

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

March 27, 1987

Mr. David W. Fisher
Solicitor
Police Association of Nova Scotia
P. O. Box 1557
Halifax, Nova Scotia B3J 2Y3

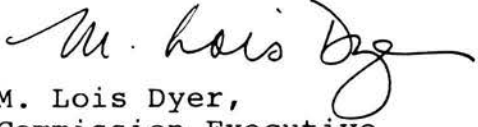
Dear Mr. Fisher:

Further to my letter of March 13, 1987, I wish to advise you that Commission Counsel wish to meet with counsel for those granted standing. The purpose of the meeting will be to review procedural and other matters in connection with the upcoming hearings of the Royal Commission.

The meeting is scheduled for Monday, April 13, 1987 in the Baronet I Room, Chateau Halifax, Halifax, Nova Scotia, at 2:00 p.m.

Please confirm the name of the individual who will represent you at this meeting.

Sincerely yours,


M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 27, 1987

Mr. Gordon F. Proudfoot
Office of the President
Nova Scotia Branch
Canadian Bar Association
P. O. Box 876
Dartmouth, Nova Scotia B2Y 3Z5

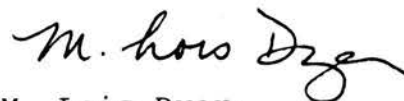
Dear Mr. Proudfoot:

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March 27, 1987

Mr. James D. Bissell
Counsel for Correctional Service
of Canada, National Parole Board
(Department of Solicitor General of Canada)
Counsel, Atlantic Region
Department of Justice Canada
4th Floor, Royal Bank Building
5161 George Street
Halifax, Nova Scotia B3J 1M7

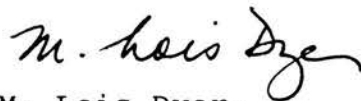
Dear Mr. Bissell:

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March 27, 1987

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

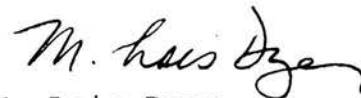
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COMMISSIONER

March 27, 1987

Mr. M. G. Whalley, Q.C.
Counsel for City of Sydney Police Commission
City Solicitor
City of Sydney
P. O. Box 730
Sydney, Nova Scotia B1P 6H7

Dear Mr. Whalley:

Further to my letter of March 13, 1987, I wish to advise you that Commission Counsel wish to meet with counsel for those granted standing. The purpose of the meeting will be to review procedural and other matters in connection with the upcoming hearings of the Royal Commission.

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 27, 1987

Mr. M. G. Whalley, Q.C.
Counsel for William Urquhart
City Solicitor
City of Sydney
P. O. Box 730
Sydney, Nova Scotia B1P 6H7


Dear Mr. Whalley:

Further to my letter of March 13, 1987, I wish to advise you that Commission Counsel wish to meet with counsel for those granted standing. The purpose of the meeting will be to review procedural and other matters in connection with the upcoming hearings of the Royal Commission.

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March 27, 1987

Mr. Clayton Ruby
Counsel for Donald Marshall, Jr.
Ruby & Edwardh
Barristers
11 Prince Arthur Avenue
Toronto, Ontario M5R 1B2

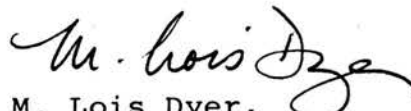
Dear Mr. Ruby:

Further to my letter of March 13, 1987, I wish to advise you that Commission Counsel wish to meet with counsel for those granted standing. The purpose of the meeting will be to review procedural and other matters in connection with the upcoming hearings of the Royal Commission.

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COMMISSIONER

March 27, 1987

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

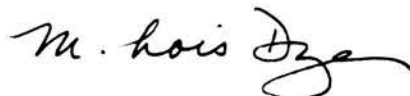
Dear Ms. Derrick:

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March 27, 1987

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

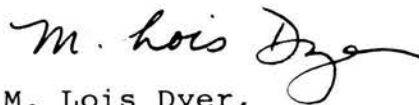
Dear Mr. Pink:

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COMMISSIONER

March 27, 1987

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

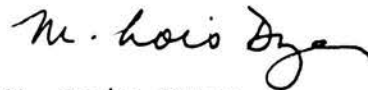
Dear Mr. Saunders:

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 27, 1987

Mr. Bruce H. Wildsmith
Counsel for Union of Nova Scotia Indians
Barrister & Solicitor
33 Walton Drive
Halifax, Nova Scotia B3N 1X6


Dear Mr. Wildsmith:

Further to my letter of March 13, 1987, I wish to advise you that Commission Counsel wish to meet with counsel for those granted standing. The purpose of the meeting will be to review procedural and other matters in connection with the upcoming hearings of the Royal Commission.

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 27, 1987

Mr. Oscar Nathaniel Seale
985 Westmount Road
Sydney, Nova Scotia B1R 1C5

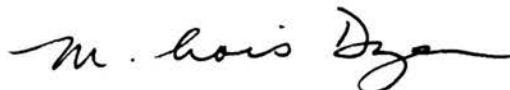
Dear Mr. Seale:

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COMMISSIONER

March 27, 1987

Mr. Calvin Gough,
Second Vice-President
Black United Front of Nova Scotia
8 Edward Street
Dartmouth, Nova Scotia B2Y 2P1

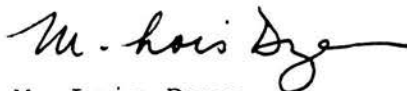
Dear Mr. Cough:

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COMMISSIONER

March 27, 1987

Mr. Angus A. MacIntyre
Counsel for John F. MacIntyre
MacIntyre MacKinnon
Barristers & Solicitors
Suite 202
111 Ilsley Avenue
Dartmouth, Nova Scotia B3B 1S8

Dear Mr. MacIntyre:

Further to my letter of March 13, 1987, I wish to advise you that Commission Counsel wish to meet with counsel for those granted standing. The purpose of the meeting will be to review procedural and other matters in connection with the upcoming hearings of the Royal Commission.

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March 27, 1987

Mr. Frank L. Elman, Q.C.
Counsel for the late Donald C. MacNeil, Q.C.
Elman, Kuna & Hannem
Barristers & Solicitors
327 Charlotte Street
Sydney, Nova Scotia B1P 6G9

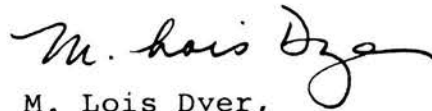
Dear Mr. Elman:

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COMMISSIONER

March 27, 1987

Mr. Manning McIntyre
Director - Atlantic Region
Canadian Union of Public Employees
377 Welton Street
Sydney, N.S. B1P 5S6

Dear Mr. McIntyre,

This will acknowledge receipt of your letter of the 19th of March. I tried to reach you and while you are on holiday, contacted Mr. Cunningham to discuss this matter.

The Police Association of Nova Scotia applied for limited status before the Royal Commission on the Donald Marshall, Jr., Prosecution. As they currently represent 75% of police officers in the Province of Nova Scotia, their concern was that the Commission may make recommendations with regard to the manner in which police officers in general may conduct their investigations.

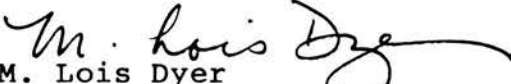
The Police Association was granted "observer status"; that is, the right to be present, to direct any specific questions to witnesses through Commission Counsel and to make a final submission at the conclusion of the hearings.

The Canadian Union of Public Employees did not apply for, nor was it granted, any status before the Commission.

The deadline for receipt of applications is now long past - March 9, 1987. The request for applications was well publicized in an advertisement in all weekly and daily newspapers in the Province.

However, I will bring your request to the attention of Commissioners at their next meeting in April and advise you of their decision.

Sincerely yours,


M. Lois Dyer
Commission Executive
Secretary

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COMMISSIONER

March 25, 1987

Mr. Ronald Pugsley, Q.C.
Stewart, MacKeen & Covert
Barristers & Solicitors
Purdy's Wharf Tower 1
1959 Upper Water Street
Halifax, Nova Scotia B3J 3N2

Dear Ron:

RE: MacIntyre vs. CBC

As you are perhaps aware, the Commission has secured copies of all the discoveries from the CBC.

I understand that you spoke to George MacDonald concerning your own MacIntyre file a month or so ago. I am writing to request that you provide to us copies of all material in your file which is not privileged, other than the discovery transcripts. If Chief MacIntyre is prepared to waive privilege, then we would naturally appreciate the gesture and would, in that event, ask that you provide us with the entire file.

Kind regards.

Yours very truly,

W. Wylie Spicer,
Commission Counsel

WWS/ljb

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March 25, 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:

I would appreciate it if you could advise us whether or not the Marshall case, or any aspect thereof, was discussed by the Provincial Cabinet at any time and, if so, I would appreciate it if you would forward to us copies of any and all Cabinet or Cabinet Committee documents which relate to the Donald Marshall matter. Included in this would, I think, be any discussion of potential perjury charges and any discussions concerning the possible laying of charges against Chief MacIntyre.

It is my view that the above documents should be produced if they exist notwithstanding Crown privilege. The degree of public interest in the proper administration of justice in this case would justify such production.

Kind regards.

Yours very truly,


W. Wylie Spicer,
Commission Counsel

WWS/ljb

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March 25, 1987

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

Dear Darrel:

RE: Donald Marshall Inquiry

I refer to our recent telephone conversation and
enclose copies of my interviews with Judge Anderson, Milton
Veniot, Adrian Reid and Jim Gumpert.

Kind regards.

Yours very truly,

W. Wylie Spicer,
Commission Counsel

WWS/ljb

Enclosures

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COMMISSIONER

March 25, 1987

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

Dear Mr. Bissell:


RE: Correctional Services

I refer to my letter of February 20, 1987 and would reiterate my request for the files from Springhill and Dorchester.

In addition, I would appreciate it if you could advise whether we are close to being able to interview the relevant persons in the Correctional Service, the names of whom I gave to you over the phone some time ago.

Kind regards.

Yours very truly,


W. Wylie Spicer,
Commission Counsel

WWS/ljb

DELIVERED

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

March 23, 1987

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

The Honourable Mr. Justice J. D. Hallett
The Law Courts
1815 Upper Water Street
Halifax, Nova Scotia B3J 1S7

My Lord:

RE: CBC Application

Thank you for your letter of March 6, 1987. I have been away and only got back to the office this morning.

I would agree that the Commission has the power to enforce its own orders, pursuant to Section 4 of the Public Inquiries Act. That was an option which we considered. However, we decided to make the Application to the Court for a couple of reasons. For one thing, I thought it would be more appropriate to have a Judge not connected with the Commission review the documents we had requested rather than have the Commissioners review the documents themselves, much in the same way as a Chambers Judge might review a request for production of documents, but then not be the Judge who would hear the trial itself. Secondly, it seemed to me at the time that the Application to the Court would be a more efficient way of disposing of the issue. I am of the view that the Court has the jurisdiction to grant the Order that we requested and that the jurisdiction of the Commissioners to enforce their own orders is not mutually exclusive of the jurisdiction of the Supreme Court.

I trust that the foregoing provides you with some explanation of the reasons why the Application was made to your Lordship.

Yours very truly,

W. Wylie Spicer,
Commission Counsel

WWS/ljb

DELIVERED

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 23, 1987

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

Dear Reverend Roberts:

Thank you for meeting with Chief Justice Hickman and myself on Friday, March 20, 1987 on such short notice after your return from your holidays.

This letter will confirm that the Commission wishes to have the use of the lower Church Hall and up to four ancillary rooms for the purpose of the public hearings in Halifax of the Royal Commission on the Donald Marshall, Jr., Prosecution. We wish to secure these facilities for the month of June, August, September and October, 1987. It may even be necessary to use the facilities in November or December.

From our conversation, I am sure you will appreciate that the Commission is unable to predict with certainty which days must be reserved. We will keep you informed as far in advance as we can of our requirements as they become certain.

I passed along to you a "floor plan" and as we get closer to the hearing time, I will finalize this with you and the Church custodian.

The Commission wishes to have the use of the ladies' parlour and small kitchen, downstairs, as a Judges' retiring room; the lower front Sunday School rooms for a witness room and a counsel retiring room; and the south end lower room, down the far corridor, as a media room.

As arrangements for media coverage become more clear, we will communicate further with you and pass along any additional requirements, on the understanding that these will not be the responsibility of St. Andrew's Church.

Reverend Bruce Roberts

March 23, 1987

If the Church is in possession of "No Smoking" signs, we would appreciate these being posted throughout the lower hall as it is our intention to have smoking banned throughout the course of the hearings.

The Commission is most interested in the availability of a canteen service. What we have in mind is coffee/tea and doughnuts or sweet rolls during the morning; if possible, sandwiches and soft drinks over the noon hour for those who may not wish to partake of local restaurant fare; and coffee and soft drinks in the afternoon until approximately 3:30 or 4:00 o'clock. It may be that this request is not feasible in whole or in part and I would appreciate your advice as to what type of service could be managed easily by the appropriate Church group.

Generally, it is the Commission's intention to conduct its public hearings on the basis of a 4-day week, adopting a schedule that commences at 10:00 a.m. with a break at 12:30 p.m. for lunch and resuming at 2:00 p.m. with the hearings concluded at approximately 4:30 p.m. each afternoon. As I indicated above, it is impossible to determine at this time how many hearing days will be required.

I would appreciate your advice on the matter of an appropriate contribution to be made to St. Andrew's United Church for the use of these facilities. Some information that may be of some guidance is the fact that we have reached an agreement with St. Andrew's United Church in Sydney using the formula of \$125.00 per day, which included any additional custodial or maintenance services required.

If I can be of further assistance to you or respond to any questions you may have, please do not hesitate to contact me. I look forward to hearing from 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

March 23, 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:

Thank you for meeting with me several weeks ago and showing me the hotel facilities.

This will confirm that the Commission wishes to reserve the following rooms for its staff during the month of May, 1987. It would be most agreeable if these rooms could be located on the top floor of your new wing, as many on the same floor as possible.

Ten King-Leisure rooms at \$65.00 per night in the names of: Chief Justice Hickman; Associate Chief Justice L. A. Poitras; Justice Gregory T. Evans; Mr. George MacDonald, Q.C.; Mr. W. Wylie Spicer; Mr. David B. Orsborn, Miss Lois Dyer; and three other rooms, the names for which will be provided later. In addition, reserve two standard rooms, in the event we may need them as well.

You indicated you might provide a board room to us for the duration of the stay. This room will be used by Commission Counsel as a work room each evening. The Commission may need to use the hotel copier at all hours and may also need typing services or at least the use of a typewriter. You indicated these could be provided with no difficulty.

Billing instructions will be provided to you later.

The rooms will be required for the following dates:

Arrival - Monday, May 11, 1987
Departure - Friday, May 15, 1987

Page 2

Mr. Paul Comeau, C.F.E.

March 23, 1987

Arrival - Monday, May 18, 1987
Departure - Friday, May 22, 1987

Arrival - Sunday, May 24, 1987
Departure - Friday, May 29, 1987

Arrival - Monday, June 1, 1987
Departure - Friday, June 5, 1987.

These dates are somewhat tentative at this time and I will confirm them as soon as I can.

I am sure you appreciate we may have some unusual requests from time to time. I expect we will be able to work together to make our stay at the Holiday Inn a comfortable one.

Sincerely yours,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 23, 1987

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

Dear Professor Edwards,

I have been asked by Chief Justice Hickman to forward to you
copies of the following cases of Donald Marshall, Jr.:

- (i) Appeal of September 8, 1972
- (ii) Reference of May 10, 1983

Yours sincerely,



Jean Miller
Secretary to the Chairman

/jm
Encl.

BY COURIER

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 20, 1987

Ruby & Edwardh
Barristers & Solicitors
11 Prince Arthur Avenue
Toronto, Ontario M5R 1B2

ATTENTION: CLAYTON RUBY

RE: EBSARY TRANSCRIPTS

Dear Mr. Ruby:

Pursuant to our telephone conversation of March 19th,
enclosed please find copies of the following transcripts
regarding the case of Roy Newman Ebsary:

- (1) Preliminary Hearing, August 1983
- (2) 2nd Trial, November 1983 (Book 1)
- (3) 3rd Trial, January 1985 (Books 1 & 2)

Yours very truly,

for 
David B. Orsborn
Commission Counsel

DBO/jm
Encl.

BY COURIER

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

March 20, 1987

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

Dear Professor Edwards,

Thank you for taking the time to come to Toronto to meet with George MacDonald and me yesterday. We both found it a very productive meeting.

I confirm my agreement that the per diem rate suggested in your letter of February 25, 1987 is satisfactory together with the terms and conditions set forth by you in your letter. We look forward to working with you during the course of the Commission's deliberations.

I have asked the librarian with the Commission to send to you copies of the decisions of the Court of Appeal of Nova Scotia in the two Marshall hearings.

George MacDonald will be in touch with you to arrange a meeting between you and the three Commission Counsel which, in my view, is very essential.

Once again, thank you so much for your cooperation.

With kindest regards.

Yours sincerely,



COMMISSION CHAIRMAN

TAH/jm

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

March 20, 1987

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

Associate Chief Justice
Lawrence A. Poitras
Commissioner
Cour Superieure
Palais de Justice
1, rue Notre-Dame est
Montreal, Quebec H2Y 1B6

Dear Larry,

Yesterday, George MacDonald and I met with Prof. John Edwards at Toronto when we reviewed with him areas of concern to the Commission and matters which Counsel should address, if possible, during the public hearings. It was a fruitful meeting.

Professor Edwards, who will be in Kentucky until the end of May, indicated a willingness to come to Halifax to meet with our three Counsel before public hearings commence. This is most appropriate and he will make the necessary arrangements through George MacDonald.

I informed Professor Edwards that we have also retained Prof. Bruce Archibald, a Lecturer in Criminal Law at Dalhousie, to advise us from time to time. Professor Edwards found this idea most acceptable and looks forward to working with Professor Archibald who I hope will be able to sit in on the meetings between Mr. Edwards and our Counsel.

I have had several discussions with Professor Edwards with respect to possible jurisdictional difficulties which the Commission may encounter in the future. You will recall that, when the Commission was being appointed, I suggested to the then Attorney General of Nova Scotia that consideration should be given to making this Commission a Federal-Provincial Inquiry. The Honourable Ronald Giffin, Q.C. took the position that this is purely a Provincial matter and, as a result, there were no discussions with the Attorney General of Canada.

L.A. Poitras

-2-

March 20, 1987

It is quite likely that we will wish to examine the practices and procedures of the National Parole Board as they related to Donald Marshall, Jr. during the period of his incarceration. Also, I understand our Counsel have reviewed correspondence between The Honourable Jean Chretien when he was Attorney General of Canada and the Attorney General of Nova Scotia concerning the appointment of the Court of Appeal of Nova Scotia to review the Marshall case in 1982. The question of review, as I understand it, falls within the exclusive jurisdiction of the Government of Canada. Further the Government of Canada, upon the recommendation of The Honourable Mark McGuigan, contributed to the compensation which was paid to Donald Marshall, Jr.

In any event, Professor Edwards prepared a memorandum dated March 17, 1987 wherein he reviews possible constitutional difficulties which we may encounter during the course of our proceedings. I enclose a copy of such memorandum.

If it is decided that the matter should be raised with the new Attorney General of Nova Scotia, I will get in touch with him for the purpose of inquiring whether he is prepared to ask the Government of Canada to become involved. If the Provincial Attorney General indicates he is not prepared to involve the Federal Government, that will probably be the end of the matter. As an alternative, he may suggest that I get in touch with the Attorney General of Canada which I will be prepared to do only with the consent of the Attorney General of Nova Scotia.

In any event, I would appreciate your reviewing the memorandum and I will get in touch with you by telephone at an early date. If it is decided that representation should be made along the lines suggested by Professor Edwards, then I will have to do so as a matter of some urgency as this problem should be resolved before we commence our hearings in May.

I will be in touch with you in due course.

With kindest regards.

Yours sincerely,


CHAIRMAN

TAH/jm
Encl.

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

March 20, 1987

Honourable Gregory T. Evans
Commissioner
1020 N.W. 48th Place
Pompano, Florida 33064
U.S.A.

Dear Greg,

Yesterday, George MacDonald and I met with Prof. John Edwards at Toronto when we reviewed with him areas of concern to the Commission and matters which Counsel should address, if possible, during the public hearings. It was a fruitful meeting.

Professor Edwards, who will be in Kentucky until the end of May, indicated a willingness to come to Halifax to meet with our three Counsel before public hearings commence. This is most appropriate and he will make the necessary arrangements through George MacDonald.

I informed Professor Edwards that we have also retained Prof. Bruce Archibald, a Lecturer in Criminal Law at Dalhousie, to advise us from time to time. Professor Edwards found this idea most acceptable and looks forward to working with Professor Archibald who I hope will be able to sit in on the meetings between Mr. Edwards and our Counsel.

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March 20, 1987

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I will be in touch with you in due course.

With kindest regards.

Yours sincerely,



CHAIRMAN

TAH/jm
Encl.

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 18, 1987

Mr. Mike Mahoney,
Co-Director
National Film Board of Canada
1571 Argyle Street
Halifax, Nova Scotia B3J 2B2

Dear Mr. Mahoney:

Further to your letter of February 19, 1987, the Commission has decided not to grant the Film Board permission to film the hearings of the Royal Commission on the Donald Marshall, Jr., Prosecution.

The Commission believes it is in the best interest of the witnesses and the conduct of the Inquiry to limit any possibility of intimidation, distraction or discomfort. This can only be accomplished if there are restrictions on the number of cameras and personnel which may interfere with the proceedings.

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

March 18, 1987

Mr. Gordon F. Proudfoot
Office of the President
Nova Scotia Branch
Canadian Bar Association
P. O. Box 876
Dartmouth, Nova Scotia B2Y 3Z5

Dear Mr. Proudfoot:

Thank you for your letter of March 16, 1987. I will be in touch with Chief Justice Hickman and arrange a meeting for you and the Executive of the Branch. I will be in touch by telephone later in the week to find a suitable date.

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

March 18, 1987

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

Dear Mr. Ruby:

Thank you for your letter of March 16, 1987, received by me on March 18th.

With respect to the Ebsary transcripts, these were forwarded by our office to Anne Derrick last week. When it was suggested that we had not forwarded the transcripts, we contacted Ms. Derrick who at first indicated that she had not received them. Approximately ten minutes after this indication, she called back to say that she had been in error and that the transcripts had in fact been received by her. It appears then that the transcripts were in fact received by Anne Derrick prior to your letter of March 16th and we would be grateful if you would confirm this with her.

Once you have had an opportunity to receive these transcripts from Ms. Derrick and review them, we look forward to commence interviewing your client in accordance with the understanding set out by your Ms. Edwardh in her letter of March 11th.

Yours very truly,

David B. Orsborn,
Commission Counsel

DBO/ljb

BY COURIER

cc: Ms. Anne Derrick

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

March 17, 1987

Mr. Bryan Williams, Q.C.,
President
The Canadian Bar Association
130 Albert Street
Suite 1700
Ottawa, Ontario K1P 5G4

Dear Bryan:

I asked one of our librarians to track down a copy of the Hoem case and with her usual efficiency, it was on my desk the next morning. Many thanks, however, for sending along the information you did, as it filled out the file that much further.

I have been in touch with Gordon Proudfoot and you will be happy to know that the Nova Scotia Branch of The Canadian Bar Association has been granted observer status which would entitle them to be present at the hearings, if they wish, and to present a brief at the conclusion of the hearings. I know the Commission will look forward to receiving that brief.

My best regards to you and Audrey.

Sincerely yours,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL CASE, 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

March 17, 1987

Ms. Jessica E. MacLennan
1472 Tower Road
Apt. #411
Halifax, Nova Scotia B3H 4K8

Dear Ms. MacLennan:

I tried to reach you at home a number of times and was delighted to get your resume recently. At the moment the Commission has staffed its library positions with two part-time individuals, one of whom has extensive computer experience. I am not in a position at this time to interview you as our requirements seem to be met.

I will, however, keep your letter and interest on file and communicate further with you in the event our requirements change and we are in a position to hire additional library personnel.

Thank you for your interest.

Yours truly,

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

March 17, 1987

Ms. Mona Elaine Lauder
1263 Queen Street
Apt. #305
Halifax, Nova Scotia B3J 2H3

Dear Ms. Lauder:

Thank you for your letter and resume in connection with your interest in a position with the Royal Commission on the Donald Marshall, Jr., Prosecution. At the moment, the Commission has hired its full staff compliment. However, I will keep your letter and resume on file in the event that staffing requirements change and the Commission may wish to interview you.

Thank you for your interest.

Yours truly,

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

March 17, 1987

Associate Chief Justice Lawrence A. Poitras
Superior Court of the Province of Quebec
The Court House
1 Notre Dame Street East
Montreal, Quebec H2Y 1B6

My Lord:

Further to my letter to you of March 4th, 1987, this will confirm that I cancelled today the reservations made in your name at Keltic Lodge in Ingonish, Nova Scotia for the weekend of June 12th and 13th.

Yours very truly,

M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 17, 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:

This will confirm receipt of your letter of 10 March, 1987 and the Commission's agreement to rent the lower hall at St. Andrew's United Church.

It is the Commission's intention to secure this facility and the four additional rooms on the same level between the period from May 11th to June 5th. In addition, the Commission requires the use of the Board Room on the floor above where we will situate an office for the Commission during the course of the hearings there. We agreed that the price of \$3,500.00 was appropriate. Furthermore, we also agreed that it may be necessary to secure this room for hearings at a later date at a fee to be determined at that time.

I have enclosed for you to pass along to the appropriate individual another sketch of the floor plan that we anticipate needing. Again, it is not drawn to scale precisely, but should give you sufficient appreciation of the requirement. We were delighted to learn that the electrical outlets will be changed to accommodate three-pronged plugs and that "No Smoking" signs will be posted throughout the lower hall. As our arrangements for media coverage become more certain, we will communicate any additional requirements to you on the understanding that these requirements will not be the responsibility of St. Andrew's Church.

I will indicate again in this letter our interest in the availability of a canteen service. What we have in mind is coffee/tea and doughnuts or sweet rolls during the morning; if possible, sandwiches and soft drinks over the noon hour for those

- 2 -

Mr. Ed Mann

March 17, 1987

who may not wish to avail themselves of local restaurant fare; and coffee and soft drinks in the afternoon until approximately 3:30 or 4:00 o'clock. It may be that this request is not feasible in whole or in part and I would appreciate further advice from you as to what type of service can be managed easily by the appropriate Church group.

Thank you and your colleagues for meeting with me a week ago and reviewing with such care your very flexible facility at St. Andrew's. Looking forward to seeing you soon.

Yours truly,

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
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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 17, 1987

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

Dear Ms. Watson:

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

Some time ago you indicated an interest in submitting a proposal to provide court reporting services to the Royal Commission.

I have enclosed a fact sheet of information for you to consider in submitting your proposal for providing court reporting services to the Royal Commission.

As you can imagine, we are not in a position to define with great certainty either the duration of the hearing phase or the location or time of all hearings. I have provided a best estimate. If you continue to be interested in providing your services to the Commission, I would be grateful if you would submit a proposal with detailed cost estimates, including any travel charges, as soon as possible.

I hope to be in a position to select the service before the end of March, 1987.

I would be happy to respond to any questions you may have.

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

March 17, 1987

Ms. Shirley B. Moulton
Steno Tran Services Inc.
1376 Kilborn Avenue
Ottawa, Ontario K1H 6L8

Dear Ms. Moulton:

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

Some time ago you indicated an interest in submitting a proposal to provide court reporting services to the Royal Commission.

I have enclosed a fact sheet of information for you to consider in submitting your proposal for providing court reporting services to the Royal Commission.

As you can imagine, we are not in a position to define with great certainty either the duration of the hearing phase or the location or time of all hearings. I have provided a best estimate. If you continue to be interested in providing your services to the Commission, I would be grateful if you would submit a proposal with detailed cost estimates, including any travel charges, as soon as possible.

I hope to be in a position to select the service before the end of March, 1987.

I would be happy to respond to any questions you may have.

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M. Lois Dyer,
Commission Executive
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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 17, 1987

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

Dear Ms. Graham:

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

Some time ago you indicated an interest in submitting a proposal to provide court reporting services to the Royal Commission.

I have enclosed a fact sheet of information for you to consider in submitting your proposal for providing court reporting services to the Royal Commission.

As you can imagine, we are not in a position to define with great certainty either the duration of the hearing phase or the location or time of all hearings. I have provided a best estimate. If you continue to be interested in providing your services to the Commission, I would be grateful if you would submit a proposal with detailed cost estimates, including any travel charges, as soon as possible.

I hope to be in a position to select the service before the end of March, 1987.

I would be happy to respond to any questions you may have.

Sincerely yours,

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COMMISSIONER

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 17, 1987

Mr. Barry E. Prouse, CVR-CM,
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

Some time ago you indicated an interest in submitting a proposal to provide court reporting services to the Royal Commission.

I have enclosed a fact sheet of information for you to consider in submitting your proposal for providing court reporting services to the Royal Commission.

As you can imagine, we are not in a position to define with great certainty either the duration of the hearing phase or the location or time of all hearings. I have provided a best estimate. If you continue to be interested in providing your services to the Commission, I would be grateful if you would submit a proposal with detailed cost estimates, including any travel charges, as soon as possible.

I hope to be in a position to select the service before the end of March, 1987.

I would be happy to respond to any questions you may have.

Sincerely yours,

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COMMISSIONER

March 17, 1987

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

Dear Ms. Belsito:

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

Some time ago you indicated an interest in submitting a proposal to provide court reporting services to the Royal Commission.

I have enclosed a fact sheet of information for you to consider in submitting your proposal for providing court reporting services to the Royal Commission.

As you can imagine, we are not in a position to define with great certainty either the duration of the hearing phase or the location or time of all hearings. I have provided a best estimate. If you continue to be interested in providing your services to the Commission, I would be grateful if you would submit a proposal with detailed cost estimates, including any travel charges, as soon as possible.

I hope to be in a position to select the service before the end of March, 1987.

I would be happy to respond to any questions you may have.

Sincerely yours,

M. Lois Dyer,
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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 17, 1987

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

Dear Mr. Webster:

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

Some time ago you indicated an interest in submitting a proposal to provide court reporting services to the Royal Commission.

I have enclosed a fact sheet of information for you to consider in submitting your proposal for providing court reporting services to the Royal Commission.

As you can imagine, we are not in a position to define with great certainty either the duration of the hearing phase or the location or time of all hearings. I have provided a best estimate. If you continue to be interested in providing your services to the Commission, I would be grateful if you would submit a proposal with detailed cost estimates, including any travel charges, as soon as possible.

I hope to be in a position to select the service before the end of March, 1987.

I would be happy to respond to any questions you may have.

Sincerely yours,

M. Lois Dyer,
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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 17, 1987

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

RE: THE DONALD MARSHALL INQUIRY

Dear Mr. Ruby:

Thank you for your letter of March 9, 1987.

I am not aware of any involvement of Judge Leo MacIntyre in the matter at hand, including any involvement when Mr. Ebsary and Mr. MacNeil were being considered in connection with the death of Mr. Seale. If, of course, he was involved at all we would follow this through and, if you are able to provide us with any information as to the nature of his involvement, we would be more than happy to receive it.

Yours very truly,



David B. Orsborn
Commission Counsel

DBO/jm

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 13, 1987

Mr. Angus A. MacIntyre
MacIntyre MacKinnon
Suite 202
111 Ilsley Avenue
Dartmouth, Nova Scotia B3B 1S8

Dear Mr. MacIntyre:

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. John F. MacIntyre has been granted full standing. This will entitle his representative to be present, cross-examine witnesses and present a final submission at the conclusion of the hearings. In the event he will be represented by legal counsel or others, other than yourself, I would appreciate your advising me of the individual(s) name and address so that I may be in touch with them and complete our file.

It is the Commission's intention to schedule a meeting with the representatives of all parties granted standing or observer status to review rules of procedure and other matters prior to the beginning of the hearings.

The first hearing is scheduled to take place in Sydney, Nova Scotia at St. Andrew's United Church Hall on the 12th of May, 1987.

I have enclosed, for your information, a copy of the Commission's News Release and Fact Sheet. I look forward to hearing from you.

Yours truly,



M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

Enclosures

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 13, 1987

Mr. Oscar Nathaniel Seale
985 Westmount Road
Sydney, Nova Scotia B1R 1C5

Dear Mr. Seale:

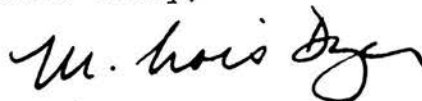
This will advise you that the Commission met recently to consider the matter of applications for standing before the Royal Commission on the Donald Marshall, Jr., Prosecution. You have been granted full standing. This will entitle you to be present, cross-examine witnesses and present a final submission. In the event you will be represented by legal counsel or others, I would appreciate your advising me of the individual(s) name and address so that I may be in touch with them on a regular basis.

It is the Commission's intention to schedule a meeting with the representatives of all parties granted standing or observer status to review the rules of procedure and other matters prior to the beginning of the hearings. You will be advised in due course of the time and place of this meeting.

The first hearing will take place in Sydney, Nova Scotia at St. Andrew's United Church Hall on the May 12, 1987.

I have enclosed, for your information, a copy of the Commission's News Release and Fact Sheet. I look forward to hearing from you.

Yours truly,



M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 13, 1987

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

Dear Mr. Whalley:

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. William Urquhart has been granted full standing. This will entitle his representative to be present, cross-examine witnesses and present a final submission. In the event you will not be representing Mr. Urquhart, I would be obliged if you would advise me of the name and address of the individual representing him so that we may be in touch with him on a regular basis.

It is the Commission's intention to schedule a meeting with representatives of all parties granted standing or observer status to review the rules of procedure and other matters prior to the beginning of the hearings. You will be advised in due course of the time and place of such meeting.

The first hearing will take place in Sydney, Nova Scotia at St. Andrew's United Church Hall on May 12, 1987.

I have enclosed, for your information, a copy of the Commission's News Release and Fact Sheet. I look forward to hearing from you.

Yours truly,



M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

Enclosures

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 13, 1987

Mr. William Dove
9 Burchell Street
Sydney Mines, Nova Scotia B1V 2P9

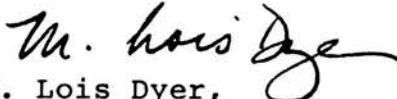
Dear Mr. Dove:

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.

You have been denied full standing. Judging from your letter, however, there is nothing to prevent you from attending on a regular basis all the public hearings. All hearings will be fully opened to the public and you are most welcome to attend. The applicants who have been granted standing have either a direct or indirect relationship to the circumstances surrounding the "Marshall" matter.

If you have any questions or would like further clarification, please do not hesitate to contact me. For your information, I have enclosed a copy of the Commission's News Release and Fact Sheet.

Yours truly,


M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

Enclosures

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

March 13, 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

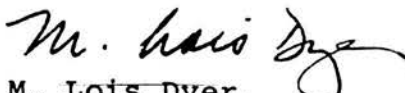
Dear Mr. Bissell:

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. The Royal Canadian Mounted Police have been granted full standing. This will entitle the R.C.M.P. to be present, cross-examine witnesses and present a final submission.

It is the Commission's intention to schedule a meeting with the representatives of all parties granted standing or observer status to review rules of procedure and other matters prior to the beginning of the hearings. You will be advised in due course of the time and place of such a meeting.

The first hearing is scheduled to take place in Sydney, Nova Scotia at St. Andrew's United Church Hall on the 12th of May, 1987. I have enclosed, for your information, a copy of the Commission's News Release and Fact Sheet.

Sincerely yours,


M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

Enclosures

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 13, 1987

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

Dear Mr. Whalley:


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. The City of Sydney Police Commission has been granted full standing. This will entitle the Police Commission to be present, cross-examine witnesses and present a final submission.

The Commission anticipates scheduling a meeting of the representatives of all parties granted standing or observer status to review rules of procedure and other matters prior to the beginning of the hearings. You will be advised in due course of the time and place of such meeting.

The first hearing will take place in Sydney, Nova Scotia at St. Andrew's United Church Hall on May 12, 1987.

I have enclosed, for your information, a copy of the Commission's News Release and Fact Sheet. I look forward to hearing from you.

Yours truly,


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

March 13, 1987

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

Dear Mr. Saunders:

This will advise you that the Royal Commission met recently to consider the matter of applications for standing before the Royal Commission on the Donald Marshall, Jr., Prosecution. The Attorney General and the Department of the Attorney General of Nova Scotia have been granted full standing. This will entitle them to be present, cross-examine witnesses and present a final submission at the conclusion of the hearings. I especially draw your attention to the fact that standing has also been granted to the late Donald C. MacNeil, Q.C.

It is the Commission's intention to schedule a meeting with the representatives of all parties granted standing or observer status to review rules of procedure and other matters prior to the beginning of the hearings. You will be advised in due course of the time and place of such a meeting.

The first hearing is scheduled to take place in Sydney, Nova Scotia at St. Andrews's United Church Hall on the 12th of May, 1987.

I have enclosed, for your information, a copy of the Commission's News Release and Fact Sheet.

Sincerely yours,



M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb
Enclosures

cc: Mr. Darrel I. Pink

ROYAL COMMISSION ON THE DONALD MARSHALL R., PROSECUTION

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

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 13, 1987

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

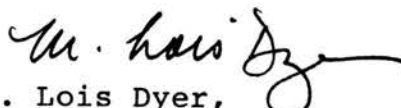
Dear Mr. Ruby:

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. Donald Marshall, Jr., has been granted full standing. This will entitle his representative to be present, cross-examine witnesses and present a final submission.

It is the Commission's intention to meet with the representatives of all parties granted standing or observer status to review rules of procedure and other matters prior to the commencement of the hearings. You will be advised in due course of the time and place of such a meeting.

The first hearing will take place in Sydney, Nova Scotia at St. Andrew's United Church Hall on the 12th of May, 1987. I have enclosed, for your information, a copy of the Commission's News Release and Fact Sheet.

Yours truly,


M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

Enclosures
cc: Ms. Anne Derrick

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

March 13, 1987

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

Mr. Gordon F. Proudfoot
Office of the President
Nova Scotia Branch
Canadian Bar Association
P. O. Box 876
Dartmouth, Nova Scotia B2Y 3Z5

Dear Mr. Proudfoot:

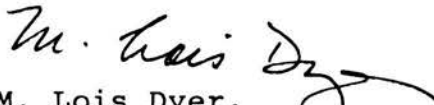
This will advise you that the Commission met recently to consider the matter of applications for standing before the Royal Commission on the Donald Marshall, Jr., Prosecution. The Nova Scotia Branch of the Canadian Bar Association has been granted observer status. This will entitle the Branch to be present, and to make oral or written submissions to the Commission at the conclusion of the hearings.

In the event you determine that a representative will be present on behalf of the Nova Scotia Branch, please advise me of the name and address of the individual(s) so that we may communicate with them on a more permanent basis.

A meeting will be scheduled with counsel and other representatives of parties granted standing or observer status to review rules of procedure and other matters prior to the beginning of the hearings. The first hearing will take place in Sydney, Nova Scotia at St. Andrew's United Church Hall on 12 May, 1987. These hearings will be open to the public.

For your information, I have enclosed a copy of the Commission's News Release and Fact Sheet. I look forward to hearing from you.

Yours truly,


M. Lois Dyer,
Commission Executive
Secretary

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 13, 1987

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

Dear Sir:

This will advise you that the Royal Commission met recently to consider the matter of applications for standing before the Royal Commission on the Donald Marshall, Jr., Prosecution. The late Donald C. MacNeil, Q.C., has been granted full standing. This will entitle his representative to be present, cross-examine witnesses and present a final submission at the conclusion of the hearings.

It is the Commission's intention to schedule a meeting of representatives of those granted standing or observer status to review rules of procedure and other matters prior to the beginning of the hearings. You will be notified at a later date of the time and place of such a meeting.

The hearings are set to begin in Sydney, Nova Scotia at the St. Andrew's United Church Hall on May 12, 1987. For your information, I have enclosed the Commission's News Release and Fact Sheet.

I wish to draw your attention, especially to the fact that standing has been granted to the Attorney General of Nova Scotia and Department of the Attorney General, Province of Nova Scotia. They will be represented by the firm of Patterson, Kitz and have been instructed that they will also represent all present and former employees of the Department, as well as former Attorneys General.

I look forward to hearing from you.

Yours truly,


M. Lois Dyer,
Commission Executive Secretary

MLD/ljb
Enclosures

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 13, 1987

Mr. Calvin Gough
Second Vice-President
Black United Front of Nova Scotia
8 Edward Street
Dartmouth, Nova Scotia B2Y 2P1

Dear Mr. Gough:

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. The Black United Front has been granted full standing. This will entitle you to be present, cross-examine witnesses and present a final submission.

In the event you will be represented by legal counsel or others during the course of these hearings, please advise me of the name and address of the individual(s) so that we may communicate further with them.

It is the intention of the Commission to schedule a meeting with representatives of all parties granted standing or observer status to review rules of procedure and other matters prior to the beginning of the hearings. The hearings are scheduled to begin on 12 May, 1987 at St. Andrew's United Church Hall, Sydney, Nova Scotia. These hearings will be open to the public.

I have enclosed, for your information, a copy of the Commission's News Release and Fact Sheet. I look forward to hearing from you.

Yours truly,



M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

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COMMISSIONER

March 13, 1987

Mr. Bruce H. Wildsmith
Barrister and Solicitor
Union of Nova Scotia Indians
33 Walton Drive
Halifax, Nova Scotia B3N 1X6

Dear Mr. Wildsmith:

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. The Union of Nova Scotia Indians has been granted full standing. This will entitle the Union to be present, cross-examine witnesses and present a final submission.

In the event the Union will be represented by legal counsel or others, I would appreciate your advising me of the name and address of the appropriate individual(s) to whom correspondence can be addressed in the future.

It is the Commission's intention to schedule a meeting with representatives of the various parties to review rules of procedure and other matters prior to the beginning of the hearings. The hearings will commence in Sydney, Nova Scotia at St. Andrew's United Church Hall on May 12, 1987. I have enclosed, for your information, a copy of the Commission's News Release and Fact Sheet. I look forward to hearing from you.

Yours truly,



M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

Enclosures

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

March 13, 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

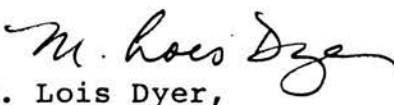
Dear Mr. Bissell:

This will advise you that the Royal Commission met recently to consider the matter of applications for standing before the Royal Commission on the Donald Marshall, Jr., Prosecution. The Correctional Service of Canada - National Parole Board (Department of the Solicitor General of Canada) has been granted full standing. This will entitle you to be present, cross-examine witnesses and present a final submission.

It is the Commission's intention to schedule a meeting with representatives of all parties granted standing or observer status to review rules of procedure and other matters prior to the beginning of the hearings. You will be advised in due course of the time and place of such a meeting. The first hearing is scheduled for May 12, 1987 at St. Andrew's United Church Hall in Sydney, Nova Scotia. For your information, I have enclosed a copy of the Commission's News Release and Fact Sheet.

I look forward to hearing from you.

Yours truly,


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

March 13, 1987

Mr. David W. Fisher,
Solicitor
Police Association of Nova Scotia
P. O. Box 1557
Halifax, Nova Scotia B3J 2Y3

Dear Mr. Fisher:

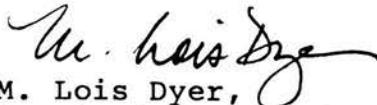
This will advise you that the Royal Commission met recently to consider the matter of applications for standing before the Royal Commission on the Donald Marshall, Jr., Prosecution. The Police Association of Nova Scotia has been granted observer status. This will entitle the Association to be present, to ask Commission Counsel to direct questions to witnesses, and to make oral and/or written submissions to the Commission at the conclusion of the hearings.

It is the Commission's intention to schedule a meeting with the representatives of all parties granted standing or observer status to review rules of procedure and other matters prior to the beginning of the hearings. You will be advised in due course of the time and place of such a meeting.

The hearings are scheduled to take place in Sydney, Nova Scotia at St. Andrew's United Church Hall on May 12, 1987.

I have enclosed, for your information, the Commission's News Release and Fact Sheet. I look forward to hearing from you.

Yours truly,


M. Lois Dyer,
Commission Executive
Secretary

MLD/ljb

Enclosures

Outgoing

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

March 12, 1987

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

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

Dear Professor Edwards,

This will confirm our telephone conversation of this afternoon.

I look forward to meeting you in Toronto on Thursday, March 19, 1987 at 10 a.m. I confirm your advice that the meeting will be at Room 319, 78 Queen's Park Crescent. I anticipate that one of the Commission's Counsel will accompany me to the meeting.

I enclose copies of applications for standing which were dealt with by the Commission at yesterday's meeting. You may find the application from the Department of Justice on behalf of the Correctional Service of Canada rather interesting.

The Commission has granted standing to all applicants except the Police Association of Nova Scotia and the Nova Scotia Branch of the Canadian Bar Association. These two organizations have been granted "observer status". The student, William Dove, did not qualify for standing or recognition as an observer. We did point out to him, however, that he, like all members of the public, has an absolute right to attend the public hearings of the Commission.

I thank you for your cooperation and look forward to seeing you on Thursday.

Kindest regards.

Yours sincerely,


Commission Chairman

TAH/jm
Encl.

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 10, 1987

Black United Front
of Nova Scotia
8 Edward Street
Dartmouth, N.S. B2Y 2P1

ATTENTION: CALVIN COUGH

Dear Mr. Cough,

RE: APPLICATION FOR STANDING

This will acknowledge receipt of your letter of March 9, 1987 requesting the Commission consider an application for standing on behalf of the Black United Front of Nova Scotia.

The Commission will be in touch with you mid-March, when it has had an opportunity to meet to consider all applications.

Yours very truly,



M. Lois Dyer
Commission Executive
Secretary

MLD/jm

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 10, 1987

Elman, Kuna & Hannem
Barristers & Solicitors
327 Charlotte Street
Sydney, N.S. B1P 6G9

Attention: Frank L. Elman, Q.C.

Dear Mr. Elman,

RE: APPLICATION FOR STANDING

This will acknowledge receipt of your letter of March 2, 1987 requesting the Commission consider an application for standing on behalf of the Estate of Donald C. MacNeil, Q.C.

The Commission will be in touch with you mid-March, when it has had an opportunity to meet to consider all applications.

Yours very truly,



M. Lois Dyer
Commission Executive
Secretary

MLD/jm

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

March 10, 1987

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

Dear Mr. Wildsmith,

RE: APPLICATION FOR STANDING

This will acknowledge receipt of a letter from Alexander Christmas of March 9, 1987 requesting the Commission consider an application for standing on behalf of the Union of Nova Scotia Indians.

The Commission will be in touch with you mid-March, when it has had an opportunity to meet to consider all applications.

Yours very truly,



M. Lois Dyer
Commission Executive
Secretary

MLD/jm

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 10, 1987

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

ATTENTION: JAMES D. BISSELL, COUNSEL

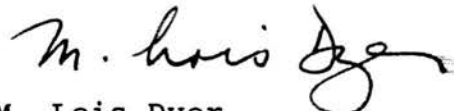
Dear Mr. Bissell,

RE: APPLICATION FOR STANDING

This will acknowledge receipt of your letter of March 6, 1987 requesting the Commission consider an application for standing on behalf of the Correctional Service of Canada - National Parole Board (Department of the Solicitor General of Canada).

The Commission will be in touch with you mid-March, when it has had an opportunity to meet to consider all applications.

Yours very truly,



M. Lois Dyer
Commission Executive
Secretary

MLD/jm

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

March 10, 1987

Police Association of Nova Scotia
P.O. Box 1557
Halifax, N.S. B3J 2Y3

ATTENTION: DAVID W. FISHER, SOLICITOR

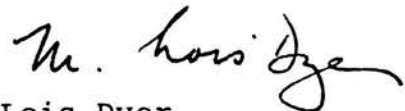
Dear Mr. Fisher,

RE: APPLICATION FOR STANDING

This will acknowledge receipt of your letter of March 4, 1987 requesting the Commission consider an application for standing (in part) on behalf of the Police Association of Nova Scotia.

The Commission will be in touch with you mid-March, when it has had an opportunity to meet to consider all applications.

Yours very truly,



M. Lois Dyer
Commission Executive
Secretary

MLD/jm

March 10, 1987

Ms. Anne Uteck
c/o McInnes, Cooper
& Robertson
1673 Bedford Row
Halifax, Nova Scotia
B3J 2V1

Dear Anne:

The enclosed exchange of correspondence is self-explanatory. Perhaps you would be good enough, if you have occasion to make any future inquiries of the Department of the Attorney General to direct them to either Darrel Pink or Jamie Saunders.

Many thanks.

Yours truly,

David B. Orsborn
Commission Counsel

DBO:jrc

March 10, 1987

BY HAND

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

Dear Mr. Pink:

I acknowledge with thanks your letter of today's date regarding inquiries that have been made by Ms. Anne Uteck of McInnes, Cooper & Robertson.

My understanding is that she was making such inquiries on behalf of Mr. Spicer but I acknowledge your concern in channeling the Commission contacts through your office, and will see that Ms. Uteck is advised of this.

I apologize for any confusion that this may have caused.

Yours very truly,

David B. Orsborn
Commission Counsel

DBO:jrc

cc: Anne Uteck

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

March 10, 1987

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

RE: THE DONALD MARSHALL INQUIRY

Dear Mr. Ruby:

We have just been advised by Anne Derrick that our initial scheduled interview with Mr. Marshall has been cancelled. We understand from Ms. Derrick that access by Commission Counsel to Mr. Marshall will now be provided only in exchange for the Commission's providing you with copies of all Ebsary transcripts and of certain documentation supplied to us by the R.C.M.P.

If we understand your position correctly, it is at variance with the accommodation reached between Mr. Spicer and Ms. Edwardh, copies of the correspondence in support of which are enclosed.

The Ebsary trial transcripts are of course a matter of public record, and these were earlier forwarded to Ms. Derrick. With respect to the further condition, we are not prepared to exchange access to Commission documentation for access to interview any witness. Such documentation as we feel to be relevant will be made available to all parties prior to its introduction into evidence.

It is unfortunate that we will not be permitted to speak with Mr. Marshall prior to the hearings as we had hoped that, over the course of a number of interviews, a certain rapport and lessening of any stress would be achieved.

Yours very truly,



David B. Orsborn,
Commission Counsel

DBO/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

March 5, 1987

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

Attention: Anne S. Derrick

Dear Ms. Derrick,

RE: APPLICATION FOR STANDING

This will acknowledge receipt of your letter of March 2, 1987 requesting the Commission consider an application for standing on behalf of Donald Marshall, Jr.

The Commission will be in touch with you mid-March, when it has had an opportunity to meet to consider all applications.

Yours very truly,

J. Miller
for M. Lois Dyer
Commission Executive
Secretary

MLD/jm

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

March 4, 1987

Ms. Heddy Peddle
Canada-Newfoundland Offshore
Petroleum Board
5th Floor
Toronto Dominion Place
140 Water Street
St. John's, Newfoundland A1C 6H6

Dear Heddy:

Thanks for sending along a copy of your paper to the fourth Offshore Information Conference in Edinburgh. I have glanced through it briefly and found it very informative and I know it will be of some assistance to us as we prepare to index the transcripts of trials and other proceedings in connection the Royal Commission on the Donald Marshall, Jr., Prosecution. Although we will not have the volume of materials, I suspect, the task will be as complex because what we are examining is the often unarticulated role of prosecutors, defense counsel, police, investigators, and the Department of the Attorney General in the administration of criminal justice in Nova Scotia.

It has been very comforting for us to be able to call on you, and I suspect you have not heard the last of us yet.

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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CHIEF JUSTICE T. ALEXANDER HICKMAN
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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

March 4, 1987

The Honourable Mr. Justice J. D. Hallett
The Law Courts
1815 Upper Water Street
Halifax, Nova Scotia

My Lord:

Re: The Royal Commission on the Donald
Marshall, Jr., Prosecution v.
The Canadian Broadcasting Corporation

I refer to our Pre-Hearing Conference of yesterday afternoon. I have not yet heard from Mr. Murrant. Please consider this letter as a Pre-Hearing Memorandum filed on behalf of the Plaintiff, Royal Commission.

The Plaintiff has requested, through the medium of a subpoena, documents and materials, etc., in the possession of CBC's solicitor, Mr. Murrant. At our meeting yesterday we indicated to Your Lordship that for the time being we were restricting that request to production of the discovery transcripts. Since yesterday's meeting, we have been provided with a copy of the List of Documents filed by the CBC in the MacIntyre action. In that List of Documents the CBC indicates that it is prepared to produce three items, two of which are not in the possession of the Plaintiff and in respect of which we seek production. These items are:

Journalist's notes prepared by Heather Matheson;
Draft copy of the script of a broadcast concerning the Donald Marshall case aired on Sunday Morning on or about November 27th, 1983.

Since these materials have already been referred to in the CBC's List of Documents in the MacIntyre case, there could surely be no objection to producing them to the Royal Commission.

Other than the above items at the present time, the Royal Commission seeks only production of the discovery transcripts. It is the position of the Commission that there is no

The Honourable Mr.
Justice J. D. Hallett

March 4, 1987

solicitor/client privilege with respect to these materials.
Reference to:

Wagh v. British Railways Board, [1979] 2 All
E.R. 1169 (HL);

Deuterium of Canada Limited v. Brown & Root
Limited, (1981) 48 N.S.R. (2d) 83;

Discovery-Production of Documents, (1976)
Canadian Bar Review Article 422 by S. N.
Lederman.

The Royal Commission has indicated previously to the CBC that if the production of documents could be resolved amicably, it was prepared to permit the CBC to delete the names only of the journalistic sources referred to in materials which it is obligated to produce. Since it would appear as if an amicable resolution will not be forthcoming, the Commission seeks production of the discovery transcripts and other materials referred to in this letter without deletion of sources. It is the position of the Commission that journalistic privilege is not a concept recognized by the Courts in Nova Scotia and that, accordingly, the CBC has no right to delete names from its material. Reference to:

Coates v. The Citizen and Southam, Inc., (1986)
74 N.S.R. (2d) 143 (C.A.).

As indicated to Your Lordship at yesterday's meeting, the Commission is prepared to pay the clerical cost of deletion of privileged notes from the discovery transcripts. We are also prepared to pay the cost of xeroxing this material and would suggest that it would be less expensive if the material were provided to the Commission and the Commission would undertake the cost of xeroxing. Beyond that, the Commission considers that it

The Honourable Mr.
Justice J. D. Hallett

March 4, 1987

would be improper for it to pay for information to which it is otherwise entitled by law.

All of which is respectfully submitted,

Yours very truly,

W. Wylie Spicer,
Commission Counsel

WWS/ljb

cc: Mr. Robert Murrant

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

March 4, 1987

BY HAND

Patterson Kitz
Barristers & Solicitors
Bank of Montreal Tower
Suite 1600, 5151 George St.
Halifax, N.S. B3J 2N9

Attention: Jamie W.S. Saunders

Re: Marshall Inquiry

Dear Mr. Saunders,

Thank you for your letter of March 3, 1987. I note your desire to place your concerns on the record, although I believe it may be somewhat premature to conclude that the Commission is taking any particular direction. I will address your concerns in order.

With respect to the January meeting with various members of the Defence Bar, I would point out that this meeting was a group discussion centred on matters of concern if any to the Defence Bar; it was not called for the purpose of reviewing experience or practice of any of the individuals while in the employ of the Department of Attorney General. The meeting did not consist of individual interviews, nor were any statements taken or files provided. No person present indicated that they were present on other than a voluntary basis, nor was any request made for Counsel. You will recall that this meeting was held at the time when the Department of Attorney General had not yet appointed counsel, despite urgent requests from the Commission to do so.

It is true that we indicated that we would provide to all counsel a list of witnesses and documents in advance of the Public Hearings. Whether or not any of the persons present at the above-mentioned meeting will be called as witnesses has not yet been determined.

I have seen a copy of Mr. Pink's letter of February 23 referring to the use of transcriptions of conversations with prospective witnesses from the Department of Attorney General. Your position on the use of such transcripts is quite reasonable and we are agreeable to this.

March 4, 1987

You are correct in stating that we are reviewing some information from the National Parole Board and Correctional Services of Canada, as indeed we are reviewing information from a number of various agencies. I am unable to agree to provide you with "any and all notes, statements, files, records or materials whatsoever having anything to do with the Department of the Attorney General and its present or former employees". You will appreciate that, if we were to accede to such a request from all counsel for all parties, the Inquiry would quickly grind to a halt. Presumably, your concerns will be met by the pre-hearing disclosure mentioned above.

With respect to the relevance of the information requested in Mr. Spicer's letter of February 18th, I understand that Mr. Spicer has already responded on February 20th, to this question. To amplify his reply, the relationship between the police forces in the Province and the Department of Attorney General is a matter which may be most relevant to the Commission. The decisions to investigate, charge and prosecute, and the factors which influence those decisions, are matters which appear routinely in the documents we have already reviewed. I have read your quoted excerpt from the Terms of Reference and must point out that the conclusion of the Terms of Reference should read:

"and such other related matters which the Commissioners consider relevant to the Inquiry". (emphasis mine)

At this stage, the information requested is considered relevant and we would repeat our request of February 18th, now some two weeks old. You will no doubt appreciate that, as delays are encountered in obtaining materials from various sources, it will be exceedingly difficult to organize a comprehensive disclosure process well in advance of the hearings.

I would point out, in conclusion, that we would prefer not to issue a subpoena on the Department of Attorney General, but the Commission is under an obligation to conduct its inquiry objectively and independently, to the best of its ability, and within a reasonable time. Might I ask that you indicate by return whether or not you are prepared to provide the information requested.


Patterson Kitz

-3-

March 4, 1987

I anticipate that once all matters of standing have been considered and resolved, and once Commission Counsel have refined their thinking on the evidence to be brought before the Commission, a meeting will be held with all Counsel to discuss the matters raised in the last paragraph of your letter.

Yours very truly,

A handwritten signature in dark ink, appearing to read "David Orsborn", with a stylized, flowing script.

David B. Orsborn
Commission Counsel

DBO/jm

ROYAL COMMISSION ON THE DONALD MARSHALL INQUIRY, 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

March 3, 1987

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

Dear Marlys:

RE: The Marshall Inquiry

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

The conditions referred to in your letter are fine with me.

I will be away until March 20th, but by copy of this letter to Anne Derrick, I am suggesting that we get together with Junior on Tuesday, March 24th for lunch, say at 12:30.

Kind regards.

Yours very truly,

Wyllie W. Spicer,
Commission Counsel

WWS/ljb

cc: Ms. Anne Derrick

March 3, 1987

My Lord:

Re: The Royal Commission on the Donald
Marshall, Jr. Prosecution v.
The Canadian Broadcasting Corporation

There is a pre-Hearing Conference scheduled for this afternoon at 2:30 p.m. This letter sets out the position of the Royal Commission in respect of the documents being requested from The Canadian Broadcasting Corporation.

The Subpoena issued by Chief Justice Hickman, Chairman of the Royal Commission, ordered the CBC, through its solicitor Mr. Murrant, in whose possession the documents currently reside, to produce all relevant documents, materials and reports in connection with a libel action commenced by the Chief of the Sydney Police Force, John MacIntyre, against the CBC arising out of a news story done by the CBC related to the Donald Marshall, Jr. case.

The position of the Royal Commission with respect to the request of documents is straightforward. Subject to documents which the CBC may withhold by reason of solicitor-client privilege, the Commission seeks production of all other materials in the MacIntyre file. We have not been provided with a list of the documents in that file, but we have been told that Discovery Transcripts taken during the libel proceeding are in the file. The Commission is of the view that these documents are not privileged and have specifically requested them from the solicitor for the CBC.

.../2

The Commission does not seek, pursuant to the Subpoena, to have a conversation with the solicitor for the CBC. We seek merely the production of documents to which the Commission is entitled. If at some future date the CBC wishes to waive solicitor-client privilege with respect to other materials in the file, then presumably the CBC can waive that privilege on its own terms. But with respect to documents which are not privileged, it is the position of the Royal Commission that these must be provided immediately.

We understand that the CBC is concerned about protection of its journalistic sources and that the identity of some of the sources may be revealed by the Discovery Transcripts. The Commission has already indicated to the CBC that in order to avoid a protracted Court proceeding concerning the existence or lack thereof of a journalistic privilege, it is prepared to accept the Discovery Transcripts with any references to the journalistic sources deleted therefrom. The CBC has indicated to the solicitors for the Royal Commission that the CBC requires that its lawyers be paid by the Royal Commission to engage in the task of deleting the journalistic sources from documents to which the Commission is in any event entitled. It is the position of the Commission that it should not be obligated to pay for evidence to which it is entitled by law.

I trust that the foregoing will be of assistance to Your Lordship.

All of which is respectfully submitted,

Yours very truly,

McINNES, COOPER & ROBERTSON

W. Wylie Spicer

The Honourable Mr. Justice J. D. Hallett
The Law Courts
1815 Upper Water Street
Halifax, Nova Scotia

WWS/mm

CC Mr. Robert Murrant

ROYAL COMMISS: N ON THE DONALD MARSHAL 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

March 2, 1987

Patterson Kitz
Suite 1600, 5151 George Street
Bank of Montreal Tower
P.O. Box 247
Halifax, N.S. B3J 2N9

Attention: Jamie Saunders/Darrel Pink
Counsel to the Attorney General

Dear Sirs,

RE: APPLICATION FOR STANDING

This will acknowledge receipt of your letter of March 2, 1987 requesting the Commission consider an application for standing on behalf of the Department of the Attorney General of the Province of Nova Scotia and the Attorney General of Nova Scotia.

The Commission will be in touch with you mid-March when it has had an opportunity to meet to consider all applications.

Yours very truly,



M. Lois Dyer
Commission Executive
Secretary

MLD/jm

Outgoing

ROYAL COMMISSION ON THE DONALD MARSHAL 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

March 2, 1987

Mr. Oscar N. Seale
985 Westmount Road
Sydney, N.S. B1R 1C5

Dear Mr. Seale,

RE: APPLICATION FOR STANDING

This will acknowledge receipt of your letter of February 25, 1987 requesting the Commission consider an application for standing on behalf of Sandy Seale.

The Commission will be in touch with you mid-March, when it has had an opportunity to meet to consider all applications.

Yours very truly,



M. Lois Dyer
Commission Executive
Secretary

MLD/jm

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 27, 1987

DELIVERED

Mr. Gordon Proudfoot
Boyne Clarke
Barristers & Solicitors
Suite 700, 33 Alderney Drive
Dartmouth, N.S.

Dear Gordon,

RE: MARSHALL INQUIRY

Further to our telephone conversation a couple of weeks ago concerning the source of the comments to Mr. Justice Pace which had been relayed to me by Parker Donham.

While it may be the case that these comments will have no eventual significance, I do not feel that I can be properly satisfied of this point unless I have an opportunity to speak to the person who discussed the matter with Mr. Justice Pace. I would appreciate it if you would provide me with the person's name so that I might speak to her myself.

In the event that you are not prepared to provide the name of the person in question, I would appreciate it if you would provide me with the reasons for this refusal in writing.

Kind regards,


W. Wylie Spicer
Commission Counsel

WWS/jm

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 27, 1987

DELIVERED

Mr. Robert Murrant
Boyne Clarke
Barristers & Solicitors
P.O. Box 876
Dartmouth, N.S. B2Y 3Z5

Dear Mr. Murrant,

RE: CBC MACINTYRE MATERIAL

I refer to our recent telephone conversation.

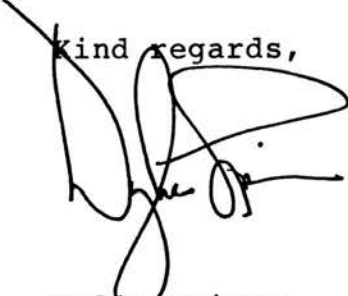
I refer to your letter of February 12, 1987. With respect to the numbered paragraphs in that letter, the Commission is prepared to agree as follows:

1. To the extent that the material in your file is privileged, we are prepared to recognize the existence of that privilege. Since I do not know what is in the file, I cannot make any further comment.
2. We are not interested in the internal correspondence between the CBC and yourselves.
3. So that we may get on with the Inquiry rather than be sidetracked into a court debate concerning the extent of journalistic privilege, if any, we are prepared to agree that we will not subject the journalists involved to inquiry concerning their sources. You appreciate that, if we turn up these sources ourselves, that is quite another matter.
4. The Commission is interested in the facts contained in the MacIntyre file. Your provision of that material to us pursuant to subpoena cannot possibly be seen as putting either yourself or the CBC in the position of being busybodies. The CBC is simply complying with an order to produce documents issued by the Chairman of the Commission.

5. The Commission is not prepared to pay you to go through the material. I'm sure that you recognize that fighting this matter out in court is going to be much more expensive than simply sitting down and going through it with me. Also, as a matter of principle, we do not feel it is appropriate for the Commission to be spending money for the receipt of information which we can obtain in any event by court order.

I understand that the Court has requested that we have a pre-hearing memoranda to them about Wednesday at noon. In order to avoid wasting alot of time putting together a memorandum, I would very much appreciate it if you would let me know whether or not the CBC is prepared to agree to this compromise as soon as possible and certainly no later than the end of Monday, March 2, 1987.

Kind regards,



Wylie Spicer
Commission Counsel

WS/jm

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

87 02 25

Mr. David W. Fisher
Solicitor, P.A.N.S.
Post Office Box 1557
Halifax, Nova Scotia
B3J 2Y3

Dear Mr. Fisher:

Re: Donald Marshall Inquiry

Thank you for your letter of February 20, 1987. It is difficult, and indeed not appropriate, for me to suggest at this early stage of the Inquiry what findings may be made and what recommendations may or may not be forth-coming. It follows that it is not for the Commission to identify the interests that should be protected and represented at the public hearings.

However, it is common knowledge that at least some of the evidence to be led at the hearings will have to cover the manner in which the death of Mr. Seale was investigated by the Sydney Police Force. Since the conduct of the Sydney Force and one or more of its members will be examined, it is more than likely that standing will be granted to the Sydney Police Commission and to Chief John MacIntyre and Detective Urquhart. The Sydney Police Commission and these individuals have indicated that they will be applying for standing. We are not aware at this time of the need to examine the conduct of any other Provincial police force.

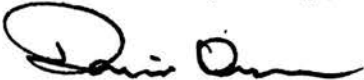
I realize that I am not addressing your request for information that you require to ensure that your members are adequately represented. However, it may be that your members would not require representation if those whose conduct is being questioned are otherwise represented.

Should you wish to apply for standing, the Commission will require a statement outlining the interests to be protected and the reasons why standing is required. If you feel that representation of your members does not require full standing - ie. the right to cross-examine - you may wish to con-

sider asking the Commission to permit a representative of your Association to be present throughout and to make a summation at the conclusion of the hearings. I would remind you that in any event, the closing date for applications is March 9, 1987.

Should you wish to discuss this matter further with me, I would be more than happy to meet you at your convenience.

Yours very truly,

A handwritten signature in dark ink, appearing to read "David B. Orsborn". The signature is fluid and cursive, with a large initial "D" and "O".

David B. Orsborn
Commission Counsel

DBO:jrc

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

February 25, 1987

Dear Mr. Ruby:

Re: Donald Marshall Inquiry

I received your letter of February 20, 1987. I am surprised by the umbrage which you have taken to a letter I wrote to Anne Derrick and by the strident tone of your letter. Let me assure you I have no desire to create an adversarial position with anyone in this matter. The role of Commission Counsel, as you undoubtedly know, is to take a neutral position and I certainly intend to do my utmost to adopt such a position throughout.

To set the record straight, I contacted Mr. Khattar several weeks ago advising him of my desire to meet. I suggested that Mr. Khattar contact Mr. Marshall to determine if any claim of privilege would be waived since I was concerned that Mr. Marshall's rights be protected. Your understanding of the law respecting privileged communication differs from mine. I had always been under the impression that a witness could not be compelled to disclose privileged information, but if the privilege is waived the evidence certainly is admissible, and on many occasions is relevant. For example, in this case, if Mr. Marshall had advised Mr. Khattar that he and Sandy Seale had been engaged in an attempt to "roll" Ebsary and MacNeil when the stabbing occurred, that certainly would be relevant evidence to present to the Commissioners, and provided Mr. Marshall is prepared to waive any claim for privilege the evidence certainly is admissible.

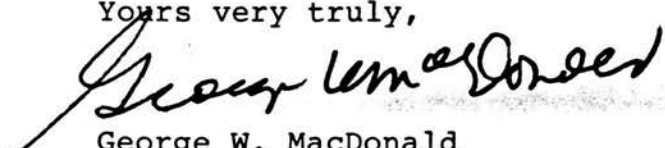
When I contacted Mr. Khattar last week, he read to me the contents of a letter to him from Ms. Derrick. I have not seen that letter and must rely on my memory of the conversation with Mr. Khattar. It is my recollection that the letter contained a suggestion that Mr. Khattar should be careful about meeting with me, implying that he may have something to fear. In addition, of course, the letter advised Mr. Khattar that he was not to disclose any privileged communication.

My letter referred to the very difficult position Mr. Khattar would be in if he were to meet with me at this time given the position which has been adopted by Mr. Marshall.

I was, and continue to be, of the view that the only way the Commissioners can be expected to handle the very difficult task which has been presented to them is if everyone involved cooperates fully in revealing all facts which may be relevant. Apparently I was naive in expecting that my view would be shared by everyone involved in this unfortunate incident. Please assure Mr. Marshall that my comments in the letter to Ms. Derrick were not intended to suggest that he was in any way acting in bad faith.

I would appreciate receiving an explanation of the position which is being adopted by Mr. Marshall on the question of solicitor-client privilege. I have taken the liberty of copying this letter to Mr. Khattar in the event you may wish to speak to him to confirm the statements I have made concerning the conversations I had with Mr. Khattar.

Yours very truly,


George W. MacDonald
Commission Counsel

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

GWMacD/fm

cc: Ms. Anne Derrick
Mr. Simon Khattar, Q.C.

bcc: ✓ David Orsborn
Wylie Spicer

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

February 24, 1987

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

Dear Professor Edwards,

This will confirm our telephone conversation of yesterday, February 23, 1987, when we reviewed some areas of concern of the Commission including constitutional difficulties which may be encountered by this purely Provincial Commission. I enclose a copy of our commission issued by the Lieutenant Governor in Council of Nova Scotia on October 28, 1986.

I suspect it will be necessary for us to examine the role of correctional authorities including the National Parole Board concerning the incarceration of Donald Marshall, Jr. Also, we will undoubtedly receive evidence concerning the negotiations leading up to the decision of the Attorney General of Canada to ask the Court of Appeal of Nova Scotia to review the conviction and incarceration of Donald Marshall, Jr. It is possible, therefore, that constitutional restraints may restrict the breadth of our inquiry unless the Government of Canada is prepared to cooperate.

At the time the appointment of a commission of inquiry was being considered, I raised with the then Attorney General of Nova Scotia, Honourable Ronald Giffin, my concerns over these matters and suggested it would be appropriate to have the Commission created by both governments. Mr. Giffin felt that the matters to be investigated by the Commission came exclusively within the jurisdiction of the province and, as far as I know, he did not raise the issue with the Attorney General of Canada.

It may be necessary for me to raise this question, once again, at an early date, with the Attorney General of Nova Scotia but before so doing I would appreciate your writing and letting the Commission have the benefit of your views and recommendations on this issue.

Commission Counsel, in their ongoing review of the multitude of documents and correspondence relating to the Marshall case, have come across a suggestion or indication that the non disclosure to Marshall's solicitor of documents in the hands of correctional authorities which were relevant to the negotiations leading up to the settlement of Marshall's claim for compensation may have prejudiced him in his negotiations. A significant aspect of the involvement of the federal authorities is the policy of the correctional services to obtain an admission and acceptance of guilt as a virtual condition precedent to their recommending early parole. Marshall's refusal to admit guilt apparently seriously affected his application for parole.

There is also a suggestion in some material which has come into the hands of counsel that during the negotiations for compensation the Attorney General of Canada indicated some anxiety over the delay in resolving the matter and suggested that if the Province did not move quickly he might be forced to set up an inquiry into the Marshall affair. I simply draw these matters to your attention as an indication of the basis of my concern with respect to constitutional issues.

I have discussed with counsel your suggestion that it may be beneficial if I met with you sometime within the next few weeks to review the areas of concern of the Commission and the tentative procedures we intend to follow in our investigation and hearings. At least one of the Commission's counsel would attend such a meeting. While there is a great deal of wisdom in your suggestion, you will appreciate some of the scheduling problems at this time. In any event, I will be in touch with you at a later date concerning same.

I look forward to receiving your proposal with respect to your acting as an advisor to the Commission or in whatever capacity you deem most convenient and appropriate. I like the idea of your being appointed Special Advisor to the Commission. Again, I look forward to hearing from you on this suggestion.

In accordance with my undertaking, I enclose a copy of Chapter X of the Report of the Royal Commission to inquire into the Magistracy of Newfoundland and Labrador which deals with Crown Prosecutors. This report was a product of Mr. Geoffrey L. Steele, Q.C. who was a Royal Commissioner, of one, for the purpose of inquiring into the Newfoundland Magistracy. Mr. Steele was

Feb. 24, 1987

subsequently appointed to the Bench and I enclose a copy of his decision in R. v. Hart which you may find of interest as well as a copy of the decision of the Court of Appeal of Newfoundland wherein they overruled Mr. Justice Steele. Leave to appeal the Hart case was refused by the Supreme Court of Canada.

I thank you for your cooperation and look forward to hearing from you in due course.

Yours sincerely,


CHAIRMAN

TAH/jm
Encl.

ROYAL COMMISSION ON THE DONALD MARSHALL, R., 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

February 24, 1987

Mr. Andrew Cochran,
President
Studio East Limited
Suite 702, 5151 Terminal Road
Halifax, Nova Scotia B3J 1A1

Dear Mr. Cochran:

RE: The Marshall Inquiry

Further to our discussion of today's date, I hereby request on behalf of the Commission that you forward the following VHS videotape to the Commission:

Date: September 12, 1984
Subject: Roy N. Ebsary
Interviewer: David Ratchford
Camera: Chris Abbass

I understand that you will provide us with the original tape and will retain a copy for your files. This tape may be used as evidence in the public hearings of the Commission. Thus, some or all of it may be seen by those attending the hearings. It is not our intention to make any copies of the tape, nor to make it available to anyone else for copying.

We would be pleased to receive the tape at your very earliest convenience.

Yours very truly,

David B. Orsborn,
Commission Counsel

DBO/ljb

DELIVERED

February 23, 1987

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

Dear Mr. Nicholson:

I understand from my secretary that she has paid an account to Nova Scotia Legal Aid arising out of your attendance at Halifax. I have had a look at the account and I notice that in addition to the claim for expenses, you submitted an account for \$300 for time spent in Halifax.

My secretary should not have paid that portion of the account. We did not discuss at any time payment to you or to Legal Aid for the time spent. If you had raised the matter with me earlier, I would have told you that the Commission is of the view that it should not be paying for the provision of information. None of the other lawyers who have spoken to us have submitted accounts and I am sure will not do so. I would appreciate it if you would return to me that portion of the cheque which relates to your claim for time.

If you have any difficulty with this, I would appreciate being advised forthwith.

Yours very truly,

W. Wylie Spicer
Counsel

WWS/mm

scitz

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

February 20, 1987


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

Dear Mr. Ruby,

I am enclosing a copy of the notice on applications for standing which appeared recently in this province's newspapers and Royal Gazette.

Further to your letter to David B. Orsborn of December 11, 1986, you may now wish to formally apply for standing on behalf of your client Donald Marshall, Jr.

Sincerely yours,


M. Lois Dyer
Commission Executive
Secretary

MLD/jm
Encl.

Outgoing

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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February 20, 1987

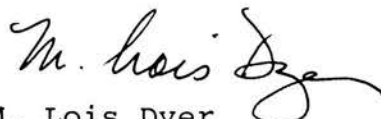
Mr. John Parker
1908 Portobello Road
Waverley, N.S. B0N 2S0

Dear Mr. Parker,

Thank you for your letter expressing interest in providing investigation services for the Royal Commission. At the moment, the Commission is well served by its current staff. However, if circumstances should change, I will retain your resume and contact you should we require additional help.

Thank you for your interest.

Sincerely yours,



M. Lois Dyer
Commission Executive
Secretary

MLD/jm

Outgoing

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 20, 1987

Mr. Bernie Francis
117 McKenzie Drive
Coxheath, C.B.
Nova Scotia

Dear Mr. Francis,

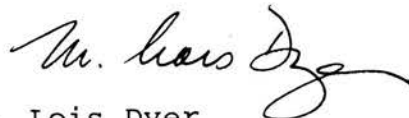
Thank you for your letter of February 13, 1987 applying to be "heard" by the Royal Commission.

I have the impression from your letter that you do not wish formal "status" or standing at the Royal Commission, which would entitle you to examine and cross-examine witnesses, but rather you are anxious to speak with Commission representatives on matters you have some knowledge of.

I suggest you contact Mr. Wylie Spicer at the Commission offices.

Thank you for your interest.

Sincerely yours,



M. Lois Dyer
Commission Executive
Secretary

MLD/jm

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 20, 1987

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

ATTENTION: James D. Bissell, Counsel
Atlantic Region

Dear Mr. Bissell:

Re: Correctional Services

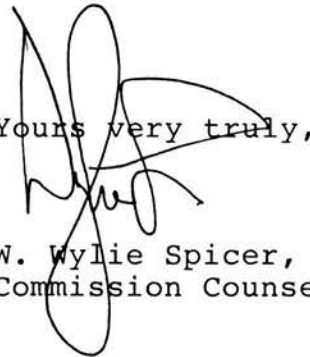
I refer to our recent telephone conversation.

There are a number of people in the correction service/parole area whom I would like to interview in the next couple of weeks. I would appreciate your indication as to whether or not the Department of Justice wishes to have somebody present at those interviews.

In addition to the file material already forwarded by the Parole Board and the Correctional Service of Canada, I have requested from you provision of the files concerning Junior Marshall from the institutions themselves, i.e., Springhill and Dorchester. In addition, if this is not already included in the preceding request, I would like to see the preventive security files concerning Mr. Marshall.

Kind regards.

Yours very truly,


W. Wylie Spicer,
Commission Counsel

WWS/ljb

HAND DELIVERED

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

February 20, 1987

Mr. Jamie W. S. Saunders
Patterson Kitz
Barristers & Solicitors
Bank of Montreal Tower
Suite 1600, 5151 George Street
Halifax, Nova Scotia

Dear Jamie:

Re: Marshall Inquiry
Your File No. 9201/1

I am replying to your letter of February 20, 1987.

The Commission is interested in the relationship between the Attorney General's Office and the RCMP because that relationship clearly has something to do with the administration of justice in the Province of Nova Scotia. It is, therefore, relevant for us to examine this relationship with a view to seeing how it may affect the administration of criminal justice.

I would appreciate it if you would indicate to me next week whether or not you are prepared to produce the requested material.

Yours very truly,

W. Wylie Spicer,
Commission Counsel

WWS/ljb

HAND DELIVERED

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COMMISSIONER

February 20, 1987

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

Re: Marshall Inquiry
Your File No. 9201/1

Dear Darrel:

I am replying to your letter of February 20, 1987. Thank you for the list of officials and staff of the Attorney General's Department.

The times that you have arranged for interviews with Messrs. Gumpert and Thomas are satisfactory.

Yours very truly,

W. Wylie Spicer,
Commission Counsel

WWS/ljb

HAND DELIVERED

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COMMISSIONER

87 02 20

Mrs. Barbara Burke
Consultant
Telecommunication Services
Department of Government Services
Province of Nova Scotia
Halifax, Nova Scotia

Dear Mrs. Burke:

I am writing with respect to long distance telephone services at the Royal Commission on the Donald Marshall, Jr., Prosecution.

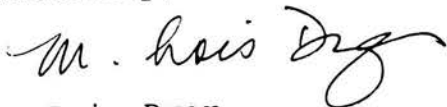
At present, with the telephone system we currently employ, it is not possible to make long distance phone calls through the outside operator, ie. credit card calls, billing to a third number, etc., without first contacting the Government Operator. The major problem with this system arises when we require an outside operator after normal Government working hours. It is then impossible to reach the outside operator and we are unable to place the calls.

I understand that it is possible for you to arrange to change our system to enable us to simply dial "9" then "0" to get a non-Government operator.

I would appreciate if you would make these arrangements as soon as possible.

Thank you for your attention to this matter.

Sincerely,



M. Lois Dyer
Commission Executive Secretary

MLD:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 19, 1987

Mr. George W. MacDonald
and Mr. David B. Orsborn
c/o Holiday Inn
Kings Road
Sydney, Nova Scotia

Re: Marshall Inquiry

Gentlemen:

Here is the Subpoena.

Yours very truly,

W. Wylie Spicer,
Commission Counsel

wws/ljr

Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

IN THE MATTER of the Public Inquiries Act,
R.S.N.S. 1967 c. 250

- and -

IN THE MATTER of a Commission appointed
by Order-in-Council the
28th day of October, 1986,
to inquire in and report to the
Governor in Council with
respect to all matters related
to the death of Sanford William
Seale and the criminal prosecution
of Donald Marshall, Jr. (The
Marshall Inquiry)

TO: CHRISTOPHER ABBASS
Sydney, Nova Scotia

BY VIRTUE of the powers vested in me by the Public
Inquiries Act and by Order-in-Council dated October 28, 1986, I do
hereby order that you:

1. Produce and deliver to Commission Counsel
on receipt of this Order any and all such documents, reports
and materials as may be in your possession or custody and
relevant to the matters before the Inquiry, including, without
restricting the generality of the foregoing:

Any and all video tape material concerning in any way
Roy Newman Ebsary.

WITNESS the Chairman of the Marshall Inquiry this
19th day of February, A.D., 1987.


CHAIRMAN

February 18, 1987

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

Dear Darrel:

Re: Attorney General's Documents

I would appreciate it if you could provide me with copies of the contracts between the R.C.M.P. and the Province during the period 1971-1985. I would also appreciate it if I could get copies of any and all minutes of the regular meetings held between the R.C.M.P. and representatives of the Attorney General's Department. It is my understanding that these meetings take place perhaps every two weeks or so.

Yours very truly,

W. Wylie Spicer
Counsel

WWS/mm

DELIVERED

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

February 17, 1987

Dear Ms. Derrick:

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

I spoke with Simon Khattar yesterday to arrange a convenient time to meet with him during my planned visit to Sydney. Some time ago I contacted Mr. Khatter and indicated my desire to meet and suggested he may wish to obtain a Waiver of Privilege from Mr. Marshall in order that our discussions could be unfettered by any concern that there may be some breach of solicitor/client privilege.

I was very surprised to learn that you, on behalf of Mr. Marshall, have instructed Mr. Khattar not to meet with me and that privilege would not be waived. As you know the Commission of Inquiry has been established to look into all events surrounding the death of Sandy Seale, the subsequent conviction of Mr. Marshall and related events. I thought Mr. Marshall would be the person most interested in having all relevant facts concerning these events disclosed to Commission Counsel and ultimately to the Commission. Am I to assume that the refusal of Mr. Marshall to permit Mr. Khattar to discuss freely with me his participation in the events indicates some reluctance to have all the facts disclosed?


In any meeting with Mr. Khattar, it would be my intention to discuss fully with him his participation in the case, the pretrial Trial and post Trial activities of Counsel and all related matters. As you know most of this information would not be privileged in any event but, in fairness to Mr. Khattar, I would prefer that he not be in a position where he must be concerned about every answer which is given. I would appreciate it therefore if you could provide me, in some detail, with an explanation why your client is not prepared to permit

.... /2

Ms. Anne Derrick
February 17, 1987
Page 2

Counsel for the Commission to conduct a full and comprehensive investigation into all events surrounding the matters placed before the Commissioners. I would appreciate it if you could let me have your written response as quickly as possible.

Yours very truly,



George W. MacDonald
Commission Counsel

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

HAND DELIVERED

cc: Simon Khattar, Q.C.

GWMacD/slm(1-6)

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

February 16, 1987

Mr. Robert Murrant
Boyne Clarke
Barristers & Solicitors
P. O. Box 876
Dartmouth, Nova Scotia
B2Y 3Z5

Dear Mr. Murrant:

Re: Marshall Inquiry

I am replying to your letter of February 12, 1987.

The Commission is not prepared to pay you to assist in the gathering of evidence for the Commission. If I understand your correspondence correctly, that leaves the Commission in the position where the CBC is not prepared to release file material to us. Accordingly, we have no choice but to apply to Court for an Order that the file be turned over to the Royal Commission.

I will be preparing the necessary documents to apply for an Order and will have this over to you in the next couple of days. I would appreciate it if you would indicate whether or not you will be authorized to accept service. In the meantime, since there seems to be little dispute that the discovery transcripts are not privileged, I would request that you forward these over to us forthwith. I refer you to the Nova Scotia decision in Deuterium of Canada, Limited v. Brown & Root, Limited, (1981) 48 NSR (2d) 83.

Yours very truly,

W. Wylie Spicer,
Commission Counsel

WWS/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

February 12, 1987

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

Attention: James D. Bissell, Counsel
Atlantic Region

Dear Mr. Bissell,

RE: APPLICATION FOR STANDING

This will acknowledge receipt of your letter of February 10, 1987 requesting the Commission consider an application for standing on behalf of the Royal Canadian Mounted Police.

The Commission will be in touch with you mid-March, when it has had an opportunity to meet to consider all applications.

Yours very truly,



M. Lois Dyer
Commission Executive Secretary

MLD/jm

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

February 12, 1987

MacIntyre MacKinnon
Barristers & Solicitors
Suite 202
111 Ilesley Avenue
Dartmouth, N.S. B3B 1S8

Attention: Mr. Angus A. MacIntyre

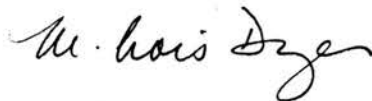
Dear Mr. MacIntyre,

RE: APPLICATION FOR STANDING

This will acknowledge receipt of your letter of February 5, 1987 requesting the Commission consider an application for standing on behalf of John F. MacIntyre.

The Commission will be in touch with you mid-March, when it has had an opportunity to meet to consider all applications.

Yours very truly,



M. Lois Dyer
Commission Executive Secretary

MLD/jm

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

87 02 11

Ms. Kimberley Charlesworth
3181 Agricola Street
Halifax, Nova Scotia

Dear Ms. Charlesworth:

Thank you for your resume applying for a position with the
Royal Commission on the Donald Marshall Junior Prosecution.

At the moment, the Commission has filled the available
positions, however, we will contact you should a position
suitable to your qualifications become available in the
future.

We appreciate your interest.

Yours truly,


M. Lois Dyer
Commission Secretary

MLD:jrc

ROYAL COMMISSION IN 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

February 11, 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

RE: Marshall Inquiry

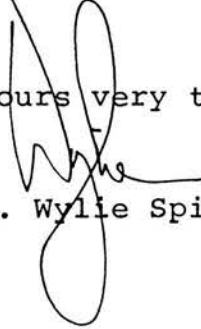
Dear Mr. Pink:

I would like to set up some interviews to see some of the people who are currently prosecuting. I would appreciate it if you could arrange for me to see Adrian Reid, Jim Gumpert and Chris Morris.

If possible, I would like to see these individuals next week.

Kind regards,

Yours very truly,


W. Wylie Spicer

WWS/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

87 02 11

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

Attention: Anne S. Derrick

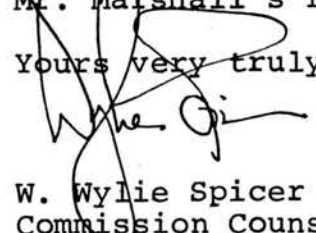
Dear Ms. Derrick:

Re: Donald Marshall Jr. File

I understand that you currently have custody of the Donald Marshall file, previously in the possession of the law firm of Lambert & Cacchione.

I am enclosing a subpoena, returnable within 10 days, requiring you to turn over Junior's file to the Commission. I trust that we will be able to agree amicably on Commission Counsel reviewing Mr. Marshall's file and making copies of whatever is relevant.

Yours very truly,


W. Wyllie Spicer
Commission Counsel

WWS:jrc

ROYAL COMMISSION' J 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

IN THE MATTER of the Public Inquiries Act,
R.S.N.S. 1967 c. 250

- and -

IN THE MATTER of a Commission appointed
by Order-in-Council the
28th day of October, 1986,
to inquire in and report to the
Governor in Council with
respect to all matters related
to the death of Sandford William
Seale and the criminal prosecution
of Donald Marshall, Jr. (The
Marshall Inquiry)

TO: ANNE S. DERRICK, Barrister and Solicitor
1545 Grafton Street
Halifax, Nova Scotia
B3J 2B9

BY VIRTUE of the powers vested in me by the Public
Inquiries Act and by Order-in-Council dated October 28, 1986, I do
hereby order that you:

1. Produce and deliver to Commission Counsel within 10 days
of receipt of this Order any and all such documents, reports
and materials as may be in your possession or custody and
relevant to the matters before the Inquiry, including, without
restricting the generality of the foregoing:

All files related to Donald Marshall Jr. and any
and all documents, reports and materials contained
in any such files and any other material in your
custody relating to Donald Marshall Jr.

WITNESS the Chairman of the Marshall Inquiry this
11th day of February, A.D., 1987.


CHAIRMAN

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

February 5, 1987

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

Dear Professor Edwards,

I confirm our telephone conversation of yesterday when I asked if you would be prepared to advise the Royal Commission on the Donald Marshall Jr. Prosecution on matters relevant to the Inquiry. In particular, I anticipate we will be called upon to make recommendations with respect to the role of the Attorney General and Crown Prosecutor. I am delighted that you are prepared to assist the Commission from time to time.

I enclose the book "Justice Denied" by Michael Harris which gives a reasonably accurate account of the events surrounding the conviction and subsequent pardon of Donald Marshall Jr.

I will be in touch with you again before the end of February. You may, at that time, be in a position to indicate areas which should be canvassed when viva voce evidence is being presented to the Commission. We hope to commence public hearings in early May.

Once again, I thank you for your cooperation.

With kindest regards,



Chief Justice T. Alexander Hickman
Commission Chairman

TAH/jm
Encl.

ROYAL COMMISSION IN 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

February 5, 1987

Bernan-Unipub
4611-S Assembly Drive
Lanham, Maryland 20706-4391
U.S.A.

Attention: Chris Lundy

Dear Mr. Lundy,

As per your telephone conversation this morning with Jean Miller of this office, we would like to place an order for one softcover copy (4 volume set) of the following:

"Report of Inquiry by Hon. Lad Hunter VRD
Re Murder of Mrs. Rachel Ross"

-Edinburgh-Her Majesty's Stationery Office - 1982

We understand it will take approximately four to six weeks for delivery. We will appreciate any special rush you can give this order. Please invoice with order.

Yours truly,

J. Miller

for W. Wylie Spicer
Commission Counsel

WWS/jm

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

February 4, 1987

Mr. Robert Murrant
Boyne Clarke
Barristers & Solicitors
P.O. Box 876
Dartmouth, N.S. B2Y 3Z5

Dear Mr. Murrant,

Re: Marshall Inquiry

I understand from our recent telephone conversation that the CBC has still not made a decision as to whether it will authorize release to the Commission of the material gathered as a result of the libel action brought by Chief MacIntyre. We have been requesting this material for over two months.

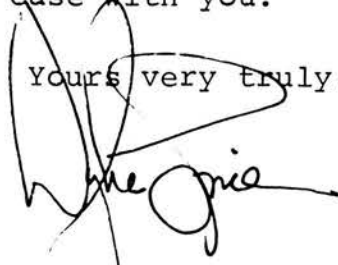
It is the job of Commission counsel to put before the Commissioners all evidence in any way relevant to the Terms of Reference of the Inquiry. In order to fulfill this responsibility we are being given access to the files of inter alia, the Attorney-General, the RCMP and the Sydney Police. We will review everything provided to us and once we have determined that it is to be put in evidence at the Public Hearings we will provide copies of such material to counsel for other parties, sometime in advance of the Hearing date.

I am at a loss to understand why the CBC, which has consistently promoted the idea of an Inquiry, has thus far refused, by its inaction, to assist the Inquiry by turning over its files to Commission counsel. The Inquiry is impressed with the duty to bring forward all relevant facts and on the basis of those facts to make recommendations to ensure that what befell Mr. Marshall does not happen again. I would have expected prompt assistance from the CBC.

In addition I would ask that the CBC waive solicitor-client privilege and specifically authorize you to talk to Commission Counsel concerning the information you gathered as a result of the MacIntyre libel action.

I have enclosed a subpoena returnable within seven days. If the CBC intends not to comply, I would appreciate being so advised. Otherwise, I will look forward to receipt of the material and to discussing the Marshall case with you.

Yours very truly,

A handwritten signature in black ink, appearing to read "W. Wylie Spicer", written over the closing "Yours very truly,".

W. Wylie Spicer
Commission Counsel

WWS/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

February 3, 1987

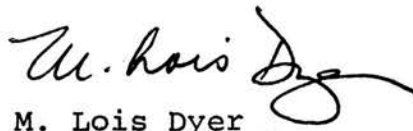
Mr. Myles Rector
Director of Administration
Office of the Speaker
P.O. Box 1617
Halifax, N.S. B3J 2Y3

Dear Myles,

Please accept this letter as a requisition for a cheque in the amount of \$1,000.00 made out to Canada Post to fill our postage meter for the first time. I expect this may serve us for several months.

Your assistance in expediting this quickly is greatly appreciated.

Yours truly,


M. Lois Dyer
Commission Executive
Secretary

MLD/jm

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

February 2, 1987

LETTER OF INTRODUCTION

This letter will serve as an introduction to Mr. Fred Horne.

Mr. Horne is acting on behalf of the Royal Commission on the Donald Marshall Jr. Prosecution and is authorized by the Commission to conduct interviews, request statements, review documents and generally carry out services of an investigative nature on behalf of the Commission.

Would you kindly give Mr. Horne your fullest cooperation.

Thank you for your anticipated assistance.



David B. Orsborn
Commission Counsel

DBO/jm

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

February 2, 1987

LETTER OF INTRODUCTION

This letter will serve as an introduction to Mr. Jim Maloney.

Mr. Maloney is acting on behalf of the Royal Commission on the Donald Marshall Jr. Prosecution and is authorized by the Commission to conduct interviews, request statements, review documents and generally carry out services of an investigative nature on behalf of the Commission.

Would you kindly give Mr. Maloney your fullest cooperation.

Thank you for your anticipated assistance.



David B. Orsborn
Commission Counsel

DBO/jm

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

February 2, 1987

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


Dear Mr. Ruby,

Thank you for your letter of January 21, 1987.

With respect to the disclosure of written material, it is our present intention to provide to all parties granted standing copies of documents which will be introduced into evidence at the public hearings. This material will be made available in sufficient time to allow review by counsel prior to its introduction.

We will be providing copies of all relevant transcripts to all parties to the proceedings and will forward these to you as soon as they are copied.

Yours very truly,



David B. Orsborn
Commission Counsel

DBO/jm

January 27, 1987

Dear Mr. Bissell:

Re: Marshall Inquiry

I refer to our recent telephone conversation and enclose original of the subpoena for the documents which I understand are in your possession. I would appreciate it if you could forward these over to me as soon as possible.

Kind regards.

Yours very truly,

McINNES, COOPER & ROBERTSON

W. Wylie Spicer

Mr. James D. Bissell
Counsel
Department of Justice
4th Floor, 5161 George Street
Halifax, Nova Scotia

Encl.

WWS/cas

January 23, 1987

Dear Bill:

Re: Marshall Inquiry

On behalf of Dave Orsborn, George MacDonald and myself, I am writing to express our thanks for the time you took to speak to us on January 21, 1987.

I would very much appreciate it if you have any further thoughts concerning the sorts of issues which we discussed at the meeting, if you would feel free to give me a call.

Once again, many thanks.

Yours very truly,

McINNES, COOPER & ROBERTSON

W. Wylie Spicer

William B. Digby, Esq.
Nova Scotia Legal Aid
401 - 5212 Sackville Street
Halifax, Nova Scotia
B3J 1K6

WWS/mm

January 23, 1987

Dear Barbara:

Re: Marshall Inquiry

On behalf of Dave Orsborn, George MacDonald and myself, I am writing to express our thanks for the time you took to speak to us on January 21, 1987.

I would very much appreciate it if you have any further thoughts concerning the sorts of issues which we discussed at the meeting, if you would feel free to give me a call.

Once again, many thanks.

Yours very truly,

McINNES, COOPER & ROBERTSON

W. Wylie Spicer

Ms. Barbara J. Beach
Nova Scotia Legal Aid
5212 Sackville Street
Halifax, Nova Scotia
B3J 1K6

WWS/mm

January 23, 1987

Dear Warren:

Re: Marshall Inquiry

On behalf of Dave Orsborn, George MacDonald and myself, I am writing to express our thanks for the time you took to speak to us on January 21, 1987.

I would very much appreciate it if you have any further thoughts concerning the sorts of issues which we discussed at the meeting, if you would feel free to give me a call.

Once again, many thanks.

Yours very truly,

MCINNES, COOPER & ROBERTSON

W. Wylie Spicer

Warren K. Zimmer, Esq.
Cox, Downie & Goodfellow
Barristers & Solicitors
1100-1959 Upper Water Street
P. O. Box 2380
Halifax, Nova Scotia
B3J 3E5

WWS/mm

January 23, 1987

Dear Pat:

Re: Marshall Inquiry

On behalf of Dave Orsborn, George MacDonald and myself, I am writing to express our thanks for the time you took to speak to us on January 21, 1987.

I would very much appreciate it if you have any further thoughts concerning the sorts of issues which we discussed at the meeting, if you would feel free to give me a call.

Once again, many thanks.

Yours very truly,

MCINNES, COOPER & ROBERTSON

W. Wylie Spicer

Patrick J. Duncan, Esq.
Nova Scotia Legal Aid
5212 Sackville Street
Halifax, Nova Scotia
B3J 1K6

WWS/mm

I-1816

January 23, 1987

Dear Kevin:

Re: Marshall Inquiry

On behalf of Dave Orsborn, George MacDonald and myself, I am writing to express our thanks for the time you took to speak to us on January 21, 1987.

I would very much appreciate it if you have any further thoughts concerning the sorts of issues which we discussed at the meeting, if you would feel free to give me a call.

Once again, many thanks.

Yours very truly,

McINNES, COOPER & ROBERTSON

W. Wylie Spicer

Kevin Burke, Esq.
Burke, Beveridge & Jordan
Barristers & Solicitors
400 - 1668 Barrington Street
Halifax, Nova Scotia
B3J 2A2

WWS/mm

January 23, 1987

Dear Allan:

Re: Marshall Inquiry

On behalf of Dave Orsborn, George MacDonald and myself, I am writing to express our thanks for the time you took to speak to us on January 21, 1987.

I would very much appreciate it if you have any further thoughts concerning the sorts of issues which we discussed at the meeting, if you would feel free to give me a call.

Once again, many thanks.

Yours very truly,

MCINNES, COOPER & ROBERTSON

W. Wylie Spicer

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

WWS/mm

January 21, 1987

Dear Mr. Saunders:

Re: Marshall Inquiry

I understand from our conversation this morning that you have been appointed to act on behalf of the Department of the Attorney General and that you will be reviewing matters with their representatives in the next few days with a view to meeting with David Orsborn, George MacDonald and myself on Thursday, January 29, 1987.

You will appreciate that up until now we have not been given permission by the Attorney General's Department to speak to any persons employed with the Department of the Attorney General. In addition, we have requested certain documents and have been told that these could not be produced until such time as counsel had been appointed. The specific documents which we have requested thus far are the complete file of the Attorney General's Department concerning Roy Ebsary and the Policy Manual which is in the possession of the Crown Prosecutors. I would appreciate it if you would bring this material with you on Thursday, January 29.

In general terms we will want to be able to speak to any persons in the Attorney General's Department whom we consider may have relevant information. We will want to be able to do this without the necessity of counsel being present and in some cases we may decide that we wish to have their evidence taken by way of Discovery Examination under oath before a Court Reporter prior to the Commission Hearings. In addition, we require access to all documents which we may consider

.../2

to be relevant to the terms of reference of the Commission.

For your information, I am enclosing a copy of the letter of December 2, 1986 from Gerald Conrad, Q.C.

Yours very truly,

McINNES, COOPER & ROBERTSON

W. Wylie Spicer

Jamie W.S. Saunders, Esq.
Patterson Kitz
10 Church Street
Truro, Nova Scotia

WWS/mm

DELIVERED

Enclosure

January 5, 1987

Dear Warren:

Re: Marshall Inquiry

I refer to our telephone conversation of today's date.

I would appreciate it if you could give some thought to the following preliminary list of topics in advance of our meeting on January 21, 1987:

1. Disclosure practices of the Crown;
2. Your experience with police investigations, both with respect to the R.C.M.P. and the municipal police forces;
3. Any experience or knowledge you may have concerning the role of the Attorney General's office in criminal prosecutions in Nova Scotia;
4. Bearing in mind the Marshall situation, any changes that you would recommend to the system of administration of justice in the Province of Nova Scotia.

There will no doubt be many other topics which will come up during the course of the meeting.

.../2

Thank you very much for taking the time to
meet with George MacDonald, David Orsborn and myself.

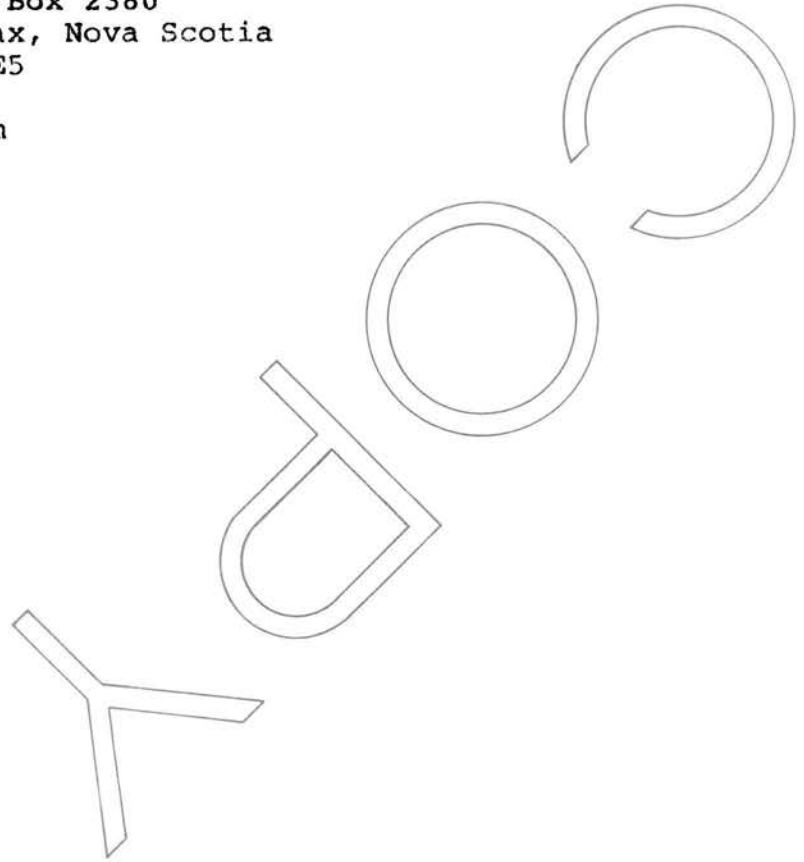
Yours very truly,

McINNES, COOPER & ROBERTSON

W. Wylie Spicer

Warren K. Zimmer, Esq.
Cox, Downie & Goodfellow
Barristers & Solicitors
1100-1959 Upper Water Street
P. O. Box 2380
Halifax, Nova Scotia
B3J 3E5

WWS/mm



January 5, 1987

Dear Barbara:

Re: Marshall Inquiry

I have now managed to set up a meeting in Halifax at our offices on January 21, 1987, at 10:00 a.m. David Orsborn, who is counsel to the Inquiry, and I will be in attendance together with various defence lawyers from around the Province.

As a preliminary list of topics, I would appreciate it if you could give some thought to the following:

1. Disclosure practices of the Crown;
2. Your experience with police investigations, both with respect to the R.C.M.P. and the municipal police forces;
3. Any experience or knowledge you may have concerning the role of the Attorney General's office in criminal prosecutions in Nova Scotia;
4. Bearing in mind the Marshall situation, any changes that you would recommend to the system of administration of justice in the Province of Nova Scotia.

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If Bill Digby is able to attend, we would very much like to have the benefit of his experience. I understand that you are going to check with him.

Kind regards,

Yours very truly,

McINNES, COOPER & ROBERTSON

W. Wylie Spicer

Ms. Barbara Beach
Nova Scotia Legal Aid
5212 Sackville Street
Halifax, Nova Scotia
B3J 1K6

WWS/mm

COOPER

January 5, 1987

Dear Kevin:

Re: Marshall Inquiry

We have arranged for a meeting on January 21, 1987, at 10:00 a.m. at our offices with various defence counsel from around the Province. The purpose of the meeting is to discuss various aspects of the criminal law practice with David Orsborn, who is counsel to the Inquiry, and myself. If you are able to attend, we would very much appreciate the benefit of your experience.

If you are able to come to the meeting, I have put together the following preliminary list of topics:

1. Disclosure practices of the Crown;
2. Your experience with police investigations, both with respect to the R.C.M.P. and the municipal police forces;
3. Any experience or knowledge you may have concerning the role of the Attorney General's office in criminal prosecutions in Nova Scotia;
4. Bearing in mind the Marshall situation, any changes that you would recommend to the system of administration of justice in the Province of Nova Scotia.

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Perhaps you could give me a call to let me know whether or not you would be able to come to the meeting.

Kind regards,

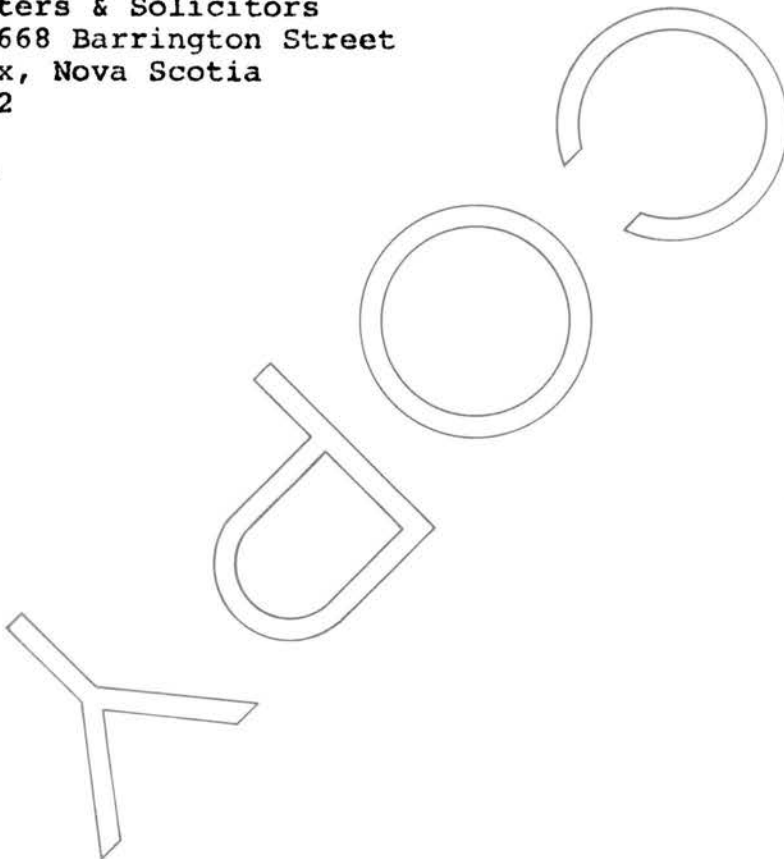
Yours very truly,

McINNES, COOPER & ROBERTSON

W. Wylie Spicer

Kevin Burke, Esq.
Burke, Beveridge & Jordan
Barristers & Solicitors
400- 1668 Barrington Street
Halifax, Nova Scotia
B3J 2A2

WWS/mm



January 5, 1987

Dear Mr. Nicholson:

Re: Marshall Inquiry

I spoke with Luke Wintermans last week concerning the possibility of your attendance at a meeting with various other defence counsel in Halifax on January 21, 1987. Luke checked your book and seemed to think that you would be available.

The purpose of the meeting is for David Orsborn and me to discuss various aspects of the criminal law practice in Nova Scotia with experienced defence counsel. As a preliminary list of topics, I would appreciate it if you could give some thought to the following areas:

1. Disclosure practices of the Crown;
2. Your experience with police investigations, both with respect to the R.C.M.P. and the municipal police forces;
3. Any experience or knowledge you may have concerning the role of the Attorney General's office in criminal prosecutions in Nova Scotia;
4. Bearing in mind the Marshall situation, any changes that you would recommend to the system of administration of justice in the Province of Nova Scotia.

I expect that there will be various other matters which will come up during the course of our meetings. Your

.../2

attendance would be greatly appreciated and perhaps you could give me a call to let me know whether or not Luke was correct in telling me that you are able to attend.

Kind regards,

Yours very truly,

McINNES, COOPER & ROBERTSON

W. Wylie Spicer

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

WWS/mm

January 5, 1986

Dear Alan:

Re: Marshall Inquiry

I spoke with your secretary last week. I was inquiring as to whether or not you would be available for a meeting in Halifax on January 21, 1987, in connection with the Marshall Inquiry. David Orsborn from St. John's, Newfoundland, George MacDonald and myself from this firm, are involved as counsel to the Inquiry and we thought it would be useful to meet with various defence counsel to get your views, based on your experience in Nova Scotia.

I understood from your secretary that you might be available on the 21st of January. That seems to be the best day for most other people so I have gone ahead and set up a meeting in our Board Room commencing at 10:00 a.m. on the 21st and I hope you will be able to attend. The Inquiry will pick up your expenses.

As a preliminary list of topics to be discussed, I would appreciate it if you could give some thought to the following:

1. Disclosure practices of the Crown;
2. Your experience with police investigations, both with respect to the R.C.M.P. and the municipal police forces;
3. Any experience or knowledge you may have concerning the role of the Attorney General's office in criminal prosecutions in Nova Scotia;
4. Bearing in mind the Marshall situation, any changes that you would recommend to the system of administration of justice in the Province of Nova Scotia.

No doubt many other topics will come up during the meeting, but the above will hopefully get us started.

I look forward to seeing you in Halifax. I would appreciate it if you could give me a call to let me know whether you are able to make yourself available on the 21st.

Kind regards,

Yours very truly,

McINNES, COOPER & ROBERTSON

W. Wylie Spicer

Alan G. Ferrier, Esq.
Nova Scotia Legal Aid
P. O. Box 6
Bridgewater, Nova Scotia
B4V 2W6

WWS/mm

January 5, 1986

Dear Debbie:

Re: Marshall Inquiry

We spoke about this matter last week. I have now managed to arrange for a meeting in Halifax on January 21, 1987, commencing at 10:00 a.m. in our offices. If you are able to attend, the Marshall Inquiry will pick up your travelling expenses. I would expect that David Orsborn, who is counsel to the Inquiry, and I will be in attendance, together with six or seven defence counsel from around the Province.

Prior to the meeting, I would appreciate it if you could give some thought to the following preliminary list of topics:

1. Disclosure practices of the Crown;
2. Your experience with police investigations, both with respect to the R.C.M.P. and the municipal police forces;
3. Any experience or knowledge you may have concerning the role of the Attorney General's office in criminal prosecutions in Nova Scotia;
4. Bearing in mind the Marshall situation, any changes that you would recommend to the system of administration of justice in the Province of Nova Scotia.

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No doubt many other topics will come up during the meeting. Thanks very much for taking the time out to attend and I will look forward to seeing you.

Kind regards,

Yours very truly,

McINNES, COOPER & ROBERTSON

W. Wylie Spicer

Ms. Deborah M. Gass
Nova Scotia Legal Aid
P. O. Box 262
Amherst, Nova Scotia
B4H 3Z2

WWS/mm

COOPER

January 5, 1987

Dear Pat:

Re: Marshall Inquiry

I refer to our recent telephone conversation.

We have now arranged for a meeting with various defence counsel at our offices on January 21, 1987, commencing at 10:00 a.m. David Orsborn, who is counsel to the Inquiry, and I will be in attendance together with a number of Provincial defence counsel.

I would appreciate it if you could give some thought to the following topics prior to the meeting:

1. Disclosure practices of the Crown;
2. Your experience with police investigations, both with respect to the R.C.M.P. and the municipal police forces;
3. Any experience or knowledge you may have concerning the role of the Attorney General's office in criminal prosecutions in Nova Scotia;
4. Bearing in mind the Marshall situation, any changes that you would recommend to the system of administration of justice in the Province of Nova Scotia.

No doubt many other topics will come up during the meeting, but the above will hopefully get us started.

.../2

On behalf of the Commission, I would like to thank you for taking time out of your practice to meet with us.

Kind regards,

Yours very truly,

McINNES, COOPER & ROBERTSON

W. Wylie Spicer

Patrick J. Duncan, Esq.
Nova Scotia Legal Aid
5212 Sackville Street
Halifax, Nova Scotia
B3J 1K6

WWS/mm

COOPER