

# 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

August 31, 1987

M. Remi Bouchard  
Associate Deputy Minister  
Criminal and Penal Affairs  
Ministere de la Justice  
1200 Rte. de l'Eglise  
Ste-Foy, Quebec G1V 4M1

Dear M. Bouchard,

Re: Crown Prosecutors' Manual

I would appreciate it if you would be good enough to forward to my attention a copy of your manual for Crown Prosecutors or whatever publication your Department has containing guidelines, directives or advice to prosecuting officers.

I am receiving similar material from other provinces, some of which is being forwarded on a confidential basis, where the publication in question is not a matter of public record. If you should have any questions concerning this matter, please do not hesitate to contact me accordingly.

I look forward to hearing from you. Thank you for your co-operation. I remain,

Yours very truly,



John E.S. Briggs  
Director of Research

JESB:jrc

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COMMISSIONER

August 31, 1987

Mr. Richard Hubley, Director  
Prosecutions  
Department of Justice  
Court House, 108 Central Street  
Summerside, P.E.I.  
C1N 3L4

Dear Mr. Hubley:

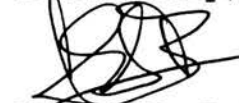
Re: Prosecutors' Manual

I understand that our Librarian contacted your offices this week and was advised that the Province of Prince Edward Island does not maintain a Prosecutors' Manual or similar publication containing guidelines, directives or advice to prosecuting officers.

We are in the process of obtaining copies of Prosecutors' Manuals from various provinces, some on a confidential basis, where the publication is not a matter of public record. I would appreciate it if you would be good enough to confirm and clarify to me the situation regarding this subject which pertains in the Province of Prince Edward Island. If indeed there is a publication or a series of guidelines issued to your Crown Attorneys, we would appreciate receiving copies of same.

I look forward to hearing from you. Thank you. I remain,

Yours truly,



John E.S. Briggs  
Research Director

JESB:jrc

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COMMISSIONER

August 31, 1987

Mr. Wayne D. Myshkowsky  
Director, Criminal Prosecutions  
Department of Attorney General  
405 Broadway Avenue, 9th Floor  
Winnipeg, Manitoba R3C 3L6

Dear Mr. Myshkowsky:

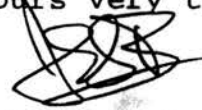
Re: Crown Prosecutors' Manual

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I look forward to hearing from you. Thank you for your co-operation. I remain,

Yours very truly,



John E.S. Briggs  
Research Director

JESB:jrc

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MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 31, 1987

Mr. Dennis T.R. Murray  
A/Director  
Criminal Justice Branch  
Ministry of Attorney General  
Parliament Bldgs.  
Victoria, B.C. V8V 1X4

Dear Mr. Murray:


Re: Crown Prosecutors' Manual

I would appreciate it if you would be good enough to forward to my attention a copy of your manual for Crown Prosecutors or whatever publication your Department has containing guidelines, directives or advice to prosecuting officers.

I am receiving similar material from other provinces, some of which is being forwarded on a confidential basis, where the publication in question is not a matter of public record. If you should have any questions concerning this matter, please do not hesitate to contact me accordingly.

I look forward to hearing from you. Thank you for your co-operation. I remain,

Yours very truly,



John E.S. Briggs  
Research Director

JESB:jrc



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COMMISSIONER

August 31, 1987

Mr. R.H. Davie  
Director of Criminal Justice Branch  
Department of Attorney General  
Standard Life Bldg.  
639 Fifth Avenue, S.W.  
Calgary, Alberta T2P 0M9

Dear Mr. Davie:

Re: Crown Prosecutors' Manual

I would appreciate it if you would be good enough to forward to my attention a copy of your manual for Crown Prosecutors or whatever publication your Department has containing guidelines, directives or advice to prosecuting officers.

I am receiving similar material from other provinces, some of which is being forwarded on a confidential basis, where the publication in question is not a matter of public record. If you should have any questions concerning this matter, please do not hesitate to contact me accordingly.

I look forward to hearing from you. Thank you for your co-operation. I remain,

Yours very truly,



John E.S. Briggs  
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COMMISSIONER

BY COURIER

August 31, 1987

Mr. Ian S. Fraser  
President  
CML Consultants  
1586 Queen Street  
Halifax, N.S. B3J 2J1

Dear Ian,

Here is a list of some of the information that I think should appear in the press release to explain the arrangements being made for the media. I have another list of notes for myself of things that I might mention at the meeting that we are having with press representatives on Tuesday night. Perhaps some of these things might be more appropriately handled in the press release but we can discuss that at our meeting this week.

- Time, date, location of Hearings: St. Andrew's United Church Hall, 40 Bentinck Street, Sydney. Hearings begin at 10:00 a.m., Wednesday, September 9th.
- Hours: 10:00 - 12:30; 2:00 - 4:30/5:00 p.m. (Schedule of Hearing dates attached).
- Diagram of room (attached). Media room provided, three pay telephones close by in back of hall. Note that there is a table for media in the Hearing room. Commission office in the building. Normal working hours from 9:00 - 5:00 p.m. for use of Commission. We should also indicate the phone number for the Commission office. Private rooms are provided for the Commissioners, Commission Counsel, other counsel and witnesses. Perhaps we should indicate somehow that these rooms are off limits to the media.
- Will be providing two copies of all exhibits marked "MEDIA POOL COPY". Two copies of the transcripts will be available on a 24 hour turn around basis. They will also be placed in the media room.

August 27, 1987

- A list of parties with standing and their lawyers should be attached as well as the proposed list of witnesses. We should indicate that an attempt will be made to give a weekly list of the witnesses that will be heard and that notification will be given where possible of any changes.
- Terms of Reference of the Commission should be attached.
- We should indicate something about the state of affairs in regards to the use of television cameras depending on what happens in the next few days.
- Mention next a meeting with the press to give more details on arrangements for the Hearings which will be held on Tuesday, September 8, 1987 at 8:00 p.m. at the Holiday Inn. We don't yet have a room number but should have it very soon.

Please let me know if you can think of anything else that should be mentioned. Also, give me some warning before you send it out!

I look forward to hearing from you.

Yours truly,



Susan M. Ashley  
Commission Executive  
Secretary

SMA/jm  
Encl.

*I'll get you the list of witnesses by the end of the day.*

*P.P.S. I'll call you re the Robert Wall situation.*

*SA*

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MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 27, 1987

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

Dear Tony:

## Re: Professional Services - BUF/ONS

Further to our meeting on Monday, August 24th, 1987 and the discussion concerning the account you rendered dated August 7th, 1987, I have made the following adjustments to that account:

1. The charges from 03/05/87 to 03/10/87 which represent 15.70 hours have been disallowed because they represent time spent on matters that pertain to the issue of standing as opposed to the issue of funding of legal counsel fees.
2. The accounts of 03/18/87, 03/25/87, 04/02/87, 04/03/87, and 04/14/87 have been disallowed because they pertain to either conversations with reporters or meetings which the Commission consider are inappropriate to be funded by the Province of Nova Scotia. This represents a reduction of 14.80 hours.
3. The time spent on 05/09/87 of 11 hours exceeds the maximum and usual number of hours per day allowed of 8 hours. Therefore, an adjustment of 3 hours has been made.
4. BUF organizational/strategy meetings As we discussed, the Commission felt it inappropriate that the Province of Nova Scotia pay for the "disorganization" of the Black United Front which required you to meet with them and communicate with them on numerous occasions in order that you might have appropriate instructions upon which to act. As a result, I have reduced by half and, therefore, allowed one-half of the time charged on the following dates further to this item:

E. Anthony Ross

August 27, 1987

05/07, 05/12, 05/13, 05/15, 06/18, 06/22,  
06/23, 06/23, 07/06, 07/07, 07/10, 07/10,  
07/11, 07/11, 07/12, 07/28.


The accumulated time was 21.60 hours which divided by 2 equals an allowable amount of 18.80 hours.

In total, 44.30 hours have been deducted from your account and this represents an amount of \$6,645.00. Therefore, I have authorized that the Government of Nova Scotia pay an adjusted account of August 7, 1987 of \$36,122.91.

I am pleased to enclose with this letter a copy of the guidelines which the Commission is using when acting as the taxing authority.

Many thanks for your kind assistance.

Yours truly,

  
M. Lois Dyer  
Commission Executive  
Secretary

MLD/ljb

Enclosures

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

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COMMISSIONER

**BY COURIER**

August 27, 1987

PERSONAL AND CONFIDENTIAL

Scott Clark, Esquire  
c/o G. S. Clark & Associates  
Suite 712, 151 Slater Street  
Ottawa, Ontario K1P 5H3

RE: Proposed Research Project -  
Discrimination Against Indians

Dear Mr. Clark:

Further to our telephone discussion of August 20, 1987, I simply wish to confirm that with respect to travel and related expenses the procedure is that you invoice the Commission, following which you will be reimbursed within approximately two to three weeks.

Although I previously indicated that we are operating on a tight time frame, I would reiterate that we will require the results of any research project we undertake in publishable form by March 31st, 1988 at the latest.

I look forward to our meeting on Monday next.

Thank you for your co-operation. I remain,

Yours very truly,

John E. S. Briggs,  
Director of Research

JESB/ljb

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THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 27, 1987

PERSONAL AND CONFIDENTIAL

Mr. Arthur Paul  
33 Gallagher Street  
Membertou  
Sydney, Nova Scotia

Dear Mr. Paul:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on October 8th and October 9th, 1987. We expect your evidence could be taken in total over approximately a half a day.

Would you please make note of this date. Commission Hearings commence at 10:00 a.m. and will be held at St. Andrew's Church Hall, Sydney. As Hearings progress, and we have a better feel for the time being taken by each witness, it may be necessary for us to revise the date which we have given to you. If this is required, we will provide you with as much advance notice as possible of the change of time.

Please advise the Commission if you require a subpoena to be served on you to enable you to obtain the necessary absence from your employment to attend at the Commission Hearings.

Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

cc: Mr. Bruce H. Wildsmith

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COMMISSIONER

BY COURIER

August 27, 1987

Ms. Judy Yorke  
Director of Sales  
The Lord Nelson Hotel  
1515 South Park Street  
Halifax, N.S. B3J 2T3

RE: ROYAL COMMISSION PUBLIC HEARINGS


Dear Ms. Yorke,

I understand that you and Lois Dyer, my predecessor, have confirmed by telephone the arrangements for the Commission Hearings to be held in Halifax in late fall. By this letter, I wish to confirm in writing that the arrangements as indicated in your letter to Ms. Dyer of July 28th are most satisfactory. We look forward to using the services of your hotel for this purpose.

As I'm sure you can understand, it is very difficult to be precise about the dates for the Hearing at this stage. However, we will advise you as soon as possible whether there will be any change to the dates as proposed by Ms. Dyer.

Thank you for your assistance in all of this. I'm sure we'll be seeing alot of each other in the near future.

Yours truly,

  
Susan M. Ashley  
Commission Executive  
Secretary

SMA/jm



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MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

By Courier

August 27, 1987

PERSONAL & CONFIDENTIAL

Prof. Bruce Archibald  
Dalhousie University Law School  
1381 Henry Street  
Halifax, N.S. B3H 4H9

Dear Bruce,

Re: Research Project - The Local Crown Prosecutors and the  
Department of the Attorney General

Further to our meeting of August 20, 1987 and subsequent telephone conversations, please forward as soon as possible your detailed project proposal. I understand that the global figure for completion of this project would be \$9,750.00 inclusive of the services of one research assistant but exclusive of any necessary disbursements such as the cost of typing services.

With respect to your paper on the trial judge's rulings on the admissibility of evidence, I understand you will be submitting your final draft for typing early next week and we can expect to receive it by week's end. I know that George MacDonald is most interested to receive your comments and obviously it would be helpful to have them prior to the commencement of the public hearings in Sydney. I would appreciate it if you would let me know if you anticipate any further delay.

Thank you for your cooperation. I remain,

Yours truly,



*for* John E.S. Briggs  
Director of Research

JESB/jm

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COMMISSIONER

August 27, 1987

PERSONAL AND CONFIDENTIAL

Mr. Terrance P. Gushue  
200 Brookland Street  
Apt. #2  
Sydney, Nova Scotia B1P 5B8

Dear Mr. Gushue:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on September 23rd, September 24th and September 25th, 1987. We expect your evidence could be taken in total over approximately a half a day.

Would you please make note of this date. Commission Hearings commence at 10:00 a.m. and will be held at St. Andrew's Church Hall, Sydney. As Hearings progress, and we have a better feel for the time being taken by each witness, it may be necessary for us to revise the date which we have given to you. If this is required, we will provide you with as much advance notice as possible of the change of time.

Please advise the Commission if you require a subpoena to be served on you to enable you to obtain the necessary absence from your employment to attend at the Commission Hearings.

Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

ROYAL COMMISSION ON THE  
DONALD MARSHALL, JR., PROSECUTION

---

MEMORANDUM

DATE

8/27/87

Mr. Gershue;

We are sending this letter  
to you by registered mail  
because we weren't sure if  
you received the first  
one dated 8/17/87.

yfb / Royal Commission

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THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

BY COURIER

August 27, 1987


Ms. Debbie Glabay  
St. Andrew's United Church  
40 Bentinck Street  
Sydney, Nova Scotia

Dear Debbie,

I've made a few small changes to the layout for the meeting room, simply in the arrangement of the tables. For your convenience (and that of Everett Watt), I attach a diagram of the room with the tables numbered in the arrangement that we'd like. It would be great if all of the tables numbered 1 to 27 could be the wooden ones. As I left it, tables 28 to 31 were card tables and I would like to keep it that way. If you simply cannot beg or borrow that many wooden tables, you could replace tables 4, 5 and 6 with card tables. The number of chairs needed is indicated at each table. I hope that this will be the final layout for the Hearing Room. Could you please give Everett a copy of the diagram with instructions to arrange the tables and chairs. It would be really helpful if he could get to this before we arrive.

I will call you at the end of the week to make sure there are no problems with the other matters we discussed the other day. Once again, thank you so much for your continued assistance.

Yours truly,

  
Susan M. Ashley  
Commission Executive  
Secretary

SMA/jm  
Encl.

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

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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS  
COMMISSIONER

August 26, 1987

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

Mr. Robert Wall  
32 St. Peter's Road  
Sydney, Nova Scotia B1P 4P3

Dear Robert:

There are a few things that I would like to confirm with you following our meeting in Sydney, as well as a few new things I would like to bring to your attention.

Regarding the daily summaries, I would like to confirm that we will expect that your one or two page daily summaries of the proceedings will be delivered to our office at the Church by 9:00 o'clock each day. Laurie Burnett will then arrange to have the copies circulated to Commission counsel and the Commissioners. I want to emphasize to you that these summaries are for the use of the Commission only, and that you should not release them to anyone else.

Commission counsel will require VCR equipment on Wednesday, September 9th and Thursday, September 10th. I would like you to arrange to get a VCR (VHS) and a colour monitor with the largest screen you can find. If you cannot get a large monitor, please use your best judgment as to whether we should get two monitors, or simply a large hanging screen. Please let me know what you have decided on. The equipment should be at the Church and set up for 9:00 o'clock on Wednesday morning.

I mentioned to you that we will be preparing a press release for the media to be circulated in the middle of next week. It is possible that we may also have a meeting with press representatives on Tuesday, September 8th, 1987. If so, I think it is important that you attend.

Please let me know if anything comes up. In any case, I will see you on September 8th.

Yours very truly,

Susan M. Ashley  
Commission Executive  
Secretary

SMA/ljb

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MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 26, 1987

Mr. Wilfred Smith  
301 Cottage Road  
Sydney, Nova Scotia B1P 2E7

Dear Mr. Smith:

I was speaking with your neighbour, Mr. Williston, on Monday about the possibility of your acting as a Security Officer during the Sydney Hearings of the Royal Commission. I know that Lois Dyer has written to you about taking on this task, and I understand from Mr. Williston that you are keen to do so.

I have arranged to meet with Mr. Williston at St. Andrew's United Church on Tuesday, September 8th at 10:00 a.m. and I hope that you can join us. At that time, we can discuss your duties in greater detail.

I look forward to meeting you.

Yours very truly,

Susan M. Ashley,  
Commission Executive  
Secretary

SMA/ljb

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THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 26, 1987

Mr. Malcolm Williston  
297 Cottage Road  
Sydney, Nova Scotia B1P 2E7

Dear Mr. Williston:

This is to confirm our telephone conversation of Monday, and our agreement to meet at St. Andrew's United Church on Tuesday, September 8th at 10:00 a.m. At that time, we can discuss in a little more detail what your duties will be during the Hearings. I will be writing to Mr. Smith as well, asking if he can meet with me at the same time.

I look forward to meeting you.

Yours very truly,

Susan M. Ashley,  
Commission Executive  
Secretary

SMA/ljb

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COMMISSIONER

BY COURIER

August 26, 1987

## PERSONAL AND CONFIDENTIAL

Professor Alan Grant  
Professor of Law  
York University  
Osgoode Hall Law School  
4700 Keele Street  
North York, Ontario M3J 1P3

### RE: Proposed Research Project - Police Organization and Training Facilities in Nova Scotia

Dear Professor Grant:

Thank you for your letter of August 19, 1987, along with the enclosed copy of your c.v. which arrived yesterday.

Further to our telephone conversations of last week, we have agreed to meet at Commission Offices here in Halifax on Tuesday, September 1, 1987 at 9:30 a.m. During the time that you are here you will have an opportunity to meet with Commission Counsel and the Executive Secretary.

I would hope that during your visit we would be able to largely define the Terms of Reference of the proposed research project, discuss methodology, completion dates for a first and final draft, and obtain an estimate of the number of days of work involved, with the resultant fees and associated costs. As I previously indicated to you, it is essential that any research to be undertaken by the Commission be completed and in publishable form by March 31, 1988 at the latest.

In order to facilitate your preparation for our meeting, I enclose for your ready reference copies of the following documentation:

1. The Royal Commission's Terms of Reference;
2. Opening Statement by Chief Justice Hickman;
3. Decision of the Royal Commission dated May 14, 1987;
4. Proposed Terms of Reference for research project on Police Organization and Training Facilities in Nova Scotia.



Professor Alan Grant

August 26, 1987

The Royal Commission on the Donald Marshall, Jr., Prosecution has been charged with the following task:

"to inquire into, report your findings, and make recommendations to the Governor in Council respecting the investigation of the death of Sandford William Seale on the 28th-29th day of May, A.D., 1971; the charging and prosecution of Donald Marshall, Jr., with that death; the subsequent conviction and sentencing of Donald Marshall, Jr., for the non-capital murder of Sandford William Seale for which he was subsequently found to be not guilty; and such other related matters which the Commissioners consider relevant to the Inquiry;". (emphasis added)

In order to appreciate the Commission's understanding of its role, it is instructive to note the Opening Statement by Chief Justice Hickman wherein he states, inter alia:

"In order to make meaningful recommendations to the Government, the Commission must, of necessity, review the actual circumstances of the Donald Marshall case...

Bringing out the facts will give the Commission an understanding of what happened. But that is only a beginning. It is not enough to examine minutely one incident, and from that to expect to suggest changes within a complex system of administration of justice. In order to develop meaningful recommendations, the most important part of our mandate, all contributing or potential contributing factors must be carefully reviewed within the context of the current state of the administration of justice in Nova Scotia. It will be necessary to examine the role of the Attorney General as a member of Cabinet in criminal prosecutions, the relationship between prosecutors, defence counsel and the police (both Provincial and R.C.M.P.), who makes decisions to prosecute and how and on what basis these decisions are made, the organization of police forces in Nova Scotia and how they interact with the communities they police.

Professor Alan Grant

August 26, 1987

Standing has been granted to the Black United Front and the Union of Nova Scotia Indians. Both of these groups state that minorities in the Province are not treated fairly or equitably by the justice system, and suggest that racism and discrimination may have contributed to the conviction of Donald Marshall, Jr. These charges must be investigated and examined to determine if these factors play any part in the administration of justice in Nova Scotia. It should be apparent, therefore, that the activities of individual people, and of various authorities are to be reviewed and questioned, and that extremely important public issues will be considered by the Commission.

On the basis of understanding what happened to Donald Marshall, Jr. and after having analyzed the present functioning of the criminal justice system in Nova Scotia, we will make recommendations for the future which are designed to increase the confidence of all Nova Scotians in the system of administration of justice." (emphasis added) (See enclosed copy of Chief Justice's statement, Pages 3 and 4).

The scope and Terms of Reference of any research project will obviously be determined in the context of the Commission's Terms of Reference and its understanding of those terms as outlined above.

From a brief review of both your c.v. and the Atlantic Police Academy Study, it is clear that the subject matter of this particular research project is very familiar to you.

In addition to the issues raised in the enclosed Terms of Reference for the Police Organization Training study, it would perhaps be worthwhile to consider the following:

- (a) A review of the assessments conducted by the Nova Scotia Police Commission;

Professor Alan Grant

August 26, 1987

- (b) An examination of the outcome of the Nova Scotia Police Commission Study on Cape Breton Reorganization;
- (c) A consideration of the question as to whether the structure of police authorities in Nova Scotia affects the quality of policing;
- (d) A consideration of the factors which influence the resources and training dedicated to policing in Nova Scotia;
- (e) An examination of written policies on interview/interrogation procedures with respect to witnesses and minors.

I trust that the foregoing, along with the enclosures, will provide you with a sufficient focus in preparation for our meeting. However, please feel free to contact me if you should have any questions in the interim. I look forward to meeting with you next week.

Thank you for your co-operation. I remain,

Yours very truly,

John E. S. Briggs,  
Director of Research

JESB/ljb

Enclosures

August 25, 1987

Mrs. Joan Johnson  
2946A Cressida  
Langford Station  
Victoria, British Columbia

Dear Mrs. Johnson:

I understand from the telephone message from your husband that you have decided that you do not wish to give testimony at the Inquiry even if it would only require your testifying in Vancouver in the manner set out in my last letter to you.

I would urge you to reconsider your decision. We have concluded that the testimony you would be able to give is important to the Inquiry. By arranging the television method of giving testimony, I had hoped that we would be able to eliminate much, if any, involvement of the press since the transmission would be to a private T.V. studio in Halifax.

Having done some further legal research, I have concluded that we are in a position to ask a British Columbia Court to require your evidence to be given in British Columbia. This method would require us to apply to a Court in British Columbia and would no doubt be picked up by the press. This may draw considerable attention to your testimony since the press would be interested in finding out why we were going to all the trouble to take the testimony of a person who was not a witness or otherwise involved in the murder.

.../2

As mentioned earlier, I would greatly appreciate it if you would reconsider giving your testimony on November 2, 1987 as earlier requested. In the event that you still find this method unacceptable, we will have no choice but to apply to a Court in British Columbia for an Order that your testimony be taken in Court in B.C. You will appreciate that it is only because we consider your testimony concerning the interview by John MacIntyre to be important that we are prepared to take these steps. I can assure you that the Commissioners and the other counsel involved in this case are sensitive to the feelings of many of the witnesses that bringing this whole matter up again seventeen years later is not easy for them. We are trying to be as sensitive as we can to the feelings of all witnesses but where we consider evidence to be important, we do have a responsibility to put that evidence before the Commissioners.

Your consideration of our request would be greatly appreciated and I look forward to hearing from you.

Yours very truly,

W. Wylie Spicer  
Commission Counsel

WWS/mm

**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

BY COURIER

August 25, 1987

PERSONAL & CONFIDENTIAL

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

Dear Mr. Ross,

RE: Proposed Research Project - Racial Discrimination

Further to our conversation at Commission offices yesterday, I wish to reiterate my concern that any research proposals your clients may have be submitted without further delay.

You had indicated during the course of our meeting of Tuesday, August 18, 1987 that you would be submitting a detailed proposal on behalf of the Black United Front by August 21, 1987. I appreciate that you have experienced some difficulty in obtaining full instructions in that regard. However, as I have previously indicated during our discussions, it is essential that any research to be undertaken by the Commission be completed and in publishable form by March 31, 1988 at the latest. In the light of this very tight time frame, it is imperative that the Terms of Reference for any proposed research project be defined, a researcher be engaged, and the project be commenced as soon as possible. Clearly, the longer the matter remains unresolved, the more difficult it becomes to undertake research of any significance.

Quite aside from these time constraints, the Commission will not have unlimited resources and this factor will also clearly affect the scope of any research project. If, therefore, we are to undertake any research at all and particularly research of some merit, we must get underway as soon as possible.

Mr. Anthony Ross

-2-

August 25, 1987

I trust that you can appreciate my concerns as outlined above and that you will be successful in encouraging your clients to put their proposal before the Commission very shortly. In the meantime, if you should have any questions concerning any aspect of this matter please do not hesitate to contact me accordingly.

Thank you. I remain,

Yours very truly,

A handwritten signature in black ink, appearing to be 'JESB', with a large, stylized flourish extending from the bottom left.

John E.S. Briggs  
Director of Research

JESB/jm

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

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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

August 25, 1987

Mr. Bruce H. Wildsmith  
Barrister  
Room 307, Weldon Law Building  
Dalhousie Law School  
Halifax, Nova Scotia B3J 1G6

Dear Bruce:

Enclosed is the material which you requested.

Please be advised that there are no statements of the individuals you mentioned other than those taken by the Commission, except for Richard Walsh which statement will be distributed shortly.

Very truly yours,

David B. Orsborn,  
Commission Counsel

DBO/ljb

Enclosures



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

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 25, 1987

The Honourable Arthur R. Donahoe,  
Speaker, House of Assembly  
7th Floor, One Government Place  
1700 Granville Street  
Halifax, Nova Scotia B3J 2Y3

Dear Mr. Speaker:

This letter is further to my letter of August 18, 1987 in connection with the Government's sponsorship of a portion of the costs of providing cable coverage of the public Hearings of the Commission.

In that letter I indicated that my best information of expected cost was in the range of thirty to forty thousand dollars. I discovered this morning that this amount is not accurate. The commitment required of the Government would be in the range of not more than fifteen thousand dollars. This factor may make the proposal more feasible for the Government.

I have taken the liberty of sending a copy of this letter directly to Mr. Moody and his associate, Mr. Dale Robbins, with whom I spoke this morning, in the hope that a reconsideration of the proposal may be possible and a reply received by the Commission no later than Thursday, August 27th, 1987.

Many thanks for your kind assistance.

Sincerely yours,

M. Lois Dyer,  
Commission Executive  
Secretary

MLD/ljb

cc: Honourable George C. Moody  
Mr. Dale G. Robbins

bcc: Mr. Ian S. Fraser

**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  
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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS  
COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 25, 1987

Canadian Government Publishing Centre  
Supply and Services Canada  
Ottawa, Ontario  
K1A 0S9

Dear Sir/Madam:

It would be appreciated if you could kindly send us one (1) copy of the final report of the Commission of Inquiry Concerning Activities of the Royal Canadian Mounted Police (1981), Catalogue no. CP 32-37/1981, 2 volumes.

Thanking you in advance.

Yours truly,

*Brenda McGilvray*

Brenda McGilvray  
Librarian

BMcG:jrc

**ROYAL COMMISSIC ON THE DONALD MARSHALL, .. 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

August 24, 1987

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

Dear Mr. Pink:

As you know, the Commission expected to hear from the Government last Friday whether or not they were prepared to produce files concerning Roland Thornhill and Billy Joe MacLean. No response whatsoever was forthcoming from Government on Friday.

Accordingly, I enclose a subpoena directed to Gordon Coles and returnable September 9th in Sydney. I understand from our conversation on Friday that you are authorized to accept service of this subpoena and further that there is no need to provide Mr. Coles with conduct money.

I would appreciate if you would acknowledge receipt of this subpoena by so indicating on the copy of this letter which I have enclosed and by returning the copy to me.

Yours very truly,

W. Wylie Spicer  
Commission Counsel

WWS:jrc

encl.

Receipt acknowledged of subpoena directed to Gordon Coles:

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

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

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CHAIRMAN

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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: GORDON F. COLES, DEPUTY ATTORNEY GENERAL  
5151 George Street, 10th Floor  
Halifax, 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 attend at the Hearings of the Marshall Inquiry at the St. Andrew's Church Hall, 40 Bentinck Street, Sydney, Nova Scotia commencing on September 9th at 10:00 a.m. and thereafter as may be required, and that you bring with you and produce to the Marshall Inquiry any and all documents, reports and materials of any sort whatsoever in the possession or custody of the Department of the Attorney General related in any way to:



**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

BY COURIER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

TO: All Counsel  
FROM: Lois Dyer  
DATE: August 24, 1987  
REFERENCE: MAP - WENTWORTH PARK, SYDNEY, N.S.

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As mentioned in previous correspondence, I am pleased to enclose two copies of a diagram/map of Wentworth Park, Sydney, N.S. as it was in May 1971. The black and white one you are free to reproduce. One copy of the colour-coded version is available from the Commission. It is a reduced replica of the seven foot long reproduction which will be used during the course of the Hearings.

  
M. Lois Dyer  
Commission Executive Secretary

MLD/jm  
Encl.

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

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MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

BY COURIER

August 24, 1987

PERSONAL & CONFIDENTIAL

Prof. John LI. J. Edwards  
Faculty of Law  
University of Toronto  
78 Queen's Park Crescent  
Toronto, Ontario M5S 1A6

Dear Professor Edwards,

RE: RESEARCH PROJECT - THE PROSECUTORIAL SYSTEM IN NOVA SCOTIA

I enclose a package of various statutes of Nova Scotia in accordance with the "shopping list" which you submitted last week. Please feel free to advise me as and when you require additional materials.

Further to my August 13, 1987 letter, I understand from our discussion last week that you will be forwarding to me this week an outline indicating a schedule of work activities, completion dates, an estimate of the number of days of work involved and the resulting fees and associated costs. As you know, we are in the process of preparing budget submissions with respect to the research program and it is therefore essential that we develop realistic estimates on the various projects as quickly as possible.

Thank you for your cooperation. I remain,

Yours very truly,



John E.S. Briggs  
Director of Research

JESB/jm  
Encl.

LIST OF VARIOUS STATUTES OF NOVA SCOTIA

1. Prosecuting Officers Act - R.S.N.S. 1967, Chap. 240
2. Prosecuting Officers Act - Statutes of N.S. 1960, Chap. 12
3. Executive Council Act - R.S.N.S. 1967, Chap. 95
4. Public Service Act - R.S.N.S. 1967, Chap. 255 (S.4)
5. Public Service Act - R.S.N.S. 1900, Chap. 10 (S.3)
6. Public Service Act - R.S.N.S. 1884 (5th Series)  
Chap.13
7. Statutes of N.S. 1828, 9 Geo. IV, Chap. 13
8. Statutes of N.S. 1887, 50 Vict., Chap. 6
9. Statutes of N.S. 1900, R.S.N.S. 1900, Chap. 165
10. Statutes of N.S. 1905, Chap. 6
11. Statutes of N.S. 1906, Chap. 4



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

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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

August 24, 1987

Mr. Bruce H. Wildsmith  
Barrister  
Room 307, Weldon Law Building  
Dalhousie Law School  
Halifax, Nova Scotia B3J 1G6

RE: Research Project - Discrimination  
Against Nova Scotia Indians

Dear Bruce:

Further to our telephone conversation this morning, I now enclose for your information a copy of my letter to Scott Clark of August 20, 1987. I hope that I have accurately conveyed your thoughts as to the focus of this research project.

Please note that we should be meeting with Scott Clark on Monday, August 31st, 1987. I shall contact you later in the week regarding the time. In the meantime, if you should have any comments or concerns, please let me know at your earliest convenience.

Very truly yours,

John E. S. Briggs,  
Director of Research

JESB/ljb

Enclosure

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

---

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

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 24, 1987

Ms. Ann MacLeod, Director  
Medical Record Department  
Cape Breton Hospital  
P.O. Box 515  
Sydney, Nova Scotia B1P 6H4

Dear Ms. MacLeod:

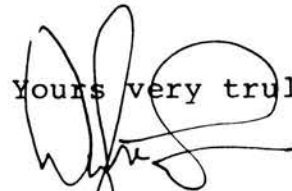
Thank you for your letter of August 21, 1987 with the enclosed Cumulative Therapeutic Record of John Pratico.

I am wondering whether or not there are any actual records of the Hospital during the period 1970 to 1979 other than the summary prepared by Mr. Arsenault in June of 1979.

If there is anything further, I would appreciate if you could send it along to us.

Thank you for your co-operation.

Yours very truly,



W. Wylie Spicer  
Commission Counsel

WWS:jrc

**ROYAL COMMISSION ON THE DONALD MARSHA, 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

August 21, 1987

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

Dear Gordon:

I refer to my letter of February 27, 1987, to which I have yet to receive an answer.

If you are not prepared to provide the name of the person who had this discussion with Mr. Justice Pace, I would appreciate it if you would so indicate to me and also set out the reasons why you refuse to provide these facts.

Yours very truly,

  
W. Wylie Spicer  
Commission Counsel

WWS:jrc

**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

August 21, 1987

**BY COURIER**

Mr. Ronald N. Pugsley, Q.C.  
Stewart MacKeen & Covert  
Barristers & Solicitors  
Purdy's Wharf Tower One  
1959 Upper Water Street  
Halifax, N.S. B3J 3B7

Dear Mr. Pugsley,

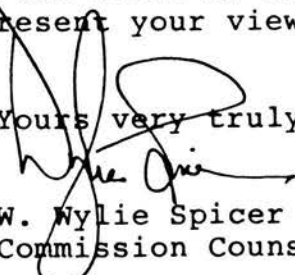
I am replying to your letter of August 20, 1987.

I have reviewed the minutes of the Meeting of Counsel of April 13, 1987 which set out the agreement reached by counsel concerning the order of cross-examination of witnesses. I can see no indication that counsel on behalf of Mr. MacIntyre disagreed with the order which was agreed upon by all parties.

You had indicated to Lois Dyer on April 1, 1987 that you would be acting on behalf of Mr. MacIntyre and, as a result, the minutes of the April 13th meeting which reflected the agreement of counsel were forwarded to you by Lois Dyer on April 29, 1987. If there had been any disagreement with the minutes, we would have expected to hear from you at that time.

We are not prepared to reconsider the order of cross-examination. However, if you wish to present your views to the Commissioners I will so advise them.

Yours very truly,

  
W. Wylie Spicer  
Commission Counsel

WWS/jm

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

---

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COMMISSIONER

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MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 20, 1987

Ms. Anne MacLeod  
Director of Medical Records  
Cape Breton Hospital  
Sydney River, Nova Scotia

Dear Ms. MacLeod,

I enclose a signed Medical Release and Consent for the medical records of John Pratico, one of your patients.

I would appreciate if you could forward to us copies of medical records of John Pratico held by your hospital.

If you have any questions, feel free to give the undersigned a call. Thank you for your cooperation.

Yours very truly,



 W. Wylie Spicer  
Commission Counsel

WWS/jm  
Encl.

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

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COMMISSIONER

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MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

BY COURIER

August 20, 1987

Mr. Gordon Proudfoot  
Office of the President  
N.S. Branch Canadian Bar Assoc.  
c/o Boyne Clarke  
Barristers & Solicitors  
Suite 700, 33 Alderney Drive  
Dartmouth, N.S.

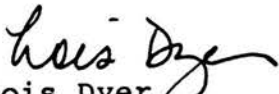
Dear Gordon,

Further to your letter of August 13, 1987 I am pleased to enclose with this letter a copy of the Rules of Procedure of the Inquiry.

It is anticipated, at the moment, that any independent groups wishing to prepare and present submissions to the Royal Commission will do so toward the close of the Halifax Hearings. At the moment this is anticipated to be sometime in January 1988. However, these dates are tentative at best, as the schedule may change due to unforeseen circumstances. You will be advised in due course of when the Commission wishes to receive your brief and submission.

Finally, this Commission is not in a position to provide you with copies of the transcripts of the Hearings. It was established sometime ago that those parties that are funded by the Government of Nova Scotia and the Commission will be provided copies of the transcripts at no cost. All other parties are expected to make their arrangements with the transcription company that is providing the service to the Commission. You will appreciate that the Commission has a limited budget and was not in a position to make additional copies available.

Sincerely yours,

  
M. Lois Dyer  
Commission Executive  
Secretary

MLD/jm  
Encl.

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

---

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

BY COURIER

August 20, 1987

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

Dear Mr. Elman,

RE: TRAVEL GUIDELINES, MARSHALL INQUIRY

I am writing to all counsel funded by the Province of Nova Scotia in connection with the Marshall Inquiry for the purpose of setting out the accepted Nova Scotia Government rates for travel.

The chargeable mileage rate is 42.1¢ per mile or 26.2¢ per kilometer. The Nova Scotia Government standard requires that all air travel be at economy, not first class, rates.

Sincerely yours,

  
M. Lois Dyer  
Commission Executive  
Secretary

MLD/jm

cc: Myles Rector, Director  
Administrative Services

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

---

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MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

BY COURIER

August 20, 1987

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

Dear Mr. Pugsley,

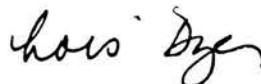
RE: TRAVEL GUIDELINES, MARSHALL INQUIRY

I am writing to all counsel funded by the Province of Nova Scotia in connection with the Marshall Inquiry for the purpose of setting out the accepted Nova Scotia Government rates for travel.

The chargeable mileage rate is 42.1¢ per mile or 26.2¢ per kilometer. The Nova Scotia Government standard requires that all air travel be at economy, not first class, rates.

I am endeavouring to arrange with the Holiday Inn, Sydney, Nova Scotia to ensure that the room rates available at that hotel are the accepted Provincial Government rates. I will confirm the actual amount in the near future.

Sincerely yours,



M. Lois Dyer  
Commission Executive  
Secretary

MLD/jm

cc: Myles Rector, Director  
Administrative Services



**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

BY COURIER

August 20, 1987

Mr. Donald C. Murray  
Stewart, MacKeen & Covert  
Barristers & Solicitors  
Purdy's Wharf Tower 1  
1959 Upper Water Street  
Halifax, N.S. B3J 2X2

Dear Mr. Murray,

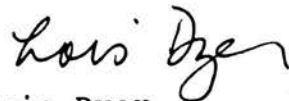
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THE HONOURABLE  
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COMMISSIONER

BY COURIER

August 20, 1987

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

Dear Mr. Ross,

RE: TRAVEL GUIDELINES, MARSHALL INQUIRY

I am writing to all counsel funded by the Province of Nova Scotia in connection with the Marshall Inquiry for the purpose of setting out the accepted Nova Scotia Government rates for travel.

The chargeable mileage rate is 42.1¢ per mile or 26.2¢ per kilometer. The Nova Scotia Government standard requires that all air travel be at economy, not first class, rates.

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COMMISSIONER

BY COURIER

August 20, 1987

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

Dear Mr. Ruby,

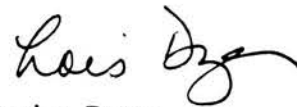
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Sincerely yours,



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MLD/jm

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MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

BY COURIER

August 20, 1987

Ms. Anne Derrick  
Buchan, Derrick & Ring  
Barristers & Solicitors  
5516 Spring Garden Road  
Suite 205, Sovereign Bldg.  
Halifax, Nova Scotia B3J 1G6

Dear Ms. Derrick,

RE: TRAVEL GUIDELINES, MARSHALL INQUIRY

I am writing to all counsel funded by the Province of Nova Scotia in connection with the Marshall Inquiry for the purpose of setting out the accepted Nova Scotia Government rates for travel.

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cc: Myles Rector, Director  
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COMMISSIONER

BY COURIER

August 20, 1987

Mr. Bruce H. Wildsmith  
Barrister  
Room 307, Weldon Law Bldg.  
Dalhousie Law School  
University Avenue  
Halifax, Nova Scotia B3H 4H6

Dear Mr. Wildsmith,

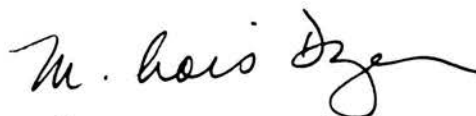
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COMMISSIONER

**BY COURIER**

August 20, 1987

PERSONAL AND CONFIDENTIAL

Scott Clark, Esquire  
c/o G. S. Clark & Associates  
Suite 712, 151 Slater Street  
Ottawa, Ontario K1P 5H3

RE: Proposed Research Project -  
Discrimination Against Indians

Dear Mr. Clark:

Further to our telephone discussion this morning, I now enclose a copy of Professor Grittiths Vita which you will note contains a rather voluminous bibliography.

I look forward to meeting with you at Commission offices on Thursday, August 27th, 1987 at 9:30 a.m. You will also have an opportunity at that time to meet with the Commission's Executive Secretary, Commission Counsel and Mr. Bruce Wildsmith who is a Counsel to the Union of Nova Scotia Indians, ("UNSI").

The Royal Commission on the Donald Marshall, Jr., Prosecution has been charged with the following task:

"to inquire into, report your findings, and make recommendations to the Governor in Council respecting the investigation of the death of Sandford William Seale on the 28th-29th day of May, A.D., 1971; the charging and prosecution of Donald Marshall, Jr., with that death; the subsequent conviction and sentencing of Donald Marshall, Jr., for the non-capital murder of Sandford William Seale for which he was subsequently found to be not guilty; and such other related matters which the Commissioners consider relevant to the Inquiry;". (emphasis added)

A copy of the Commission's Terms of Reference is enclosed for your ready reference.

Scott Clark, Esquire

August 20, 1987

In order to appreciate the Commission's understanding of its role, it is instructive to note the Opening Statement by Chief Justice Hickman wherein he states, inter alia:

"In order to make meaningful recommendations to the Government, the Commission must, of necessity, review the actual circumstances of the Donald Marshall case...

Bringing out the facts will give the Commission an understanding of what happened. But that is only a beginning. It is not enough to examine minutely one incident, and from that to expect to suggest changes within a complex system of administration of justice. In order to develop meaningful recommendations, the most important part of our mandate, all contributing or potential contributing factors must be carefully reviewed within the context of the current state of the administration of justice in Nova Scotia. It will be necessary to examine the role of the Attorney General as a member of Cabinet in criminal prosecutions, the relationship between prosecutors, defence counsel and the police (both Provincial and R.C.M.P.), who makes decisions to prosecute and how and on what basis these decisions are made, the organization of police forces in Nova Scotia and how they interact with the communities they police.

Standing has been granted to the Black United Front and the Union of Nova Scotia Indians. Both of these groups state that minorities in the Province are not treated fairly or equitably by the justice system, and suggest that racism and discrimination may have contributed to the conviction of Donald Marshall, Jr. These charges must be investigated and examined to determine if these factors play any part in the administration of justice in Nova Scotia. It should be apparent, therefore, that the activities of individual people, and of various authorities are to be reviewed and



Scott Clark, Esquire

August 20, 1987

questioned, and that extremely important public issues will be considered by the Commission.

On the basis of understanding what happened to Donald Marshall, Jr. and after having analyzed the present functioning of the criminal justice system in Nova Scotia, we will make recommendations for the future which are designed to increase the confidence of all Nova Scotians in the system of administration of justice." (emphasis added) (See enclosed copy of Chief Justice's statement, Pages 3 and 4).

The Commissioners have also stated in their Decision of May 14th, 1987 with respect to the question of public funding for legal counsel, as follows:

" Standing has been granted to the Black United Front and the Union of Nova Scotia Indians. These groups requested standing because they hold the view that discrimination and racism influence the administration of justice in the Province of Nova Scotia, and may have contributed to Donald Marshall, Jr. being convicted and sent to prison. These serious allegations will be considered by the Commission. We believe that the public interest requires, in a proper case, that the point of view of organized and affected minority groups be appropriately represented and articulated. This is such a proper case. The extent of involvement required at the Hearings by counsel for these groups is difficult to predict at this time.

The Commission has also instructed its counsel to confer with both such groups prior to experts being retained by the Commission to carry out research concerning the matters of racism and discrimination." (emphasis added) (See enclosed copy of Decision, Pages 4 and 5).



Scott Clark, Esquire

August 20, 1987

The scope, and terms of reference of, any research project designed to address questions relating to discrimination against Indians in the Province of Nova Scotia will, of course, be determined in the context of the Commission's Terms of Reference and its understanding of those Terms of Reference as outlined above. However, as I have indicated during the course of our telephone conversations, we will be consulting closely with legal counsel for UNSI in the determination of the scope of this research project. Bruce Wildsmith, who you have already met, has previously outlined UNSI's views as to the scope of the research which they believe ought to be undertaken by the Commission. I think it helpful to quote from some of the submissions made by UNSI to the Commission to date:

"The Union of Nova Scotia Indians has an interest in any evidence of racial prejudice against Indians that may have been present in the events surrounding Donald Marshall, in any defects in the administration of justice which permitted it, and in how the system may be changed to avoid discrimination in the future."

"We feel that the Commission should inquire into systemic discrimination in the administration of justice. This may require, for example, the examination by experts of the statistics kept by the Government on the justice system, expert evidence on other studies down in other jurisdictions on this issue and on what information should be kept on these issues if such are not presently adequate."

In subsequent submissions to the Commission Mr. Wildsmith has indicated that he envisages our research "as falling into three broad categories" as follows:

"1. Literature review and the presentation of existing social science information on Indians in the criminal justice system. I see this as having two general components:

- (a) Preparation of a bibliography of existing information, a resource book (several bound volumes) of the major studies, reports, articles,

Scott Clark, Esquire

August 20, 1987

etc., and a review and analysis  
essay on the social science  
literature from the UNSI's  
perspetive;

- (b) Identification of and communication  
with experts to provide opinion  
evidence to the Commission.

This work would include studies assisting in  
understanding discrimination against Indians  
and information reflecting on institutional  
arrangements in other jurisdictions as  
possible reforms in N.S.

2. Original studies on Indians in the  
criminal justice system in Nova Scotia. I  
also see this having two general components:

- (a) Gathering and analyzing existing  
data on Indians in Nova Scotia.  
This would be done by a social  
scientist using accepted  
techniques. A problem with this  
approach is that information on the  
ethnicity of an accused apparently  
is not kept in N.S. until after  
conviction and the offender enters  
the corrections system.
- (b) Investigating whether other Indians  
in N.S. have had problems with the  
justice system that might be  
attributable to race. This is  
intended to combat any sugestion  
that Donald Marshall, Jr.'s case is  
an aberration or anomaly and not  
sufficiently representative to  
allow meaningful conclusions to be  
drawn. It might also suggest other  
failings in the justice system a  
little different than those  
directly experienced by Mr.  
Marshall, such as sentencing  
disparities.

Scott Clark, Esquire

August 20, 1987

3. An examination of the events surrounding Donald Marshall, Jr. for evidence of failings in the criminal justice system that might be connected to race. I see this as requiring the UNSI to be alert and vigilant to the evidence presented and generally to the work of the Commission, and therefore requiring fairly complete participation in the Commission's Hearings. I would also anticipate meeting in advance with those witnesses who are Indians to help them understand the Commission's process and their role as witness, to determine any need for a Micmac interpreter and generally, without formally representing them, to assist with their inquires."

I hope that during our meeting next week we would be able to make significant progress in nailing down the Terms of Reference for this research project. I would also hope that you would be in a position to discuss not only the specifics of the research project, but also the estimated time required to undertake and complete the work, completion dates for first and final drafts, costs, proposed methodology and any problems related thereto. I trust that the foregoing, along with the enclosures, will assist you in preparing for our meeting. Please do not hesitate to contact me if I can provide you with any additional information or materials prior thereto.

Thank you. I remain,

Yours very truly,



John E. S. Briggs,  
Director of Research

JESB/ljb

Enclosures

ROYAL COMMISSION ON THE  
DONALD MARSHALL, JR., PROSECUTION

---

MEMORANDUM

DATE

August 19, 1987

TO: Ronald N. Pugsley, Q.C.  
FROM: M. Lois Dyer,  
RE: Interview of John F. MacIntyre

-----  
Enclosed please find, as you requested,  
a copy of John F. MacIntyre's Interview. As  
I said to you on the telephone today, this  
copy has not been proofed and is not in its  
final form. As soon as we have done so, we  
will forward you a copy of same.

MLD/ljb

Enclosure

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

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

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mr. Terrance P. Gushue  
Sydney, Nova Scotia

Dear Mr. Gushue:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on September 23rd, September 24th and September 25th, 1987. We expect your evidence could be taken in total over approximately a half a day.

Would you please make note of this date. Commission Hearings commence at 10:00 a.m. and will be held at St. Andrew's Church Hall, Sydney. As Hearings progress, and we have a better feel for the time being taken by each witness, it may be necessary for us to revise the date which we have given to you. If this is required, we will provide you with as much advance notice as possible of the change of time.

Please advise the Commission if you require a subpoena to be served on you to enable you to obtain the necessary absence from your employment to attend at the Commission Hearings.

Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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

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MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mr. Roy N. Ebsary  
c/o Sadie Short's Boarding House  
191 Vulcan Avenue  
Sydney, Nova Scotia

Dear Mr. Ebsary:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on September 9th and September 10th, 1987. We expect your evidence could be taken in total over approximately one and a half days.

Would you please make note of this date. Commission Hearings commence at 10:00 a.m. and will be held at St. Andrew's Church Hall, Sydney. As Hearings progress, and we have a better feel for the time being taken by each witness, it may be necessary for us to revise the date which we have given to you. If this is required, we will provide you with as much advance notice as possible of the change of time.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mr. James MacNeil  
222 Mt. Pleasant Street  
Whitney Pier  
Sydney, Nova Scotia

Dear Mr. MacNeil:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on September 10th and September 11th, 1987. We expect your evidence could be taken in total over approximately two days.

Would you please make note of this date. Commission Hearings commence at 10:00 a.m. and will be held at St. Andrew's Church Hall, Sydney. As Hearings progress, and we have a better feel for the time being taken by each witness, it may be necessary for us to revise the date which we have given to you. If this is required, we will provide you with as much advance notice as possible of the change of time.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb



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THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

## PERSONAL AND CONFIDENTIAL

Mr. Robert Scott MacKay  
195 Monteith Avenue  
Sydney, Nova Scotia

Dear Mr. MacKay:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on September 14th, 1987. We expect your evidence could be taken in total over approximately a half a day.

Would you please make note of this date. Commission Hearings commence at 10:00 a.m. and will be held at St. Andrew's Church Hall, Sydney. As Hearings progress, and we have a better feel for the time being taken by each witness, it may be necessary for us to revise the date which we have given to you. If this is required, we will provide you with as much advance notice as possible of the change of time.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb



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

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COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mrs. Debbie Timmins  
Pleasant Bay  
Cabot Trail  
Cape Breton, Nova Scotia

Dear Mrs. Timmins:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on September 14th, 1987. We expect your evidence could be taken in total over approximately a half a day.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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August 17, 1987

PERSONAL AND CONFIDENTIAL

Mr. Marvel Mattson  
Nauss Point Road  
Chester, Nova Scotia

Dear Mr. Mattson:

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George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mr. Maynard Chant  
Wolfe Street  
Louisbourg, Nova Scotia B0A 1M0

Dear Mr. Chant:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on September 15th and September 16th, 1987. We expect your evidence could be taken in total over approximately two days.

Would you please make note of this date. Commission Hearings commence at 10:00 a.m. and will be held at St. Andrew's Church Hall, Sydney. As Hearings progress, and we have a better feel for the time being taken by each witness, it may be necessary for us to revise the date which we have given to you. If this is required, we will provide you with as much advance notice as possible of the change of time.

Please advise the Commission if you require a subpoena to be served on you to enable you to obtain the necessary absence from your employment to attend at the Commission Hearings.

Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/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

August 17, 1987

PERSONAL AND CONFIDENTIAL

Chief Richard Walsh  
325 Ashby Road  
Sydney, Nova Scotia B1P 2T7

Dear Chief Walsh:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on September 17th and September 18th, 1987. We expect your evidence could be taken in total over approximately a half a day.

Would you please make note of this date. Commission Hearings commence at 10:00 a.m. and will be held at St. Andrew's Church Hall, Sydney. As Hearings progress, and we have a better feel for the time being taken by each witness, it may be necessary for us to revise the date which we have given to you. If this is required, we will provide you with as much advance notice as possible of the change of time.

Please advise the Commission if you require a subpoena to be served on you to enable you to obtain the necessary absence from your employment, to attend at the Commission Hearings.

Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

cc: Mr. M. G. Whalley, Q.C.

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

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Deputy Chief John Mallowney  
92 Grove Street  
Sydney, Nova Scotia B1P 3N1

Dear Deputy Chief Mallowney:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on September 17th and September 18th, 1987. We expect your evidence could be taken in total over approximately a half a day.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

cc: Mr. M. G. Whalley, Q.C.

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

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Corporal Howard Dean  
144 Buckingham Drive  
Sydney, Nova Scotia B1S 1X3

Dear Corporal Dean:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on September 17th and September 18th, 1987. We expect your evidence could be taken in total over approximately a half a day.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

cc: Mr. M. G. Whalley, Q.C.

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

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COMMISSIONER

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MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Inspector Ambrose MacDonald  
694 Alexandra Street  
Sydney, Nova Scotia B1S 2H4

Dear Inspector MacDonald:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on September 17th and September 18th, 1987. We expect your evidence could be taken in total over approximately a half a day.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

cc: Mr. M. G. Whalley, Q.C.



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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mr. Michael Bernard MacDonald  
17 Central Street  
Sydney, Nova Scotia B1P 2A7

Dear Mr. MacDonald:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on September 17th and September 18th, 1987. We expect your evidence could be taken in total over approximately a half a day.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

cc: Mr. M. G. Whalley, Q.C.



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COMMISSIONER

August 17, 1987

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

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

Dear Mr. Bissell:

Re: Witness - John L. Ryan, R.C.M.P. Ident.

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We have interviewed your client and indicated that his attendance at the Commission would be required. We would appreciate your advising your client of the possible attendance date.

Our best estimate at this time is that you would be called to give evidence to the Commission on September 17th and September 18th, 1987. We expect your evidence could be taken in total over approximately a half a day.

Would you please make note of this date. Commission Hearings commence at 10:00 a.m. and will be held at St. Andrew's Church Hall, Sydney. As Hearings progress, and we have a better feel for the time being taken by each witness, it may be necessary for us to revise the date which we have given to you. If this is required, we will provide you with as much advance notice as possible of the change of time.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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

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COMMISSIONER

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MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mr. John Pratico  
12 South Bentinck Street  
Sydney, Nova Scotia

Dear Mr. Pratico:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on September 21st and September 22nd, 1987. We expect your evidence could be taken in total over approximately one day.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mrs. Margaret Pratico  
183 Bentinck Street  
Apt. #3  
Sydney, Nova Scotia B1P 1G7

Dear Mrs. Pratico:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on September 21st and September 22nd, 1987. We expect your evidence could be taken in total over approximately a half a day.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mr. Rudolph Poirier  
90 Victoria Road  
Sydney, Nova Scotia B1P 2V6

Dear Mr. Poirier:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on September 21st and September 22nd, 1987. We expect your evidence could be taken in total over approximately a half a day.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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

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

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Dr. M. A. Mian  
20 Churchill Drive  
Sydney, Nova Scotia B1S 2B1

Dear Dr. Mian:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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

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

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

## PERSONAL AND CONFIDENTIAL

Dr. M. A. Naqvi, Surgeon  
320 Esplanade  
Sydney, Nova Scotia

Dear Dr. Naqvi:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on September 23rd, September 24th and September 25th, 1987. We expect your evidence could be taken in total over approximately one day.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mrs. Eunice Harriss  
5 King's Road  
Sydney, Nova Scotia B1S 1A1

Dear Mrs. Harriss:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on September 23rd, September 24th and September 25th, 1987. We expect your evidence could be taken in total over approximately a half a day.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb



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

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Ms. Patricia Harriss  
5 King's Road  
Sydney, Nova Scotia B1S 1A1

Dear Ms. Harriss:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on September 23rd, September 24th and September 25th, 1987. We expect your evidence could be taken in total over approximately a half a day.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb



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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mrs. Mary Csernyik  
19 Parkview Drive  
Sydney, Nova Scotia B1P 3J4

Dear Mrs. Csernyik:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mrs. Catherine Soltesz  
1067 King's Road  
Sydney River, Nova Scotia B1S 1C6

Dear Mrs. Soltesz:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

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MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

## PERSONAL AND CONFIDENTIAL

Ms. Barbara Floyd  
c/o Hair Razors  
150 Bentinck Street  
Sydney, Nova Scotia

Dear Ms. Floyd:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on October 6th, 1987. We expect your evidence could be taken in total over approximately a half a day.

Would you please make note of this date. Commission Hearings commence at 10:00 a.m. and will be held at St. Andrew's Church Hall, Sydney. As Hearings progress, and we have a better feel for the time being taken by each witness, it may be necessary for us to revise the date which we have given to you. If this is required, we will provide you with as much advance notice as possible of the change of time.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mrs. Sandra Cotie  
172 Ashby Road  
Sydney, Nova Scotia

Dear Mrs. Cotie:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on October 6th, 1987. We expect your evidence could be taken in total over approximately a half a day.

Would you please make note of this date. Commission Hearings commence at 10:00 a.m. and will be held at St. Andrew's Church Hall, Sydney. As Hearings progress, and we have a better feel for the time being taken by each witness, it may be necessary for us to revise the date which we have given to you. If this is required, we will provide you with as much advance notice as possible of the change of time.

Please advise the Commission if you require a subpoena to be served on you to enable you to obtain the necessary absence from your employment to attend at the Commission Hearings.

Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/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

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mrs. Emily Clemens  
49 Dacre Street  
Sydney, Nova Scotia B1S 2S1

Dear Mrs. Clemens:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on October 6th, 1987. We expect your evidence could be taken in total over approximately a half a day.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mr. Wayne Magee  
Main Street  
Louisbourg, Nova Scotia

Dear Mr. Magee:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on October 7th, 1987. We expect your evidence could be taken in total over approximately a half a day.

Would you please make note of this date. Commission Hearings commence at 10:00 a.m. and will be held at St. Andrew's Church Hall, Sydney. As Hearings progress, and we have a better feel for the time being taken by each witness, it may be necessary for us to revise the date which we have given to you. If this is required, we will provide you with as much advance notice as possible of the change of time.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mr. Lawrence Burke  
122 Sherwood Drive  
Sydney, Nova Scotia

Dear Mr. Burke:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on October 7th, 1987. We expect your evidence could be taken in total over approximately a half a day.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb



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

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NOVA SCOTIA, B3J 3K5 902-424-4800

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mrs. Beudah Chant  
c/o W. A. Chant Funeral Home  
1149 Main Street  
Louisbourg, Nova Scotia B0A 1M0

Dear Mrs. Chant:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb



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

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mr. Roy Gould  
124 Rear Membertou Street  
Sydney, Nova Scotia

Dear Mr. Gould:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on October 8th and October 9th, 1987. We expect your evidence could be taken in total over approximately a half a day.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

cc: Mr. Bruce H. Wildsmith

**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

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mr. Thomas Christmas  
27 Mallard Street  
Membertou  
Sydney, Nova Scotia B1P 6H2

Dear Mr. Christmas:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on October 8th and October 9th, 1987. We expect your evidence could be taken in total over approximately a half a day.

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Please advise the Commission if you require a subpoena to be served on you to enable you to obtain the necessary absence from your employment to attend at the Commission Hearings.

Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

cc: Mr. Bruce H. Wildsmith

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

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NOVA SCOTIA, B3J 3K5 902-424-4800

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mr. Bernie Francis  
117 MacKenzie Drive  
Coxheath, Nova Scotia

Dear Mr. Francis:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on October 8th and October 9th, 1987. We expect your evidence could be taken in total over approximately a half a day.

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Please advise the Commission if you require a subpoena to be served on you to enable you to obtain the necessary absence from your employment to attend at the Commission Hearings.

Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

cc: Mr. Bruce H. Wildsmith

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

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mr. Simon J. Khattar, Q.C.  
96 Howe Street  
Sydney, Nova Scotia

Dear Mr. Khattar:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on October 26th, 1987. We expect your evidence could be taken in total over approximately a half a day.

Would you please make note of this date. Commission Hearings commence at 10:00 a.m. and will be held at St. Andrew's Church Hall, Sydney. As Hearings progress, and we have a better feel for the time being taken by each witness, it may be necessary for us to revise the date which we have given to you. If this is required, we will provide you with as much advance notice as possible of the change of time.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

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

Dear Mr. Pink:

Re: Witness - Judge Lewis Matheson

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We have interviewed your client and indicated that his attendance at the Commission would be required. We would appreciate your advising your client of the possible attendance date.

Our best estimate at this time is that you would be called to give evidence to the Commission on October 26th and October 27th, 1987. We expect your evidence could be taken in total over approximately a half a day.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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

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

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

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

Dear Bruce:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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

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

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

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

Dear Mr. Pink:

Re: Witness - Judge Robert Anderson

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We have interviewed your client and indicated that his attendance at the Commission would be required. We would appreciate your advising your client of the possible attendance date.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb



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

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MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

PERSONAL AND CONFIDENTIAL

Mrs. Mary Ebsary  
46 Mechanic Street  
Sydney, Nova Scotia B1P 2W7

Dear Mrs. Ebsary:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on October 28th, 1987. We expect your evidence could be taken in total over approximately one day.

Would you please make note of this date. Commission Hearings commence at 10:00 a.m. and will be held at St. Andrew's Church Hall, Sydney. As Hearings progress, and we have a better feel for the time being taken by each witness, it may be necessary for us to revise the date which we have given to you. If this is required, we will provide you with as much advance notice as possible of the change of time.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb



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

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

## PERSONAL AND CONFIDENTIAL

Mr. Greg (Ebsary) Walsh  
46 Mechanic Street  
Sydney, Nova Scotia B1P 2W7

Dear Mr. Walsh:

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We or our investigators have interviewed you and indicated your attendance at the Commission would be required.

Our best estimate at this time is that you would be called to give evidence to the Commission on October 28th, 1987. We expect your evidence could be taken in total over approximately one day.

Would you please make note of this date. Commission Hearings commence at 10:00 a.m. and will be held at St. Andrew's Church Hall, Sydney. As Hearings progress, and we have a better feel for the time being taken by each witness, it may be necessary for us to revise the date which we have given to you. If this is required, we will provide you with as much advance notice as possible of the change of time.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

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

Dear Mr. Bissell:

Re: Witness - Eugene Smith, R.C.M.P.

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We have interviewed your client and indicated that his attendance at the Commission would be required. We would appreciate your advising your client of the possible attendance date.

Our best estimate at this time is that you would be called to give evidence to the Commission on October 28th and October 29th, 1987. We expect your evidence could be taken in total over approximately one day.

Would you please make note of this date. Commission Hearings commence at 10:00 a.m. and will be held at St. Andrew's Church Hall, Sydney. As Hearings progress, and we have a better feel for the time being taken by each witness, it may be necessary for us to revise the date which we have given to you. If this is required, we will provide you with as much advance notice as possible of the change of time.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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

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COMMISSIONER

August 17, 1987

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

Dear Mr. Bissell:

Re: Witness - Inspector E. A. Marshall, R.C.M.P.

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We have interviewed your client and indicated that his attendance at the Commission would be required. We would appreciate your advising your client of the possible attendance date.

Our best estimate at this time is that you would be called to give evidence to the Commission on October 29th and October 30th, 1987. We expect your evidence could be taken in total over approximately one day.

Would you please make note of this date. Commission Hearings commence at 10:00 a.m. and will be held at St. Andrew's Church Hall, Sydney. As Hearings progress, and we have a better feel for the time being taken by each witness, it may be necessary for us to revise the date which we have given to you. If this is required, we will provide you with as much advance notice as possible of the change of time.

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Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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COMMISSIONER

August 17, 1987

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

Mr. Donald C. Murray  
Stewart, MacKeen & Covert  
Barristers & Solicitors  
Purdy's Wharf Tower 1  
1959 Upper Water Street  
Halifax, Nova Scotia B3J 2X2

Dear Mr. Murray:

Re: Witness - William Urquhart

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We have interviewed your client and indicated that his attendance at the Commission would be required. We would appreciate your advising your client of the possible attendance date.

Our best estimate at this time is that you would be called to give evidence to the Commission on November 3rd through November 6th, 1987. We expect your evidence could be taken in total over approximately four or five days.

Would you please make note of this date. Commission Hearings commence at 10:00 a.m. and will be held at St. Andrew's Church Hall, Sydney. As Hearings progress, and we have a better feel for the time being taken by each witness, it may be necessary for us to revise the date which we have given to you. If this is required, we will provide you with as much advance notice as possible of the change of time.

Please advise the Commission if you require a subpoena to be served on you to enable you to obtain the necessary absence from your employment to attend at the Commission Hearings.

Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

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

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COMMISSIONER

August 17, 1987

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

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

Dear Mr. Pugsley:

Re: Witness - John F. MacIntyre

We have attempted to prepare a timetable for the appearance of witnesses at Hearings of the Commission to be held in Sydney commencing on September 9th, 1987. We have interviewed your client and indicated that his attendance at the Commission would be required. We would appreciate your advising your client of the possible attendance date.

Our best estimate at this time is that you would be called to give evidence to the Commission late in the week of November 3rd and continuing the week of November 9th, 1987 until finished. We expect your evidence could be taken in total over approximately five days.

Would you please make note of this date. Commission Hearings commence at 10:00 a.m. and will be held at St. Andrew's Church Hall, Sydney. As Hearings progress, and we have a better feel for the time being taken by each witness, it may be necessary for us to revise the date which we have given to you. If this is required, we will provide you with as much advance notice as possible of the change of time.

Please advise the Commission if you require a subpoena to be served on you to enable you to obtain the necessary absence from your employment to attend at the Commission Hearings.

Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/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

August 18, 1987

**BY COURIER**

Mr. Ronald N. Pugsley, Q.C.  
Stewart MacKeen & Covert  
Barristers & Solicitors  
Purdy's Wharf Tower One  
1959 Upper Water Street  
Halifax, N.S. B3J 3B7

Dear Mr. Pugsley,

I am replying to your letter of August 18, 1987.

As you note in your letter, the order of examination was agreed upon at a meeting of counsel in the spring.

We are not prepared to reconsider the agreement reached with all counsel concerning the order of witness examination. You will appreciate that, if we start fiddling with the order of witness examination, there will be other counsel who would also take the position that they should go last.

Yours very truly,



 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

BY COURIER

August 18, 1987

The Honourable Arthur R. Donahoe  
Speaker  
House of Assembly  
P.O. Box 1617  
Halifax, N.S. B3J 2Y3

Dear Mr. Speaker,

Several months ago Halifax Cablevision prepared a proposal for a media pool plan for live daily coverage of the Hearings of the Royal Commission. The concept was that Halifax Cable and the National Film Board would share daily operating costs with a media pool. Technical services would be available from two fixed position cameras switched in parliamentary coverage fashion.

The Commission considered the proposal and approved it. The Commission believes that there are great educational opportunities for Nova Scotians in having a permanent video record of the Commission at work. As well, live coverage would provide daily access to many in the province who may not be able to attend because of infirmities or other problems. The Commission favoured the pool approach because of the importance of a respectful atmosphere at the Hearings; in this way, intimidation of witnesses can be kept to a minimum and the Inquiry proceedings may proceed with little interference from the electronic media.

The Commission was advised last week that the plan outlined above would be suspended as the National Film Board had decided not to participate in order to follow an independent plan. Halifax Cable and the others cannot afford to proceed without the NFB funds.



Hon. Arthur Donahoe

-2-

August 18, 1987

The Commission wishes to advise you of these developments in the hope that the Government of Nova Scotia might be interested in sponsoring what was the NFB share. The best information at my disposal today indicates that this commitment would be in the range of thirty to forty thousand dollars. As you know, the Commission has no budget for this type of expense.

The Commission is hopeful that a solution may be found to this latest turn of events so that Nova Scotians may have the opportunity to witness first hand the Hearings of the Royal Commission on the Donald Marshall, Jr., Prosecution.

Sincerely yours,



M. Lois Dyer  
Commission Executive  
Secretary

MLD/jm

bcc: Ian Fraser ✓



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

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THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

**BY COURIER**

Mr. Ronald N. Pugsley, Q.C.  
Stewart MacKeen & Covert  
Barristers & Solicitors  
Purdy's Wharf Tower One  
1959 Upper Water Street  
Halifax, N.S. B3J 3B7

Dear Mr. Pugsley,

I am applying your letter of August 12, 1987 to George MacDonald.

With respect to the travel costs for yourself to travel to British Columbia to examine Ms. Clemens, we do not consider that the Commission should underwrite the costs of your attendance in British Columbia.

The basis upon which we have conducted interviews with all potential witnesses has been that we will not disclose those interviews to other counsel. Accordingly, we are not prepared to release our interviews with Ms. Clemens or Donna Ebsary.

You will be provided copies of the interviews with Messrs. Urquhart and MacIntyre as soon as they are available. I indicated to Mr. Murray during the interview of Urquhart that, at this point in time, we are not in the position to release the records of the Nova Scotia Hospital concerning John Pratico. We are seeking permission to release them and once that is taken care of copies will be provided.

Mr. Ronald Pugsley

-2-

August 17, 1987

The Halifax witness documentation is not yet complete and, once it is, copies will be provided to all counsel but I doubt whether that will be within the next week or so.

If you have any further questions, feel free to give me a call.

Kind regards,

*J. Miller*  
*for* W. Wylie Spicer  
Commission Counsel

WWS/jm

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

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COMMISSIONER

August 17, 1987

PERSONAL & CONFIDENTIAL

Scott Clark, Esquire  
c/o G.S. Clark & Associates  
Suite 712, 151 Slater Street  
Ottawa, Ontario K1P 5H3

Dear Mr. Clark,

Further to our telephone conversation this morning, I now enclose a bibliography entitled "Indians and the Criminal Justice System" which you will note was prepared for the Commission by the Union of Nova Scotia Indians.

I would expect to be in touch with you by mid-week regarding a possible meeting here in Halifax during the week of August 24, 1987.

I trust you will find this in order.

Thank you. I remain,

Yours very truly,



for John E.S. Briggs  
Director of Research

JESB/jm  
Encl.

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

---

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THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 17, 1987

Law Reform Commission of Canada  
130 Albert Street  
Ottawa, Ontario  
K1A 0L6

Dear Sir/Madam:

I would appreciate if you would be kind enough to send us one copy of the following:

1. Guidelines - Dispositions and Sentences in the Criminal Process (1976)
2. Our Criminal Law (1976)
3. Disclosure by the Prosecution (1984)
4. Questioning Suspects (1984)
5. Criminal Procedure: Control of the Process (1975)
6. Stenning, Philip C. Legal Status of the Police (1981)
7. Brooks, Neil. Police Guidelines: Pre-trial Eyewitness Identification Procedures (1983)

Thanking you in advance.

Yours truly,

Brenda McGilvray  
Librarian

BMcG:jrc



## The Speaker

Administration

PO Box 1617  
Halifax, Nova Scotia  
B3J 2Y3

902 424-4478

August 14, 1987

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

Dear Mr. Ruby:

I have been asked by officials of the Royal Commission on the Donald Marshall, Jr. Prosecution to advise you that the Executive Council of the Province of Nova Scotia has expressed agreement with certain principles of taxing accounts of counsel for funded participants before the Commission. These principles were recommended by the Commission in a letter from its Executive Secretary, Ms. Lois Dyer, and are to be applied to all counsel representing persons or organizations granted standing before the Royal Commission. A copy of the principles is enclosed for your information.

Should you have any questions concerning the interpretation or application of these principles, would you please contact the Executive Secretary of the Commission to whom all accounts should now be forwarded.

Yours very truly,

S. Myles Rector  
Director of Administration

SMR:nk

Enclosure

**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

August 14, 1987

PERSONAL & CONFIDENTIAL

Prof. John LI. J. Edwards  
Faculty of Law  
University of Toronto  
78 Queen's Park Crescent  
Toronto, Ontario M5S 1A6

Dear Professor Edwards,

Further to my letter of August 13, 1987 and your request for copies of the Attorney General's Policy Guidelines, I now enclose some additional material which I have uncovered.

I understand from my discussions with Commission Counsel that this additional material, along with the previous material which I forwarded to you, constitutes all that we have on hand by way of Policy Guidelines. I have, however, made arrangements for you to examine the current Guidelines which are contained in the two volumes of "Advice to Prosecuting Officers". You will be able to examine these materials at the offices of Mr. Darrel Pink of the firm of Patterson Kitz who is acting as counsel for the Department of the Attorney General.

I trust you will find this in order.

Thank you. I remain,

Yours very truly,

*J. Miller*

*for* John E.S. Briggs  
Director of Research

JESB/jm  
Encl.

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

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THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 13, 1987

PERSONAL & CONFIDENTIAL

Prof. John LI. J. Edwards  
Faculty of Law  
University of Toronto  
78 Queen's Park Crescent  
Toronto, Ontario M5S 1A6

Dear Professor Edwards,

RE: Proposed Research Project -  
The Prosecutorial System in Nova Scotia

Further to our telephone conversation this morning, I now enclose what I understand to be all of the material we have on hand in the nature of Directives/Policy Guidelines from the Attorney General's Department. Although I understand there is other material of this nature, I gather that it has been vetted by Commission Counsel and determined to be of no relevance to our Inquiry. As of now, I have not been able to speak with any of Commission Counsel to clarify this matter but shall do so before we meet next Tuesday. In the interim, I thought that the enclosures might be of some interest. Certainly they will not require a great deal of time to review!

As I know you are well aware, it is imperative that any research projects to be undertaken for the Commission be completed and in publishable form by the 31st of March 1988 at the latest. In the light of the very tight time constraints under which the Commission is operating it is essential that we define the specifics of any research to be undertaken and contract for same as quickly as possible. I would certainly hope that we could accomplish a good part of that task during our meeting next week. In order to facilitate that task, I would appreciate it if you could provide me with a draft outline

Prof. John Edwards

-2-

August 13, 1987

of your proposed research plan including, of course, the questions to be addressed, methodology, schedule of work activities and a completion date for submission of the first draft and the final draft in publishable form. I would also ask you to focus on the question of the estimated number of days of work involved and the resulting fees and related expenses.

I look forward to meeting with you next Tuesday.

Thank you. I remain,

Yours very truly,

A handwritten signature in dark ink, appearing to be 'JESB', with a large, sweeping flourish underneath.

John E.S. Briggs  
Director of Research

JESB/jm  
Encl.



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

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 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 Jim:

I have enclosed the Correctional Services material that we would like to include in our documentation. Would you please review and advise me as soon as possible so we may proceed with the development of the Exhibit Books.

Very truly yours,



M. Lois Dyer,  
Commission Executive  
Secretary

MLD/ljb

Enclosures

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

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THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 13, 1987

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

Dear Mr. Pugsley:

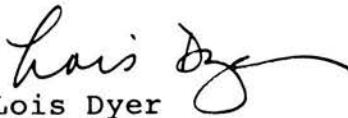
Enclosed you will find a copy of the Minutes of the Meeting of all counsel held on Monday, August 10th, 1987 in Halifax.

As well, I have enclosed a revised copy of the List of Witnesses arranged by order of appearance. You will note that some adjustments have been made.

Once tentative dates have been assigned for the expected appearance of these witnesses, you will be sent this information as well. It will simply represent the Commission's best estimate of how long each witness may be required.

Late next week I will be in a position to send along a copy of the Wentworth Park, Sydney plan. You will receive one 8½" x 14" black and white, which you may reproduce and one 8½" x 14" with colour. The colour version will be reproduced at the hearing in a 42" x 7' dimension for easy viewing.

Sincerely yours,

  
M. Lois Dyer  
Commission Executive  
Secretary

MLD/ljb

Enclosures

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 13, 1987

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

Dear Mr. Pringle:


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Sincerely yours,

  
M. Lois Dyer  
Commission Executive  
Secretary

MLD/ljb

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THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 13, 1987

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

Dear Mr. Whalley:

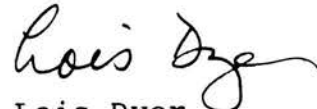
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Commission Executive  
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THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 13, 1987

Mr. Donald C. Murray  
Stewart, MacKeen & Covert  
Barristers & Solicitors  
Purdy's Wharf Tower One  
1959 Upper Water Street  
P. O. Box 997  
Halifax, Nova Scotia B3J 2X2

Dear Mr. Murray:

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M. Lois Dyer  
Commission Executive  
Secretary

MLD/ljb

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THE HONOURABLE  
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COMMISSIONER

August 13, 1987

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

Dear Mr. Ross:

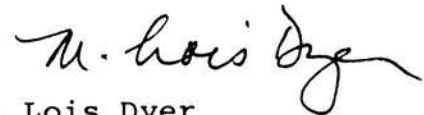
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Secretary

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 13, 1987

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

Dear Mr. Saunders:

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Commission Executive  
Secretary

MLD/ljb

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 13, 1987

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

Dear Mr. Pink:

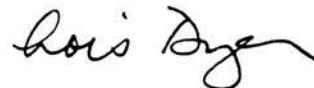
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THE HONOURABLE  
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COMMISSIONER

August 13, 1987

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

Dear Mr. Ruby:

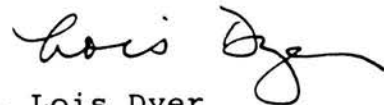
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M. Lois Dyer  
Commission Executive  
Secretary

MLD/ljb

Enclosures

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

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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

August 13, 1987

Ms. Anne S. Derrick  
Buchan, Derrick & Ring  
Barristers & Solicitors  
5516 Spring Garden Road  
Suite 205, Sovereign Bldg.  
Halifax, Nova Scotia B3J 1G6

Dear Ms. Derrick:

Enclosed you will find a copy of the Minutes of the Meeting of all counsel held on Monday, August 10th, 1987 in Halifax.

As well, I have enclosed a revised copy of the List of Witnesses arranged by order of appearance. You will note that some adjustments have been made.

Once tentative dates have been assigned for the expected appearance of these witnesses, you will be sent this information as well. It will simply represent the Commission's best estimate of how long each witness may be required.

Late next week I will be in a position to send along a copy of the Wentworth Park, Sydney plan. You will receive one 8½" x 14" black and white, which you may reproduce and one 8½" x 14" with colour. The colour version will be reproduced at the hearing in a 42" x 7' dimension for easy viewing.

Sincerely yours,



M. Lois Dyer  
Commission Executive  
Secretary

MLD/ljb

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THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 13, 1987

Mr. Bruce H. Wildsmith  
Barrister & Solicitor  
Room 307, Weldon Law Bldg.  
Dalhousie Law School  
Halifax, Nova Scotia B3H 4H6

Dear Mr. Wildsmith:

Enclosed you will find a copy of the Minutes of the Meeting of all counsel held on Monday, August 10th, 1987 in Halifax.

As well, I have enclosed a revised copy of the List of Witnesses arranged by order of appearance. You will note that some adjustments have been made.

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MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 13, 1987

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

Dear Mr. Elman:

Enclosed you will find a copy of the Minutes of the Meeting of all counsel held on Monday, August 10th, 1987 in Halifax.

As well, I have enclosed a revised copy of the List of Witnesses arranged by order of appearance. You will note that some adjustments have been made.

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THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 13, 1987

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

Dear Mr. Ryan:

Enclosed you will find a copy of the Minutes of the Meeting of all counsel held on Monday, August 10th, 1987 in Halifax.

As well, I have enclosed a revised copy of the List of Witnesses arranged by order of appearance. You will note that some adjustments have been made.

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Commission Executive  
Secretary

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THE HONOURABLE  
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COMMISSIONER

August 13, 1987

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

Dear Mr. Broderick:

Enclosed you will find a copy of the Minutes of the Meeting of all counsel held on Monday, August 10th, 1987 in Halifax.

As well, I have enclosed a revised copy of the List of Witnesses arranged by order of appearance. You will note that some adjustments have been made.

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Secretary

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 13, 1987

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

Dear Mr. Outhouse:

Enclosed you will find a copy of the Minutes of the Meeting of all counsel held on Monday, August 10th, 1987 in Halifax.

As well, I have enclosed a revised copy of the List of Witnesses arranged by order of appearance. You will note that some adjustments have been made.

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Commission Executive  
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MLD/ljb

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THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 13, 1987

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

Dear Mr. LaFosse:

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As well, I have enclosed a revised copy of the List of Witnesses arranged by order of appearance. You will note that some adjustments have been made.

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Commission Executive  
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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 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:

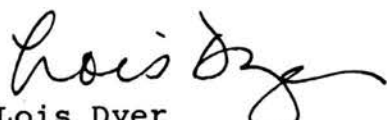
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Commission Executive  
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THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 13, 1987

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

Dear Mr. Fisher:

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M. Lois Dyer  
Commission Executive  
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MLD/ljb

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MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

August 13, 1987

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

Dear Mr. Proudfoot:

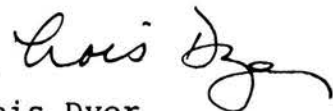
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Secretary

MLD/ljb

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COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

By Courier

August 12, 1987

## PERSONAL & CONFIDENTIAL

Prof. Bruce Archibald  
Dalhousie University Law School  
1381 Henry Street  
Halifax, N.S. B3H 4H9

Dear Bruce,

Re: Proposed Research Project - The Local Crown Prosecutors  
and the Department of the Attorney General

I look forward to meeting you at our offices on Thursday,  
August 20, 1987 at 11:00 a.m.

As I indicated to you during the course of our telephone conversation today, it is imperative that any research undertaken for the Commission be completed and in publishable form by the 31st of March, 1988 at the latest. I would, therefore, appreciate it if you could provide me with a draft outline of your research plan, including questions to be addressed, methodology, a schedule of work activities, completion of first draft stage and date for submission of the final draft in publishable form. I would ask you to also focus on the question of the estimated number of days of work involved and the resulting fees and related expenses.

The scope of the proposed research project is outlined in Draft No. 2 of "Tentative Schedule of Research Projects and Project Responsibilities", a copy of which I understand you have and which rose out of a meeting with Professor Edwards, Commission Counsel, et al. on July 2, 1987. We will no doubt wish to discuss that outline in some detail when we meet.

Prof. Archibald

-2-

August 12, 1987


I would also ask that you allow for sufficient time within your research plan for the possible vetting of your first draft.

As I am sure you can appreciate, given the very tight time constraints under which the Commission is operating, it is essential that we define the specifics of any research to be undertaken and contract for same as quickly as possible. I would hope that we could accomplish a good part of that task during a meeting next week.

In the interim, if there is any further information or material which you require please do not hesitate to let me know.

Thank you. I remain,

Yours truly,

A handwritten signature in black ink, appearing to read 'JESB', with a large, sweeping flourish underneath.

John E.S. Briggs  
Research Director

JESB/jm

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

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THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

BY COURIER

August 12, 1987

Mr. Donald C. Murray  
Stewart MacKeen & Covert  
Barristers and Solicitors  
Purdy's Wharf Tower One  
1959 Upper Water Street  
Halifax, Nova Scotia

Dear Mr. Murray,

Following my review of the materials shown to me from your MacIntyre file, I would appreciate it if you could arrange for us to receive copies of the following:

- Box 3 - The original of the document list referring to the documents turned over by MacIntyre to Wheaton.
  - The material concerning the reputation of John MacIntyre.
- Box 6 - Stewart MacKeen & Covert witness interviews file-Magee and Beudah Chant.
  - Dollimont (April 25, 1984) statement and drawing of knife.
  - Mroz memo
  - Woodburn's statement, February 6/83
  - Bernie Francis
- Box 10 - Broadcast from Fifth Estate and Inquiry.
- Box 13 - Heather Matheson's notebook.

Mr. Donald Murray

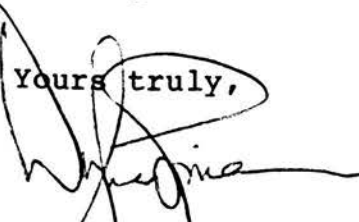
-2-

August 12, 1987

I would also appreciate it if you could provide us with the tapes of the various broadcasts so that we may review them.

Thank you for your assistance. Kind regards.

Yours truly,



W. Wylie Spicer  
Commission Counsel

WWS/jm

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

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MEMORANDUM

DATE

TO: Mr. Donald C. Murray  
FROM: Ms. M. Lois Dyer, Commission Executive  
Secretary  
DATE: 87 08 12

---

As per your letter of July 17, 1987, I am enclosing full WITNESS BOOKS, Volumes 1 through 5, as you requested.

*MLD:jrc*

encl.



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

---

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**BY COURIER**

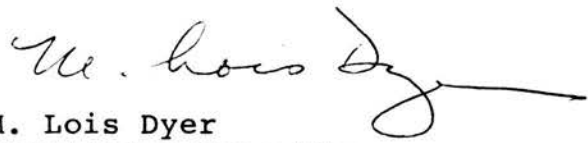
August 11, 1987

Mr. Donald C. Murray  
Stewart MacKeen & Covert  
Barristers and Solicitors  
Purdy's Wharf Tower One  
1959 Upper Water Street  
Halifax, Nova Scotia

Dear Mr. Murray,

I have today been advised, formally, that the Government of Nova Scotia has accepted the Royal Commission's recommendation that the legal fees for your client Mr. William Urquhart be paid by the Government of Nova Scotia. The fees for legal counsel are paid on the same basis as other parties using the criteria the Commission will apply to accounts it has been asked to tax. A copy of these guidelines is enclosed for your information.

Sincerely yours,

  
M. Lois Dyer  
Commission Executive  
Secretary

MLD/jm  
Encl.

cc: Mr. Darrel Pink  
Mr. William Urquhart

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

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COMMISSIONER

BY COURIER

August 11, 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,

This will acknowledge receipt of your letter delivered by hand dated August 10, 1987. I will write today advising Mr. Urquhart's lawyer, Mr. Don Murray, that the Government of Nova Scotia accepted the Commission's recommendation regarding payment of legal fees. I will also enclose with that letter to Mr. Murray a copy of the pertinent guidelines.

Many thanks.

Yours very truly,



M. Lois Dyer  
Commission Executive  
Secretary

WS/jm

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

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COMMISSIONER

August 10, 1987

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

Dear Mr. Saunders

We attempted to estimate the time to be taken by the various witnesses at the Hearings so that all witnesses could be given some indication when their attendance may be required. In particular, you asked if we could advise when Judge Matheson and Judge Anderson would be called to give evidence.

At the present time our best estimate is that these witnesses would be required on October 26th or 27th. I suggest each of them block out both of those days, and even if it is necessary to call them out of order, we would give serious consideration to doing that so that their evidence could be completed on those two days.

A revised listing of witnesses for the Sydney phase is enclosed and you will see we have made several changes in order.

Very truly yours,

George W. MacDonald,  
Commission Counsel

GWMacD/ljb

Enclosure