

ROYAL COMMISSION ON THE DONALD MARSHALL, J., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 28, 1987

BY COURIER

Mr. James D. Bissell
Counsel, Atlantic Region
Department of Justice Canada
4th Floor, Royal Bank Building
Halifax, N.S. B3J 1M7

Dear Mr. Bissell,

Re: Correctional Service of Canada/National Parole Board

Further to the request made by you at our meeting of April 30, 1987.

We are interested in the National Parole Board and Correctional Service material for a number of reasons:

1. It may be that if the information contained in these files had been available to Mr. Marshall's solicitors at the time decisions were made concerning compensation that issue may have been resolved differently. You will remember that Mr. Cacchione requested such material and was denied access to it.
2. The input of Chief MacIntyre with respect to decisions being made on Mr. Marshall's parole applications is relevant to the Inquiry.
3. The prison experience is of interest to the Commission since it gives some real meaning to the obvious necessity to come out with recommendations to ensure that this sort of thing does not happen again.
4. The Parole Board's policy concerning admission of guilt and parole eligibility is a fact that interests the Inquiry.

James Bissell

- 2 -

May 28, 1987

I trust that the foregoing is of some assistance but, if you wish to discuss the matter further, feel free to give me a call.

· Kind regards.

Yours very truly,

W. Wylie Spicer
Commission Counsel

WWS/jm

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COMMISSIONER

May 27, 1987

Mr. Ronald N. Pugsley, Q.C.
Stewart, MacKeen & Covert
Barristers and Solicitors
P. O. Box 997
Halifax, Nova Scotia
B3J 2X2

COPY

Dear Ron:

Re: Donald Marshall Inquiry

I would like to arrange for a meeting between John F. MacIntyre and Commission Counsel. If convenient, I would suggest the meeting be held on June 29 and 30, if necessary. We are prepared to meet either in Halifax or Sydney, whichever is more convenient to you and your client. I assume you would want to be in attendance during the interview.

In the past we have asked if you would be prepared to provide us with copies of all documents in your possession which relate to the Marshall matter, including the proceedings between the CBC and Mr. MacIntyre. In addition I would ask if you could determine whether Mr. MacIntyre has his own file, or any documents such as diaries which can be made available to us. Would you please ascertain if there are such documents and indicate whether you are prepared to have the documents made available for our inspection and review, and production as evidence at the Commission Hearings if deemed necessary by us.

Please let me have your advice.

Yours very truly,



George W. MacDonald
Commission Counsel

GWMacD/fm

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COMMISSIONER

May 27, 1987

Mr. M. G. Whalley, Q.C.
Office of City Solicitor
P. O. Box 730
Sydney, Nova Scotia
B1P 1A7

COPY

Dear Mr. Whalley:

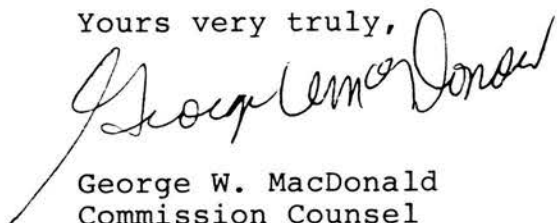
Re: Donald Marshall Inquiry

David Orsborn and I would like to travel to Sydney and meet with various members of the Police Force on June 23 and 24. We would anticipate arranging to have a room at the Holiday Inn where such meetings could take place and would like to meet with the various police individually.

Recently I forwarded to you a list of witnesses who are anticipated to be called in Sydney and you will note there are several police witnesses contained on that list. Could you please advise if that time is generally convenient and whether you will want to be in attendance when we conduct the interviews. In due course I can provide you with a suggested timetable and chronology for the various witnesses.

It has been our practice to tape record interviews for convenience only. We do not consider the interviews to be "statements" which could be used to challenge a witness at a later date and we always provide transcripts of the interviews to the person involved and his solicitor. It would be helpful if you could determine whether the various policemen have any objection to having our interviews recorded.

Yours very truly,



George W. MacDonald
Commission Counsel

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 27, 1987

Mr. C. M. Rosenblum, Q.C.
Barrister and Solicitor
P. O. Box 332
Sydney, Nova Scotia
B1P 1C5

COPY

Dear Mr. Rosenblum:

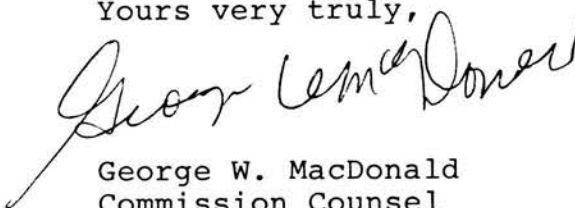
Re: Donald Marshall Inquiry

I am Commission Counsel, together with David Orsborn, for the Commissioners conducting the Royal Commission into the Donald Marshall, Jr. affair.

I have received from Mr. Marshall's current solicitor, Clayton Ruby, a waiver of any claim of privilege which Mr. Marshall might make concerning the dealings which you had with him during your defence of Mr. Marshall in 1971.

Mr. Orsborn and I would like to meet with you to discuss the Donald Marshall, Jr. matter in some detail. If it is convenient to you, we would like to meet on June 22 at any time which would be convenient to you. I would expect to arrive in Sydney approximately 9:00 a.m. and could meet with you any time during the day.

Yours very truly,


George W. MacDonald
Commission Counsel

GWMacD/fm

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May 27, 1987

Mr. Simon J. Khattar, Q.C.
Khattar & Khattar
Barristers and Solicitors
P. O. Box 387
Sydney, Nova Scotia
B1P 6H2

COPY

Dear Simon:

Re: Donald Marshall Inquiry

You are aware that Mr. Marshall has waived any claim of privilege concerning your defence of him in 1971. I would like to arrange to meet with you to review your involvement and discuss the matter in some detail. If possible, I would like to meet with you in Sydney on June 22. David Orsborn, who is Commission Counsel with me, would be in attendance also. Would you be good enough to advise if you would be free to meet with us on that day. I would anticipate taking the early flight from Halifax which would get me into Sydney at approximately 9:00 a.m. and could be available to meet with you any time thereafter.

Yours very truly,



George W. MacDonald
Commission Counsel

GWMacD/fm

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CHAIRMAN

MAY 29 1987

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 27, 1987

Mr. Allan F. Nicholson
Nova Scotia Legal Aid
P. O. Box 1373
Sydney, Nova Scotia
B1P 6K3

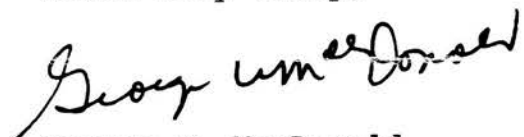
Dear Mr. Nicholson:

Re: Donald Marshall, Jr. Royal Commission

As you know, I am one of the Commission Counsel in this matter. I understand you are, or have been, representing Roy Ebsary. On a couple of occasions investigators retained by the Commission have met with Mr. Ebsary.

I would like to arrange for me and one of my co-counsel to meet with Mr. Ebsary, preferably with you in attendance. Would you please advise if such a meeting is possible. We intend to be in Sydney on June 22, 23 and 24 and if possible could meet with you and Mr. Ebsary at that time. I would expect the meeting would take several hours. Please let me have your advice.

Yours very truly,



George W. MacDonald
Commission Counsel

GWMacD/fm

bcc: David Orsborn ✓
Wylie Spicer

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 25, 1987

Professor John Ll. J. Edwards
Salmon P. Chase College of Law
Northern Kentucky University
Highland Heights
Kentucky 41076
U.S.A.

Dear Professor Edwards:

Further to our conversation last week, I am pleased to enclose a copy of the Index of our Royal Commission library holdings, as they currently are. Undoubtedly, the collection will expand in the weeks to come.

I also enclose a copy of the Agenda of issues which was summarized and organized by Wylie Spicer, following our conversations last week. As more detailed descriptions, terms of reference, and other information become available and the Agenda becomes revised, I will forward that in due course.

My best regards.

Yours truly,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

Enclosures

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COMMISSIONER

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 25, 1987

Mr. Darrel I. Pink,
Counsel for the Attorney General
Province of Nova Scotia
c/o Patterson, Kitz
Barristers & Solicitors
Bank of Montreal Tower, Suite 1600
5151 George Street
P. O. Box 247
Halifax, Nova Scotia B3J 2N9

Dear Mr. Pink:

Further to our recent meetings and discussions with you to consider appropriate methods of review of the accounts of counsel for funded participants before the Royal Commission, I enclose for your consideration the recommendations of the Commission in the form of several principles to be applied to the taxing of accounts.

Sincerely yours,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

Enclosure

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COMMISSIONER

May 22, 1987

To Counsel for all Parties Granted Standing:

We want to confirm the advice given to you during the meeting of counsel for all parties that we have available transcripts of the following proceedings:

Preliminary Inquiry - Donald Marshall, Jr.

Trial Transcript - Donald Marshall, Jr.

Transcript of proceedings in the Appeal Division on the Reference - Donald Marshall, Jr.

Transcripts of the three trials involving Roy Ebsary.

Many of you already have copies of these transcripts, and others would not require copies of all of them. If you require copies to be provided by us, would you please advise.

We have compiled a list of those witnesses who we plan, at the present time, to call to give evidence during the Sydney phase of the Hearings. An alphabetical listing of such witnesses is enclosed. We are also in the course of preparing witness books for many of the witnesses, and a list of those for whom such books are being prepared is enclosed as well.

The witness book will contain extracts of any testimony given by the witness in the various proceedings, including the discovery evidence given during the proceeding between John F. MacIntyre and Canadian Broadcasting Corporation. The books will also contain copies of statements which were given by any of these witnesses to various authorities from time to time, and statements which have been given to investigators acting on behalf of the Commission, provided such statements have been signed by the witness, and Commission counsel have had the opportunity to interview the witness personally.

- 2 -

Counsel for All Parties
Granted Standing

May 22, 1987

Would each of you indicate which of these witness books you would like to obtain. Again, we expect many of you would have no requirement to be provided all of the witness books and we would ask that you ask for copies of only those witnesses who you anticipate you would question during the Hearings.

The enclosed list should not be considered exhaustive and we will advise you as soon as possible of additional witnesses who we identify and of the availability of additional witness books as they are prepared.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

Enclosures

May 8, 1987

The Honourable Madam
Justice Constance R. Glube
Chief Justice, Trial Division
Supreme Court of Nova Scotia
The Law Courts
1815 Upper Water Street
Halifax, Nova Scotia

My Lady:

Re: Donald Marshall Royal Commission

I am replying to your letter of May 5, 1987.

I have spoken with counsel for the Department of the Attorney General and you may consider this letter to be a joint submission from Commission counsel and from counsel for the Attorney General's Department.

It is our view that the Commission, having no inherent jurisdiction, is subject to the jurisdiction of the Courts. This issue arose in the 1979 decision of the Supreme Court of Canada involving the Keable Commission which had been set up under the Public Inquiry Commission Act of the Province of Quebec to investigate certain behaviour of the R.C.M.P. Questions concerning the jurisdiction of the Commission were raised and eventually decided by the Supreme Court of Canada. At p.248-9 of the Supreme Court report (A.G. of the Province of Quebec and Jean Keable v. The A.G. of Canada [1979] 1 S.C.R. 218), Mr. Justice Pigeon stated:

"Because a Commissioner has only limited authority he enjoys no inherent jurisdiction, unlike Superior Courts which have such jurisdiction in all matters of Federal or Provincial law unless specifically excluded. It is by virtue of this inherent jurisdiction that Superior Courts have a general superintending power over Federal as well as Provincial authorities."

It is submitted that the jurisdiction of the Supreme Court is not affected by the manner in which the question of Cabinet privilege is brought before it. For example, there would have been no question as to the Court's jurisdiction to deal with an application to quash a subpoena issued by the Commission requiring production of the Cabinet documents. The fact that the Commission and the Crown have agreed to submit this question to the Court should not affect the Court's jurisdiction.

I trust that the foregoing responds to your letter of May 5, 1987.

Yours very truly,

George W. MacDonald
Commission Counsel

GWMacD/mm-7/12

DELIVERED

May 8, 1987

Darrel I. Pink, Esq.
Patterson Kitz
Barristers & Solicitors
1600-5151 George Street
P. O. Box 247
Halifax, Nova Scotia
B3J 2N9

Dear Darrel:

Re: Cabinet Documents

I understand you have spoken with George MacDonald and we have agreed to make a joint submission.

I enclose a letter to go under George's signature but would be from Commission Counsel and Counsel for the Attorney General.

I will be out this afternoon but please call my office to let us know that it is okay and I will see that it is sent over to the Court.

Yours very truly,

W. Wylie Spicer
Commission Counsel

WWS/mm

Enclosure

DELIVERED

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COMMISSIONER

May 11, 1987

Mr. David F. Walker
Walker and Taylor
Barristers & Solicitors
P. O. Box 28
New Germany, Nova Scotia B0R 1E0

Dear Mr. Walker:

RE: R v. Stephen John Hulme

I am replying to your letter of April 23, 1987.

It is not possible for me to comment at this stage on whether or not any of the information contained in your correspondence and attachments would be relevant to the scope of the Marshall Inquiry. I would expect that as our work progresses, I will be in a better position to give you some idea whether or not we would intend to utilize any of the material which you have provided to us.

Thank you very much for taking the time to provide such a detailed account of the Hulme case and I will certainly be back to you.

Kind regards.

Yours very truly,


W. Wylie Spicer,
Commission Counsel

WWS/ljb

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 11, 1987

Professor John L. J. Edwards
Salmon P. Chase College of Law
Northern Kentucky University
Highland Heights
Kentucky 41076
U.S.A.

Dear Professor Edwards:

It was a pleasure to speak with you last week and I am delighted that you will be able to attend in Halifax and meet with me and other Commission counsel on May 19th and May 20th. I am attempting to have Professor Bruce Archibald attend these meetings as well.

I have made reservations for you at the Prince George Hotel in Halifax for the evenings of the 19th and 20th. When you arrive in Halifax on the 19th, it might be best if you came directly to the Commission offices which are located at 1505 Barrington Street, Maritime Center, Suite 1026, Halifax, Nova Scotia

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

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May 11, 1987

Professor Bruce Archibald
Dalhousie University
Law School
1381 Henry Street
Halifax, Nova Scotia
B3H 4H9

Dear Bruce:

We have arranged for Professor John Edwards to meet with Commission counsel on May 19th and 20th. He is coming to Halifax from Toronto on the 19th and I expect our meetings will not commence until the afternoon of the 19th. If possible, we would be delighted if you could also arrange to be available to meet with us and Professor Edwards on those days.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

May 8, 1987

Darrel I. Pink, Esq.
Patterson Kitz
Barristers & Solicitors
1600-5151 George Street
P. O. Box 247
Halifax, Nova Scotia
B3J 2N9

Dear Darrel:

Re: Cabinet Documents

I am enclosing a draft Agreed Statement of Facts. I would appreciate it if you could complete paragraph 5.

As soon as we have a date from Chief Justice Glube, I trust you will prepare the necessary documents to have the matter heard forthwith.

Kind regards,

Yours very truly,

W. Wylie Spicer
Commission Counsel

WWS/mm

Enclosure

AGREED STATEMENT OF FACTS

1. The Royal Commission into the prosecution of Donald Marshall, Jr. (the Commission) was set up by the Government of the Province of Nova Scotia (the Crown) by virtue of Order-in-Council dated October 28, 1986, a copy of which is attached as a schedule hereto.

2. The Commission through its counsel has requested that the Crown provide to it any and all Cabinet documents, memoranda or any other material whatsoever that may have been placed before Cabinet concerning Donald Marshall, Jr.

3. The Crown has refused to produce any of the requested Cabinet materials. The Crown has admitted that Cabinet documents concerning Donald Marshall, Jr. do in fact exist.

4. The Crown was advised that the Commission intended to issue a Subpoena for the Cabinet material and consequent thereon the Commission and the Crown have agreed to place before this Honourable Court the question as to whether or not the Cabinet material is capable of Subpoena by the Commission. The Crown agrees that in the event that this Court rules that the Cabinet material is subpoenaable, it will produce this material to the Commission forthwith.

5. The Cabinet documents in question have been provided to the Court for its decision. The documents fall into the following categories:

6. The Crown confirms that other than the documents referred to in paragraph 5 there are no other documents of any sort whatsoever concerning Donald Marshall, Jr. that would have been placed before Cabinet.

7. The Crown has advised the Commission that even in the event that this Court rules that the Cabinet material is subject to Subpoena by the Commission, the Crown will nevertheless take the position that any discussions held in Cabinet concerning Donald Marshall, Jr. are privileged and testimony concerning these discussions cannot be elicited from Cabinet Ministers called to give testimony at Hearings of the Commission. The Commission and the Crown have agreed to place before this Honourable Court the question as to whether or not such Cabinet discussions are privileged and to abide by the Court's ruling.

MEMORANDUM

TO: Applicants and Other Interested Parties

FROM: Commission Executive Secretary

DATE: May 7, 1987

RE: Briefs received late in connection with applications
respecting the provision of funding for legal counsel
for various parties granted standing

As indicated to you in my letter of May 5th, the Commission expected to receive briefs from the Black United Front and counsel for Herb Davies, R.C.M.P., after the deadline.

They arrived May 6th and are attached with this Memo.



MLD/ljb

(Attachments)

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COMMISSIONER

May 5, 1987

Darrel I. Pink, Esq.
Patterson Kitz
Barristers & Solicitors
1600-5151 George Street
P. O. Box 247
Halifax, Nova Scotia
B3J 2N9

COPY

Dear Mr. Pink:

Re: May 13, 1987 Hearing

I refer to our telephone conversation of May 4, 1987.

I note from reviewing the submission filed on behalf of the Department of the Attorney General that you have declined to comment on the third issue identified in the April 14, 1987 correspondence from the Commission Counsel.

You will appreciate that the Commissioners will hear argument from parties seeking funding as to the necessity for and the extent of such funding. In these circumstances, I expect that the Commissioners will be interested in the position of your client with respect to these issues. The Commission does not wish to have a second Hearing to deal with this point and accordingly I would suggest that the Crown be prepared to deal with this matter at the Hearing on May 13, 1987 should it come up. Obviously such discussion would be without prejudice to your basic position that the Commission has no jurisdiction to do anything in connection with funding.

Yours very truly,


W. Wylie Spicer
Counsel

WWS/mm

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COMMISSIONER

May 5, 1987

BY COURIER

Mr. Darrel I. Pink
Patterson, Kitz
Barristers & Solicitors
Bank of Montreal Tower
5151 George Street, Suite 1600
Halifax, N.S. B3J 2N9

Dear Mr. Pink,

Enclosed you will find copies of the following briefs received by the Commission in connection with the Hearings scheduled for May 13th and 14th to hear applications respecting the provision of funding for legal counsel for various parties who have been granted standing. Your own has not been included:

- Oscar Seale
- John F. MacIntyre
- Donald C. MacNeil
- Union of Nova Scotia Indians
- Herb Davies
- Evers, Green and MacAlpine
- Scott and Wheaton

Counsel for the following have indicated they will be in attendance, but have not submitted a brief:

- R.C.M.P.
- Correctional Service of Canada, National Parole Board
- City of Sydney Police Commission
- Donald Marshall, Jr.

Any or all submissions by these counsel will be at the discretion of the Commissioners.

Briefs are still expected from both the Black United Front and counsel for Herb Davies, R.C.M.P.

Darrel I. Pink

- 2 -

May 5, 1987

The Hearing will commence promptly at 10:00 a.m. on Wednesday, May 13, 1987 in the Port Royal E Room of the World Trade and Convention Centre, Halifax.

Any briefs received by the Commission after the May 4th deadline will be sent to you, providing time permits.

Yours truly,

M. Lois Dyer
Commission Executive
Secretary

MLD/jm
Encl.

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COMMISSIONER

May 5, 1987

BY COURIER

Mr. S. Bruce Outhouse
Blois, Nickerson, Palmeter & Bryson
Barristers & Solicitors
1568 Hollis Street
Halifax, N.S. B3J 3B7

Dear Mr. Outhouse,

Enclosed you will find copies of the following briefs received by the Commission in connection with the Hearings scheduled for May 13th and 14th to hear applications respecting the provision of funding for legal counsel for various parties who have been granted standing. Your own has not been included:

- Oscar Seale
- John F. MacIntyre
- Donald C. MacNeil
- Union of Nova Scotia Indians
- Herb Davies
- Evers, Green and MacAlpine
- Department of Attorney General

Counsel for the following have indicated they will be in attendance, but have not submitted a brief:

- R.C.M.P.
- Correctional Service of Canada, National Parole Board
- City of Sydney Police Commission
- Donald Marshall, Jr.

Any or all submissions by these counsel will be at the discretion of the Commissioners.

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S. Bruce Outhouse

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Yours truly,

M. Lois Dyer
Commission Executive
Secretary

MLD/jm
Encl.

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CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 5, 1987

BY COURIER

Mr. Ronald Pugsley, Q.C.
Stewart, MacKeen & Covert
Barristers & Solicitors
Purdy's Wharf Tower One
1959 Upper Water Street
Halifax, N.S. B3J 2X2

Dear Mr. Pugsley,

Enclosed you will find copies of the following briefs received by the Commission in connection with the Hearings scheduled for May 13th and 14th to hear applications respecting the provision of funding for legal counsel for various parties who have been granted standing. Your own has not been included:

- Oscar Seale
- Union of Nova Scotia Indians
- Donald C. MacNeil
- Herb Davies
- Department of Attorney General
- Evers, Green and MacAlpine
- Scott and Wheaton

Counsel for the following have indicated they will be in attendance, but have not submitted a brief:

- R.C.M.P.
- Correctional Service of Canada, National Parole Board
- City of Sydney Police Commission
- Donald Marshall, Jr.

Any or all submissions by these counsel will be at the discretion of the Commissioners.

Briefs are still expected from both the Black United Front and counsel for Herb Davies, R.C.M.P.

Ronald N. Pugsley

- 2 -

May 5, 1987

The Hearing will commence promptly at 10:00 a.m. on Wednesday, May 13, 1987 in the Port Royal E Room of the World Trade and Convention Centre, Halifax.

Any briefs received by the Commission after the May 4th deadline will be sent to you, providing time permits.

Yours truly,

A handwritten signature in cursive script, appearing to read "M. Lois Dyer".

M. Lois Dyer
Commission Executive
Secretary

MLD/jm
Encl.

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 5, 1987

BY COURIER

Mr. William L. Ryan
Stewart, MacKeen & Covert
Barristers & Solicitors
Purdy's Wharf Tower One
1959 Upper Water Street
Halifax, N.S. B3J 2X2

Dear Mr. Ryan,

Enclosed you will find copies of the following briefs received by the Commission in connection with the Hearings scheduled for May 13th and 14th to hear applications respecting the provision of funding for legal counsel for various parties who have been granted standing. Your own has not been included:

- Oscar Seale
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- John F. MacIntyre
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William L. Ryan

- 2 -

May 5, 1987

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Encl.

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 5, 1987

BY COURIER

Mr. Frank L. Elman, Q.C.
Elman, Kuna & Hannem
Barristers & Solicitors
327 Charlotte Street
Sydney, N.S. B1P 6Q9

Dear Mr. Elman,

Enclosed you will find copies of the following briefs received by the Commission in connection with the Hearings scheduled for May 13th and 14th to hear applications respecting the provision of funding for legal counsel for various parties who have been granted standing. Your own has not been included:

- Evers, Green and MacAlpine
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- Oscar Seale
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- Department of Attorney General
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Frank L. Elman

- 2 -

May 5, 1987

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M. Lois Dyer
Commission Executive
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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 5, 1987

BY COURIER

Mr. Bruce H. Wildsmith
Barrister & Solicitor
33 Walton Drive
Halifax, N.S. B3N 1X6

Dear Mr. Wildsmith,

Enclosed you will find copies of the following briefs received by the Commission in connection with the Hearings scheduled for May 13th and 14th to hear applications respecting the provision of funding for legal counsel for various parties who have been granted standing. Your own has not been included:

- Oscar Seale
- John F. MacIntyre
- Donald C. MacNeil
- Herb Davies
- Department of Attorney General
- Evers, Green and MacAlpine
- Scott and Wheaton

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- Correctional Service of Canada, National Parole Board
- City of Sydney Police Commission
- Donald Marshall, Jr.

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Bruce H. Wildsmith

- 2 -

May 5, 1987

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Commission Executive
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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 5, 1987

BY COURIER

Mr. E. Anthony Ross
Smith, Gay, Evans & Ross
Barristers & Solicitors
604 Queen Square
Dartmouth, N.S. B2Y 3Z5

Dear Mr. Ross,

Enclosed you will find copies of the following briefs received by the Commission in connection with the Hearings scheduled for May 13th and 14th to hear applications respecting the provision of funding for legal counsel for various parties who have been granted standing. Your own has not been included:

- Evers, Green and MacAlpine
- Union of Nova Scotia Indians
- Donald C. MacNeil
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- Scott and Wheaton

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- City of Sydney Police Commission
- Donald Marshall, Jr.

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E. Anthony Ross

- 2 -

May 5, 1987

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M. Lois Dyer
Commission Executive
Secretary

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 5, 1987

BY COURIER

Mr. Clayton Ruby
Ruby & Edwardh
Barristers & Solicitors
11 Prince Arthur Avenue
Toronto, Ont. M5R 1B2

Dear Mr. Ruby,

I am enclosing for your information a copy of the following briefs received by the Commission in connection with the Hearings scheduled for May 13th and 14th to hear applications respecting the provision of funding for legal counsel for various parties who have been granted standing:

- Evers, Green and MacAlpine
- Oscar Seale
- Union of Nova Scotia Indians
- Donald C. MacNeil
- Herb Davies
- Department of Attorney General
- John F. MacIntyre
- Scott and Wheaton

You and Counsel for the other participants listed below have indicated that you will not be submitting a brief but nonetheless wish to be present. Any oral submission by these Counsel will be at the discretion of the Commissioners:

- R.C.M.P.
- Correctional Service of Canada, National Parole Board
- City of Sydney Police Commission
- Donald Marshall, Jr.

Clayton Ruby

- 2 -

May 5, 1987

Representatives of the Black United Front have advised they intend to be present and file a brief. Counsel for Herb Davies, R.C.M.P. advised that he will be present and will also file a late brief. Counsel for James Carroll, H.F. Wheaton and D.B. Scott, all R.C.M.P., have advised they will not be present.

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Yours very truly,

M. Lois Dyer
Commission Executive
Secretary

MLD/jm
Encl.

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 5, 1987

BY COURIER

Mr. M.G. Whalley, Q.C.
City Solicitor
City of Sydney
320 Esplanade
Sydney, N.S. B1P 6H7

Dear Mr. Whalley,

I am enclosing for your information a copy of the following briefs received by the Commission in connection with the Hearings scheduled for May 13th and 14th to hear applications respecting the provision of funding for legal counsel for various parties who have been granted standing:

- Evers, Green and MacAlpine
- Oscar Seale
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- Donald C. MacNeil
- Herb Davies
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- John F. MacIntyre
- Scott and Wheaton

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- R.C.M.P.
- Correctional Service of Canada, National Parole Board
- City of Sydney Police Commission
- Donald Marshall, Jr.

M.G. Whalley

- 2 -

May 5, 1987

Representatives of the Black United Front have advised they intend to be present and file a brief. Counsel for Herb Davies, R.C.M.P. advised that he will be present and will also file a late brief. Counsel for James Carroll, H.F. Wheaton and D.B. Scott, all R.C.M.P., have advised they will not be present.

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Commission Executive
Secretary

MLD/jm
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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 5, 1987

BY COURIER

Mr. Jamie W.S. Saunders
Patterson, Kitz
Barristers & Solicitors
10 Church Street
Truro, N.S. B2N 5B9

Dear Mr. Saunders,

Enclosed you will find copies of the following briefs received by the Commission in connection with the Hearings scheduled for May 13th and 14th to hear applications respecting the provision of funding for legal counsel for various parties who have been granted standing. Your own has not been included:

- Oscar Seale
- John F. MacIntyre
- Donald C. MacNeil
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- Correctional Service of Canada, National Parole Board
- City of Sydney Police Commission
- Donald Marshall, Jr.

Any or all submissions by these counsel will be at the discretion of the Commissioners.

Briefs are still expected from both the Black United Front and counsel for Herb Davies, R.C.M.P.

Jamie W.S. Saunders

- 2 -

May 5, 1987

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Yours truly,

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M. Lois Dyer
Commission Executive
Secretary

MLD/jm
Encl.

ROYAL COMMISSION ON THE DONALD MARSHALL, R., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 5, 1987

BY COURIER

Department of Justice
4th Floor
Royal Bank Building
5161 George Street
Halifax, N.S. B3J 1M7

ATTENTION: JAMES D. BISSELL, COUNSEL

Dear Mr. Bissell,

I am enclosing for your information a copy of the following briefs received by the Commission in connection with the Hearings scheduled for May 13th and 14th to hear applications respecting the provision of funding for legal counsel for various parties who have been granted standing:

- Evers, Green and MacAlpine
- Oscar Seale
- Union of Nova Scotia Indians
- Donald C. MacNeil
- Herb Davies
- Department of Attorney General
- John F. MacIntyre
- Scott and Wheaton

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- R.C.M.P.
- Correctional Service of Canada, National Parole Board
- City of Sydney Police Commission
- Donald Marshall, Jr.

James D. Bissell

- 2 -

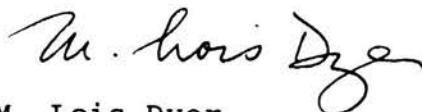
May 5, 1987

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Yours very truly,

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M. Lois Dyer
Commission Executive
Secretary

MLD/jm
Encl.

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 5, 1987

BY COURIER

Department of Justice
4th Floor
Royal Bank Building
5161 George Street
Halifax, N.S. B3J 1M7

ATTENTION: AL PRINGLE, COUNSEL

Dear Mr. Pringle,

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- Evers, Green and MacAlpine
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- Department of Attorney General
- John F. MacIntyre
- Scott and Wheaton

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- Correctional Service of Canada, National Parole Board
- City of Sydney Police Commission
- Donald Marshall, Jr.

Al Pringle

- 2 -

May 5, 1987

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M. Lois Dyer
Commission Executive
Secretary

MLD/jm
Encl.

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 5, 1987

BY COURIER

Mr. Guy LaFosse
Boudreau, Beaton & LaFosse
Barristers & Solicitors
50 Dorchester Street
Sydney, N.S. B1P 6J1

Dear Mr. LaFosse,

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- Oscar Seale
- John F. MacIntyre
- Donald C. MacNeil
- Union of Nova Scotia Indians
- Department of Attorney General
- Evers, Green and MacAlpine
- Scott and Wheaton

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- Correctional Service of Canada, National Parole Board
- City of Sydney Police Commission
- Donald Marshall, Jr.

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Briefs are still expected from both the Black United Front and counsel for Herb Davies, R.C.M.P.

Guy LaFosse

- 2 -

May 5, 1987

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Yours truly,

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M. Lois Dyer
Commission Executive
Secretary

MLD/jm
Encl.

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 5, 1987

BY COURIER

Mr. Calvin Gough
Second Vice-President
Black United Front of Nova Scotia
c/o 2560 Oxford Street
Halifax, N.S. B3L 2T4

Dear Mr. Gough,

I am enclosing for your information a copy of the following briefs received by the Commission in connection with the Hearings scheduled for May 13th and 14th to hear applications respecting the provision of funding for legal counsel for various parties who have been granted standing:

- Evers, Green and MacAlpine
- Oscar Seale
- Union of Nova Scotia Indians
- Donald C. MacNeil
- Herb Davies
- Department of Attorney General
- John F. MacIntyre
- Scott and Wheaton

You and Counsel for the other participants listed below have indicated that you will not be submitting a brief but nonetheless wish to be present. Any oral submission by these Counsel will be at the discretion of the Commissioners:

- R.C.M.P.
- Correctional Service of Canada, National Parole Board
- City of Sydney Police Commission
- Donald Marshall, Jr.

Calvin Gough

- 2 -

May 5, 1987

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Yours very truly,

M. Lois Dyer
Commission Executive
Secretary

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 5, 1987

BY COURIER

Ms. Anne S. Derrick
Buchan, Derrick & Ring
Barristers & Solicitors
1545 Grafton Street
Halifax, N.S. B3J 2B9

Dear Ms. Derrick,

I am enclosing for your information a copy of the following briefs received by the Commission in connection with the Hearings scheduled for May 13th and 14th to hear applications respecting the provision of funding for legal counsel for various parties who have been granted standing:

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- Oscar Seale
- Union of Nova Scotia Indians
- Donald C. MacNeil
- Herb Davies
- Department of Attorney General
- John F. MacIntyre
- Scott and Wheaton

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- Correctional Service of Canada, National Parole Board
- City of Sydney Police Commission
- Donald Marshall, Jr.

Anne S. Derrick

- 2 -

May 5, 1987

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Yours very truly,

M. Lois Dyer
Commission Executive
Secretary

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Encl.

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

M E M O R A N D U M

TO: THE COMMISSIONERS

FROM: Lois Dyer

DATE: May 5, 1987

REFERENCE: SUBMISSIONS RE HEARING OF COMMISSION - MAY 13/14, 1987

I have enclosed all submissions received to-date, along with an example of the two letters sent to the two groups of parties: a) those applicants who submitted briefs; b) those who will be in attendance but did not submit a brief.

Both the Attorney General and counsel for Mr. MacIntyre will send along copies of the authorities they cite. These will be held here for you unless you would prefer I send them along. Just let me know.

This will remind you that the next meeting of the Commission is set for 4:00 p.m. in the Commission Boardroom, on Tuesday, May 12, 1987. See you then!



MLD:jrc

enclosures

May 5, 1987

Mr. Jamie W.S. Saunders
Patterson Kitz
Barristers & Solicitors
10 Church Street
P.O. Box 1068
Truro, Nova Scotia B2N 5B9

Dear Jamie:

Further to your letter of April 15, 1987, the Commission has considered your request for a delay of the opening of its hearings in Sydney on September 9, 1987.

The Commission regrets that you will be unable to appear in Sydney on September 9, 10 or 11, but does not feel that it is in a position to delay the tentative start-up date that has been selected. Fortunately, your partner, Mr. Pink will be able to be in attendance.

I expect you will appreciate that it would be impossible for the Commission to try and accommodate every individual schedule among the large of number of individuals who will be involved in the Commission's hearings.

Yours truly,

M. Lois Dyer
Commission Executive Secretary

MLD:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 4, 1987

Mr. Darrel I. Pink
Patterson, Kitz
Barristers & Solicitors
Bank of Montreal Tower, Suite 1600
5151 George Street
P. O. Box 247
Halifax, Nova Scotia B3J 2N9

Dear Mr. Pink:

As you requested, I am enclosing another copy of the meeting of February 5th, 1987 between Judge Anderson and Wylie Spicer.

Very truly yours,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

May 1, 1987

Mr. James D. Bissell
Counsel, Atlantic Region
Department of Justice Canada
4th Floor, Royal Bank Building
5161 George Street
Halifax, Nova Scotia
B3J 1M7

Dear Mr. Bissell:

Re: Doug Rutherford

You have asked that we outline the areas which we would like to cover with Doug Rutherford. It is our understanding that Mr. Rutherford was involved in the Reference by the then Minister of Justice to the Nova Scotia Court of Appeal, and we would like to examine the provincial factors that were brought to bear in the decision to refer and the form of the Reference itself. Included in this general inquiry would be whether or not there was any communication or knowledge of communication with the Court of Appeal on the form of the Reference, whether the issue of compensation for Donald Marshall was at any time raised while the Reference or the form of the Reference was being considered, and whether or not any suggestions were made to the Nova Scotia Department of Attorney General by the Federal Government in respect of the compensation issue.

We would also like to obtain access to and review any files on the Marshall case maintained by the Department of Justice.

.../2

M.D. Bissell

Page 2

May 4, 1987

The Commission views the Reference and the process by which compensation was awarded as falling within its Terms of Reference. While the final decision by the Minister of Justice to refer the matter may not strictly be within the confines of the Commission's provincial jurisdiction, we feel that insofar as those responsible for the administration of justice in Nova Scotia had any input into or influence over decisions taken at the federal level, and insofar as those at the federal level had any influence over and input into decisions at the provincial level, such factors are appropriate and relevant subjects of inquiry.

We trust that this adequately sets out our position, and we look forward to hearing from you on whether or not we may meet Mr. Rutherford on May 21, 1987.

Yours truly,

A handwritten signature in dark ink, appearing to read "David Orsborn", with a large, stylized initial "D" and a long, sweeping horizontal stroke extending to the right.

David B. Orsborn
Commission Counsel

DBO:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 30, 1987

Mr. S. Bruce Outhouse
Blois, Nickerson, Palmeter & Bryson
Barristers & Solicitors
1568 Hollis Street
P. O. Box 2147
Halifax, Nova Scotia B3J 3B7

Dear Bruce:

I acknowledge receipt of your letter of April 15, 1987
and I am enclosing copies of John MacIntyre's and William
Urquhart's discovery evidence given in the CBC matter.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

Enclosures

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 30, 1987

Ms. Sheila Blair
Sales Assistant
World Trade & Convention Centre
P.O. Box 955
1800 Argyle St.
Halifax, N.S. B3J 2V9

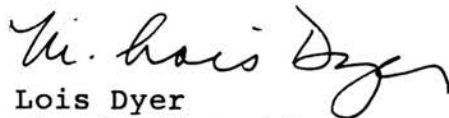
Dear Ms. Blair,

I am enclosing the signed copy of the contract for the facilities we have rented for Wednesday and Thursday, May 13 and 14, 1987.

I understand that, if we do not require the facility for the 14th, we will not be charged for it. I also understand that we and the technical suppliers for our meetings may have access to the facility to set up on Tuesday, May 12, 1987.

Thank you for your assistance.

Sincerely yours,


M. Lois Dyer
Commission Executive
Secretary

MLD/jm
Encl.

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 29, 1987

Mr. William A. Urquhart
155 Park Street
Sydney, Nova Scotia B1P 4W7

Dear Mr. Urquhart:

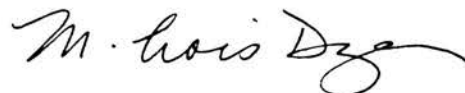
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If you have any questions, please do not hesitate to contact me.

Sincerely yours,



M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb
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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 29, 1987

Ms. Anne S. Derrick
Buchan, Derrick & Ring
Barristers & Solicitors
1545 Grafton Street
Halifax, Nova Scotia B3J 2B9

Dear Ms. Derrick:

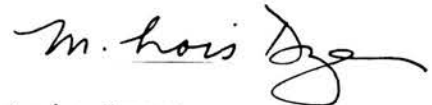
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Commission Executive
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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 29, 1987

Mr. M. G. Whalley, Q.C.
City Solicitor
City of Sydney
320 Esplanade
P. O. Box 730
Sydney, Nova Scotia B1P 6H7

Dear Mr. Whalley:

I am enclosing a copy of the minutes of the meeting of counsel representing the parties granted standing before the Royal Commission.

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Sincerely yours,



M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb
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CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 29, 1987

Mr. E. Anthony Ross
Smith, Gay, Evans & Ross
Barristers & Solicitors
604 Queen Square
P. O. Box 852
Dartmouth, Nova Scotia B2Y 3Z5

Dear Mr. Ross:

I am enclosing a copy of the minutes of the meeting of counsel representing the parties granted standing before the Royal Commission.

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Commission Executive
Secretary

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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 29, 1987

Mr. Clayton Ruby
Ruby & Edwardh
Barristers
11 Prince Arthur Avenue
Toronto, Ontario M5R 1B2

Dear Mr. Ruby:


I am enclosing a copy of the minutes of the meeting of counsel representing the parties granted standing before the Royal Commission.

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Commission Executive
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April 29, 1987

Mr. James D. Bissell
Counsel, Atlantic Region
Department of Justice Canada
4th Floor, Royal Bank Building
5161 George Street
Halifax, Nova Scotia B3J 1M7

Dear Mr. Bissell:

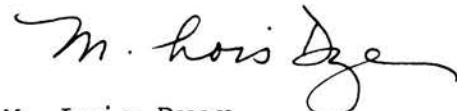
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Commission Executive
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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 29, 1987

Mr. Frank L. Elman, Q.C.
Elman, Kuna & Hannem
Barristers & Solicitors
327 Charlotte Street
Sydney, Nova Scotia B1P 6G9

Dear Mr. Elman:

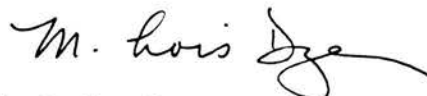
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COMMISSIONER

April 29, 1987

Mr. Jamie W. S. Saunders
Patterson, Kitz
Barristers & Solicitors
Bank of Montreal Tower
5151 George Street, Suite 1600
P. O. Box 247
Halifax, Nova Scotia B3J 2N9

Dear Mr. Saunders:

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 29, 1987

Mr. Calvin Gough,
Second Vice-President
Black United Front of Nova Scotia
c/o 2560 Oxfor Street
Halifax, Nova Scotia B3L 2T4

Dear Mr. Gough:

I am enclosing a copy of the minutes of the meeting of counsel representing the parties granted standing before the Royal Commission.

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Commission Executive
Secretary

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 29, 1987

Mr. Bruce H. Wildsmith
Barrister & Solicitor
33 Walton Drive
Halifax, Nova Scotia B3N 1X6

Dear Mr. Wildsmith:

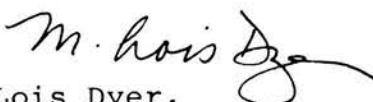
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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 29, 1987

Mr. William L. Ryan
Stewart, MacKeen & Covert
Barristers & Solicitors
Purdy's Wharf Tower 1
1959 Upper Water Street
P. O. Box 997
Halifax, Nova Scotia B3J 2X2

Dear Mr. Ryan:

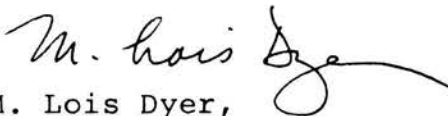
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COMMISSIONER

April 29, 1987

Mr. Ronald N. Pugsley, Q.C.
Stewart, MacKeen & Covert
Barristers & Solicitors
Purdy's Wharf Tower 1
1959 Upper Water Street
P. O. Box 997
Halifax, Nova Scotia B3J 2X2

Dear Mr. Pugsley:

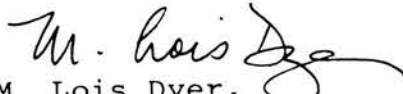
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April 29, 1987

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Stewart, MacKeen & Covert
Barristers & Solicitors
Purdy's Wharf Tower 1
1959 Upper Water Street
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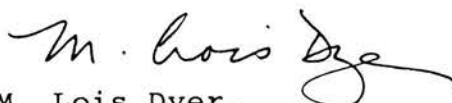
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If you have any questions, please do not hesitate to contact me.

Sincerely yours,


M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 29, 1987

Mr. William L. Ryan
Stewart, MacKeen & Covert
Barristers & Solicitors
Purdy's Wharf Tower 1
1959 Upper Water Street
P. O. Box 997
Halifax, Nova Scotia B3J 2X2

Dear Mr. Ryan:

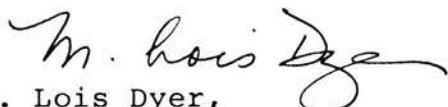
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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 29, 1987

Mr. Darrel I. Pink
Patterson, Kitz
Barristers & Solicitors
Bank of Montreal Tower
5151 George Street, Suite 1600
P. O. Box 247
Halifax, Nova Scotia B3J 2N9

Dear Mr. Pink:

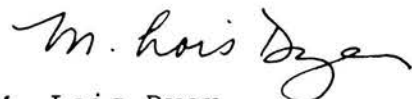
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THE HONOURABLE
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COMMISSIONER

April 29, 1987

Mr. Guy LaFosse
Boudreau, Beaton & LaFosse
Barristers & Solicitors
50 Dorchester Street
P. O. Box 755
Sydney, Nova Scotia B1P 6J1

Dear Mr. LaFosse:

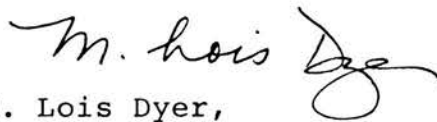
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COMMISSIONER

April 29, 1987

Mr. David W. Fisher,
Solicitor
Police Association of Nova Scotia
c/o The Billy Club
16 Portland Street
Dartmouth, Nova Scotia B2Y 1G9

Dear Mr. Fisher:

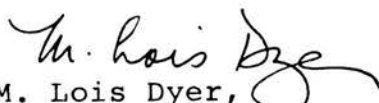
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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 29, 1987

Mr. Gordon F. Proudfoot
Office of the President
Nova Scotia Branch
Canadian Bar Association
c/o Boyne Clarke
33 Alderney Drive
Dartmouth, Nova Scotia B2Y 3Z5

Dear Mr. Proudfoot:

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 29, 1987

Mr. Al Pringle
Department of Justice Canada
4th Floor, Royal Bank Building
5161 George Street
Halifax, Nova Scotia B3J 1M7

Dear Mr. Pringle:

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COMMISSIONER

April 29, 1987

Mr. S. Bruce Outhouse
Blois, Nickerson, Palmetter & Bryson
Barristers & Solicitors
1568 Hollis Street
P. O. Box 2147
Halifax, Nova Scotia B3J 3B7

Dear Mr. Outhouse:

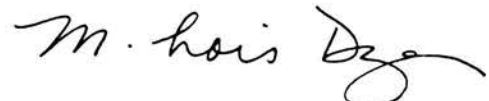
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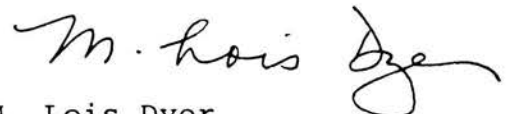
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COMMISSIONER

April 29, 1987

Mr. Charles Broderick
Barrister & Solicitor
P. O. Box 151
3316 Plummer Avenue
New Waterford, Nova Scotia B1H 4K4

Dear Mr. Broderick:


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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 29, 1987

My Lady:

Re: Donald Marshall Royal Commission

I am counsel to the Commissioners on this matter. Jamie Saunders is counsel for the Attorney General of Nova Scotia.

A dispute has arisen as a result of our request for production of Cabinet documents in the possession of the Nova Scotia Government. We had requested production of any such documents referring to Donald Marshall or related matters. Mr. Saunders, on behalf of the Attorney General, has claimed privilege for such documents.

A couple of months ago Commission counsel were attempting to obtain production of documents in the possession of the solicitor for the Canadian Broadcasting Corporation. When we could not obtain voluntary release of such documents, we made Application to the Supreme Court of Nova Scotia but an agreement was reached following a Pre-Trial Conference before Mr. Justice Hallett. During that exercise Mr. Justice Hallett questioned whether it was necessary to take an Application given the powers conferred on the Commissioners pursuant to the provisions of the Public Inquiries Act. We pointed out to His Lordship our concern that the Commissioners, or their counsel, did not seem to be the appropriate persons to review the documents in question to determine whether they are privileged.

Mr. Saunders and I have agreed that we would prefer to have a Judge of the Supreme Court Trial Division review the Cabinet documents in question and determine whether privilege will attach to the documents. We would propose having the documents delivered to a Chambers Judge and filing a submission setting out the authorities

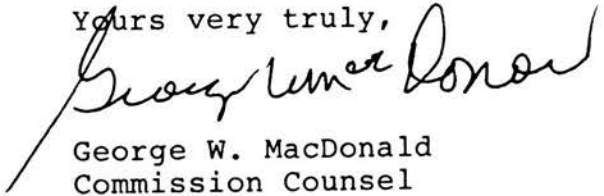
...../2

which would apply. Hopefully we would be able to agree on the submission although I anticipate each of us would want to address the Chambers Judge on the application of the authorities to the facts of this particular matter, and with respect to the type of documents which we suspect are in existence.

Rather than have the question of the jurisdiction of the Trial Division raised by a Chambers Judge when the Application is heard, I am taking the liberty of asking you to advise whether the Trial Division will accept the jurisdiction and hear this proposed Application. I would suggest bringing the matter on during a regular Chambers day sometime shortly after May 13, which is a date already fixed for a public hearing of the Commission to be held in Halifax.

If I can provide you with any additional information, or if you would like to hear submissions from me and Mr. Saunders on the point, would you please get in touch with me.

Yours very truly,


George W. MacDonald
Commission Counsel

The Honourable Chief Justice
C. R. Glube
Supreme Court of Nova Scotia
Trial Division
The Law Courts
1815 Upper Water Street
Halifax , Nova Scotia

GWMacD/fm

cc: Mr. Jamie Saunders
Mr. Darrel Pink

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 28, 1987

Mr. S. Bruce Outhouse
Blois, Nickerson, Palmeter & Bryson
Barristers & Solicitors
P. O. Box 2147
1568 Hollis Street
Halifax, Nova Scotia B3J 3B7

Dear Bruce:

Re: Royal Commission on the Donald
Marshall, Jr., Prosecution

This will advise you that the Commission met recently to consider the matter of applications for standing before the Royal Commission on the Donald Marshall, Jr., Prosecution. Staff Sgt. H. F. Wheaton, R.C.M.P., has been granted full standing. This will entitle his representative to be present, cross-examine witnesses and present a final submission.

In due course, a copy of the Commission's News Release and Fact Sheet will be sent to you.

Yours very truly,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

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April 28, 1987

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Blois, Nickerson, Palmetter & Bryson
Barristers & Solicitors
P. O. Box 2147
1568 Hollis Street
Halifax, Nova Scotia B3J 3B7

Dear Bruce:

Re: Royal Commission on the Donald
Marshall, Jr., Prosecution

This will advise you that the Commission met recently to consider the matter of applications for standing before the Royal Commission on the Donald Marshall, Jr., Prosecution. Inspector D. B. Scott, R.C.M.P., has been granted full standing. This will entitle his representative to be present, cross-examine witnesses and present a final submission.

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Yours very truly,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

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April 28, 1987

Mr. Guy LaFosse
Boudreau, Beaton & LaFosse
Barristers & Solicitors
P. O. Box 755
50 Dorchester Street
Sydney, Nova Scotia B1P 6J1

Dear Mr. LaFosse:

Re: Royal Commission on the Donald
Marshall, Jr., Prosecution

This will advise you that the Commission met recently to consider the matter of applications for standing before the Royal Commission on the Donald Marshall, Jr., Prosecution. Sgt. Herb Davies, R.C.M.P., has been granted full standing. This will entitle his representative to be present, cross-examine witnesses and present a final submission.

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 27, 1987

Inspector Harry Murphy
R.C.M. Police
3139 Oxford Street
P.O. Box 2286
Halifax, N.S. B3J 3E1

Re: Royal Commission on the Donald Marshall, Jr., Prosecution

Dear Harry,

Could you please arrange for a record check on the following person:

Shawn Gentile - Birthday: September 10, 1954.

Yours truly,


G. Fred Horne,
Investigator

GFH/jm

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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COMMISSIONER

April 27, 1987

Rev. E.B. Roberts
St. Andrew's United Church
6036 Coburg Road
Halifax, N.S. B3H 1Y9

Dear Rev. Roberts,

Re: Royal Commission on the Donald Marshall, Jr., Prosecution

I have your letter of April 22, 1987 in which you indicate that the lower Church Hall would not be available because of maximum occupancy during the period of September, October, November and December 1987.

I would be grateful if you would ask the Official Board whether it might be possible to reserve the Lower Hall and other premises we spoke of for the month of January, February, March and possibly April of 1988. Although I am not able to anticipate our schedule with certainty for the moment, I do expect that the Hearings will not take place in Halifax until December of 1987, and more probably, January 1988. The Commission still feels strongly that your facility is most suited to our requirements and asks that the Official Board reconsider the request for these winter months.

I look forward to hearing from you soon.

Yours truly,



M. Lois Dyer
Commission Executive
Secretary

MLD/jm

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COMMISSIONER

April 27, 1987

Mr. Guy LaFosse
Boudreau, Beaton & LaFosse
P. O. Box 755
50 Dorchester Street
Sydney, Nova Scotia B1P 6J1

Dear Mr. LaFosse:

Re: Royal Commission on the Donald
Marshall, Jr., Prosecution

I have your letter of April 22, 1987 and will bring to the attention of the Commission when it meets by telephone conference call later this week your request for standing for Sergeant Herb Davies of the R.C.M.P. I am enclosing with this letter recent correspondence mailed to others granted standing in connection with the postponement of the public hearings, as well as a copy of the News Release the Commission distributed concerning the delay.

I will contact you by telephone concerning the decision of the Commission on standing. Please advise me immediately whether it is your intention to be in attendance at the meeting of May 13th in Halifax.

Sincerely yours,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

Enclosures

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 24, 1987

Mr. David G. Bell
Assistant Professor
University of New Brunswick
Faculty of Law
Bag Service Number 44999
Fredericton, New Brunswick E3B 6C9

Dear Mr. Bell:

Thank you very much for sending along the copy of the Canadian Bar Association's (New Brunswick) brief to recent legislative hearings on the Office of the Attorney General in that Province. I appreciate as well your sending along the submission of the Department of Justice, New Brunswick. It is interesting to note that a Commission of Inquiry to the conflicting roles will be established and that the Commissioner will be Professor John Edwards. We have already spoken with Professor Edwards for his expert advice on these matters in connection with our Inquiry and I expect we will need to call on him from time to time.

We would be much obliged if you would send along a copy, with appropriate invoice, of the forthcoming issue of the UNB Law Journal. We are most interested in Mr. Gregory's paper, as well as Professor Edwards'.

Yours truly,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 24, 1987

Mr. S. Bruce Outhouse
Blois, Nickerson, Palmetter & Bryson
P. O. Box 2147
Halifax, Nova Scotia B3J 3B7

Dear Bruce:

Re: Royal Commission on the Donald
Marshall, Jr., Prosecution

This will confirm that the Commission has received your request for standing for Inspector D. B. Scott and Staff Sergeant H. F. Wheaton in connection with the above-noted Inquiry.

As I indicated to you by telephone, the Commission will meet the week of April 27th and will consider, among other things, your request. I will telephone you with the result. In the meantime, I am enclosing a copy of a letter recently sent to counsel for those granted standing after a meeting to discuss procedural matters.

If you intend to participate in the May 13th hearing of the Commission, please advise me as soon as possible by telephone. As soon as I can, I will send along the Minutes of the meeting of counsel. In the meantime, I am able to send you a copy of the Agenda and supporting documents.

Sincerely yours,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

Enclosures

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 24, 1987

Mr. David G. Bell
Assistant Professor
University of New Brunswick
Faculty of Law
Bag Service Number 44999
Fredericton, New Brunswick E3B 6C9

Dear Mr. Bell:

Thank you very much for sending along the copy of the Canadian Bar Association's (New Brunswick) brief to recent legislative hearings on the Office of the Attorney General in that Province. I appreciate as well your sending along the submission of the Department of Justice, New Brunswick. It is interesting to note that a Commission of Inquiry to the conflicting roles will be established and that the Commissioner will be Professor John Edwards. We have already spoken with Professor Edwards for his expert advice on these matters in connection with our Inquiry and I expect we will need to call on him from time to time.

We would be much obliged if you would send along a copy, with appropriate invoice, of the forthcoming issue of the UNB Law Journal. We are most interested in Mr. Gregory's paper, as well as Professor Edwards'.

Yours truly,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb



UNIVERSITY OF
NEW BRUNSWICK

Bag Service Number 44999 / Fredericton, N.B. / Canada E3B 6C9

Faculty of Law
(506) 453-4669/4670/4671

Telex: 014-46-202

APR 24 1987

15 April 1987

Ms. Lois Dyer
Royal Commission on the Donald Marshall Prosecution
Suite 1026
1505 Barrington Street
HALIFAX, Nova Scotia
B3J 3LK5

Dear Ms. Dyer:

Pursuant to Chief Justice Hickman's request of Chief Justice Hughes, I enclose a copy of the Canadian Bar Association's brief to recent legislative hearings on the Office of Attorney General. The presentation, intended for oral delivery, was necessarily brief, but I think you will find that most of the points are made solidly.

I enclose, as well, a copy of the N.B. Department of Justice's written submission to the same hearings. In his oral remarks the Minister of Justice promised a commission of inquiry into the conflicting roles of Attorney-General and Minister of Justice in this province. The Commissioner will be Professor John L. Edwards, the leading Commonwealth authority on the office of Attorney-General. Professor Edwards' Viscount Bennett lecture on this subject, together with a very interesting paper by Gordon Gregory, Canada's longest-serving deputy Attorney-General, will appear in the forthcoming (May) issue of the UNB Law Journal.

Yours truly,

David G. Bell
Assistant Professor

DGB/wmb

Enclosures

April 23, 1987

Mr. Darrel I. Pink
Patterson Kitz
Barristers & Solicitors
Bank of Montreal Tower
1600-5151 George Street
Halifax, Nova Scotia
B3J 2N9

Dear Mr. Pink:

Re: Cabinet Documents

I refer to your letter of April 22, 1987 and our telephone conversation of the same date.

I might say that I found your response of April 22 to be far from an adequate answer to my letter of March 25, 1987. In that letter I had asked you whether or not the Marshall case was discussed by the Provincial Cabinet and further requested copies of any and all Cabinet or Cabinet Committee documents. Your letter of April 22, 1987, simply ignored the request for information as to whether there had been any discussions and with respect to the Cabinet documents themselves, your letter simply did not answer the question of whether or not there were any Cabinet documents and it was necessary for me to get that information from you over the telephone. We do not expect to have to engage in detective work with the Provincial Government to discover whether documents do in fact exist. I can think of no reason why your response of April 22, 1987 could not have just indicated to the Commission in a straightforward manner that there are Cabinet documents and that it is the position of the Provincial Government that they will not be released.

.../2

If I understand our telephone conversation of yesterday correctly, there are in fact other documents concerning Donald Marshall which are considered to be "Cabinet documents" and which the Government is not prepared to produce.

It is the position of the Commission that any and all documents, Cabinet or otherwise, should be voluntarily produced. Since it would appear that the Government does not share this view, we will be issuing a Subpoena in the next few days for all Cabinet material. This Subpoena will be made returnable at the meeting of the Commission scheduled for May 13, 1987 and will be dealt with at the commencement of the Hearing prior to the applications for funding.

Yours very truly,

W. Wylie Spicer
Commission Counsel

WWS/mm

DELIVERED

ROYAL COMMISSION C. THE DONALD MARSHALL, JR. ROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 22, 1987

PRIVATE AND CONFIDENTIAL

The Honourable Gordon Cooper
The Halifax Herald Limited
1650 Argyle Street
Halifax, Nova Scotia B3J 2B4

Dear Mr. Justice Cooper:

This will confirm that representatives of the Royal Commission on the Donald Marshall, Jr., Prosecution will meet with you and the Editorial Board on Wednesday, April 29, 1987 at 10:30 a.m. We look forward to seeing you then.

Yours very truly,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

ROYAL COMMISSION OF THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 22, 1987

Mr. Paul Comeau, C.F.E.,
General Manager
Holiday Inn - Sydney
480 King's Road at Castle Drive
Sydney, Nova Scotia B1S 1B3

Dear Mr. Comeau:

I spoke last week with one of the members of your staff to formally advise you of the Commission's cancellations of its tentative start-up of hearings in Sydney, N.S. on May 12th, 1987.

This letter will formally confirm that the Commission wishes to cancel the arrangements it made as of its letter of March 23, 1987.

The Commission expects to open its hearings in Sydney on or about September 9th, 1987. Toward the end of May, I expect to be in a position to have a clearer picture of the schedule for the Sydney portion of the hearings. As soon as the schedule becomes more clear, I will be in touch with you so that arrangements along the lines sketched out in my letter of March 23rd, 1987 can be made for the months of September and October.

Many thanks for your assistance in these matters.

Yours truly,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 22, 1987

Mr. Ed Mann, Chairman
The Hall Committee
St. Andrew's United Church
P. O. Box 937
Sydney, Nova Scotia B1P 6J4

Dear Mr. Mann:

I spoke last week with Debbie Glabby advising her that the Commission had been required to reschedule its tentatively set hearings for May 12th, 1987. The Commission now expects to commence the Sydney phase of its hearings on or about September 9th, 1987.

I confirm by this letter that the Commission releases its reservation of the lower hall and four additional rooms for the months of May into mid June.

The Commission wishes to reserve for its use the lower hall and five additional rooms for the purposes outlined in my letter to you of March 17, 1987, for the months of September and October with perhaps the first two weeks of November reserved as well.

It is still slightly premature for me to provide you with a fixed schedule. I hope to be in a position to do this toward the middle to end of May. As soon as I have a clearer idea of the dates required, I will be in touch with you further. In the meantime, I would be grateful if you would reserve, on a tentative basis, the same facilities you had set aside for our use for May 12th on.

- 2 -

Mr. Ed Mann

April 22, 1987

I expect I will return to Sydney mid to late May to continue discussions with you and your colleagues.

Yours truly,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 22, 1987

The Reverend E. B. Roberts
St. Andrew's United Church
6036 Coburg Road
Halifax, Nova Scotia B3H 1Y9

Dear Reverend Roberts:

As you no doubt have heard by now, the Commission has been required to postpone the start-up phase of its activities in Sydney, Nova Scotia until September. This will necessitate a corresponding delay to the start-up of the Halifax phase of hearings.

As a result, the Commission must release its tentative reservation of the St. Andrew's lower hall for the month of June. I expect to be in a better position later in May to indicate to you which months in the Fall and Winter the Commission will require the lower church hall premises. I would appreciate your patience over the next several weeks until the schedule of the Commission becomes more clear. I will be in touch with you further once I am able to confirm some dates.

Sincerely yours,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 22, 1987

Mr. David B. Webster,
President
Rico-Trans Services Limited
Suite 302
1646 Barrington Street
Halifax, Nova Scotia B3J 2A3

Dear Mr. Webster:

Thank you for your letter of April 16, 1987 in connection with the May 13th hearing in Halifax of the Commission. We will be using the services of the same company who has been awarded the Halifax phase of the hearings, now rescheduled for the Fall of 1987.

Thank you for your interest.

Yours sincerely,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

ROYAL COMMISS. J ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 21, 1987

Mr. Darrel I. Pink
Patterson Kitz
Barristers & Solicitors
Bank of Montreal Tower, Suite 1600
5151 George Street
Halifax, Nova Scotia B3J 2N9

Dear Darrel:

RE: Donald Marshall Inquiry

I would like the opportunity to interview the person who typed the Coles letter of November 30, 1984 to Frank Edwards which bears file number 25-83-0019-06. If the typist is not the person who decided which file the letter was to go into, please so advise, in which case I would like to interview that person as well.

I would appreciate it if you could make the necessary arrangements and let me know.

Yours very truly,

W. Wylie Spicer,
Commission Counsel

WWS/ljb

DELIVERED

April 16, 1987

Mrs. Janet Calder
Administrator
Halifax County Rehabilitation Centre
Cole Harbour
Halifax County, Nova Scotia

Dear Mrs. Calder:

In the interest of the Royal Commission on the Donald Marshall, Jr., Prosecution, we would be interested in talking to one, Gerrard Francis Doyle, who, we understand is a patient at the Rehabilitation Centre. In particular, we would like to talk briefly with Mr. Doyle concerning the events and his association with Mr. Roy Ebsary at Sydney, Nova Scotia, around 1982-83.

In the event that permission from Mr. Doyle's family is required, we would endeavour to obtain this permission in writing.

Yours truly,

G.F. Horne
Investigator

GFH:jrc

Hand
delivered
by Jim
Maloney

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 15, 1987

Hon. James S. Kelleher, P.C.
Solicitor General of Canada
House of Commons
501 Confederation Building
Ottawa, Ontario K1A 0A6

Dear Sir:

Re: Donald Marshall Inquiry

I enclose copy of my letter of today's date to your colleague, the Minister of Justice and Attorney General of Canada, which speaks for itself.

The co-operation which this Commission has received from officials of your Department has been most encouraging.

For the reasons outlined in the enclosed letter, I would appreciate receiving a letter similar to that requested of Mr. Hnatyshyn.

Yours very truly,

Chairman

TAH/ljb

Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 15, 1987

Hon. R. Hnatyshyn, P.C., Q.C.
Minister of Justice and
Attorney General of Canada
Department of Justice
Room 418 North
Centre Block
House of Commons
Ottawa, Ontario K1A 0A6

Dear Sir:

Re: Donald Marshall Inquiry

Very shortly after the Commission of Inquiry into the Donald Marshall affair was constituted, I had the opportunity to speak to your Deputy Minister concerning the degree of co-operation which could be expected from officials and employees of the Department of Justice. Your Deputy assured me that full co-operation would be given to the Commission and the Commission Counsel through the investigation stage, the preparation for hearing stage and during the actual public hearings of the Commission. I am also of the understanding that similar co-operation will be given by the Office of the Solicitor General.

The co-operation which has been given, by both Departments, to date is as expected and promised.

Recently, while discussing with counsel the conduct of the public hearing, some concern was expressed with respect to the position the Commission may find itself in should any employee of the Department of Justice, or the Solicitor General's Department, be called as a witness at the hearings and refuse to answer questions on the basis that the Inquiry would have no jurisdiction to deal with questions arising out of the exercise of powers granted by the Federal Government. In such circumstances the Commission may be faced with the requirement to stay the hearings until such an objection could be considered by the appropriate Court.

Hon R. Hnatyshyn

April 15, 1987

Commission Counsel have also advised me that it would be highly desirable if access were afforded them to any files maintained by the Department of Justice and the Solicitor General. Of particular interest would be any files relating to the Reference to the Nova Scotia Court of Appeal.

Our Counsel have advised that, if the Commission had written advice from you confirming the position which has been stated by your Deputy Minister, such a written directive would likely avoid the circumstances of a witness refusing to answer a particular question and might, in addition, be most helpful in ensuring that access was obtained to pertinent files.

While our Counsel may be unduly concerned in this matter, as a precaution I would like to have available such a letter from both you and the Solicitor General. I know your Department is anxious to have all relevant matters concerning the Donald Marshall incident fully considered and I assume there will be no difficulty in providing me such letters. If your officials have any questions as to the form or substance of a letter which would be satisfactory, please have them get in touch with our Commission Counsel.

I am sending a copy of this letter of request to the Solicitor General in anticipation that his continued co-operation will also be confirmed.

Yours very truly,

Chairman

TAH/ljb

cc: Hon. James. S. Kelleher, P.C.

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 14, 1987

APR 16 1987

Mr. Jamie W. S. Saunders
Patterson, Kitz
Barristers and Solicitors
P. O. Box 1068
Truro, Nova Scotia
B2N 5B9

and

Mr. Darrel I. Pink
Patterson, Kitz
Barristers and Solicitors
P. O. Box 247
Halifax, Nova Scotia
B3J 2N9

Dear Sirs:

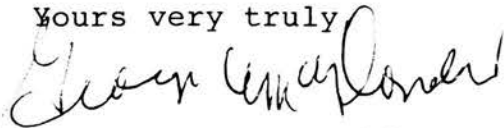
Re: Donald Marshall Inquiry

During the meeting of counsel held in Halifax on April 13 I asked those counsel who had arranged for material to be made available to Commission Counsel to advise if there is any objection to our making such material available to all other parties, notwithstanding the fact that we may determine such material not to be relevant.

You have arranged to make available to us various materials in the possession of the Attorney General and present and former employees of the Attorney General's Department. I have assumed that any materials in those files which we consider to be relevant will be introduced into evidence, and made available to all other parties who have standing at an appropriate time. It was not my intention, however, to make those files generally available for scrutiny by all interested parties, and at the moment I am not inclined to follow that course of action. Given the questions raised at the meeting

of counsel, however, I am going to be required to advise of the position to be adopted and provide some reasonable explanation for adopting such course. I would appreciate, therefore, if you would advise on behalf of your clients whether there is any objection to our making available for review by any interested party all of the various materials which have been provided to us.

Yours very truly

A handwritten signature in cursive script, appearing to read "George W. MacDonald".

George W. MacDonald
Commission Counsel

GWMacD/fm

bcc: ✓ David Orsborn
Wylie Spicer

ROYAL COMMISSION IN THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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APR 16 1987

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 14, 1987

Ms. Marlys Edwardh
Ruby & Edwardh
11 Prince Arthur Avenue
Toronto, Ontario
M5R 1B2

Dear Ms. Edwardh:

Re: Donald Marshall Inquiry

During the meeting of counsel held in Halifax on April 13 I asked those counsel who had arranged for material to be made available to Commission Counsel to advise if there is any objection to our making such material available to all other parties, notwithstanding the fact that we may determine such material not to be relevant.

Mr. Ruby has made arrangements for privilege to be waived on behalf of Mr. Marshall in order that we could review files in the possession of previous solicitors of Mr. Marshall and to conduct interviews of such counsel. I have assumed that any information we obtain during such interviews, or any documents we locate in the files, can be introduced into evidence if we consider them relevant. I did not intend, however, to make the entire files available for general scrutiny, and at the present moment am not inclined to do so. It is now necessary for me to advise all parties of the position to be adopted concerning general production of documents. Could you advise whether there is any objection to our making such documents available for review by any party given standing by the Commission.

Yours very truly,

George W. MacDonald
Commission Counsel

GWMacD/fm

bcc: ✓David Orsborn
Wylie Spicer

ROYAL COMMISSION I THE DONALD MARSHALL, J. PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

APR 16 1987

April 14, 1987

Mr. James Bissell
Department of Justice
4th Floor, 5161 George Street
Halifax, Nova Scotia
B3J 1M7

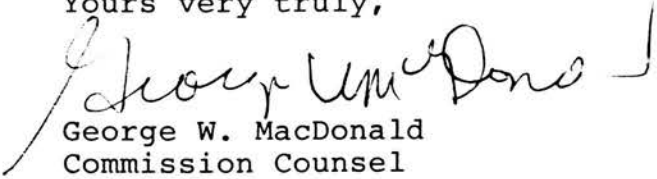
Dear Mr. Bissell:

Re: Donald Marshall Inquiry

During the meeting of counsel held in Halifax on April 13 I asked those counsel who had arranged for material to be made available to Commission Counsel to advise if there is any objection to our making such material available to all other parties, notwithstanding the fact that we may determine such material not to be relevant.

You have arranged to make available to us large amounts of materials from the files of the R.C.M.P. and the Correctional Services. I have assumed that any materials in those files which we consider to be relevant will be introduced into evidence, and made available to all other parties who have standing at an appropriate time. It was not my intention, however, to make those files generally available for scrutiny by all interested parties, and at the moment I am not inclined to follow that course of action. Given the questions raised at the meeting of counsel, however, I am going to be required to advise of the position to be adopted and provide some reasonable explanation for adopting such course. I would appreciate, therefore, if you would advise on behalf of your clients whether there is any objection to our making available for review by any interested party all of the various materials which have been provided to us.

Yours very truly,


George W. MacDonald
Commission Counsel

GWMacD/fm

bcc: ✓ David Orsborn
Wyllie Spicer

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

APR 16 1987

April 15, 1987

Mr. James D. Bissell
General Counsel
Director, Atlantic Region
Department of Justice
4th Floor, Royal Bank Building
5161 George Street
Halifax, Nova Scotia
B3J 1M7

Dear Jim:

Re: Donald Marshall Inquiry

During the interview of Sergeant Carroll he produced a notebook. He indicated it was standard procedure in the R.C.M.P. for all members to keep such a notebook. Naturally we would like to have copies of any notebooks which were kept by the various members of the R.C.M.P. who were involved in any way with the Marshall matter. Can you please advise whether you have been able to determine whether there are such notebooks in existence.

I am enclosing a copy of the notes I made during the interview with Sergeant Carroll. A copy of the notes have been forwarded to Mr. Broderick.

Yours very truly,


George W. MacDonald
Commission Counsel

GWMacD/fm
Encl.

bcc: ✓ David Orsborn
Wylie Spicer

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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APR 16 1987

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 15, 1987

Mr. Charles Broderick
Crosby, Keliher
Barristers and Solicitors
P. O. Box 151
New Waterford, Nova Scotia
B1H 4N9

Dear Mr. Broderick:

Re: Donald Marshall Inquiry

I am enclosing a copy of the transcript of my notes which were taken during the interview with Sargeant Carroll on April 10, 1987.

Please arrange to have a copy of the notes given to Sargeant Carroll. If you or he have any comments on the various points I have noted, please bring them to my attention. As I indicated to you and Sargeant Carroll, these notes are made for my convenience only and certainly would never be referred to when Sargeant Carroll is on the witness stand during the Public Hearings.

Yours very truly,

George W. MacDonald
Commission Counsel

GWMacD/fm
Encl.

bcc: ✓ David Orsborn
Wylie Spicer

ROYAL COMMISSION IN THE DONALD MARSHALL, J. PROSECUTION

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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

APR 16 1987
April 15, 1987

Professor Bruce Archibald
Dalhousie University
Law School
Halifax, Nova Scotia
B3H 4H6

Dear Bruce:

Re: Donald Marshall Inquiry

I received your request asking whether there was ever a Demand for Particulars made by Defence Counsel. We have not yet had the opportunity to review the files kept by Defence Counsel. We certainly have no information that any Demand was made nor that particulars were ever given by the Crown. For now I suggest you proceed on the assumption that there was no request made for particulars.

Yours very truly,

George W. MacDonald
Commission Counsel

GWMacD/fm

bcc: ✓David Orsborn
Wylie Spicer

ROYAL COMMISSION ON THE DONALD MARSHALL, Jr., PROSECUTION

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CHAIRMAN

APR 16 1987

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 15, 1987

Mr. James D. Bissell
General Counsel
Director, Atlantic Region
Department of Justice
4th Floor, Royal Bank Building
5161 George Street
Halifax, Nova Scotia
B3J 1M7

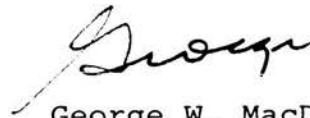
Dear Jim:

Re: Donald Marshall Inquiry

Thank you for your letter of April 15 which obviously crossed mine of April 14.

The position which you are taking with respect to release of documents is perfectly acceptable to me and I will make it a point to advise you the identity of any document which we propose introducing into evidence and making available to other counsel.

Yours very truly,



George W. MacDonald
Commission Counsel

GWMacD/fm

bcc: ✓David Orsborn
Wylie Spicer

ROYAL COMMISSION ON THE DONALD MARSHALL, J., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

APR 16 1987

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 15, 1987

Mr. James D. Bissell
General Counsel
Director, Atlantic Region
Department of Justice
4th Floor, Royal Bank Building
5161 George Street
Halifax, Nova Scotia
B3J 1M7

Dear Jim:

Re: Donald Marshall Inquiry

Thank you for your letter of April 9, 1987 and the copy of a page from the Operations Policy Manual of the R.C.M.P. From the notations on this page I believe it came into effect August 15, 1985. Are you able to provide me with copies of the various pages which would have been in effect from 1980 forward to 1985?

I appreciate that there may be large portions of the manual which are restricted and which would have no relevance to the issues with which we are concerned. If at all possible, however, I would like to at least have the opportunity to look at the index for the manual and satisfy myself that there are no portions which may have relevance. Could you arrange to have the index in your office and I can attend there for this purpose.

Yours very truly,

George W. MacDonald
Commission Counsel

GWMacD/fm

bcc: David Orsborn
Wylie Spicer

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 15, 1987

Government of Canada
Privy Council Office
Ottawa, Ontario K1A 0A3

Dear Sir:

Please send us three (3) copies of Harry Wilson's book:
Commissions of Inquiry: A Handbook on Operations.

Kindly send them collect by courier, preferably
Purolator.

Thank you.

Yours truly,

Brenda McGilvray,
Librarian

BMcG/ljb

April 15, 1987

Mr. Darrel I. Pink
Patterson, Kitz
Barristers & Solicitors
Bank of Montreal Tower
Suite 1600
5151 George Street
P.O. Box 247
Halifax, Nova Scotia
B3J 2N9

Dear Mr. Pink:

Enclosed please find the CBC Discovery transcripts for the following:

Maynard Chant
Patricia Harriss
Wayne Magee
Michael Bernard MacDonald
James MacNeil
John Pratico
William Urquhart
John F. MacIntyre
Kevin Christmas

At present, these are the only persons discovered in that proceeding whom we anticipate calling as witnesses at the public hearings.

We trust that this is satisfactory.

Yours very truly,

David B. Orsborn
Commission Counsel

DBO:jrc

enclosures

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 14, 1987

To All Parties Granted Standing:

Postponement of Public Hearings

The Commissioners have decided to postpone the commencement of public Hearings which tentatively were to begin in Sydney on May 12th, 1987. The Hearings are now scheduled to start on Wednesday, September 9th, 1987 in Sydney at St. Andrew's Church Hall.

The decision to postpone was taken because of the uncertainty surrounding the request for funding of legal counsel for various parties who have been granted standing. In addition, requests were received to provide counsel time for preparation once the funding matter is settled.

Formal applications have been received to convene a hearing of the Commission to hear submissions that funding of counsel for certain parties be provided through the Commission, or alternatively, that the Commission direct the Province of Nova Scotia to provide the required funding. The Commission will hear those applications at a public sitting to be held at Halifax on May 13th, 1987 commencing at 10:00 a.m. at a location still to be determined.

All parties who have been granted standing are entitled to attend the May 13th sitting. It would be appreciated if you would advise on or before April 24, 1987 whether it is the intention of your client to be represented at this sitting and whether any submissions would be made on behalf of your client.

If it is intended to make submissions on behalf of your client, written copies of the submission and any supporting documentation must be submitted, addressed to Commission Counsel

To All Parties Granted Standing

April 14, 1987

no later than May 4th, 1987. The written submission must address at least the following points:

- (a) whether the Commission has any jurisdiction to entertain the application for funding;
- (b) what relief the Commission has jurisdiction to provide; e.g., Order or recommendations;
- (c) the necessity for, and the extent of, funding required by your client from the Province of Nova Scotia.

Very truly yours,

A handwritten signature in cursive script, appearing to read "George W. MacDonald". A long, thin diagonal line extends from the bottom left of the signature towards the typed name below.

George W. MacDonald,
Commission Counsel

GWMacD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 13, 1987

Ms. Margaret E. Graham
Margaret E. Graham Discovery Service
298 Portland Street
Dartmouth, Nova Scotia B2Y 1K4

Dear Margaret:

I am pleased to inform you that the Commission considered your recent proposal to provide court reporter services to the Commission during its Hearings. The Commission decided that it would retain your services for the Halifax portion of those Hearings at the fees you quoted in your letter of March 19th, 1987, with the amendment of additional copies being charged at 25¢ per copy per page.

As soon as I am in a position to advise you of the anticipated start-up date of these Hearings, I will be in touch with you by telephone.

I have recently been advised by Commission Counsel that it is their preference, now, that the transcripts be available within 24 hours, which is a change from the requested 48 hours.

My preference is that a contract be drawn up between your Service and the Commission, but I expect it is premature to do so now. I will be in touch with you in the next several weeks to determine an appropriate procedure from here.

Sincerely yours,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 13, 1987

Ms. Judith M. Watson, O.C.R.
Sydney Discovery Services
50 Dorchester Street
Sydney, Nova Scotia B1P 5Z1

Dear Ms. Watson:

I am pleased to inform you that the Commission considered your proposal in connection with providing court reporter services to its Sydney phase of Hearings. The Commission has agreed to retain your company to provide these services.

Unfortunately, I am not in a position today to indicate firmly that the commencement date of May 12th, 1987 can be achieved. As soon as the matter becomes more clear, I will be in touch with you by telephone.

I was advised yesterday by Commission Counsel that it is now their wish to have the transcripts available within 24 hours, which is a change from the original plan of 48 hours. I expect this will not be impossible for you to accommodate.

I believe it would be appropriate for your Service and the Commission to enter into a contractual arrangement. It is likely premature to do so immediately and the moment I know what the schedule for the Sydney Hearings is, I will be in touch with you so we may develop such a contract.

I look forward to working with you in the future.

Sincerely yours,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 13, 1987

Mr. Barry E. Prouse, C.V.R.-C.M.,
President
International Reporting, Inc.
360 Bell Street South
Suite 109
Ottawa, Ontario K1S 5E8

Dear Mr. Prouse:

Re: Court Reporting Services - Royal Commission
on the Donald Marshall, Jr., Prosecution

The Royal Commission has decided to retain the services of Sydney Discovery Services for the Sydney phase of its Hearings and Margaret E. Graham Discovery Service for the Halifax phase of its Hearings. Both companies are Nova Scotia based, proposed competitive bids and are able to provide first quality services.

Thank you for your interest in the work of the Commission. Your proposal will be kept on file in the event that the Commission may require your services at a later date.

Sincerely yours,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 13, 1987

Mr. David B. Webster,
President
Reco-Trans Services Limited
Suite 200
1649 Barrington Street
Halifax, Nova Scotia B3J 1Z9

Dear Mr. Webster:

Re: Court Reporting Services - Royal Commission
on the Donald Marshall, Jr., Prosecution

The Royal Commission has decided to retain the services of Sydney Discovery Services for the Sydney phase of its Hearings and Margaret E. Graham Discovery Service for the Halifax phase of its Hearings. Both companies are Nova Scotia based, proposed competitive bids and are able to provide first quality services.

Thank you for your interest in the work of the Commission. Your proposal will be kept on file in the event that the Commission may require your services at a later date.

Sincerely yours,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 13, 1987

Ms. Lynda Johansson, C.S.R., R.P.R.
Steno Tran Services, Inc.
Verbatim Reporting
1376 Kilborn Avenue
Ottawa, Ontario K1H 6L8

Dear Ms. Johansson:

Re: Court Reporting Services - Royal Commission
on the Donald Marshall, Jr., Prosecution

The Royal Commission has decided to retain the services of Sydney Discovery Services for the Sydney phase of its Hearings and Margaret E. Graham Discovery Service for the Halifax phase of its Hearings. Both companies are Nova Scotia based, proposed competitive bids and are able to provide first quality services.

Thank you for your interest in the work of the Commission. Your proposal will be kept on file in the event that the Commission may require your services at a later date.

Sincerely yours,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 13, 1987

Ms. Barbara Belsito, C.S.R.
Angus Stonehouse and Company Ltd.
7th Floor
14 Carlton Street
Toronto, Ontario M5B 1J2

Dear Ms. Belsito:

Re: Court Reporting Services - Royal Commission
on the Donald Marshall, Jr., Prosecution

The Royal Commission has decided to retain the services of Sydney Discovery Services for the Sydney phase of its Hearings and Margaret E. Graham Discovery Service for the Halifax phase of its Hearings. Both companies are Nova Scotia based, proposed competitive bids and are able to provide first quality services.

Thank you for your interest in the work of the Commission. Your proposal will be kept on file in the event that the Commission may require your services at a later date.

Sincerely yours,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 13, 1987

Mr. Roy A. Gould,
Executive Director
Native Communication Society
of Nova Scotia
P. O. Box 344
Sydney, Nova Scotia B1P 6H2

Dear Mr. Gould:

David Orsborn asked me to reply to your letter of March 31, 1987. The Commission has just approved a proposal by Halifax Cablevision Limited which contemplates a media pool approach to sharing live daily coverage operating costs in connection with the Royal Commission Hearings.

The Commission believes strongly that any media coverage must be unobtrusive and well controlled so that cameras and microphones do not intimidate potential witnesses.

I would like to suggest that you contact Mr. Michael Barnes, Program Director, Halifax Cablevision Limited and bring your request to his attention.

The matter of access for the press and radio media, however, will be treated differently from the televised portions. I will keep your request on file and, as we get closer to the commencement of the Hearings, be in touch with you further concerning our procedures. I do not anticipate any difficulty as far as the reporters go. Photographers, however, will have only limited access to the Hearing rooms.

If you have any questions, please do not hesitate to contact me.

Yours truly,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 13, 1987

Mr. Mike Barnes,
Program Director
Halifax Cablevision Limited
P. O. Box 8660
Station "A"
5841 Bilby Street
Halifax, Nova Scotia B3K 5M3

Dear Mr. Barnes:

The Commission considered recently your revised proposal of April 1, 1987 in connection with a media pool for the purposes of live daily coverage for the Hearings of the Royal Commission on the Donald Marshall, Jr., Prosecution.

The Commission was satisfied with your proposal and approved it. It is the Commission's intention to treat this proposal as an exclusive arrangement. In other words, in the event that the Commission receives requests to cover in electronic form of one variety or another the Hearings, these requests will be diverted to you so that all coverage is co-ordinated using this single collective approach anticipated by your proposal.

I will be in touch with you in the next week or two once the Commission's schedule becomes more certain.

Sincerely yours,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

bcc: Mr. Ian S. Fraser

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 13, 1987

Mr. Charles Broderick
Crosby, Keliher & Broderick
Barristers & Solicitors
P. O. Box 151
3316 Plummer Avenue
New Waterford, Nova Scotia B1H 1Y3

Dear Mr. Broderick:

This will advise you that the Commission met recently to consider the matter of applications for standing before the Royal Commission on the Donald Marshall, Jr., Prosecution. Staff Sgt. James Carroll, R.C.M.P. has been granted full standing. This will entitle his representative to be present, cross-examine witnesses and present a final submission.

In due course, a copy of the Commission's News Release and Fact Sheet will be sent to you.

Yours truly,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 13, 1987

Mr. William L. Ryan
Stewart, MacKeen & Covert
Barristers & Solicitors
Purdy's Wharf Tower 1
1959 Upper Water Street
P. O. Box 997
Halifax, Nova Scotia B3J 2X2

Dear Mr. Ryan:

This will advise you that the Commission met recently to consider the matter of applications for standing before the Royal Commission on the Donald Marshall, Jr., Prosecution. Mr. Adolphus Evers, Mr. Richard McAlpine and Mr. Gary Green, all R.C.M.P. Officers, have been granted full standing. This will entitle their representative to be present, cross-examine witnesses and present a final submission.

In due course, a copy of the Commission's News Release and Fact Sheet will be sent to you.

Yours truly,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 10, 1987

BY COURIER


Department of Justice
4th Floor
Royal Bank Building
5161 George Street
Halifax, N.S. B3J 1M7

ATTENTION: JAMES D. BISSELL, COUNSEL

Dear Mr. Bissell,

Enclosed please find a copy of the CBC Discovery of
John F. MacIntyre which I am sending to you at the request of
David B. Orsborn.

Yours very truly,


Jean Miller
Secretary to the Chairman

MLD/jm
Encl.

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 10, 1987

Mr. Reinhold M. Endres,
Director (Civil Litigation)
Department of Attorney General
9th Floor
Bank of Montreal Tower
5151 George Street
Halifax, Nova Scotia B3J 2L6

Re: MacIntyre v. A.G.N.S.

Dear Mr. Endres:

Thank you for your letter of April 10th, 1987.

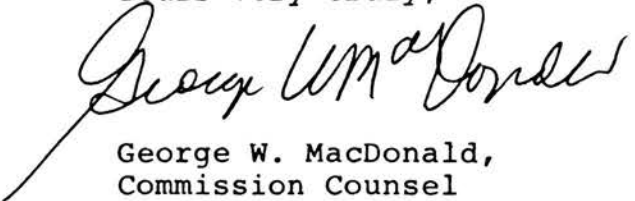
As I noted in my earlier letter to Mr. Coles, a meeting of counsel is to be held on Monday afternoon. At that time I expect the question of timing for the commencement of the Commission Hearings will arise. With respect, I have some difficulty understanding your view that there is no reason for the Commission not to continue to plan for the commencement of Hearings on May 12th, 1987. We are aware of the intended proceeding on behalf of Mr. MacIntyre and have been advised by Mr. Pugsley of his intention to bring the matter on for hearing in the Supreme Court of Nova Scotia as soon as he can. If the notice period is not waived, no decision of the Supreme Court could be received until some time late in June. It is conceivable the Court could hold that Mr. MacIntyre is entitled to receive funding for his counsel from the Province. It certainly can be anticipated that Mr. MacIntyre would not participate in the Hearings until such time as the question of funding is determined. Given the unsettled situation surrounding this funding question, and considering the fact that counsel would require some reasonable period of time to prepare for participation at the Hearings after the funding question is finally settled, I am not prepared to advise the Commissioners to proceed to fix a date for commencement of the Hearings until I can predict with some degree of certainty when a decision of the Court can be expected.

Mr. Reinhold M. Endres

April 10, 1987

I hope the Deputy Attorney General will have the opportunity to consider my letters, and your response, prior to the meeting of counsel which is schedule to commence at 2:00 p.m. on Monday. I look forward to receiving definite advice whether the Crown intends to rely on the two month notice requirement.

Yours very truly,

A handwritten signature in cursive script, reading "George W. MacDonald". The signature is written in dark ink and is positioned above the printed name and title.

George W. MacDonald,
Commission Counsel

GWMacD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 10, 1987

PERSONAL AND CONFIDENTIAL

Mr. Bruce P. Archibald
Dalhousie Law School
Halifax, Nova Scotia B3H 4H9

Dear Bruce:

Re: Marshall Inquiry

As you requested, I am enclosing a copy of the indictment in connection with the above matter.

Yours very truly,

George W. MacDonald,
Commission Counsel

GWMacD/ljb
Enclosure

April 9, 1987

Warden Fred Sisson
Millhaven Penitentiary
Box 280
Bath, Ontario
KOH 1G0

Dear Sir:

Last week I was in contact with Mr. Marc Hippolyte regarding inmate John Sarson. I would like to interview Mr. Sarson either by phone or possibly in person with respect to the Donald Marshall, Jr., Inquiry.

I would very much appreciate any assistance you could give me in this task.

Enclosed is a letter of introduction from counsel of the Royal Commission on the Donald Marshall, Jr., Prosecution.

Yours truly,

Jim Maloney
Investigator

JM/jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

April 8, 1987

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

PERSONAL AND CONFIDENTIAL

Mr. Bruce P. Archibald
Dalhousie Law School
Halifax, Nova Scotia B3H 4H9

Dear Bruce:

Re: Marshall Inquiry

Enclosed is a copy of the transcript of the trial proceedings. Would you please review and let me have your comments on the various rulings on evidentiary points. Feel free to comment also on objections which should have been made but were not.

I am particularly interested in the treatment given to the statements made by Pratico outside the courtroom and before he gave evidence. Pratico admitted to Donald Marshall, Sr., Simon Khattar, the Sheriff of the County of Cape Breton, Don MacNeil and various police that he had lied when giving evidence at the Preliminary Inquiry and that he did not see Marshall stab Seale. One can only speculate what result may have occurred had Marshall's counsel been permitted to conduct a full and vigorous cross-examination on these points. The question for you is whether counsel should have been permitted complete freedom to cross-examine Pratico as to why the statements were made, etc.

I understand you can provide me with your opinion by the end of May. You realize, of course, that there is a strong possibility you will be required to give evidence at the hearings and defend any opinion which you express.

Yours very truly,

George W. MacDonald,
Commission Counsel

GWMacD/ljb
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

April 7, 1987

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

Ms. Anne Derrick
Buchan, Derrick & Ring
Barristers & Solicitors
1545 Grafton Street
Halifax, Nova Scotia B3J 2B9

Dear Ms. Derrick:

Thank you for your letter of March 31st, 1987. The following is the information that we have in our records on the persons that you have named:

Donna Ebsary - 9 Signet Street
Brighton, Massachusetts

David Ratchford - 296 Charlotte Street
Sydney, Nova Scotia
Tel: 539-9502

John Pratico - 12 South Bentinck Street
Sydney, Nova Scotia

Patricia Harriss - 5 Kings Road
Sydney, Nova Scotia
Tel: 562-4009

James MacNeil - 222 Mt. Pleasant Street
Whitney Pier
Sydney, Nova Scotia.
Tel: 539-0886

We also enclose herewith a list of the persons granted standing in the Inquiry, together with counsel where counsel has been named.

Yours very truly,

David B. Orsborn,
Commission Counsel

DBO/ljb
Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 7, 1987

Mr. Clayton Ruby
Ruby & Edwardh
Barristers
11 Prince Arthur Avenue
Toronto, Ontario M5R 1B2

Dear Mr. Ruby:

Thank you for your letter of March 31st, 1987 concerning the public attention which is periodically focused on the work of the Commission.

You will appreciate that we have no control over the focus of press attention, but our past practice has been to limit initiating contact with the media to situations involving matters of general interest, such as the grant of standing. We propose to continue this practice, and in so doing avoid the directing of attention to any single participant.

Very truly yours,

David B. Orsborn,
Commission Counsel

DBO/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, J.R., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 7, 1987

Mr. Clayton Ruby
Ruby & Edwardh
Barristers
11 Prince Arthur Avenue
Toronto, Ontario M5R 1B2

Dear Mr. Ruby:

Thank you for your letters of March 25th and March 31st requesting copies of the original polygraph examination charts conducted by R.C.M.P. Corporal E. C. Smith on November 19, 1971. We have made inquiries concerning these records and have been advised that they are no longer in existence, having been destroyed at the R.C.M.P. office in Regina in the normal course of events.

We note also that your letter of March 31st refers to polygraph examinations in 1972 by the R.C.M.P. We are unaware of any such examinations in 1972 and if you have any further information concerning these, we will be pleased if you would advise us.

Yours very truly,

David B. Orsborn,
Commission Counsel

DBO/ljb

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 6, 1987

Mr. Charles Broderick
Crosby, Keliher & Broderick
P. O. Box 151
3316 Plummer Avenue
New Waterford, Nova Scotia B1H 1Y3

Dear Mr. Broderick:

This will confirm your message to me on Friday, April 3, 1987. By that message, you indicated that you had discussed your letter of March 26, 1987 to the Commission with Mr. James Bissell, legal representative for the R.C.M.P.

You indicated that you have been retained by Sergeant Carroll in connection with the hearings of the Royal Commission. You also indicated that you would be representing Sergeant Carroll under the grant of standing already extended to the R.C.M.P.

This will confirm, then that your request for standing of March 26, 1987 will not be pursued and therefore not considered by the Commissioners when they meet later this week. Thank you for your assistance.

Yours truly,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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CHAIRMAN

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 3, 1987

Mr. Charles Broderick
Crosby, Keliher & Broderick
P. O. Box 151
3316 Plumber Avenue
New Waterford, Nova Scotia B1H 1Y3

Dear Mr. Broderick:

I have your letter of March 26, 1987 in connection with standing being granted to Staff Sergeant James Carroll, R.C.M.P.

This confirms our telephone conversation of today's date and your agreement to speak with me further before Tuesday, April 7, 1987. You will have had, by then an opportunity to discuss representing Mr. Carroll with Mr. James Bissell, counsel for the Department of Justice and the R.C.M.P.

Many thanks.

Yours truly,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA , B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 3, 1987

Mr. Mike Barnes,
Program Director
Halifax Cablevision Limited
P. O. Box 8660
Station "A"
5841 Bilby Street
Halifax, Nova Scotia B3K 5M3

Dear Mike:

Thank you for your letter and amended proposal of April 1, 1987. I will bring it to the attention of the Commissioners when we meet next week and hope to be back to you late next week or early the week of April 13th with a reply.

Your efforts to co-ordinate this collective approach is much appreciated.

Sincerely yours,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA , B3J 3K5 902-424-4800

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

April 3, 1987

The Reverend E. B. Roberts
St. Andrew's United Church
6036 Coburg Road
Halifax, Nova Scotia B3H 1Y9

Dear Reverend Roberts:

Thank you for your letter of April 1, 1987 confirming that your Session will recommend to the Official Board that the Commission's request to use the Church Hall premises for its hearings be accepted. I will bring your letter to the attention of the Commissioners when we meet next week and look forward to hearing from you following your meeting of April 20th. If I can be of any assistance to you in connection with that meeting, please do not hesitate to contact me.

Yours truly,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4800

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

April 2, 1987

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

Mr. James D. Bissell
Counsel, Atlantic Region
Department of Justice Canada
4th Floor, Royal Bank Building
5161 George Street
Halifax, Nova Scotia B3J 1M7

Dear Mr. Bissell:

As you know, several areas which the Commission proposes to cover in evidence will require a review of some documents which may be held by representatives of the Federal Government. I have already requested material concerning the Correctional Service and the Parole Board, and in this letter I would like to ask for access to files held by the Office of the Solicitor General and the Minister of Justice which would in any way touch upon the Marshall case. We are aware that Mr. Rutherford was involved in discussions with Provincial representatives at the time that the Reference was set up, and in addition, we would expect that there will be some files of Mr. Chretien and Mr. MacGuigan relevant to the issues before the Marshall Inquiry.

I would appreciate it if you would let us know whether or not the Federal Government is prepared to voluntarily provide us with access to this material. We will at some point wish to interview Mr. Rutherford and also Messrs. MacGuigan and Chretien. In addition, there may be other Federal representatives to whom we would wish to speak.

I will expect to hear from you. Kind regards.

Yours very truly,

W. Wylie Spicer
Commission Counsel

WWS/ljb

DELIVERED

March 31, 1987

Ms. Anne Derrick
Buchan, Derrick & Ring
Barristers & Solicitors
1545 Grafton Street
Halifax, Nova Scotia
B3J 2B9

Dear Anne:

I would suggest the following schedule for getting together with Junior for the period between now and the commencement of the public hearings. I understand that you're not available next week.

My suggestion would be that we meet at my place on Tuesday and Friday afternoons, starting at 3:00 p.m. with the exception of the week of April 27th. I would therefore suggest the following dates:

April 14, 17, 21, 24, 28 and 30.
May 5 and 8

As you can appreciate our schedule at the moment is starting to get fairly hectic, so I would appreciate if you could let me know as soon as possible whether these dates are okay for you and Junior.

Kind regards,

W. Wylie Spicer
Commission Counsel

WWS:jrc

March 31, 1986

Mr. Gordon F. Proudfoot
Boyne Clarke
Barristers & Solicitors
Suite 700, Belmont House
P.O. Box 876
33 Alderney Drive
Dartmouth, Nova Scotia
B2Y 3Z5

Dear Gordon:

As per your letter of March 9, 1987, I would appreciate your response.

Kind regards,

W. Wylie Spicer
Commission Counsel

WWS:jrc