

# Outline: General

①

①

General Experience

②

Practices followed:

- i) taking statements
- ii) instructing those for whom responsible
- iii) seeing conduct of investigation
- iv) Having statements typed: checking of accuracy

③

~~Experience used~~ Record System available to Sydney Police in 1971

(a) own records

(b) RCMP

(c) other

Ident. Services available.

④

Experience with major crime

- (a) murder + other violent deaths
- (b) attempts
- (c) major assaults
- (d) B & E & robbery
- (e) other

⑤

Procedure to be followed when dealing with major crime.

⑥

Assistance with investigation:

- (a) RCMP: (b) other police: (c) Crown Prosecutor
- (d) other - informants etc.

Junior Marshall - Tom  
Christmas - other natives  
PRIOR to May 28/71

- ① Apperance with Junior.
  - (a) Paper to Junior records
  - (b) Usual for Mac Intyre to be involved with Junior offences.
  - (c) AA in al Intyre - any relation?
  - (d) Joan Clemons story
  - (e) ~~O'Kelly for~~

② Tom Christmas  
Go through record material

③ Natives  
O'Kelly twins story  
others.

Seale  
Knowledge of him  
Apperance with him

# Marshall Investigation

7 May 28 / 1971

- (a) His movement that day. <sup>Compare with Standard</sup>
- (b) Knowledge of Michael R. McDonald: Confidence in his ability
- (c) Phone call: what told: what instructions given: why not come out: Knowledge of shrewdness of crime: Does he now think he should have come out
- (d) other
- (e) Instruction to other police suspects. How conveyed.

8 May 29 / 1971

- Some on 7(e)
- (a) Trace his movement in detail; Refer to all statements + notes.
  - (a)(i) Refer to Occurrence reports + notes
  - (b) Refer to Woods notation
  - (c) why require Junior to be around station all day. Any warning that he a suspect
  - (d) Prior knowledge Patricia dont other
  - (e) why no statements that day: <sup>Refer to McDonald's statement re suspect</sup> Ready at end of day

Does he have independent recollection.

9 May 30, 1971

- (a) Refer all notes in Statements  
Deal with any conflicts or evidence.
- (b) line up: Purpose? why have one
- (c) Marshall at Station: why: suspect:
- (d) visit to Louisbourg why?
- (e) statements at Station: why  
Mexico.

Go through statements in detail  
why not take one from Marshall  
days before.

- (f) Blockade of Memberton.  
Theory at end of day  
check of records? M.O.'s?

10 May 31, 1971 - June 3, 1971

- (a) Trace activities in detail
- (b) Refer to all notes & statements  
deal with all conflicts in  
evidence given by others.

Theory at end of day.

Does he have independent recollection

June 7, 1971

(11)

(a) Activities in Detail: Independent Recollection

(b) Peattie Statement:

(a) where - visit to Park

(b) So through statement in detail - critical analysis?

(c) Believe him?

(c) Grant Statement:

(a) where: In Detail

Refer to all conflicting evidence

(b) Refer to statement in detail

(i) critical analysis? any suggestions to him

(c) Believe him?

Theory of crime?

(d) ~~⊕~~ Laying of Information: (at Procedure)

~~(d) How can the...~~

Marshall Arrest:

In detail

Warnings

any conversation

Surprise

June 5 - June 16/71

12

- (a) Trace activity in detail: why being done?
- (b) Refer to all notes + statements & any evidence referring to them.

Independent recollection?

- (c) Tom Christmas incident.
  - i) Refer to records.

June 17/71

13

Does he have Independent Recollection

Patricia Harris

- a) Why Harris at Police station.
- b) Was her statement verbatim.
  - i) Point out "witness" abuse on original. Explanation
  - ii) Refer to First Statement. His knowledge of it.
  - iii) Refer evidence of Harris + Mrs. Harris
  - iv) was she there entire time.
  - v) Refer to his handwritten note re O'hilly tennis? when made?

7

Harris  
vi) any contact with Harris later  
vi) why was O'Reilly question asked to Harris.

c) Terry Bushue

- i) why at Police Station. who arrive. How.
- ii) Contact with Harris
- iii) Explain "witness"

Theory

June 18/71

14

- a) O'Reilly turns Independent Recollection
- i) when picked up? why? How?
  - ii) through statements in detail. Refer to evidence

Defence

15

(a) Appearance Problem: Khattar.  
Their knowledge of his practice of taking statements.

15

June 19 - Sub Preliminary

- (a) Activities
  - (b) Review any statements. why taken? Leads.
  - (c) Deal with any conflicts in the evidence.
  - (d) Attempt to get blood sample: collusion Dr. Vucich; request of defense counsel.
  - (e) Visits to scene.
  - (f) Consultation Crown: witnesses; file material to Crown. Explanations.
- Preliminary Hearing

17

Preliminary - TRIAL

- (a) Consult Crown - witnesses
- (b) Practice visit to N.S. Hospital. Advice to Crown.



18

# TRIAL

- (a) Present throughout
- (b) Restio experience in Hall
- (c) Surprise at Verdict:

Key point: Fact Chart & Restio had no connection & come up with the same story.

19

Nov. 15/71

- (a) In Detail: Instructions: From whom Review Statements & evidence of other. Questions which arise from statements
- (b) who introduced R.C.M.P. (compare with Walker evidence)
- (c) Things that could (should) have been done:
  - (i) line up
  - (ii) Interview other witnesses:
    - Chart: Restio: Marshall:
    - Donna Elsay
  - (iii) Check of records - Elsay
- ~~(d) Refer to Marshall Testimony~~
- ~~(e) Introduction of R.C.M.P.:~~
- (d) fine differences in statements

(20)

Nov. 15 - Nov. 23/71

- (a) Contacts with Al Marshall: compare with Marshall evidence.
- (b) Material given to Marshall
- (c) Visits to scene. other assistance.
- (d) answer results of Polygraph Report?

(21)

Dec. 1971 - 1973

any dealings

(22)

1973

- (a) contact Ratchford & Donna Elson. (Refer Ratchford evidence)
- (b) Ever discuss to Vignobant

(23)

1975

Eugene Cole:  
Refer to Cole notes

24

1971 - 82

(a) Correction Services:

Dealings with These Services

(b) Recommendation against visits home by Marshall. why he being asked.

25

Promotion to Chief

(a) Deal with History: possible return.

(b) Organizational & Procedural changes implemented by him.

(26)

Jan. 1982

- (a) Monson letter. what new here?
- (b) Response.
- (c) Refr. to contacts with  
Wheaton, Counsel, Davis,  
Frank Edwards, Gordon Hill,  
Gordon Cole

Belief?

- (d) documents & materials - give  
to RCMP. why legit for  
letter from A.G.

Reference

- (a) His involvement
- (b) Affidavit
- (c) other

Division Appeal Division

(28)

- (a) His comments

29

CBC Action

- (a) Refer to Transcript of broadcast & get his comments.
- (b) action stopped by him

30

Summary:

list number of people who he says control the <sup>agencies</sup> in the evidence they <sup>have</sup> given  
 Common denominator is MacIntyre.

Regrets? mistakes  
 anything he would do differently

Mac Intyre

Age.

Family

Career:

Education: Grade X Courses 1942 May? 1956 - 2 weeks

Address: 1950

TRAINING for Police Force

History with Force:

Training

Courses:

For last promotion deal with his  
Qualifications for job. Seniority(?)

Relationship between Patrolmen &  
 Detectives: ✓ Any change until some  
 crime happens. Occurrence reports. Difference.  
 What happened to them?  
 who took statements: Patrolmen?

Who laid Informations? Appeared in Court

Detective: Describe job.:

Detective Sgt.

Chief of Det.: Training of others. ✓

Appearance of Michael R.: Bill Vegetant.  
 Premier experience before Detective

His confidence in others: why

complaints to chief? Police Commission?  
 competence? Training? Promotion? why  
 procedure? change

Statements:

1 (2)

Training

✓ Practice: take down everything said?

Asking questions - no one to interfere

~~Voir dire Ebsary FRAC~~  
Stand or sit?

Witnesses: Signature? General practice to have witness sign if present? Should

why?

✓ should be present?  
McDonald X/1701

Read over to witness?

take down everything said?

Q & A form?

Juvenils: any different practice?

Michael R. McDonald X/1696 if going to take a statement have to be one of parents present. Policy

why must parent present? 1697\*98

Refusing? Define

Get in trouble if do not tell the truth?



✓  
Investigation: Manual? Person in charge?  
 Practice followed: How decided?  
 Reporting procedure

Make notes of everything he did?

Statements: take from everyone  
 spoken to? why?

Reference occurrence reports? ✓  
 Crime reports?

Involvement patrolmen ✓

typing of statements:

which ones? why

Instructions? add information later? ✓

what kept in files? who decided?

what files retained? when? why  
 all

1(3)

✓ What records available to Police in 1971.  
occurrence reports. Crime Reports. How far through  
despatch system in Jail.

What assistance available from RCMP + other  
Cooperation?

Ident. Services: <sup>photo  
drawing  
fingerprinting</sup>

What available. From where.

Importance for investigation? Proof  
AT TRIAL. GTS

Jalousy or rivalry?

42  
29

71

major:

- Murder + other violent death ✓
- attempted murder ✓
- major assaults
- B + E + robbery
- others?
- arson

murder : 2

ATtempts : con / recall org / unusual



# Major Crimes: Define

(4)

1 (4)  
(5) Instruction to his staff re  
procedure to be followed when  
dealing with major crimes. ✓

to patrolmen? ✓

Any manual of any kind available  
for staff.

Experience only? ✓ Involvement chief? Det. Sgt?

Go through curriculum of  
Byon & Wright on  
these points.

Number of major crime investigations ✓  
he has experienced? Prior & Subsequent 1971

Murder & violent death ✓  
attempted murder ✓  
Major assaults ✓  
B+E and robbery  
Other

Independent Recollection

1(6)

What assistance available  
from + sought from

RAMP ✓

Other Police ✓

Informants ✓

Crown Prosecutors ✓

Other ✓

2 ①

# Knowledge of Jr. Marshall

Any charges would be known.  
any other?

Go through Records: Chronology  
p. 48 Vol. 22

See GA

Fingerprinting practice.

16/108 - Fingerprint for LCA violation?

Based on experience would not be alarmed  
if he committed a murder  
15/192.  
what previous dealings suggest such  
a conclusion?

Clemens Incident

Refer to evidence

Clemens:  
Had no idea why they wanted to talk to Joan <sup>XIX</sup> 3449  
Not invited to come but did anyway  
took Joan in office by herself & gestured to mother  
to sit outside 3454

Mother entered room because Joan being told  
she could be in juvenile court if she didn't say  
what they wanted 3458 \*  
~~Mother (Catie)~~

Not a proper person to bring up child because  
littering her with around 2 unsavoury characters  
told him he was like bloody Estepo or Pissin 3460 \*

Jr. Marshall not a proper person for  
Joan to be associating with 3461 \*

If don't get him on this one will get him  
on another 3475 \*

BACK TO 6



EMILY CLEMENS, by Mr. Spicer

1 A. Yes, I did.

2 Q. Okay, what was it that prompted you to go into the room?

3 A. Well, at that time he was saying that if she didn't say  
4 what she wanted to say that she could be in -- she could go  
5 up against, I don't know, juvenile court or something  
6 or another to that affect.

7 Q. Could you just -- do you want to just go back and repeat  
8 that for us because his Lordship did hear you?

9 A. Well, he was trying at the time -- I mentioned -- I heard  
10 her mention something about juvenile hall or juvenile court.

11 COMMISSIONER EVANS:

12 Juvenile --

13 BY MR. SPICER:

14 Q. Sorry, junior --

15 A. Juvenile.

16 Q. Juvenile, juvenile.

17 A. Yeh, that's it yeh. He was mentioning to that effect if  
18 she didn't tell the truth that way and of course when he  
19 mentioned that, I got kind of worried because I said "Gee  
20 what's"-- I thought it was more to it then it really was  
21 you know, just giving the liquor thing. And I was more  
22 curious to go in and find out what else was, you know,  
23 that he was trying to get out of her.

24 Q. Right.

25 A. So I went in and --

EMILY CLEMENS, by Mr. Spicer

- 1 Q. Do you go in and -- did you just stroll in or did you go  
2 in go in -- were you angry at this point?
- 3 A. I was annoyed --
- 4 Q. Annoyed?
- 5 A. -- and I was quite upset at the time.
- 6 Q. Why were you annoyed and upset?
- 7 A. Well, I just didn't like the way that it was. I felt that  
8 that time if he had have been a little more not so forceful  
9 with her. If he did want to get something out of her, he  
10 may have got a better chance if he was more human about it.
- 11 Q. Okay. You went into the room?
- 12 A. Yeh.
- 13 Q. What did you say?
- 14 A. I just asked him why he was the way he was and everything  
15 else. And he said, "I think your daughter is lying." And  
16 I said "Well, if she told the truth", and I said, "I think  
17 she does." Because I said "Because she's not a person that  
18 would lie that way." You know, one thing led to another.
- 19 Q. Well, and when you say one thing led to another, I want you  
20 to make sure that you tell us as much as you can remember  
21 as to what was said?
- 22 A. Well, he said that he asked if I knew where my daughter was  
23 all the time and I said well, I said, yes, I -- I knew that  
24 she went to school. I knew she went out. And we always --  
25 she always phoned when she went any place to let me know

EMILY CLEMENS, by Mr. Spicer

1 where she was at and that. . And she said that -- and then  
2 he went and told me that I wasn't what you would call a  
3 proper person to be bringing up any child because I didn't  
4 -- that I was letting my children run around with  
5 unsavoury characters. To that effect. So then I got mad  
6 and told him off.

7 Q. And when you told him off, what did you say to him?

8 A. Do I have to say it.

9 Q. Yes.

10 A. I told him he was like bloody Gestapo or Russian. I said  
11 then you remind me of a bit little lobster, you never --  
12 you don't know when to leave go. Well, he asked me to say  
13 it and I told yeh.

14 Q. All right. I'm sorry you're going to have to say it again  
15 though because you said it so quickly. Just slow it down  
16 a little bit.

17 A. Well, I told him at that time that he reminded me of  
18 somebody in the Gestapo or --

19 Q. Gestapo.

20 A. -- Gestapo or Russian. And I said another thing too, I said  
21 you remind of a lobster, when you grab a hold of something,  
22 you don't know when to let it go.

23 Q. You remind me of a lobster, when you grab a hold of something,  
24 you never let go?

25 A. I don't know -- that was my way of telling him --

EMILY CLEMENS, by Mr. Spicer

- 1 | Q. That was your way of telling him what?
- 2 | A. That I didn't like what he was doing.
- 3 | Q. And then -- the comments that he'd been making before that
- 4 | that you, I think you've indicated, you didn't know where
- 5 | your daughter was and that suggestion was being made to
- 6 | you. How did you respond to that? Did you say anything
- 7 | to that?
- 8 | A. I got mad and I may have said a few more things but as I
- 9 | said I don't remember at the time while I was there.
- 10 | In fact I didn't even remember what I said before
- 11 | until someone else reminded me of what I said.
- 12 | But I did get made at him because I found out that my
- 13 | daughter -- I respected her rights and she respected mine
- 14 | and she -- when she went out, she always phoned me to let
- 15 | me know where she was and that and I said I wasn't going
- 16 | to be a watchdog on her.
- 17 | Q. During this conversation or exchange between yourself and
- 18 | John MacIntrye, did he make any reference to Junior
- 19 | Marshall?
- 20 | A. You mean --
- 21 | Q. When you were in the room there?
- 22 | A. Well, he just said that he wasn't the proper person that
- 23 | my daughter should be associating with.
- 24 | Q. I'm sorry, he told you that Junior Marshall was not a
- 25 | proper person?

EMILY CLEMENS, by Mr. Spicer

1 | that he or the police could have gotten Junior Marshall --

2 | A. Well, it was --

3 | Q. -- on or did he say to you

4 |           If I don't get him now, I'll get  
5 |           him later on.

6 | Which was it?

7 | A. Well, he said it -- that he would make the mistake sometime  
8 |     in the near future that he would probably would get him --  
9 |     pick him up on it. That's what I understood it; now I  
10 |    couldn't.

11 | Q. I see.

12 | A. Something to that effect.

13 | MR. SPICER:

14 | Is that clarified, my Lord.

15 | COMMISSIONER EVANS:

16 | Q. Well, on this. Does that mean that as I get the gist of the  
17 |     conversation that was going on between Marshall and your  
18 |     daughter. He thought -- I'm sorry, between MacIntyre and  
19 |     your daughter, the police were of the view that Marshall  
20 |     had given liquor to your daughter?

21 | A. That's right.

22 | Q. And your daughter denied that Marshall gave her any liquor?

23 | A. Yeh, he denied at that time being given the liquor.

24 | Q. Now did she admit that somebody had given her liquor?

25 | A. As far as I understood it they got the liquor but she didn't

2 (2)

Tom Christmas

Knowledge:

Granstone Incident: had group of men in cell. playing one against other 4/40-4/56  
Vol. 22 pp. 6 ff

Go through records: Refer to Christmas evidence  
Serenity of Sentence?  
Vol. 22 pp. 25, 28, 33

Present summary preliminary? Hear evidence of  
Proctor? Attempt to Tell Truth.  
Exhibit 22?

2(3)

Natives

General Dealings with them.

Refer to evidence.

Andrews - Indians noted from Vol VII 1178-1180

Ever told this by anyone? Suspended?

O'feilly evidence re handling

7.65.

Native evidence - sleeping it off.

Dustan - Indians treated differently

2(4)

Seale

Knowledge?

Father?

Experience?

Record?

Capable of robbery?

1 the other girls.

2 Q. Okay. Are you saying then that there was a feeling among the  
3 girls in the group that their membership in this group or their  
4 being part of this group was generally something that the  
5 other parents didn't approve of?

6 A. Yes.

7 Q. Why was that?

8 A. I believe there was a lot of prejudice at that time. That's  
9 my personal opinion.

10 Q. Other than your parents nonapproval, was there any other  
11 evidence or suggestion of this prejudice?

12 A. The police made it very clear that that was bad company.

13 Q. Okay. Could you tell us how you arrived at that conclusion,  
14 please?

15 A. We were at a midnight show in Sydney on Charlotte Street. We  
16 were out walking around and a police car stopped, took our  
17 names, addresses, telephone number, and that was it. We were  
18 left alone after that not realizing that they had made a visit  
19 to my house asking if they knew who we were with, that we were  
20 in very bad company, and this was in the middle of the morning  
21 so it was quite a shocker to my parents, thinking there may  
22 be a bad accident or something.

23 Q. Okay. Do you know roughly when this occurred in relation to  
24 the incident?

25 A. I believe it was that summer. The summer of '71.



- 1 Q. Following the incident?
- 2 A. No, before.
- 3 Q. Do you recall who you were with? The members of the group?
- 4 A. Yes, I do. I was there with Artie Paul, my sister, with Pius
- 5 Marshall.
- 6 Q. Your sister Margaret or --
- 7 A. Mary.
- 8 Q. Sister, Mary.
- 9 A. There was Theresa MacNeil and Junior Marshall. I believe that
- 10 was it.
- 11 Q. Okay. And you say it was the middle of the morning. Do you
- 12 mean the middle of the early morning?
- 13 A. Yes.
- 14 Q. Around what time?
- 15 A. I'd say between one and two.
- 16 Q. Had you been out walking around on Charlotte Street that hour
- 17 of the morning before?
- 18 A. No.
- 19 Q. Do you recall who the policemen were?
- 20 A. No, I don't .
- 21 Q. Did they come up in a car, though?
- 22 A. Pardon me?
- 23 Q. They came by in a car or were they on the beat?
- 24 A. They were in a car.
- 25 Q. And they stopped?

1 Q. The other question I -- You had known Junior Marshall for  
2 some period of time prior to this?

3 A. Yes.

4 Q. Had you known any incident that -- any trouble that he had,  
5 that is Junior Marshall, with the police --

6 A. No.

7 Q. --with respect to supplying liquor to minors. Did you know  
8 anything about that?

9 A. No, I didn't.

10 Q. You did not. Okay. Was it your view that the police were  
11 concerned because you were out with the Marshall boy or was  
12 it just because you were out with some Indian boy?

13 A. I believe it was the particular people that we were with that  
14 night.

15 Q. That is Marshall and his brother?

16 A. Yes, and Paul.

17 Q. And a Paul.

18 A. Artie Paul.

19 Q. And that was the concern of the police officers who went to  
20 your father?

21 A. Yes, that's correct.

22 COMMISSIONER EVANS:

23 Thank you. I have no further questions.

24 MR. CHAIRMAN:

25 That's all thank you very much.

1 Q. Did you ever have occasion of any contact with the police  
2 when you were hanging around with the Indians?

3 A. Just once, one night.

4 Q. When was that?

5 A. Well, it was months before Junior was convicted. I don't  
6 know what month.

7 Q. Okay.

8 A. But --

9 Q. Can you tell us what happened?

10 A. Well, we were at a show and it was --

11 Q. When you say we, who is we?

12 A. My sister and I and --

13 Q. Your sister?

14 A. My twin sister and my older sister. And we were at --

15 Q. And your twin sister's name is Margaret?

16 A. Margie. Margie and Catherine were there and it was about one-  
17 thirty in the morning. We left the show and we started walking  
18 down by the Credit Union on the corner of Townsend and George  
19 and they stopped us. I was --

20 Q. Who were you with?

21 A. I was with Pius Marshall and my sister was with Artie Paul  
22 and we weren't really doing anything but they said that --  
23 took our names and where do you live and we gave all the  
24 information out and then they called my parents and told them  
25 that we were walking with the Indians and that. I guess they

- 1 |       couldn't take us in. We weren't really doing anything.  
2 |       I don't think anyway.
- 3 | Q. They called the parents that night?
- 4 | A. Yes, or they went down to the house. I can't remember now.
- 5 | Q. They went to your house that night?
- 6 | A. Yeh, they went to the house. I don't know if they called  
7 |       first or went down to the house. My father didn't appreciate  
8 |       it anyway. I remember back.
- 9 | Q. Do you know who the policemen were?
- 10 | A. I think it was Boots Walsh?
- 11 | Q. Boots Walsh?
- 12 | A. I'm -- possibility.
- 13 | Q. Why do you think it was him?
- 14 | A. Well, that's the only man that I remember that, you know,  
15 |       I can see his face and that.
- 16 | Q. You remember a description of him?
- 17 | A. Yeh. Tall, slim like you. Make you feel good.
- 18 | Q. I'm not so sure about that.
- 19 | A. I remember he rolled down the window but, you know, I couldn't  
20 |       tell you what colour eyes he had but I know he was thin and  
21 |       thin faced. Just -- and --
- 22 | Q. Why would they call your parents or why did they go to your  
23 |       parents house?
- 24 | A. I guess cause we were walking with the Indians. We should  
25 |       have been home in bed.

1 Q. Did they tell you that it was because you were with  
2 the Indians?

3 A. Yeh, they just asked where we were coming from and where  
4 we were going and, you know.

5 Q. Had you been out on the street at that hour of the night  
6 before?

7 A. No, it's was just that we were supposed to be in the show  
8 but we weren't.

9 Q. At one-thirty?

10 A. Yes. We were walking down to go home.

11 Q. Do you think they would have stopped you if you had been  
12 with White guys?

13 A. No, I don't think.

14 Q. Still one-thirty in the morning?

15 A. Yeh, well, if, what was it? If there had have been a curfew  
16 or something, why didn't they take us home?

17 Q. Why do you think that they would not have stopped you if  
18 you'd been with White guys?

19 A. Well, just that a lot of people are prejudiced and at that  
20 time in that year we were doing the wrong thing.

21 Q. Can you tell us a little more about that? That time -- At that  
22 year you were doing the wrong thing?

23 A. Well, we were out late and we were with Indians.

24 Q. Did the police make any point of saying to your parents that  
25 you were with Indians?

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

AMBROSE McDONALD, by Ms. Edwardh

- 1 and was it consistent, those kinds of questions. Can you  
2 re-formulate that in a little different way so what  
3 precisely was he asking you to look for?
- 4 A. He was asking me just to read it and see what I thought of  
5 the evidence that was given and I know he had some concerns  
6 but he didn't express them to me at that time. He just asked  
7 me to read and see if I saw anything in it that was  
8 inconsistent with what I knew.
- 9 Q. And I take it what you were reading was the Reference in the  
10 Court of Appeal. You were not reading the original trial  
11 to find out -- you weren't reading the '71 transcript?
- 12 A. No, no, not the '71 it was the --
- 13 Q. It was the '82 transcript?
- 14 A. It was the '82, yes.
- 15 Q. And I take it the concern at that time was whether or not  
16 " enough or all the evidence had been put forward?
- 17 A. Yes.
- 18 Q. To see whether the Court of Appeals had been hoodwinked  
19 in aquitting Marshall, that was the concern? Isn't it, fair  
20 to say?
- 21 A. Possibly.
- 22 Q. From your discussion with --
- 23 A. I wouldn't use the word hoodwinked.
- 24 Q. Well, I'm sorry.
- 25 A. A little strong.

AMBROSE McDONALD, by Ms. Edwardh



1 Q. Okay, the Court of Appeal had not had all the material fully  
2 and fairly put before them to make a real determination on  
3 all the evidence and that was Sergeant MacIntyre's concern?

4 A. That was all our concern.

5 Q. Okay, it was Sergeant MacIntyre's concern?

6 A. It was.

7 Q. And I take it he expressed that to you?

8 A. Yes, he did.

9 Q. Is it also fair to say that at that time from his conversations  
10 he conveyed to you some notion that he believed that Mr.  
11 Marshall was guilty?

12 A. Yes, I think at that point he still believed that he had  
13 the right man based on all the evidence that he had.

14 Q. And it would be fair to say from your conversations that he  
15 still holds that believe today?

16 A. I can't say what he'd say today, I've had very few conversations  
17 with the man in the last three years.

18 Q. You may not be able to comment on that?

19 A. No, I wouldn't want to.

20 Q. The type of review you gave, I take it, was to identify what  
21 you felt was wrong with what might raise questions about  
22 whether everything was fully and frankly put before the Court  
23 of Appeal. That was the type of review that you did?

24 A. Yes.

25 Q. So when you refer to questions such as conduct of Crown counsel

*official reference*



D. LEWIS MATHESON, by Mr. Orsborn

- 1 A. Yes, I certainly did discuss that with Mr. MacNeil.
- 2 Q. Do you recall his response?
- 3 A. Well, I don't recall specifically what he said but I just went  
4 through what my beliefs were and I don't recall him having  
5 anything to say consistent to the fact that Mr. MacNeil  
6 believed that what he had in his file was true.
- 7 Q. Did you question at all the process whereby two young people  
8 would initially give statements which did not implicate  
9 Mr. Marshall, and then on a later date both gave statements  
10 which implicated Mr. Marshall?
- 11 A. I believe we had -- we had -- we asked the officers about it  
12 and in particular Sergeant MacIntyre, and I don't recall that  
13 we quizzed him about the process but he assured us that he  
14 had questioned them on one occasion and got one answer when  
15 he questioned them on the second occasion he got another and  
16 a different answer and I'm -- I sincerely believe to this day  
17 that Detective MacIntyre believed that his second answer was true,  
18 MacNeil did, and I did.
- 19 Q. I see. In the review of the file, sir, you've mentioned  
20 inconsistent statements from Chant and Pratico. Do you recall  
21 if you saw inconsistent statements from Patricia Harriss, and  
22 by a statement in her case I mean even a paper with information  
23 from her on it which is not necessarily signed by her?
- 24 A. Again I can't recall that I read that. I'm satisfied I had  
25 all the information that there was, but no, I don't recall

May 28/71

activities that day. when go home.

Michael R.  
Experience  
Competence

Confidence: why take case from him<sup>viii</sup> 1/16/72

Independent recollection of phone call?

McGilkey call: why he called?

what told? Dennis come?

Speak to chief?

why not come out??????

15/77,8

understood chap at hospital  
Detectives working.  
Call if any more info.

nothing at scene police  
couldn't look after

Instructions given to  
MacDonald?

Desk Sgt.

What did he expect was being  
done? By whom? ✓

How would patrolmen get  
instructions? Reversed?

Would

In retrospect Should he have  
come out that night

May 29/71

John O'Hara  
VIII/1672

Independent recollection?

when arrive?

Briefly MacDonald? His notes? 9.38

Partakers? who? what told.

Anyone else?

Complaints or criticisms?

Occurrence Reports &

Crime Reports?

Vol. 16

pp. 2-16

Suspects:

<sup>Wood</sup>  
~~Ryan~~ note 9.40

9.41

Evidence 1874

M. R. MacDonald - no suspect 1673\*

What instructions given to Police  
on duty?

All activities that lead to obtain  
evidence!

✓ Refused Ident. Service Offer. Ch. 147 or.  
Vol VII 1259-60 67 1274\*

Walt VIII/1407 would get all available of picture.

Review Police Records?

M.O.'s.

Elzany Record 16/1

Knife Ex. 26

Marshall

Was he around?

why?

Preliminary  
Sent for  
1574

Statement? OAL.

Questions re conflict of descriptions?

what description was he making on  
warning?Prattis: Prior knowledge?

when knew of him?

only discussion May 29.

Chand: know of him of 29<sup>th</sup>

16/97 May 30/71

why not see him on 29<sup>th</sup>

What useful info obtained on that day?

Any information fed into the Record system?

What was Maritime Comm Index System

type of info fed in by  
Sydney Police

See attached letter



Department of Justice  
Canada

Ministère de la Justice  
Canada

APR 13 1987

4th Floor  
Royal Bank Building  
5161 George Street  
Halifax, Nova Scotia  
B3J 1M7

4ième étage  
Immeuble Banque Royale  
5161 rue George  
Halifax, Nouvelle-Écosse  
B3J 1M7

426-8203

April 9, 1987

Our file: AR-21,613  
Notre dossier:

Your file:  
Votre dossier:

Mr. George W. MacDonald  
Commission Counsel  
Royal Commission on the  
Donald Marshall, Jr.,  
Prosecution  
Maritime Centre, Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear George:

Re: Donald Marshall Inquiry

I acknowledge receipt of your letter of April 6, 1987 concerning the Operations Manual of the Royal Canadian Mounted Police. As you can well imagine, the Operations Policy Manual of the Royal Canadian Mounted Police is not only voluminous, but also restricted. I do, however, enclose for your information a copy of the page from the Manual which relates to the responsibilities and procedures in initiating a prosecution. You will note, in particular, paragraph D.1.c, which sets out that the decision to lay charges rests solely with the Police.

During the interviews which took place on March 30, 1987, we discussed the nature of the police information services in place at the time of the murder of Sandy Seale in reference to the telex sent from Sydney Subdivision to "H" Division Headquarters on May 30, 1971 requesting a "M.O. check." I am advised that the C.P.I.C. system was not operational in 1971 and did not become operational in Nova Scotia until July 7, 1972. The Maritime Crime Index Section was operational in 1971 and it maintained what was known as a "M.O. wheel" which kept track of the M.O.'s of known criminals in the following categories: sex, arson, murderers, safe attacks, unusual crimes, armed robberies and violence. The telex of May 30, 1971 was a request for the authorities at M.C.I.S. to check this intelligence service.

Corporal Shaw has been unable to locate among the R.C.M.P. records any written response to the telex of May 30, 1971. The M.O. wheel was destroyed sometime ago as it became redundant when C.P.I.C. was introduced in July 1972. Corporal Grant Shaw is of the

.../2

Canada



Mr. George W. MacDonald  
April 9, 1987  
Page Two

opinion that Mr. Ebsary's name would not have appeared on the M.O. wheel in May, 1971. He has come to this opinion because the authorities in Ottawa advise that the Sydney Police Department did not enter any particulars of a modus operandi in the appropriate portion of Mr. Ebsary's fingerprint sheet No. 399634A, which was prepared in April, 1970 when Mr. Ebsary was convicted of possession of a weapon. Mr. Ebsary's fingerprint sheet is still lodged with the authorities in Ottawa. Since there is no indication of a modus operandi on the fingerprint sheet, it is doubtful that any entry would be made by M.C.I.S. on its M.O. wheel arising from Mr. Ebsary's conviction. It is also noteworthy that the telex of May 30, 1971 requested M.C.I.S. to check for a male between 5 feet 8 inches and 6 feet in height. Mr. Ebsary's height is only 5 feet 2 inches, so it is highly unlikely that a check would have resulted in the identification of Mr. Ebsary, even if his name had been entered on the M.O. wheel.

Yours very truly,



James D. Bissell  
General Counsel  
Director, Atlantic Region

JDB:ja

Enclosure

Suspect at end of day?

M. R. MacDonald - no indication  
Marshall guilty at end of Saturday 16/86

~~what effort~~

Refer 16/90

who would & could request?  
charge? Record?

where would the description of  
the two men come from?

any reply? Follow up?

known at end of the day?

Theory at end of the day?

Give any criticism of people involved that night?  
How conveyed.

Walsh - did not get dying declaration<sup>1111</sup> / 1351  
- left scene. did not secure  
Maidonald!

1. Did not take statements from  
Chant! Marshall! Did not even  
get Chant's address

2. Did not go to spot where body found<sup>MR. 1661</sup>  
to look for blood <sup>1736</sup>

3. Did not get info from Walsh. Deon. Meoy

4. Gave no instructions to patrolmen or  
Sgt. Regard <sup>X/ 1650</sup>  
<sup>1727</sup>  
1663

5. Did not search Marshall or ask  
if he had a knife

6. No search of Seale's clothing or  
accommodation to <sup>Secure</sup> ~~obtain~~ them? Did Seale  
have any money, etc. 1716

7. No request of Dr. to obtain blood sample &  
check for alcohol - drugs.

8. Did not secure scene. Did not call in  
Ident. Services.

9. Did not search for witnesses. Talk to  
residents. (Basic Technique to do so 1677)

10. Had description from Marshall Lees  
This not put out even codis. 4. 38

Cf. McCoy 16/40  
Macdonald 16/8  
1728

Reyn Standard Techniques - Service Crime  
1863++

1. Cordon off area. Preserve evidence ✓
2. Get statements as soon as possible ✓
3. Get names of witnesses
4. Get on scene as soon as possible ✓
5. Get Ident. Assistance ✓
6. Get post mortem (Police Decide MacDonald 1719)   
 wanted about one 1687  
 Reyn 1864
7. Secure victim's clothing - immediately
8. Door to door canvass - make note of anything told to you
9. Check records for similar M.O.'s

Weight 5258 ft

1. First consideration protect scene & gather the evidence. <sup>blood</sup> <sup>measuring</sup> <sup>etc.</sup> tape it off & leave someone
2. Get names of witnesses & statements
3. Call in Ident. Services immediately. Photos. Measurements
4. Post mortem
5. Use special egg shell or metal detector
6. Door to door canvass - keep note ✓
7. Obtain clothing of victim

Any possible explanation for failure to do most basic things except ~~etc~~: (i) total incompetence or (ii) already had a theory & looking for evidence to substantiate

How avoid tunnel vision? Premature Conclusion

May 30, 1971

Independent Recollection

4(9)(a)

Refer handwritten note 16/30  
of Barbara Floyd evidence 3/29, 30  
why no statement? eye witness denial

who else seen that day or

May 29 16/15 16/130

Olona Dixon 16/24 16/25  
whose handwriting

(b) Marshall at Station? Why?

suspect? warning? Suspect?  
Refer Preliminary

line-up. - 15A/7 MacDonnell X/1690-1  
why? who? 1692\* - would not have a  
Ricards -1692 lining if no suspect.  
1751-52  
Newspaper Article  
!!

House to House interview

BARBARA FLOYD, by Mr. Spicer

- 1 left onto Argyle, gone past Argyle a little beyond Crescent?
- 2 A. Yes, past Crescent a bit.
- 3 Q. Right and you would've dropped Joan off there?
- 4 A. Yeh.
- 5 Q. Okay. And then where would you and Sandra have gone?
- 6 A. Back down this way and over here and up that way.
- 7 Q. Okay. So back down Argyle, along George a little bit, and
- 8 then off along by Cottage Road?
- 9 A. Yes. Up towards Townsend Street.
- 10 Q. Up towards Townsend Street?
- 11 A. Yes.
- 12 Q. During the course of taking Joan over towards -- on Argyle and
- 13 on your trip back, did you hear any sirens or see anything?
- 14 A. No.
- 15 Q. Did you see anybody at all?
- 16 A. No.
- 17 Q. So the only person you would've seen would've been John Pratico
- 18 when you left the dance?
- 19 A. Everyone at the dance was there outside.
- 20 Q. Sorry?
- 21 A. Everyone that was at the dance outside and around, yeh.
- 22 Q. Yes. Did you have -- Were you visited the next morning by
- 23 John MacIntyre?
- 24 A. Yes.
- 25 Q. And you -- Was he by himself?

BARBARA FLOYD, by Mr. Spicer

- 1 | A. No. Mr. Mallowney.
- 2 | Q. Was with him?
- 3 | A. Yes.
- 4 | Q. Do you remember what time of the day that was?
- 5 | A. It was shortly before noon. It wasn't really early. It was  
6 | later in the morning.
- 7 | Q. Okay. And did you meet him at the door or did your mother?  
8 | Did you go to the door and answer the door?
- 9 | A. No, I don't know who answered the door. It wasn't me.
- 10 | Q. Did MacIntyre and Mallowney come into your house?
- 11 | A. Yes.
- 12 | Q. And what was it that they were there for?
- 13 | A. To speak to me.
- 14 | Q. Did they tell you what it was they wanted to talk to you about?
- 15 | A. They told me that Junior and Sandy had been stabbed the night  
16 | before and they asked me if I was at the dance, and then they  
17 | asked me if I was in the park.
- 18 | Q. Right. And what did you say?
- 19 | A. I said I wasn't in the park.
- 20 | Q. What did they say to that?
- 21 | A. Well, they said that they had an eye witness that said that I  
22 | was there.
- 23 | Q. What did you say?
- 24 | A. That I wasn't.
- 25 | Q. Did they persist in --



BARBARA FLOYD, by Mr. Spicer

1 A. Yes, they described me. At the time, I had a towel on my head  
2 because I had just gotten out of the shower, and they knew  
3 exactly what I looked like. They knew what clothes I wore and  
4 things like that and said that somebody did see me there.

5 Q. And in the course of telling you that somebody had seen you  
6 there the night before, did they describe to you the clothes  
7 that you had been wearing the night before?

8 A. Yes.

9 Q. And did they describe them correctly?

10 A. Yes.

11 Q. Can you give us any idea of how many times they suggested to  
12 you that you were in the park?

13 A. A few times.

14 Q. And would those suggestions have been being made by MacIntyre  
15 or by Mallowney?

16 A. MacIntyre.

17 Q. What was Mallowney doing?

18 A. Just standing over against the wall.

19 Q. Can you describe MacIntyre's attitude towards you that morning?

20 A. Well, he was persistent that I did -- that I was there -- that  
21 they had an eye witness saying that I was there.

22 Q. Did he tell you who the eye witness was?

23 A. No.

24 Q. And did you persist in saying, "No, I wasn't."?

25 A. That's right.

Recollection?

Louisbourg:

4 (a) (d)

Why?

Involvement in the Sea?

Discussions about?

Louisbourg? Return to Sydney?

Why no parents to Sydney?

What happened on return to Sydney? where about places?

Kept Separate from Marshall?

L(9) (e)

Restia:

who lead to him? took shield with blood (Mar-Restia x 11/22/63)

Why!! How picked up. where placed

as the Police station separated?

Check evidence that he saw Restia at Police Station.

Check statement 2/46 (3).

ferri totan ?

any contact with Marshall?

Marshall

Statements:  
no witness

16/17

Affidavit - belief that they death obtained story from Marshall!  
Why!! 15/12

10

M.R. Z

mid 40's - very  
tall - white hair  
- must stroke +  
younger

4

Dean

tall yellow-  
white hair +  
Short fellow

E. 38

M.R.

July - 90

5-8 - 6' tall  
grey hair. Approx  
50

17

Marshall

Small fellow 5-9-10

190# grey hair combed  
black - glasses

50 yrs. long wide face

long blue coat

black shoes - rounded toe

2. Brown corduroy coat - 5-11

150# - black hair 35 years  
thin face

22

Prattis

one had brown corduroy jacket

5'5" dark complexion - heavy set

Other grey suit 6'  
husky - red sweater.

18

Chart

1. 6-2 light brown hair  
dark pants - suit coat  
over 200#

2. 6' tall - dark pants  
dark hair 165#

couldn't say if young  
or old

max Neil

1. grey haired - glasses  
white top coat 180# fair  
flat on head - straight back  
round face - trumpet looking

2. 6' thin slote 30's early  
40's thin face brown  
jacketed - short

( Aff. 15/13 )

~~Practice Statements: 16/22~~

what known?

← compare statements?

Suspects.?

✓✓✓ Efforts made to locate the people  
described by Marshall?

Theory end of the day

# Blockade of Menhaden:

when occur? why?

Vol. 19/124

incidence. work vol. VIII/1346

# Season of Buck.

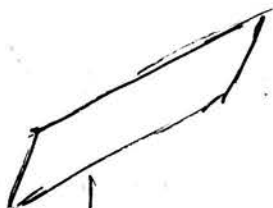
when?

where?

Remember Marshall path as described by Chant. Marshall is a suspect.

S

you're  
↓



cut boomed

Dr. Jiric

cut

suspect

(21)

May 31/87 Monday.

Dr. Dirick

Therapy done that day.

See 16/15 - Beane

not filed  
6:30

MacNeil Statement: 16/26 16/27  
of description given with photo  
of Marshall of May 30  
whose handwriting

MacNeil evidence - He contacted Police

16/13/8

MacI Aff. - para 25 15/13  
efforts made to locate these people.

what else being done.

what were patrolmen doing? what instructions?  
His investigation?

what known at end of day

Vol 1 / 103

Theory of Case



June 1 Tuesday

4(10)

Activity ?

16/15 - interview James Cotic

Theory of case:::

Dr. Verick

June 2 Wednesday

Flores' Panel Statements

16/28

Scott Mackay Statement: 16/3/1

4(10)

Get his evidence. pp. <sup>iv</sup> 652 -

Why there for 4 hours? no time of print!!  
By himself 652 see next page  
other policeman



Wouldn't take long to get his statement. 1/2

Debbie Mackay:

Spoke to her? 16/127 135

evidence. 71388 (attached)

p. 1138

When is statement? If there for 1 1/2 hour would be some writing.

He could have relevant evidence: Something  
~~at~~ Seal said

SCOTT MacKAY, by Mr. Spicer

- 1 A. Approximately four hours.
- 2 Q. And do you remember from what time in the evening to what  
3 time?
- 4 A. When I was speaking to you earlier today and I said about  
5 six o'clock in the evening, I see from my statement it was  
6 six-thirty. But it was around there, I knew it was around  
7 between six and ten at night. It was four hours.
- 8 Q. And you got home around ten or ten-thirty?
- 9 A. Ten-thirty, I'd say, yes.
- 10 Q. Okay. Do you remember who the officer was who questioned you?
- 11 A. The gentleman that came to pick me up was Detective Urquhart.  
12 He took me to the station and there I met with Detective  
13 MacIntyre, Detective Urquhart and there was another Detective,  
14 I don't know who that was.
- 15 Q. How many people would have been in the room during the  
16 questioning?
- 17 A. Three and me. Three officers, like, three Detectives and  
18 myself.
- 19 Q. MacIntyre, Urquhart and one other whose name you don't know?
- 20 A. That's right.
- 21 Q. Okay, who did the questioning?
- 22 A. Mostly MacIntyre and Urquhart.
- 23 Q. During the course of the interview, did any other police  
24 officers come in and out of the room?
- 25 A. Yes, at one point in time they were talking about the officers

SCOTT MacKAY, by Mr. Spicer

1 were at the scene that particular night and they wanted me  
2 to identify them and they had some officers come in in  
3 plain clothes.

4 Q. They would come into the room and you would be asked to  
5 identify them and they would leave again? *Wheee*

6 A. That's right.

7 Q. Were you able to identify any of them?

8 A. No, Sir.

9 Q. Your statement Mr. MacKay is rather short. Can you tell us  
10 what was going on for the four hours that you were at the  
11 police station?

12 A. Well, they -- first of all they asked me to give, you know,  
13 the accounts of the night, which I did. Then they went over  
14 it a second and the second time they started tearing it apart  
15 and, you know, questioning -- the first -- like -- the first  
16 time I said it, they didn't question too much and the second  
17 time there was questions after every action it seemed like,  
18 you know. So that took a while and then the officers came in  
19 that were supposedly on duty that night in plain clothes.  
20 So we went through that. They had me call a friend while I  
21 was there too to confirm something, I can't recall what it  
22 was exactly, I had to confirm --

23 Q. They had you call a friend?

24 A. Yeh.

25 Q. Do you remember who the friend was?

SCOTT MacKAY, by Mr. Ruby

1 Q. All right. The process that -- you used the phrase, when  
2 my friend was asking the questions about the statement  
3 taking process: "tearing it apart." To quote reference to  
4 your statement. Have you told us know what you mean  
5 by tearing it apart or was it something that you just --

6 A. Well, just going over it so many times. Like, you know,  
7 you get tired of saying it and -- you know, like I can  
8 see giving a statement and going over it a second time but  
9 --you know, not going over it a third time and -- you know,  
10 like they were -- it just seemed to be a little to much --  
11 you know. That's all I'm saying.

12 Q. They went over it again and again?

13 A. Yes, sir.

14 Q. The same points? I guess sometimes the same points --  
15 sometimes different points?

16 A. Yeh, I guess. Yeh.

17 Q. Yes?

18 How long did this interrogation last? Can you estimate  
19 it for me?

20 A. It was four hours that -- from the time that I sat  
21 in to about the time we finished up. Approximately four.

22 Q. Four hours -- they were questioning you for a four  
23 hour process?

24 A. Yes, sir.

25 Q. And you were all alone?

SCOTT MacKAY, by Mr. Ruby

1 A. That's right.

2 Q. My goodness. Did they offer you at any point an opportunity  
3 to have a adult there? Your mother, family member, older  
4 brother?

5 A. No.

6 Q. Would you have liked such an opportunity to have someone there  
7 with you?

8 A. If I had have known what they were going to do, darn right.  
9 I trusted them -- you know, they're officers -- you know,  
10 but in my opinion they didn't treat me very good. Like,  
11 but I'm sure if there was somebody else there it would have  
12 been a little better.

13 Q. And you wound up feeling, as I understand it, that you  
14 were the criminal and not --

15 A. Yeh, that feeling -- like you know -- like you know, it's  
16 just -- I think they would have had a little more respect  
17 of the situation, that they had me there, if I had my  
18 father or mother or a professional lawyer or something.

19 Q. You had the feeling that you were going to get in to  
20 trouble?

21 A. Sort of felt that way, yeh.

22 Q. The last thing I want to ask you about is during Junior  
23 Marshall's reputation. You said it was a bad one and he  
24 reputation for picking fights and being a trouble maker,  
25 did you personally ever see him pick a fight?

SCOTT MacKAY, by Mr. Pugsley

1 Q. And you had signed those two pages after the statement  
2 was written down by Sergeant MacIntyre?

3 A. Yes, sir.

4 Q. Yes. If you turn to page thirty four-- page thirty four  
5 appears to be a statement taken on June 2nd, 1971, the  
6 same evening at seven thirty p.m. from a Lawrence Paul  
7 signed by Detective MacIntyre. Do you know Lawrence Paul?

8 A. No, sir.

9 Q. No. And if you turn to page thirty six, there's a statement  
10 again on June 2nd at eight o'clock signed by Arthur Paul  
11 and witnessed by Detective MacIntyre as well. Could  
12 it well be that Sergeant MacIntyre saw you when you initially  
13 came in at around six thirty in the evening but was out  
14 for a period of time at seven thirty and then eight o'clock  
15 to take these other statements and then returned to the  
16 room where you were being questioned?

17 A. Yes, like I said he was gone at certain times. He wasn't  
18 there for the full four hours but he was there for the  
19 greater part -- like two thirds of the night he was there.

20 Q. You indicated to my friend that you would have been happier  
21 if an adult had been present with you. If your mother  
22 had been present with you?

23 A. Yes.

24 Q. Did you make the request that your mother be present?

25 A. No, sir.

SCOTT MacKAY, by Mr. Pugsley

1 Q. Was there any attempt by either Detective MacIntyre or  
2 Detective Urquhart to force you to stay in the room  
3 against your will?

4 A. Well, they weren't going to let me go until they were  
5 satisfied with what they had. I mean I -- if come say  
6 eight o'clock I'm getting tired of what's going on and  
7 said I'm going to leave now, I don't think I could have  
8 been able to leave.

9 Q. I see. Did you say that you wanted to leave?

10 A. No, I wanted to satisfy them to -- you know, I wanted to --  
11 I gave a story and I wanted them to be satisfied with with  
12 I recalled that night and --

13 Q. Of course.

14 A. -- you know, I didn't want to stay there, no. Sure. So  
15 maybe it was against my will although I didn't say I wanted  
16 to leave.

17 Q. No.

18 A. Like they came over to Westmount and picked me up. The  
19 City Police and I had no way home. I had no money to  
20 get a bus or nothing so -- you know. As far as I was  
21 concerned when I was going home was when they were satisfied.

22 Q. Was your mother there at home when they picked you up?

23 A. Yes.

24 Q. She knew where you were?

25 A. Yes, sir.



DEBORAH M. TIMMINS, by Mr. Spicer

1 A. Nothing, no.

2 Q. --been there the night of the stabbing?

3 A. Right.

4 Q. Okay. Did your parents express any desire to come with you  
5 to the police station?

6 A. No.

7 Q. So you went down with your brother and your uncle?

8 A. Yes, I did.

9 Q. And when you got to the police station do you remember by  
10 whom you were interviewed?

11 A. Well, I remember Mr. MacIntyre mostly and there was one other  
12 gentleman but I can't particular make him by name.

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*SP*

DEBORAH M. TIMMINS, by Mr. Spicer

- 1 Q. All right. Do you remember what he looked like?
- 2 A. No.
- 3 Q. No. Do you remember for how long you were at the police  
4 station?
- 5 A. Probably for an hour or an hour and a half for sure.
- 6 Q. All right, and what sorts of questions were you asked?
- 7 A. Just in general what happened that night, and you know, what  
8 we would -- we come across and what was said and stuff like  
9 that.
- 10 Q. Were you being questioned by MacIntyre?
- 11 A. Yes, most of the time.
- 12 Q. Most of the time.
- 13 A. All the time. He was there the whole time.
- 14 Q. Do you remember anything in particular that he was asking you?
- 15 A. Well, not really just that he -- I found him a little suggestive.  
16 Things that I didn't see that maybe I should have seen or some-  
17 thing.
- 18 Q. Can you remember any -- Can you give us any examples?
- 19 A. Well, for instance a man in a trench coat which I had no  
20 recollection of at all but it was suggested more or less that  
21 I did see him, but I didn't.
- 22 Q. Suggested to you by whom?
- 23 A. Mr. MacIntyre.
- 24 Q. I see. Is there anything else that you recollect about that  
25 meeting?

DEBORAH M. TIMMINS, by Mr. Spicer

- 1 A. Yes, and the railroad tracks. Crossing a railroad track,  
2 but like, you know, I had to cross the railroad tracks,  
3 really precise sort of thing and I said, "No, I didn't."
- 4 Q. What was the reason that it was suggested that you had to  
5 cross the railroad tracks?
- 6 A. I don't know why unless -- I don't -- I don't know why, why  
7 it was. Like it was more or less really suggestive and I  
8 kept saying, "No, that isn't where I went." or "That isn't  
9 how I went."
- 10 Q. All right, and how many times would you have had to say, "No,  
11 that's not where I went."?
- 12 A. Oh, quite a few times.
- 13 Q. And what happened? Had they finally stopped asking about that?
- 14 A. Yeh, well, my brother kind of spoke up. He said, "Well, if she  
15 didn't see nothing, she didn't see nothing." sort of thing so  
16 he kind of give up on it.
- 17 Q. Okay. Did you say anything to the police that day about Sandy  
18 having said to you, "no cops".
- 19 A. Yes, I told everything that I had heard and seen.
- 20 Q. And you remember telling them that?
- 21 A. Yes.
- 22 Q. I see. Do you remember whether or not you signed a statement?
- 23 A. Yes, I did.
- 24 Q. Do you remember whether the statement was written out by  
25 MacIntyre or by anybody else?

DEBORAH M. TIMMINS, by Mr. Spicer

- 1 A. I'm not really sure who wrote it out but it was hand-written  
2 and I know I signed it.
- 3 Q. Do you remember signing it?
- 4 A. Yes, I do.
- 5 Q. Did you read it before you signed it?
- 6 A. Not particularly, no, because I just figured they writ down  
7 what I said.
- 8 Q. All right, was it read out to you before you signed it?
- 9 A. I can't remember, no.
- 10 Q. And this statement would have been taken at a time when you  
11 were still in school?
- 12 A. Yes.
- 13 Q. And when did school end?
- 14 A. The end of June.
- 15 Q. The end of June?
- 16 A. Yeh.
- 17 Q. So it would have been sometime probably in June?
- 18 A. Yeh, some time.
- 19 Q. Were you contacted at any time by lawyers acting for Mr. Marshall?
- 20 A. No.
- 21 Q. Were you ever contacted by the Crown Prosecutor's office?
- 22 A. No.
- 23 Q. No. Were you subsequently contacted by the R.C.M.P. in 1982?
- 24 A. Yes. Yes, in 1982. That was the first telephone call I got  
25 since I had been at the police station that day.

DEBORAH M. TIMMINS, by Mr. Ross

1 A. That he had been stabbed.

2 Q. I see. But I'm -- I'm speaking about when you went down to  
3 the police station. I understand you gave a statement to  
4 Detective MacIntyre.

5 A. Yes, I did.

6 Q. And he wrote this down?

7 A. Yes, he did.

8 Q. With your brother, Steven, present and your uncle, Allan, present?

9 A. Yes.

10 Q. And I'm asking you: After giving that statement, did you speak  
11 to Allan about the statement?

12 A. No, I tried to forget it really.

13 Q. I see, what about Steven? Did he ever read it?

14 A. No.

15 Q. So is it fair to say that between the time of that statement  
16 which would have been in June of 1971 and now, did you ever  
17 discuss with anybody apart from the police the statement he  
18 said, "No cops."?

19 A. Maybe casual contact or casual conversation but nothing, you  
20 know, no, nothing major.

21 MR. ROSS:

22 Thank you very much, Mrs. Timmons. No more questions.

23 MR. CHAIRMAN:

24 Mr. Wildsmith.

25 MR. WILDSMITH:

No questions, My Lord.

Lawrence Paul 12/34

4(10)

How learn of him?

Use made of statement?

Why typed

June 2 /  
 jacked jr

Artie Paul

Some questions as Lawrence.

evidence

what known

theory?

Gary Tolin :

4/10)

How learn of him?

Why take statement? Use?

not getting very far. no request for help RCMP. MCIS?

Visit to scene of crime scene occurrence.

who present.

any tips from informants? other

Resume 14/98

Theory of Case

Refer Aff. 15/12 - in detail para. 14





Friday

(26)

June 4/71

Independent Recollection?

5 (11) (a)  
(5)

Why contact Reatic? ✓

where? How get him to station?

Tell him why? Parents?

Who present? Was interview

at Police station?

Any contact with him b/w May 30  
& June 4? Discussion? W

Does statement contain everything  
said to Reatic.

What mention of earlier statement.

Perjury. Pressure

Protiv.

why brought them 2<sup>nd</sup> time?

How brought them?

Inquiries in detail in my dealings  
with him lecturer taking statements.  
(Protiv says there was a visit to Park XH/2128

who present:

Set-up: Standing ✓

Sitting ✓

everything said in on statements? 15/172

Didn't Tell P what to say 15/175

Pressure:

Prattis evidence

- 2064 We have a witness saying you were in Park that night, that I was in Park + seen what happened
- 2079-80 "We found beer bottle with your fingerprint on it"
- 2128 Went to Park with Mr. Intyre before 2<sup>nd</sup> statement.
- 2134/5 Never would have told story if not pressured by Mr. Intyre

JOHN L. PRATICO, by Mr. Spicer

- 1 "All we want is the truth."
- 2 Q. Who said that to you?
- 3 A. Sergeant MacIntyre.
- 4 Q. All right, and what did you say?
- 5 A. I said well -- I said -- I didn't know what to say so we kept
- 6 talking and he said, "You know, if we don't get the truth, you
- 7 could be going to gaol."
- 8 Q. Just a minute now. Could you repeat that for me?
- 9 A. "If you did not tell us what happened, you could be going to
- 10 gaol."
- 11 Q. Okay. Why --
- 12 A. And I was nervous when he said that.
- 13 Q. And why were you nervous?
- 14 A. Because I was never in gaol before and I know -- I know what
- 15 gaol is all about.
- 16 Q. Right, okay, go on.
- 17 A. So we're talking a little bit and he said, "We have a witness
- 18 saying you were in the park that night."
- 19 Q. "We have a witness that said you were in the park that night."?
- 20 A. That I was in the park and seen what happened.
- 21 Q. Did he tell you who that witness was?
- 22 A. No, sir.
- 23 Q. Okay. Did you believe him?
- 24 A. I didn't -- I knew -- I knew in my mind he had no witness but
- 25 he sort of insisted that there was a witness there that seen

1 me in the park.

2 Q. All right. Okay, go on.

3 A. So I just sat and we're talking. So we talked for a little  
4 while about the witness and then he said -- so we talked and  
5 then we talked and he said, "All we want is the truth. If we  
6 get the truth, that would be just fine.". And I didn't know  
7 what the truth was at that time. So we talked a little bit  
8 and we discussed what happened in the park.

9 Q. Did he tell you what happened in the park?

10 A. In around about way.

11 Q. What do you mean in around about way?

12 A. Well sort of -- like he sort of implied to that I knew what  
13 happened in the park, eh.

14 Q. Do you remember -- when you say, "he sort of implied", --

15 A. Well, he said, "You were seen there and we believe you know  
16 what happened.".

17 Q. And what did you say to that? Do you remember?

18 A. I said I don't. He said, "Yes, you do.".

19 Q. All right.

20 A. He said, "We know different.".

21 Q. What did you think about that?

22 A. I started getting pretty scared. I didn't know what in the  
23 heck they were up to.

24 Q. All right, go on.

25 A. Well, what he said, threatened to be put in gaol is pretty scarry

JOHN L. PRATICO, by Ms. Edwardh



1 Q. What I'm going to ask you is just to take a moment and think  
2 about whether you must have gone to the Park before you gave  
3 or signed this statement because of what you say here?

4 A. Dear, I told Mr. Spicer what you're trying to get to  
5 this is the second statement. I went to the Park with them  
6 after the first statement, dear.

7 Q. Okay, that's what I wanted to just draw your attention. So  
8 let's talk about the time you went to the Park before you  
9 gave this second statement.

10 A. Yes, dear.

11 Q. Okay, and do you recall who you went to the Park with on that  
12 on that occasion?

13 A. Yes, dear.

14 Q. Who was that?

15 A. Sergeant MacIntyre.

16 Q. Okay, and do you recall seeing Maynard Chant in the Park at  
17 that time?

18 A. No, dear, he was not there.

19 Q. And when you went through the Park, can you describe for us  
20 what you recall happened in the Park on that occasion?

21 A. You mean with the Police Department?

22 Q. With the Police Department before you gave your second  
23 statement?

24 A. Well, we were around the bushes, showing me the -- we went  
25 by the bushes and they said, "Would this be about where you

JOHN L. PRATICO, by Ms. Edwardh

1 at?", you know. So we point out a spot and then they showed  
2 to me where the body was laying. Which I did not know where  
3 the body was laying; but it was showed to me.

4 Q. And did they -- did they say anything about Mr. Marshall  
5 where he was?

6 A. Well, they described, you know, the scene and where Mr.  
7 Seale's body was laying, whereabouts Mr. Marshall would be  
8 that type of thing, you know what I mean.

9 Q. Did they talk at all to you or didn't Sergeant MacIntyre  
10 talk at all to you about what other things you might have  
11 seen that night; such as, Mr. Marshall taking a knife from  
12 his pocket. Was there any talk about that?

13 A. They didn't come out and say knife, dear, it was -- it was --  
14 then there was no mention of knife, it was just, you know,  
15 a hand was moving, you know, and no knife, no such shinny  
16 object, no whatever, just to like and Mr. Marshall's  
17 arms struck out.

18 Q. And that's what they told you?

19 A. Yes, dear.

20 Q. Now when you had gone through that process with the officers?

21 A. Yes, dear.

22 Q. Was it clear in your mind and I want you to think very  
23 carefully about this before you answer this question, was  
24 it clear in your mind after you left the Park what you  
25 should be saying?

Prestis Statement: 2/41 evidence.

5(11)(d)

- ① Speak to any of these people. Could have ascertained condition of Prestis.
- ② No one else had seen Marshall at home
- ③ Have him refer to plan for spot. When did Prestis show him. no reference to lunch. See ⑦
- ④ what does "where the incident happened" mean? location?

why change for narrative to Q. 4A

- ⑤ must have been in right hand? answer in left handed?
- ⑥ Have him trace this out.
- ⑦ Have him trace this out. He knows where Prestis lives
- ⑧ Not another Saul around. He is on the Tracks
- ⑨ another reference to "Tracks"



S(11) (d)

(10) only reference to lunches.

Statement shows 45 minutes. Is that the total time. Any questions asked which do not show up?

Understanding of Pestic's condition that night? most nights.

Sleep off lunches in cells? evidence. why not!

Compare with earlier Statement? why lying? why believe them this time.

Have interview again & force Statement

Maynard Chord

5(1)(c)

why decide to go to Lewisburg. ✓  
who asked of McSee. ✓

Describe physical set up.  
who standing? sitting?

Describe who present. Arguments?

Evidence Mrs. Chord: Maynard: Bursa.  
3535, 38                      857                      3586, 87, 93  
(Discovery 15/124 - no one left)                      858  
129. Burke not present                      862

Statement to Chord when he  
arrived.

"We have someone who saw you  
there"                      Chord                      Mrs. Chord                      McSee  
855, 66, 68, 72, 94, 344, 41, 62, 64                      3534, 40                      3634, 3647, 49, 50

(Discovery 15/125 - not told this  
130

~~mother leaves room? 857~~  
~~3535, 3538 \*~~

If lying could be in trouble, or charged.  
856                      Mrs 3541  
860

MAYNARD CHANT, by Mr. Orsborn

1 in tears that time. And my mother kept telling me to make  
2 sure I told the truth and she was quite upset then. And --

3 Q. When you say your mother was upset --

4 A. She was upset. She was upset -- I don't know if she was  
5 upset towards me but she was just telling me to tell the  
6 truth and I kept saying it a couple of times, well, I  
7 didn't see anything. And so he beckoned to her, so she  
8 come over and they stood behind me and he -- I remember  
9 him saying something reflecting that he, he's not going to  
10 -- maybe if you leave the room, he'll tell us more. He  
11 felt that by her being there, I wasn't being -- I wouldn't  
12 tell them anything. So she left the room.

13 Q. Do you have a clear recollection of your mother leaving the  
14 room that day?

15 A. Yes, I do.

16 Q. I should point out to you that we expect that Sergeant  
17 MacIntyre, Sergeant Urquhart and Mr. Magee will all testify  
18 to the effect that your mother was present throughout.

19 A. I can't help that.

20 Q. So, I, I put that to you because there's a conflict with  
21 your testimony?

22 A. That's no problem.

23 Q. Does that in any way affect your own evidence that your  
24 mother was there throughout?

25 A. No, it doesn't bother me. Like I said, I'm just here to

MAYNARD CHANT, by Mr. Orsborn

1 tell the truth. I just want to tell the truth, that's all.  
2 And that's to my knowledge, she was there and when things  
3 got really, really tense they had asked her to leave the  
4 room. I wasn't pushed around or anything but his voice was  
5 loud.

6 Q. How close was he standing to you?

7 A. Oh, at times, he was about as close to you are as from me.

8 Q. Was he on the other side of the table?

9 A. He was at the end of the table, he was walking back and forth.

10 Q. So you're, you're pointing to me and we're probably about  
11 eight feet, six to eight feet apart. And you're suggesting  
12 that as he was talking to you, he was standing at about that  
13 distance from you?

14 A. Yes.

15 Q. You say his voice was loud -- in your earlier meeting with  
16 him on May 30th, you had obviously had heard his voice.  
17 When you say it was loud now, was it you mean a loud  
18 normal speaking tone or a raised speaking tone?

19 A. Well, he seemed to be very, very hyped, hyped attitude.  
20 His voice was very loud. He was very -- even his posture,  
21 his gesture was very, you know, forward and --

22 Q. Could you explain that a little more please?

23 A. I don't know. It was -- he was just very forceful with what  
24 he was saying. He's -- it was almost like not to the point  
25 of screaming or really yelling, but it was to that probably

MAYNARD CHANT, by Mr. Orsborn

1 standing. I remember one detective was sitting at the head  
2 of the table and Mr. MacIntyre was standing up and I was  
3 sitting down and my mother was sitting beside me.

4 Q. Your mother was sitting beside you?

5 A. Yes.

6 Q. And you say that Detective MacIntyre was standing up?

7 A. Yes. He was doing the -- he was explaining to -- he was  
8 saying -- he was explaining to me that the statement that  
9 I had given -- that he believed that it wasn't true and  
10 he was asking me if I knew anything else. And I remember  
11 my mother telling me to tell the truth. So at one point in  
12 time through the questioning, they had told me that there  
13 was a, that they had a witness there that had told a story  
14 and he said that he saw me there. And that I had seen what  
15 he had seen regarding to the, to the incident that had  
16 happened that night on May the 30th.

17 Q. You have a recollection now of being told that during that  
18 interview?

19 A. Yes.

20 Q. Do you recall who told you that there was a witness there  
21 had seen you?

22 A. They never told me who.

23 Q. No, but do you recall which of those present at the  
24 interview told you?

25 A. I believe it was MacIntyre. He was doing most of the

MAYNARD CHANT, by Mr. Orsborn

1 A. Moving around a bit, not necessarily -- he was -- I can't  
2 really remember his position. I remember him being up  
3 over me as far as me looking up. I couldn't give you a  
4 you know, a detail of what position he was in or --

5 Q. How did the interview proceed once your mother left?

6 A. Like, he just told me that I was in an awful lot of trouble.  
7 That I had -- that the statement that I had given the first  
8 time wasn't true. And that where I said that I was on  
9 probation and he pointed out that fact that I could do time  
10 and the result of that or I could get, you know, a maximum  
11 of five years in prison because of that.

12 Q. Yes.

13 A. So I was just sitting back taking it all in what he was  
14 saying and I remember -- I don't remember actually what  
15 happened to, to make me give that the other statement but  
16 I remember the words, I remember saying, well, what did --  
17 in making reference to the person that they said that  
18 saw me there. And he had given a statement that he said  
19 that he had saw me there and I seen what he seen. I just  
20 asked -- to the point where I just said, "Well, what did  
21 he say that I seen".

22 Q. Do you recall whether or not they had a statement, a  
23 written statement from this other witness at that interview?

24 A. They never showed me nothing.  
25

MAYNARD CHANT, by Mr. Orsborn

1 they didn't -- I just tried to tell them that I didn't  
2 see nothing and they didn't agree with that so I just  
3 told them -- I just give them a statement. I remember  
4 asking: "What did that person see?"

5 Q. And did they tell you?

6 A. Not in detail what he said that I saw. Or --

7 Q. And when you and I are using the word "they" in terms of  
8 policemen that are talking to you --

9 A. I'm sorry.

10 Q. Perhaps we could identify, if possible, who was speaking to  
11 you?

12 A. Mr. MacIntyre.

13 Q. Mr. MacIntyre. Do you know at what point, during the  
14 interview, a hand written statement started to be produced?

15 A. Possibly -- I don't remember the -- how it was done or  
16 I just remember when I was ready to give this statement I  
17 believe he sat down and that from there on in I just  
18 give the statement.

19 Q. At the --

20 A. At the point where the -- Oh, I'm sorry. At the point of  
21 when I had said: "What did he say that I saw?"

22 Q. "What did he say that I saw?"

23 A. Well, I know as now, Pratico.

24 Q. Did you know at the time?

25 A. No.

MAYNARD CHANT, by Mr. Orsborn

- 1 Q. Did they tell you where that person had seen you?
- 2 A. I don't remember.
- 3 Q. What I'm trying to understand is the --
- 4 A. Why I got --
- 5 Q. -- amount of discussion that took place before the
- 6 actual writing commenced.
- 7 A. Yes. I understand. I don't -- I don't really understand
- 8 why I had changed my statement to go across the tracks.
- 9 All I can remember is the detective, Mr. MacIntyre stating
- \* 10 that there was a man there who saw me -- he was there and
- 11 he saw me.
- 12 Q. Did he say where that man was?
- 13 A. Did he say where he was?
- 14 Q. Yes.
- 15 A. I don't -- I can't recall that. If he said that.
- 16 Q. Do you have any recollection at all of why you changed your
- 17 route when it came to this statement?
- 18 A. Well, in order for me to -- in order to witness the --
- 19 the -- the -- the thing that was committed on that evening
- 20 I would -- by being down at the -- this part of the tracks
- 21 I wouldn't be able to see anything that was happening up
- 22 over the other side.
- 23 Q. Did you figure that out for yourself?
- 24 A. Probably.
- 25 Q. Like, you figured out before that you had to double back on



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

8 Is that a true statement?

9 A. Yes.

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

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

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

18 A. I'm sorry. One.

19 Q. Which one?

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

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

24 A. Yes.

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

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

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

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

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

9 Q. And similarly in paragraph 11 you say:

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

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

17 A. Yes.

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

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

MAYNARD CHANT, by Mr. Ruby

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

- 1 Q. And they go over it again and again, correct?
- 2 A. Yes.
- 3 Q. And you reject that, you refused to go along until they pulled  
4 the witness out of the hat, correct?
- 5 A. No, the -- when I was first there I remember my mother being  
6 there with me. It might have been a sense of security there  
7 and her telling me to tell the truth. And at that time that  
8 was probably the only expression that I could give to say  
9 that I didn't see anything and at that time I think I recall  
10 from the beginning about the point that there was somebody  
11 was there and they saw me there, by the interrogation of  
12 the detective.
- 13 Q. That come up very near the beginning or at the beginning?
- 14 A. Just very close to when everything begin to take place, yes.
- 15 Q. All right, so from the very beginning they've confronted you  
16 with the story about someone else was there and you must have  
17 seen these things?
- 18 A. Yes.
- 19 Q. And therefore your statement that you didn't see anything is  
20 not true?
- 21 A. I'm sorry.
- 22 Q. And therefore they are saying to you that --
- 23 A. That what I had said wasn't true.
- 24 Q. Was not true?
- 25 A. Yes.

- 1           Maynard and took you back to the Town Hall. Do I understand  
2           that your recollection is that the Sydney Police in fact came  
3           to your house to get him?
- 4           A. Yes, they came again.
- 5           Q. And do you recall whether or not it was the same police officers  
6           that had come before?
- 7           A. Yes, it was the same two.
- 8           Q. Right. And they'd indicated that they had an eye witness?
- 9           A. Yes. They said they had a witness to prove that Maynard had  
10          been there and that he was lying.
- 11          Q. Was this said to you in the house?
- 12          A. Yes.
- 13          Q. Was your husband present?
- 14          A. No, he was at work.
- 15          Q. Was Maynard present?
- 16          A. Yes.
- 17          Q. Did the police say any more than that they had another eye  
18          witness?
- 19          A. No.
- 20          Q. Did they say who the eye witness was?
- 21          A. No.
- 22          Q. Did they say that they had a suspect for the stabbing?
- 23          A. No, I don't recall.
- 24          Q. Did you know at this point that Mr. Seale had died?
- 25          A. I don't remember. I could have, but I don't remember.

- 1 to them more freely if I wasn't there because he wasn't supposed  
2 to be in Sydney that night --
- 3 Q. Yes.
- 4 A. -- you know, and so -- because he was on probation.
- 5 Q. He was supposed to have been in church with you, I think,  
6 wasn't he?
- 7 A. Yes.
- 8 Q. But were you still of the opinion that when Maynard said that  
9 he saw nothing he was in fact telling the truth?
- 10 A. Well, at that point, I didn't know whether he was telling  
11 the truth or not. If they had evidence to prove that he was  
12 there, I felt he must be lying.
- 13 Q. I see. And do you recall this being stated at the Louisbourg  
14 Town Hall that this eye witness was there -- that they had  
15 other evidence to prove that Maynard was lying?
- 16 A. Yes.
- 17 Q. Do you recall if they said who the eye witness was?
- 18 A. Who the -- Pardon me?
- 19 Q. Who the eye witness was?
- 20 A. No.
- 21 Q. Do you recall if Mr. Marshall's name came up in the interview  
22 while you were there?
- 23 A. Don't remember.
- 24 Q. While you were in the room, do you recall how Maynard was, if  
25 he was calm, if he was upset?

- 1 in any way challenge your own recollection?
- 2 A. It challenge -- it challenges my recollection; but my  
3 recollection is that I -- I can't specifically -- I can  
4 remember certain happenings that day, and I do not recall  
5 Mrs. Chant leaving the room.
- 6 Q. Did you have any particular practice as a police officer  
7 in terms of having parents present or not present when you'd  
8 take statements from juveniles?
- 9 A. It was my understanding and that when questioning a juvenile  
10 or a juvenile suspect we'll say or witness for that matter,  
11 if he was under the age of sixteen years, then you would --  
12 should if at all possible have one or two of the parents  
13 present.
- 14 Q. Would this apply even if the juvenile was not the accused  
15 but was simply a witness?
- 16 A. It was my -- it was my policy to have a parent present for  
17 any questioning whatsoever of a juvenile.
- 18 Q. Was this a practice that you followed?
- 19 A. Yes, it is -- was.
- 20 Q. Do you recall the format of the interview whether or not  
21 it was a discussion or whether or not it was a more formal  
22 question and answer approach?
- 23 A. I -- Detective MacIntyre conveyed to Maynard that certain  
24 information in a prior statement did not correspond with  
25 other information that they had obtained afterwards and

WAYNE MAGEE, by Mr. Orsborn

- 1 | that they wanted more or less some clarification pertaining  
2 | to the first -- first statement. And he then put questions  
3 | to Maynard and wrote the answers down.
- 4 | Q. Sergeant MacIntyre put the questions?
- 5 | A. Sergeant MacIntyre did all of the questioning and writing.
- 6 | Q. Did you speak at all during the interview?
- 7 | A. No, I did not.
- 8 | Q. Did Detective Urquhart speak at all?
- 9 | A. No, he did not.
- 10 | Q. Did Mr. Burke speak at all?
- 11 | A. No, he did not.
- 12 | Q. Mrs. Chant?
- 13 | A. No, she did not.
- 14 | Q. Are you able to describe for us today the -- the tone and  
15 | the level of voice which Sergeant MacIntyre used?
- 16 | A. I would say it was -- it was a normal tone. I don't recall  
17 | any -- anything sticking out in my mind that was unusual.  
18 | I don't recall any raising of any voices by anyone including  
19 | Detective MacIntyre. They would -- Detective MacIntyre would  
20 | ask certain questions and -- and Maynard would answer them.  
21 | I think perhaps the answer wasn't written down immediately,  
22 | but they would -- they would -- they would quiz each other  
23 | so to speak and for clarification and they would -- this is  
24 | the way the statement was conducted. And I do not recall,  
25 | in fact, I thought, you know, that it was done in a very



WAYNE MAGEE, by Mr. Orsborn

1 generally interested enough in the events to follow the  
2 discussion?

3 A. I don't think I was really up about it. I mean, it was  
4 just another days work and really and truly I don't think  
5 -- I read the goings on in reference to the trial and the  
6 conviction of Mr. Marshall and I can't say that I gave it  
7 any second thought at all.

8 Q. I'm thinking of sort of during the interview, when you  
9 were sitting in there, if you were interested in following  
10 the information that was being obtained?

11 A. Not really. I did wonder -- At one time, I recollect, I  
12 was going to leave but then I thought I might -- it might  
13 interfere with the line of questioning or whatever and so  
14 that I just sat there and, as policy, said nothing.

15 Q. Now, you've related to us the -- you recall comments being  
16 made to the effect that there was information that was  
17 inconsistent with what Maynard had said --

18 A. Yes.

19 Q. -- and you wanted to question Maynard again. Do you have  
20 any recollection of what that other information was that  
21 the police had at the time?

22 A. I can't recall specifics. I do recall that there was answers  
23 that Maynard gave to Detective MacIntyre that, I think, he  
24 felt that wasn't quite right and that he would -- he may say  
25 well, we were talking with this individual and they said this

WAYNE MAGEE, by Mr. Orsborn

1 and -- that line of questioning but --

2 Q. Yes. Do you remember the names of any individuals being  
3 given?

4 A. No, I can't recall any names.

5 Q. Do you remember Maynard taking the approach initially that  
6 he didn't see anything on that night?

7 A. I can't recall that.

8 Q. Okay. Do you remember any discussion between them of the  
9 route that Maynard took through Wentworth Park on that night?

10 A. I can't specifically recall that.

11 Q. Remember any discussion about a dark haired fellow in the  
12 bushes?

13 A. I don't recall that but to elaborate they -- it was outlined  
14 the circumstances of the stabbing and the location etcetera  
15 but -- and there was a lot of questions and of course they  
16 all pertained to the stabbing but I can't recall any specific  
17 questioning.

18 Q. When you say it was outlined, the circumstances of the  
19 stabbing, how was that outlined?

20 A. I think Mr. Chant was advised that well, the bridge is here  
21 and the bandshell is there and this one was supposed to be  
22 here. That's sort of dialogue was going on between them.

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

WAYNE MAGEE, by Mr. Orsborn

- 1 | A. I don't think that would -- that that was the case.  
2 | I believe that Maynard was -- he might have been getting  
3 | confused and he was given advice as to well, you know,  
4 | this one in this statement didn't say that. You know,  
5 | what's the situation here or there. It's -- I can't recall  
6 | the specifics of it but I'm -- you know, that was the  
7 | gist of it. They were -- there may be five minutes or two  
8 | minutes or a minute and a half of questioning before an  
9 | answer was written down.
- 10 | Q. Okay. Do you recall if there was any reference made to  
11 | a statement given by another witness?
- 12 | A. I don't recall any references made to specific individuals  
13 | or names. I don't recall any names -- any other names.
- 14 | Q. Do you know if Sergeant MacIntyre was referring to any  
15 | statement or piece of paper when he was questioning Maynard?
- 16 | A. I don't recall. I don't believe. He had his pen in his  
17 | hand and the paper on the desk and he was writing answers  
18 | down and --
- 19 | Q. Now, the -- you've spoken of the outline that was given,  
20 | were there suggestions made to Maynard in the course of the  
21 | questioning as to what he might have seen or might not have  
22 | seen?
- 23 | A. I don't -- I don't recall any suggestions being made to him.  
24 | Some of the answers were -- I take it and I guess it's only  
25 | my opinion, that I take some of the answers perhaps Detective

WAYNE MAGEE, by Mr. Orsborn

1 MacIntyre knew weren't right or didn't correspond with other  
2 information so he was quizzed more. That was pretty well  
3 the gist of the taking of the statement.

4 Q. Okay. When he was quizzed more would that simply be a  
5 repetition of the question --

6 A. Yes.

7 Q. -- by Sergeant MacIntyre?

8 A. Most often, yes.

9 Q. Would there be suggestions made to Mr. Chant?

10 A. I don't recall any suggestions being made. It -- There was  
11 no arguing going on. The questions were asked and there  
12 may have been -- may have been a pause by Maynard or maybe  
13 a mistake that Detective MacIntyre knew and he would put the  
14 question to him again but it was a very -- I recall, a  
15 very straight forward undertaking by the detective.

16 Q. Okay. Do you recall any mention being made, during the  
17 interview, of Maynard being on probation and getting in  
18 trouble if he didn't tell the truth?

19 A. I do not recall that being said.

20 Q. Could it have, in fact, been said and you just don't  
21 remember?

22 A. I don't think so. I -- you know, again, to repeat myself  
23 there's certain aspects that I remember distinctly and again  
24 the introductions -- except that I don't -- I think I would  
25 have recalled that.

MAYNARD CHANT, by Mr. Orsborn

1 talking there -- it was basically -- he was doing most of  
2 the questioning and most of the talking at the time. He  
3 had -- he said that about -- that I -- he knew that I had  
4 not told the truth in this statement in May 30th. And he  
5 implied that I -- he had asked me first, "Did I see anything".  
6 And at that time I had said, I was trying to get across that  
7 I didn't see anything at all but I just said that -- I just  
8 sort of tried to more or less tried to tell the truth. I  
9 just said, "I didn't see anything".

10 Q. And at the point when you said you that you didn't see  
11 anything, were you asked for an explanation of your  
12 first statement to which you had seen the four men?

13 A. No, when I said that then, then he said, "You must have  
14 saw something". And I said well and I was trying to tell  
15 him that I didn't see anything. I was meaning that I didn't  
16 see anything at all. I was trying probably set the record  
17 straight more or less to say that I just didn't want anything  
18 to do with it any more and I didn't see anything. And which  
19 I didn't see anything. He kept on insisting that I did see  
20 something. He told me that --

21 Q. Was he standing throughout this conversation?

22 A. Yes. He told me that, that a -- He pointed out the fact that  
23 I was on probation and by lying I was in serious trouble and  
24 that I could go to jail and the result of my lying the first  
25 time. And by that time I was, I was, well, I was just about

MAYNARD CHANT, by Mr. Orsborn

1 partly on what you had imagined?

2 A. No. I was, I was very, very -- I was probably ashamed  
3 at the fact that I did what I did and I -- it was about  
4 that time that I was -- and even as far as my parents  
5 was concerned, I -- we used to have a good communication  
6 growing up but it was to the point that I was doing a lot  
7 of wrong and I was more or less concealed within myself  
8 at that time. Not to say anything, you know, I didn't  
9 think people could really understand what was going on.  
10 I didn't think people really understood what was happening.  
11 Probably that's why I couldn't really express myself as to  
12 say exactly that I had not seen anything and I kept --  
13 I remember saying it three or four times that I didn't see  
14 a thing.

15 Q. During this exchange, I think you've mentioned that the  
16 police brought up the subject of your probation?

17 A. They, they -- well my probation officer was there and  
18 they reminded me that I was already in trouble before  
19 and that I was on probation and that I was in a bunch of  
20 trouble now because I was -- because I wasn't telling  
21 the truth. And at some point they suggested even that  
22 as far as a jail sentence, I could get two to five years  
23 by not telling the truth.

24 Q. All right. Are you, are you saying that that phrase, "two  
25 to five years" was mentioned during this exchange?

MAYNARD CHANT, by Mr. Orsborn

- 1 A. Yes it was.
- 2 Q. Who was it mentioned by?
- 3 A. By Mr. MacIntyre.
- 4 Q. I don't know if you recall talking to the, talking to the  
5 lawyers for the C. B. C., Mr. Chant, when they were involved  
6 in the Civil Action by Mr. MacIntyre, but if you would turn  
7 to Page 89 of the Volume that is there before you. That's --  
8 this is an excerpt from that Discovery proceedings, Page  
9 89 of Volume 12 and in the answer to question number 89  
10 with respect to this phrase "two to five years" is in about  
11 line four of that question and this was done in 1984, I  
12 believe. You say, "I can't remember if they actually said  
13 two to five years, but I know they said I could be doing  
14 time".
- 15 A. Yes.
- 16 Q. Is that in any way affect your recollection that you've  
17 given us today?
- 18 A. It's just that as I continue to, you know, to, to --  
19 as I continue to reflect and to look back on things, some  
20 things come clear and somethings still remain cloudy.  
21 Basically when I was giving that statement, I didn't want  
22 to --
- 23 Q. Sorry, which statement are you referring to? That C. B. C.  
24 one?
- 25 A. Yes. I didn't want to make any implications that it --

WAYNE MAGEE, by Mr. Orsborn

1 Q. Was there any mention of the word perjury?

2 A. No, not to my recollection. There was never any mention  
3 made of perjury.

4 Q. Was there any mention made of the possibility of Maynard  
5 going to gaol for two to five years?

6 A. I don't recall that being said.

7 Q. Maynard, himself, testified that it was suggested to him  
8 during the interview that he could go to gaol for two to  
9 five years for not telling the truth, not telling the police  
10 the truth. Is it your evidence that it was not said or it  
11 could have been said and you just don't remember?

12 A. I just don't remember.

13 Q. Okay. Did you get any impression at the conclusion of the interview,  
14 knowing Maynard as you did, that he had in fact told the truth?

15 A. I certainly didn't have any reasons to believe that he told --  
16 or mislead the police officers.

17 Q. Okay. Your recollection, sir, on the setting and who was  
18 present and who left and didn't leave seems to be very  
19 very clear. I have the impression that your recollection  
20 on the content of the interview is less than clear. Is there  
21 any reason why you can remember one and not the other?

22 A. Well, I certainly can remember the introductions, who was  
23 present and I remember that there was a statement taken from  
24 Maynard Chant by Detective MacIntyre. And that Detective  
25 MacIntyre asked him numerous questions during the taking of the



- 1 | A. I don't remember.
- 2 | Q. Did he start to cry at any time while you were there?
- 3 | A. I can't remember that. He could have. Well, I don't remember.
- 4 | Q. If he had started to cry, is it likely that you would've left?
- 5 | A. I probably wouldn't have.
- 6 | Q. Probably wouldn't have?
- 7 | A. Yes.
- 8 | Q. While you were in the room, do you recall any reference being
- 9 | made to the fact that Maynard was on probation and could get
- 10 | in some trouble?
- 11 | A. Yes. Yeh.
- 12 | Q. Do you recall who made that reference?
- 13 | A. No, I don't know. But I know -- It was said that he was on
- 14 | probation and he could be in a lot of trouble if he didn't
- 15 | tell the truth and didn't --
- 16 | Q. Who was doing most of the talking?
- 17 | A. I believe it was Sergeant MacIntyre.
- 18 | Q. And other than Maynard and Sergeant MacIntyre, do you remember
- 19 | anybody else saying anything at all?
- 20 | A. I don't remember.
- 21 | Q. Do you recall while you were there, any reference being made
- 22 | to the fact that Maynard perhaps could have committed perjury
- 23 | or perhaps could go to goal for two to five years?
- 24 | A. Yeh, I believe that was mentioned that he -- if he was lying,
- 25 | he could be charged.

Statement 2/46 Ex. 31

← Does it contain anything? 50 mins.  
Discovery: other non-opening remarks see full file 15/126, 132, 136

① Trace Route. Not very possible.

② Conflict with Restio Statement.

How could he possibly come up with a statement like this & with such precision?

Does spot correspond with spot Restio "showed" me & type.

How could he possibly ~~independently~~ independently identify Restio.

③ Restio at Police Station on Sunday. May 30/71

④ Check out & identify this potential witness?

- ⑤ Was this suggested to him?  
Not even an answer to where Marshall  
standing.
- ⑥ If Peat's correct these two ✓  
must have seen each other.
- ⑦ Different side than Peat's.
- ⑧ Describe in detail. Refer to  
Plan. How could Marshall catch  
him this fast? Why couldn't  
Marshall mistake Peat's?
- ⑨ What attempts made to find  
driver of car.
- ⑩ Fairly detailed description, eg "six feet"

5(11) (c)

11 why ask this question ✓

12 why not ask if Pratis ✓  
or Traps?

Compare this statement with  
earlier one? why not? ✓

compare with Pratis: Directions: Distances

ask Chand why he told or  
entire statement earlier?

Reason? Believe him?

Why not have all witnesses sign?

lots of room on original page ✓

and interview again? ✓

3/ miles

32A1

Yorkedey  
Kovsney!!

Now believe they were  
both lying to you on  
June 4 ?? Neither of them  
present to see Seale + Marshall.  
together on Crescent St.

Did he prompt Chond on  
accepted answers to him?

McGee 2688, 89 seen  
Suggest other witness had seen  
Marshall side Seale Chond 963, 64

Refer to similarities? If  
lying how could they  
possibly have so many  
similar facts?

# Similarities

32A

## Chart

1. On TRACKS etc.  
(Saw tracks in bushes)
2. Seale & Marshall acquiring
3. Seale facing Tracks
4. Marshall facing houses  
about 1 1/2' from each other
5. Marshall took knife from  
pocket & jab right side
6. Seale bent over

## Practice

1. On TRACKS & could see  
where incident happened.  
(30-40' away)
2. Seale & Marshall acquiring
3. Seale facing Tracks
4. Marshall facing Street  
4' within arms length
5. Marshall hand toward  
left side Seale's stomach
6. Seale fell - Marshall ran  
up Crescent toward Regyle
7. Seale screamed

Did they both independently come  
up with these key points.  
Possible?

✓ Given to the Sheriff to look? Later?

✓ Important's role in the investigation to this stage?

Summarizing:

✓ to this date nothing done to investigate anyone other than Junior.

✓ No real attempts to locate men decided by Jr.

✓ No review of Sydney Police records which might have led to Elsbury

✓ No request for ~~an~~ assistance MCIS

✓ No house to house canvass of neighbors

tunnel vision? Getting facts to fit theory present just a.m. as reported by Cst. Wood

MAYNARD CHANT, by Mr. Ruby

- 1 Q. And I take it your first response was to say no I didn't see  
2 anything is not true, correct?
- 3 A. I was trying to respond to that I was lying and I was trying  
4 also to respond to that I didn't see anything. I think it's  
5 safe to say that in viewing -- I'd seen the events of what  
6 had taken place and I was in -- I was probably confused with  
7 the events and with the terms that they were using as  
8 implying that I had seen the actual stabbing to me is reflecting  
9 as a stabbing, I was reflecting as the wound or -- you know  
10 reflecting as the person who was hurt. I didn't probably  
11 understand at that time what they were really implying as  
12 far as their -- as far as seeing the actual stabbing.
- 13 Q. But they would repeat then, I take it, you did see the stabbing?
- 14 A. It was either seen the stabbing or you had to see something.
- 15 Q. All right. And they did that more than once?
- 16 A. Yes, more than once.
- 17 Q. How many times, just roughly. I know you can't remember exactly?
- 18 A. Three, three, at least three or four times.
- 19 Q. All right, until finally you gave up?
- 20 A. I just, well -- that particular time I remember them asking  
21 my mother to leave the room.
- 22 Q. And that's when you gave up?
- 23 A. And I don't know if he applied once again that there was  
24 somebody, we've got a witness that saw you there. And at  
25 that time I just said, I remember saying the statement, "Well



MAYNARD CHANT, by Mr. Ruby ✓

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

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

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

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

18 | A. Yes.

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

22 | A. Yes.

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

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

MAYNARD CHANT, by Mr. Ruby

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

3 Q. Fair view --

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

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

7 A. I believe so.

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

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

10 Q. On this subject?

11 A. On every subject in the room.

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

15 A. I don't know --

16 Q. According to the witness?

17 A. Pardon me.

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

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

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

24 MR. RUBY:

25 Page 90, Mr. Lords.

WAYNE MAGEE, by Mr. Orsborn

1 | MR. D. PINK:

2 | That's all. Thank you.

3 | MR. ORSBORN:

4 | Just one brief question on re-direct, My Lord.

5 | BY MR. ORSBORN:

6 | Q. Mr. Magee, my friend Mr. Pink, Mr. Joel Pink asked you about  
7 | Mr. Ruby's line of questioning with respect to the quizing and  
8 | your response was, "Well, it wasn't exactly as he described it".  
9 | Could you just clarify in what respect Mr. Ruby's questioning  
10 | of you with respect to the quizing was inexact?

11 | A. Well, I guess I used the word, "quizing" in one of these  
12 | statements that I have given so what I -- what I meant by  
13 | quizing -- what I meant by quizing was that a question would  
14 | be answered -- would be asked and Maynard would require some  
15 | elaboration or perhaps Detective MacIntyre would require some  
16 | elaboration further on his initial answer and -- so that I  
17 | meant MacIntyre quizing in a sense Chant.

18 | Q. Right. Could you give an example of the type of elaboration  
19 | that Maynard would require?

20 | A. Something -- What sticks out in my mind is the area of the park  
21 | that has certain locations. I think of the bridge -- I believe  
22 | there's a walking -- a walkway there and that in reference to  
23 | the band shell and the bushes, that sort of thing, yeh. I  
24 | take it Maynard wasn't quite familiar with that whole area.

25 | Q. Was he then looking -- Was Maynard looking for assistance in

WAYNE MAGEE, by Mr. Orsborn, by Commissioner Evans

1 | completing his statement or in giving his answers?

2 | A. I think that would be a fair assessment, yes.

3 | Q. And did Sergeant MacIntyre provide that assistance?

4 | A. He would render -- He would render where the walkway was in  
5 | reference to where the clump of bushes was, you know, in  
6 | direction, this sort of this.

7 | Q. And was there --

8 | A. It was a very, as I recall, a very casual conversation.

9 | Q. Was there any assistance rendered as to where Maynard was on  
10 | the walkway or where he was on the railroad tracks?

11 | A. I don't -- I don't recall that specifically, no.

12 | Q. Was there any assistance rendered as to what Maynard could  
13 | have seen or could not have seen from any particular location  
14 | in the park?

15 | A. That's possible. I don't recall that, but it's possible.

16 | Q. I see, and is it your recollection that after this assistance  
17 | was given, on occasion that an answer would then be written  
18 | down?

19 | A. Yes.

20 | MR. ORSBORN:

21 | I see. Thank you very much.

22 | BY COMMISSIONER EVANS:

23 | Q. Sheriff, turning to page 192, line 45 --

24 | A. Yes.

25 | Q. --it says:

Louisbourg Council Chamber

Mrs Chant:

- 3534 Sydney Police said they had a witness to prove Magnard had seen them + he was lying (at the house!)  
3540 at Town Hall
- 3535, 38 She was asked to leave room thought Magnard would talk more freely if I weren't there
- 3539 Until she left Magnard kept saying he hadn't seen anything
- 3541 If Magnard lying he could be charged
- 3564 If Burke then she doesn't remember seeing him

Burke

- 3584 asked to sit in. told by a judge if parent present no need for protection officer
- 3586 Did not sit in on taking of statements
- 3587 He was not present at interview
- 3583 despite what anyone says

# Chond evidence

Drive to Catalone Vol V. 797, 802

Louis Henry Statement 854 -

(1) MacIntyre Standing through most  
of interview  
856 858 863 868 869 ✓

(2) His mother asked to leave room ✓  
857 858 862

(3) He was crying  
862 863

(4) told would be in trouble for lying ✓  
856

(5) told a witness Saw him there: what did he  
say I saw: must have seen something ✓  
855 866 868 872 943 944  
961 962 964

(6) MacIntyre very loud & big  
858 960

Magree

3629 He, M<sup>ee</sup>I, U, Chand, Mrs. Chand & Burke present

3631 Mr. Chand Sat in Chair directly behind Maynard

3633 → M<sup>ee</sup>I did not stand at any time  
3643  
3644 → Mrs. Chand did not leave room

\* 3634 M<sup>ee</sup>I conveyed to Maynard that certain info. in a prior statement did not correspond with other info they obtained afterwards

3642 Had conversation with M<sup>ee</sup>I in 1982 re taking of statement

\* 3647 M<sup>ee</sup>I may say we were talking to this individual and they said this

3648 Chand admitted of layed out  
\* 3649 Maynard getting confused & was given advice ... this one in this statement didn't say that

\* 3650 Some of Maynard's answers M<sup>ee</sup>I knew weren't right & didn't correspond with other information so he was quizzed more  
Doesn't recall mention of prokation

No memory of previous statement

3662 Period of ~2 minutes of questioning before answer written down  
3688-89 samples of assistance to Chand

MAYNARD CHANT, by Mr. Orsborn

- 1 A. I don't, I don't know if, I don't know -- what I'm saying  
2 is the statement that I'd given in '82 or reflecting to  
3 C. B. C., if I was to use the word perjury, it would be  
4 my own standing to use it now. But not so much as literally  
5 said by them.
- 6 Q. I understand, okay, thank you.
- 7 A. May I ask a question?
- 8 Q. No, but go ahead anyway.
- 9 A. I'm just wondering if -- does that cause any cause of  
10 conflict or does that cause any type of, type of --
- 11 Q. Well, you've said, you can't remember whether the word was  
12 used or not and I think it's fair to point out that the testimony  
13 again of Detective MacIntyre and Detective Urquhart and Mr.  
14 Magee will be to the effect that that word perjury (persay)  
15 was not used in the discussion. That you had not said, I take  
16 as didn't occur, you simply said you don't recall.
- 17 A. I was just wondering if that evidence was incriminating  
18 towards me as far as giving the statement which I've just  
19 given?
- 20 Q. Not at all.
- 21 A. Okay.
- 22 Q. Do you recall how the statement proceeded after your mother  
23 left? Number one did Detective MacIntyre stay standing up?  
24
- 24 A. Yes.
- 25 Q. Still at the head of the table?



MAYNARD CHANT, by Mr. Orsborn

X 1 Q. And it was at that point that Sergeant MacIntyre sat down?

2 A. Yes.

3 Q. Mr. Chant, I'll show you what I believe to be the original  
4 of this statement and ask you if the signatures at the  
5 bottom of each of these pages are yours? As to page one?

6 A. Yes.

7 Q. As to page two?

8 A. Yes.

9 Q. As to page three?

10 A. Yes.

11 Q. As to page four?

12 A. Yes.

13 Q. And as to page five, for the record there is a fifth  
14 foolscap page of that statement and I think it correct  
15 to say that your signature does not appear on that page?

16 A. No.

17 MR. ORSBORN:

18 May I ask that this be filed, My Lord, as an exhibit consisting  
19 of five foolscap pages representing what I believe to be the  
20 original handwritten statement of Mr. Chant, dated June fourth,  
21 1971, 2:55 p.m., exhibit 31.

22 COMMISSIONER POITRAS:

23 Did you say that it was not signed, Mr. Orsborn?

24 MR. ORSBORN:

25 The final page only, My Lord, was not -- did not have Mr. Chant's

MAYNARD CHANT, by Mr. Orsborn

- 1 Q. Now, when your mother left, I think you told that there  
2 was at present Sergeant MacIntyre and another officer  
3 who I believe to be Sergeant Urquhart. You said Mr. Magee  
4 and Mr. Burke. Was Mr. Burke, being your probation officer,  
5 was he a friend of yours?
- 6 A. As a counselling friend -- interest, yes.
- 7 Q. Yes. Did you in any way feel that he was providing some  
8 support to you by being there?
- 9 A. I don't know.
- 10 Q. Did he, to your recollection, say anything during the  
11 interview?
- 12 A. Not that I remember, no.
- 13 Q. Do you recall Mr. Magee saying anything during the interview?
- 14 A. Not that I remember.
- 15 Q. Did you at anytime ask that your mother be brought back in?
- 16 A. No. I would just -- I was just concerned right then and  
17 there with what was happening. I -- no. Being that young  
18 I guess, I never really even considered that. I just  
19 -- I just wanted to -- At that point in time I just wanted  
20 to give a story. That I could get out of there and get  
21 away from that. And that resulting -- because of that  
22 I had given a statement which --
- 23 Q. Was there any one thing which more than another made you  
24 decide you were going to give this statement?
- 25 A. I just -- I just really didn't care anymore that -- Possibly