volume 17 which is Frank

1 Edwards' notes, at page 19. There's reference to a meeting
2 with you and Inspector Scott concerning two people by the
3 name of Brooks McGuire and Irving Cameron. Who are those
4 people and what investigation did you carry out into the
5 allegations that they were making?

6 A. I recall interviewing someone at the Correctional Centre in
7 regards to the Marshall case. I don't think that it, I'm sure it
8 did not result in a statement. The name Cameron is suggested
9 there, or it is stated there. I do not recall the name of the
10 person I interviewed. It does not stick in my memory at all.
11 It may have been as a result of a rumor or local gossip,
12 anonymous phone call. But I did interview someone at the
13 Correctional Centre that did not result in a statement to the
14 best of my knowledge. The name Brooks McGuire I've heard
15 that come up in the inquiry on one or two occasions and I
16 can't relate to that name at all.

17 Q. Under the date of February 8th, 1983, Mr. Edwards writes,
18 "Common knowledge that M. and S. ..." and I'll interpret that
19 as being Marshall and Seale, "...were fighting that night." And
20 then down under February 15th it's apparently the meeting
21 between, with yourself and Inspector Scott. "Scott said he
22 thought statements should be taken from McGuire just to
23 confirm that he's not actually seen anything." Did you, in fact,
24 I'm sorry, did you say, you say you did not take a statement.

25 A. I don't recall taking statements. I'm wondering if that isn't an

1 error. I don't recall meeting with Inspector Scott at any time
2 and I'm wondering if it isn't Inspector Scott and Staff
3 Wheaton. I can't throw any light on that page at all.

4 Q. Well now that's 1983, February. My recollection is that Staff
5 Wheaton moved to Halifax in June of '82.

6 A. In June. Yes, you're right. No, I can't recall anything about
7 page 19 at all.

8 Q. Okay. Did you ever meet with Alan Story at any time? Have
9 a discussion with him?

10 A. Mr. Story's been in our office on many occasions, on many
11 news events.

12 Q. Yes. You've spoken to him candidly as you did to Michael
13 Harris with respect to your involvement in the Marshall
14 matter.

15 A. Probably in lesser detail.

16 Q. I see. On how many occasions?

17 A. Depending on, I don't know what you're referring to but...

18 Q. Well, I don't know. I don't know what was said. On how
19 many occasions did you have discussions with Alan Story
20 concerning your involvements or opinions on the Marshall re-
21 investigation?

22 A. There would be too many to estimate because he attended all
23 the trials of Ebsary. He attended the hearing in Halifax on
24 Marshall's release. He was always in the corridor. He was,
25 you were always bumping into him somewhere along the line.

1 And occasionally phone calls at the office. He would appear at
2 the front counter, ask to clear up some point in the evidence
3 and maybe asking for an opinion or just clarification as to
4 when a certain event took place according to police records.

5 Q. And did you speak candidly and openly with him?

6 A. As best I could.

7 Q. You mentioned that, in Sydney, in December of 1987,
8 Sergeant Wheaton wanted to refer to your notes for the
9 purposes of getting dates from them or checking on dates, I
10 believe that's what your evidence was. What dates was
11 Sergeant Wheaton interested in? What...

12 A. All the dates concerning the Marshall review going back to
13 February, I believe the 4th.

14 Q. And did he make notes of the dates contained in your diary?

15 A. He did, sir.

16 Q. He did.

17 A. He made notes of the dates...

18 Q. Yes.

19 A. I don't know about details but he certainly was interested in
20 the dates. That was starting on the 4th of February 1982.

21 Q. You referred yesterday to a Mrs. Giddens who lived in New
22 Waterford and two reporters came to her house and took her
23 picture of her holding a photograph of her grandson, Sandy
24 Seale. I believe that's what your evidence was.

25 A. Yes.

1 Q. And took away the photograph with them, did they?

2 A. No, sir. Took away their ...

3 Q. Picture of.

4 A. The camera with the file inside. Not the actual photograph of
5 Seale.

6 Q. I see. And who were the individuals. Who were the
7 reporters?

8 SGT. CARROLL TO CHAIRMAN

9 My Lord, I'm wondering if I have to answer that?

10 CHAIRMAN

11 Well that's not privileged. I see no reason why...

12 A. From memory I believe one of the reporters was Parker
13 Barss-Donham...

14 Q. Yes.

15 A. The other name escapes me. I believe it was a female
16 reporter.

17 Q. Was that Linda McQuaid?

18 A. Yes, I believe that is, that name rings a bell.

19 Q. There's a reference on page 111 of Volume 34.

20 A. Sorry? Again please?

21 Q. 111 of Volume 34. Those were the two were they?

22 A. According to my notes on page 2, well page 2 of my notes,
23 page 111 of the inquiry notes, at 4:30 p.m. I have a notation
24 there that identifies McQuaid and Parker Donham as the local
25 freelance reporters, according to Chief Crowe in New

1 Waterford, who were involved in that particular photograph
2 incident.

3 Q. Yes. At page 123 of Volume 34 you refer to the discussion
4 with Eugene Smith and Superintendent Marshall. I just, just
5 for point of reference, would you take Volume 18, Sergeant
6 Carroll, red volume 18, and turn to page 28. Are pages 28
7 and 29 the statement that you took from Eugene Smith that
8 you referred to on page 123 of Volume 34?

9 A. It's the only, that's the only statement I took from Eugene
10 Smith.

11 Q. Yes. And that's the one you refer to. And, again, on page 30
12 of Volume 18, is that the statement you took from Al
13 Marshall, or the notes that you made of Al Marshall, the
14 resumé of which appears on page 123 of Volume 34?

15 A. Yes, it is.

16 MR. PUGSLEY

17 Thank you, that's all the questions I have.

18 11:53 a.m.

19 EXAMINATION BY MR. MURRAY

20
21 Q. Sergeant Carroll, my name is Donald Murray, I represent
22 William Urquhart. In reply to Commission counsel late
23 yesterday afternoon you referred to the report you made in
24 June 1983 as an addendum to Staff Sergeant Wheaton's
25 critique of the procedures followed by the Sydney Police and

1 that's page 14 of Volume 20. Do you have the reference?

2 A. Yes, I have.

3 Q. Now you told Commission counsel that, in fact, your first
4 sentence in the second paragraph was incorrect. That, in fact,
5 Chant had never told you that Urquhart had threatened him
6 with perjury.

7 A. At this date I can't recall him mentioning Urquhart. It was
8 MacIntyre that he was mentioning.

9 Q. My question to you, sir, would be why you would make that
10 allegation in 1983 if that, in fact, had never been told to you
11 by Maynard Chant.

12 A. I can't say, sir. I don't know why it's there. As I say, at this
13 date, six years later, I cannot recall why I was inclined to put
14 that in.

15 Q. Well, it's a serious allegation...

16 A. Yes, it is.

17 Q. And you knew that report would go to Plainclothes
18 Coordinator Barlow.

19 A. I'm sorry?

20 Q. You knew that that report of yours would go to Plainclothes
21 Coordinator Barlow.

22 A. Barlow? Yes, he initialed it and it went out through the
23 channels to Halifax. I cannot explain why I felt that it was
24 necessary to include Urquhart with MacIntyre in that
25 sentence.

1 Q. Well you knew Barlow knew nothing about that case from a
2 firsthand point of view.

3 A. Well that's not true. Barlow, I'm sure, made himself quite
4 familiar with this file.

5 Q. I see. But he would not have interviewed the witnesses that
6 you had interviewed.

7 A. That's true.

8 Q. And he would have to rely on your word as to what the
9 witnesses said.

10 A. To a large extent, yes.

11 Q. Particularly if there was nothing in the written statement.

12 A. Yes.

13 Q. And you say you knew it was going to Halifax so it would go
14 through Inspector Scott who was in charge of Sydney
15 Subdivision. Is that correct?

16 A. Yes.

17 Q. And then it would go to Halifax and I take it from your
18 evidence that you were aware that this was going to the
19 Attorney General's Department.

20 A. Yes, in due course.

21 Q. You knew that Mr. Wheaton had already made a detailed
22 critique of what the Sydney City Police had done in 1971 and
23 you can start at page 15, if you like, and it's set out there.
24 Pages 15, 16, 17, 18, 19 and 20.

25 A. Yes, I see that.

1 Q And having read through that report what appears on page
2 14 is something you thought you'd add to what Mr. Wheaton
3 had not stated.

4 A. No, I can't totally agree to that. Knowing that Urquhart and
5 MacIntyre were together at times doing interviews, I
6 obviously felt that Urquhart had played a part in MacIntyre's
7 comments at that date.

8 Q I appreciate how you may have felt, sir, but you were making
9 an addition to Mr. Wheaton's remarks without any evidence
10 or knowledge to support that allegation.

11 A. No, I don't think that's fair to say that there was no evidence.
12 Certainly MacIntyre and Urquhart were a team at times in
13 interviewing of witnesses.

14 Q Where is the evidence from Mr. Chant that he was threatened
15 with perjury by William Urquhart? Or where's the evidence
16 from Mrs. Chant? Or Wayne Magee? Or Larry Burke?

17 A. That's not in their statements.

18 Q No. And, in fact, no one ever told you that.

19 A. No, it may be an inference. I'm not prepared to elaborate on
20 it but at that time I had to feel that Urquhart was somewhat
21 involved with MacIntyre in the pressuring of Chant and
22 otherwise I would not have put it in the report.

23 Q That is an inference you drew then and that's the best you
24 can put it to the Commission today.

25 A. That's the best I can offer.

1 Q I understand your first task in the re-investigation was to
2 review transcripts of both the trial and the preliminary.

3 A. Yes, sir.

4 Q Frank Edwards' notes in Volume 17, and I won't refer them to
5 you, at page 4, indicate that the preliminary inquiry was
6 turned back to him February 26th, 1982. And would I be
7 correct that you would have completed your review of the
8 preliminary inquiry prior to February 26th?

9 A. I think that would be fair, yes.

10 Q Prior to the break I asked your counsel to provide you with
11 Volume 1, pages 20 to 31. And to review the evidence of
12 Patricia Harriss.

13 A. Yes, I've skimmed through that briefly.

14 Q You'd reviewed that evidence in 1982 when you read through
15 the preliminary inquiry?

16 A. I feel quite sure I did, yes. It's six years ago but I, this is the
17 evidence of Patricia Harriss at the original trial.

18 Q At the original preliminary hearing.

19 A. Preliminary hearing. Yes, I'm quite sure that I did see it at
20 that time.

21 Q And I'd further draw your attention to pages 26 and 27. And
22 those questions and answers there deal with the giving of
23 statements by Patricia Harriss to the Sydney City Police.

24 A. Yes.

25 Q And you feel quite sure you would have been aware of those

1 comments at the time reports were being made in 1982.

2 A. Generally, yes.

3 Q. And, in fact, on those pages she does not refer to Mr.
4 Urquhart at all but, in fact, refers to interviews with John
5 MacIntyre, Michael R. MacDonald and a third police officer
6 whom she can't identify.

7 A. Yes.

8 Q. I'd like to deal with Maynard Chant for a moment. And if
9 you'd take Volume 34, pages 81 to 83. I suggest your
10 evidence is fairly clear that during the first interview with
11 Maynard Chant, between yourself and Mr. Wheaton, that
12 Maynard Chant did say the name MacIntyre but neither in
13 that first interview or in the second, did he identify Urquhart.

14 A. I believe that's correct, yes.

15 Q. And, in fact, in this second statement on page 81 he only
16 recalls one policeman. Correct?

17 A. What paragraph, sir, are you referring to?

18 Q. Second paragraph. "There was at least one policeman there."

19 A. "Two policemen came to my home on Sunday. I gave a
20 statement to them in their car."

21 Q. Do you know whether that was William Urquhart or not?

22 A. At this date, no.

23 Q. "There was no pressure from the police at that time..." and
24 then further down, "...I went to the Louisbourg Town Hall
25 with my mother, there was at least one policemen there."

1 A. But, again, that doesn't agree with the first line in that same
2 paragraph. "Two policemen came to my home on Sunday..."
3 Okay, I'm sorry, you say, " About a week later I went to
4 Louisbourg." Sorry about that.

5 Q. That is correct. Even though that may not jive with your view
6 of that facts, that was Maynard Chant's recollection.

7 A. Yes.

8 Q. So he could only recall one specifically, at least one, he said.
9 Now in Volume 12, do you still have Volume 12 there?

10 A. Yes, sir.

11 Q. Page 52. This is an affidavit of Maynard Chant which, I
12 believe, you've testified you were present when
13 arrangements were made to swear that.

14 A. Yes, sir.

15 Q. Did you have a chance to look at that statement, sir.

16 A. I believe I saw it on the day in question.

17 Q. Before or after it was signed?

18 A. Probably before.

19 Q. Did you have any discussions with Maynard Chant prior to it
20 being signed?

21 A. If Mr. Aronson did not I would have explained to him the
22 purpose of this affidavit.

23 Q. I see.

24 A. And I feel Mr. Aronson very likely did it himself.

25 Q. You would have noticed when reading the affidavit, sir, and

1 particularly paragraphs 9 and 11, that Mr. Chant refers to
2 "pressure from the said MacIntyre and Urquhart who insisted
3 I had witnessed the Seale murder..." and in paragraph 11,
4 ...was because I was afraid and because
5 MacIntyre and Urquhart, of the Sydney
6 City Police, told me that I had witnessed
7 the murder and was seen by another
8 witness who, I believe, was John Pratico.

9 That, sir, does not appear in either of the statements taken in
10 your presence from Maynard Chant.

11 A. No, sir.

12 Q. Where, can you assist the Commission as to where the
13 information may have come from?

14 A. The document you're referring to was drawn up by Stephen
15 Aronson. I cannot suggest where he chose those facts from,
16 where the input was.

17 Q. You met with Stephen Aronson?

18 A. Yes.

19 Q. On how many occasions?

20 A. Two that I recall.

21 Q. Prior to these affidavits being drawn up?

22 A. One was certainly before. I believe this would be the second,
23 second meeting here.

24 Q. Do you recall whether Harry Wheaton was present at those
25 interviews?

A. With the drafting, with the swearing of the documents, no, he
was not.

1 Q Meetings with Aronson.

2 A. He was present at the first meeting and when he came to the
3 office, either requesting assistance in locating Pratico and
4 Chant for the purpose of signing these affidavits and swearing
5 to them, it's very likely that Wheaton was in the office at the
6 time. However, he did not go to, I'm quite sure that he did
7 not go to Louisbourg and New Waterford with us.

8 Q. Can you recall whether you or Harry Wheaton, in your
9 presence, indicated to Stephen Aronson that it was MacIntyre
10 and Urquhart that were the ones that had threatened and
11 pressured John, or Maynard Chant in Louisbourg?

12 A. At this date, no, I can't recall.

13 Q. Possible that that's what happened?

14 A. It's possible.

15 Q. Did you point out to Maynard Chant when, before he signed
16 this that, "Hey, you didn't identify William Urquhart to me in
17 the statements we took?"

18 A. No, sir.

19 Q. However, you knew it was in his affidavit.

20 A. I feel relatively confident I did read that over before he
21 signed it. I do believe I did.

22 Q. Wouldn't you be surprised that here is a witness swearing to
23 something as the truth that he hadn't told you, that he hadn't
24 even been able to recall?

25 A. No, not at the time. I believed he was swearing to what he,

1 certainly knew what he was swearing to. The document sets
2 it out quite plainly.

3 Q Well I put it to you, sir, that at the time when Maynard Chant
4 was presented with this affidavit he didn't know who
5 Urquhart was. And, in fact, you explained to him that that
6 was the other officer that was there.

7 A. Are you suggesting that I identified Urquhart as the number
8 two man.

9 Q. You assisted Mr. Chant's recollection. Said it was Urquhart.

10 A. No, I can't go along with that.

11 Q. I'd like you to refer to the transcript, Volume 6 at page 946
12 which Maynard Chant's evidence.

13 12:06 p.m. *

14 A. No, I can't go along with that.

15 Q. I'd like you to refer to the transcript, Volume 6, at page 946,
16 which is Maynard Chant's evidence.

17 COMMISSIONER POITRAS

18 Is this at the reference?

19 MR. MURRAY

20 Yes, it is...No, it's before the Commission.

21 MR. CHAIRMAN

22 What page?

23 MR. MURRAY

24 Q. 946. I seem to have mislaid my copy and, if you don't object,
25 I'll read along with you. At the top of page 946, Mr. Orsborn

1 is questioning Maynard Chant on direct and the question is
2 asked:

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

5
6 A. It could have been suggested by one of
7 the, one of the, one of the detectives or
8 the person who was, it was probably
established at that time who the person
was.

9
10 Q. In 1982 when you gave this affidavit, did
you know that there was such a person as
11 Sgt. Urquhart?

12 A. I knew that. I realized that there was
13 two people there that were involved in
14 questioning me. I didn't, I didn't know at
15 that time that it was his name until it was
16 probably referred that it might have
17 been him by somebody else. I didn't
know. I didn't know his particular name,
18 know, or I don't remember his particular
19 name.

18 You were present at the time Mr. Urquhart...Or Mr. Chant
19 signed his affidavit?

20 A. Yes.

21 Q. If Mr. Aronson hadn't discussed it with him, you would have
22 discussed it with him?

23 A. At that time and date?

24 Q. Yes.

25 A. No, I don't see any reason why I would have.

1 Q. Didn't you just tell me a moment ago that if Mr. Aronson had
2 not discussed with Mr. Chant his affidavit that you would
3 have?

4 A. No, not in those words. I think what I said earlier, a few
5 moments ago was that the purpose, I would have discussed
6 the purpose of the affidavit, not the contents.

7 Q. I see. So your evidence is that you weren't the one to indicate
8 Mr. Urquhart's name to Maynard Chant?

9 A. I don't believe I was. I may have. Maybe someone else can
10 give that evidence. Possibly even Mr. Chant, although he
11 doesn't give it there. I don't recall suggesting Urquhart's
12 name at any time to Chant.

13 Q. Now you yourself interviewed John Pratico.

14 A. Yes, sir.

15 Q. And are you aware of any words, acts, or gestures on the part
16 of William Urquhart that as a result of that statement or other
17 interviews with John Pratico that led John Pratico to give the
18 stories he gave in 1971?

19 A. Can you refer me to his statement page, please?

20 Q. 50, I believe, Volume 34.

21 A. No, there's no evidence of Urquhart's name mentioned there.

22 Q. And at any other time during your investigation, from then
23 until now, have you ever come across any evidence from Mr.
24 Pratico that Mr. Urquhart caused him any difficulty,
25 pressured him by words, gestures, or any actions to give the

1 story he gave in 1971?

2 A. No, sir.

3 Q. With respect to Maynard Chant in 1982 or since, has he ever
4 told you of any words, acts, or gestures on the part of William
5 Urquhart that caused him to give the stories he gave in 1971?

6 A. I have difficulty with the first part of your question in that I
7 feel that MacIntyre and Urquhart, working as a team, that the
8 reference to Chant in his statement of two policemen coming
9 to his home, I feel in my mind that Urquhart was the second
10 party there, although he doesn't say.

11 Q. When did that occur?

12 A. That was early in the City Police investigation.

13 Q. On the Sunday, was it not?

14 A. I can't say, sir.

15 Q. Have you investigated that to find...

16 A. I feel that Urquhart...

17 Q. Out when that took place?

18 A. I feel that Urquhart was, I did feel at that time Urquhart was
19 part of the two-man team of MacIntyre and his associate, and
20 that possibly linking, maybe wrongly linking Urquhart too
21 closely to MacIntyre.

22 Q. You took a statement from Red Mike MacDonald.

23 A. No, I think that bears the signature of Staff Wheaton.

24 Q. You certainly had a chance to review it.

25 A. If that's the one I was given yesterday.

- 1 Q. Yes. That is at page 95 and 96 of Volume 34.
- 2 A. That's signed by MacDonald but not shown who witnessed it.
- 3 Q. I presume that, but you've seen this statement before.
- 4 A. Yeah, I saw it yesterday.
- 5 Q. And in that, he states that he went to Louisbourg with John
6 MacIntyre on May the 30th.
- 7 A. What paragraph, sir?
- 8 Q. Second from the bottom.
- 9 A. Yes.
- 10 Q. And then describes going to Catalone in the following
11 paragraph and talking to Maynard Chant after being at the
12 Chant home.
- 13 A. Yes, John, "John" being MacIntyre, of course, talked to him
14 outside the car.
- 15 Q. So why would you say William Urquhart was probably the
16 second officer the first time they went down to Louisbourg?
- 17 A. I did believe at that time, and I still believe that MacIntyre
18 was working with Urquhart on certain parts of this
19 investigation. I can't point out what parts they were at this
20 stage.
- 21 Q. Well, I can appreciate certain parts of the investigation, but
22 not the critical parts, and not certain critical parts. And it's
23 important for you as a police officer to decide when Urquhart
24 was involved and when he was not involved. Is it not?
- 25 A. That's true, yes.

1 Q. So I suggest to you that it's very relevant that Red Mike says,
2 "I was one of the two police officers that Chant talks about in
3 his statement."

4 A. Yes, that's true.

5 Q. And you can knock Urquhart out of that.

6 A. That's true on that date of Staff Sgt. MacDonald's statement.
7 But then, again, there was the meeting at the Chant household
8 and the trip to the Louisbourg Town Hall as well, which I
9 think Urquhart's signature appears on that statement.

10 Q. Yes, but...

11 A. At any rate, what I'm saying is that I don't have criticism of
12 Urquhart.

13 Q. You don't have what of Urquhart?

14 A. Criticism.

15 Q. No. I'd like you to refer to page 88 in Volume 34. It's dated
16 the 20th of May, 1982. Did you see this report before it was
17 sent?

18 A. No, sir.

19 Q. Did you see a draft of it before it was sent?

20 A. No, sir.

21 Q. So the first time you knew anything of its contents was after
22 it had been sent?

23 A. That's correct.

24 Q. I'd like to go back to page 14 of Volume 20. In your
25 paragraph numbered two, you comment about "Ebsary was

1 known to the City Police." What evidence do you have that
2 William Urquhart knew who Roy Ebsary was at all?

3 A. I'm sorry, the second part of your question? "Ebsary was
4 known to the City Police," and the second part?

5 Q. Yes, and the second part of my question is, what evidence do
6 you have that William Urquhart knew who Roy Ebsary was at
7 all?

8 A. The City of Sydney is not a large city. A person as colourful
9 as Ebsary, especially in the way he dressed, would certainly
10 be well known to the people on the beat and, of course, the
11 detectives, in my humble opinion.

12 Q. Why do you say "Of course, the detectives?"

13 A. Well, it would be part of their obligation to know what's going
14 on in the street in communication with the street people, the
15 beat people, and Ebsary was certainly not a total stranger in
16 the City of Sydney. His lifestyle, the colourful attire that he
17 dressed in, the, well, the gold braid hanging from his cap and
18 the medals, especially the numerous medals that he chose to
19 hang on his chest.

20 Q. Was he doing that in 1971?

21 A. Yes. The lady's berets for their hair that he had inserted in
22 the epaulets of his blue overcoat to make himself look like a
23 person of rank in the armed forces or navy or whatever.

24 Q. What I'm gathering from your evidence is that you're
25 inferring that Mr. Urquhart ought to have known.

1 A. Yes, I am.

2 Q. You have no evidence that he did, in fact, know him.

3 A. No, sir.

4 Q. We mentioned Coordinator Barlow a moment ago and you
5 advised that he would keep himself informed on the file.

6 A. This and many other files, too.

7 Q. And at the time he was in Sydney, the only other officer who
8 had actually interviewed people with respect to that file was
9 yourself.

10 A. Yes.

11 Q. So his only two sources of information would be yourself and
12 the file.

13 A. Yes.

14 Q. I'd like you to refer to Volume 20 at page 22. And this letter,
15 as I understand it from the evidence, is his further comments
16 after Wheaton's remarks in his letter and your letter at page
17 14. Is that correct?

18 A. Yes.

19 Q. On page 22, the comment is made by Barlow that in August,
20 1971, Detective Urquhart received information that Ebsary
21 was responsible for the murder. As I understand things, that
22 evidence is not in the file, and if that evidence is not in the
23 file, then by your previous evidence, the only likely source is
24 yourself for that information.

25 A. No, I don't quite agree with that. Is he not referring to

1 information received by Urquhart that Ebsary was
2 responsible as a result of James MacNeil and his brothers
3 coming forward? Is not the same incident?

4 Q. That would have been in November, 1971, sir. Do you
5 confuse August and November?

6 A. No, I had just...I beg your pardon?

7 Q. Have you confused August and November?

8 A. I had not read the second line in total when I made that
9 comment, but I see there are two different sentences. "In
10 August, Urquhart received information Ebsary was
11 responsible for the murder." Then in November, James
12 MacNeil came forward. I can't explain where that information
13 came from, unless it was from the Reserve. Dan Paul, who
14 was the constable there, he brought some information to the
15 City Police and I don't know if that is the same incident or
16 not.

17 Q. I understand that was 1981, sir.

18 A. Well, I can't help you there then.

19 Q. So what you're saying is that you certainly did not tell Barlow
20 that it was August '71.

21 A. No, sir.

22 Q. You were asked to review Mr. Wheaton's report in 1983, June,
23 1983 and add your own comments if you felt any were
24 warranted.

25 A. Which report is that?

1 Q That's the one that appears on page 14 of Volume 20,
2 together with the Wheaton document, which is 15 to 20.

3 A. Yes.

4 Q And there was no concern about offending people by rank at
5 that time in making sure that the information was accurate,
6 complete, and brought everything to the fore that your
7 superiors should know about.

8 A. That's correct.

9 Q Would you have seen it as part of your duty to correct errors
10 that appeared? After all, you had the file.

11 A. Yes.

12 Q On page 18, Paragraph 14, and it goes over to page 19,
13 through Paragraph 15. Comments are made about Patricia
14 Harriss, and referring specifically to practices and procedures
15 by MacIntyre and Urquhart.

16 A. Yes, I've read that.

17 Q And from reading the preliminary inquiry and refreshing
18 your memory again today, you knew that Patricia Harriss said
19 that Red Mike was also involved.

20 A. Yes.

21 Q And, in fact, her 1971 evidence would cause some uncertainty
22 as to whether she recalled Mr. Urquhart being involved at all.

23 A. I can't speak to that.

24 Q She couldn't remember him in July, 1971. Why would you
25 not have added the fact that Michael MacDonald was involved

1 with this Patricia Harriss statement or statements as well?

2 A. As I pointed out, Staff Wheaton compiled this report in
3 Halifax and sent it through to the commanding officer some
4 time prior to my ever seeing it. It arrived in Sydney at a
5 later date at which I made my comments, at which time I
6 made my comments.

7 Q. It would have been open to you to correct things, expand on
8 things at that time.

9 A. Yes, I could have.

10 Q. Why didn't you?

11 A. I can't say, sir.

12 Q. You're offering no explanation as to why?

13 A. At this date, no, I cannot offer an explanation.

14 Q. You also knew, and you had the original statements, that
15 Harriss' first statement was at 8:15 and the second statement
16 was 12:07.

17 A. I know there were different statements taken, yes.

18 Q. You can refer to Volume 16, which has photocopies of the
19 original statements. Pages 64 and 67, 68.

20 A. Can I have those pages again, please?

21 Q. 64, 67, and 68. And you'll note on 64, it says "8:15 p.m." at
22 the top of the statement?

23 A. Yes.

24 Q. And on page 67, it says "12:07" at the top of the first
25 statement?

SGT. CARROLL, EXAM. BY MR. MURRAY

1 A. June 18th at...

2 Q. 12:07?

3 A. Yes, you're right.

4 Q. Concluding at 12:25?

5 A. Yes.

6 Q. And those original statements would have been in your
7 possession in June of 1983.

8 A. I believe so.

9 Q. So you could have, in fact, if you had been careful, sir,
10 corrected the remarks on page 18 in Volume 20, where it's
11 asserted at the beginning of Paragraph 15, "The next
12 statement appears at 1:20 a.m."

13 A. You lost me there. What document are you referring to now?

14 Q. Volume 20. We're back to Wheaton's report.

15 A. What page?

16 Q. 18.

17 COMMISSIONER POITRAS

18 You might have to show the witness the typed out version of
19 that June 18th statement.

20 MR. MURRAY

21 Yes, My Lord.

22 MR. BRODERICK

23 I'm sorry, My Lord, but I seem to have gotten mistracked
24 throughout all of this. What is the witness looking at now?

25 MR. CHAIRMAN

SGT. CARROLL, EXAM. BY MR. MURRAY

1 He's looking at page 67 of Volume 16, or I presume he is, and
2 he was then asked to look at page 65, which is a typewritten copy
3 of the same statement.

MR. MURRAY

5 And compare them with the comments on page 18 in Volume
6 20.

MR. CHAIRMAN

8 Which reads, "The next statement appears on 1:20 a.m. on
9 the morning of the 18th of...

MR. MURRAY

11 June.

MR. CHAIRMAN

13 June, and this one here says, "June 18th, 1:20 a.m.," doesn't
14 it, page 67.

MR. MURRAY

16 Page 67 says, "12:07," My Lord.

MR. CHAIRMAN

18 12:07.

MR. MURRAY

20 Page 65, the typed version says "1:20," which is why I
21 established through this witness that he, in fact, would have had
22 the original, and could have checked.

SGT. CARROLL

24 A. Yes, I see the error. In fact, when I first looked at it, I
25 thought it was 1:20 a.m. myself. But then the 7 is off to one

1 side and it's, I think it would be an easy mistake to make.

2 But I do see what you're referring to.

3 Q. And that could have been corrected by you, or at least
4 pointed out?

5 A. Yes, if I had noticed it, yes.

6 Q. Keeping page 64 of Volume 16, this incomplete statement on
7 the part of Patricia Harriss, that goes down to a completed
8 sentence, correct?

9 A. It's difficult to read, but...

10 Q. "We were still on the..."

11 A. The answer, "Yes, boys and girls walking through the park," is
12 that what you're referring to?

13 Q. Uh-huh. "Gussie Dobbin and Kenny Barrow, they left while
14 we were still on the bench."

15 A. I don't know if that's a period or just the end stroke of the
16 letter "h". But it seems to be incomplete, yes.

17 Q. The statement seems to be incomplete but I suggest to you
18 the thought there has been complete.

19 A. The thought?

20 Q. The thought.

21 A. I don't know...

22 Q. There's a description of "boys and girls walking through the
23 park," the naming of those two individuals and that they left
24 while something else happened.

25 A. It would seem to be...

SGT. CARROLL, EXAM. BY MR. MURRAY

1 Q. A completed...

2 A. Not being there, I can't say, but it would appear that the
3 question was answered.

4 Q. Yes. In your statement from Donald Marshall, your first
5 statement from Donald Marshall, which was Exhibit 101, and
6 perhaps the witness could have Exhibit 101.

7 A. I have it, yes.

8 MR. BRODERICK

9 I wonder while that's being sought, I don't know what's in
10 101 either. I'm wondering if this is going to something directly
11 related in naming Urquhart or referring to my learned friend's
12 client or whether it may be going, again, to something along the
13 line that the witness didn't check a particular date in a report
14 before filing an answer.

15 MR. CHAIRMAN

16 If I can answer, the suggestion was that he may have had an
17 opportunity to correct a report of someone else.

18 BY MR. MURRAY

19 Q. Do you see the Donald Marshall statement?

20 A. Yes, sir.

21 Q. And I take it there's nothing nefarious or improper about
22 having broken off that statement in the middle?

23 A. No, but you must realize the reason for this being broken off
24 and that was the guard coming to the door to say, "It's not
25 wise to question this man after the prison rumble last night."

- 1 Q. Quite right. Quite right.
- 2 A. That's why it stopped in mid sentence.
- 3 Q. So I suggest to you that unless you know the reason why the
4 statement on page 64 was stopped, you can't impute any evil
5 motive, improper motive from Mr. Urquhart for having
6 stopped that statement.
- 7 A. That's correct.
- 8 Q. Finally, yesterday you made comment about possibly the
9 Weatherbee case in relation to Sydney City Police
10 investigation that they had difficulty with.
- 11 A. I was just clutching at a name and I don't know today
12 whether I was accurate or not, but the name seemed to stick
13 in my mind. I would not be surprised if it was wrong.
- 14 Q. I suggest to you that the Weatherbee case, which incidentally
15 was investigated by William Urquhart, ended up with no
16 involvement by the RCMP in a guilty plea of first degree
17 murder. Does that refresh your memory?
- 18 A. Not at all, sir. As I said when I first gave my evidence, I was
19 clutching for a, searching for a name and the Weatherbee
20 murder came to my mind. If I had more details offered, I
21 could probably zero in on the actual case, but that was the
22 one that came to my mind.
- 23 Q. And I suggest to you that giving your evidence, you're willing
24 to abandon any criticism of involvement in that case.
- 25 A. Yes.