

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 11, 1988

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

Dear Jamie:

Re: RCMP Contract Policing Services

I would appreciate a reply to my letter of January 5, 1988 a copy of which I enclose for your ready reference.

In addition to the request set out in my previous letter I would ask that you also forward a copy of the current Provincial Policing Agreement between the Government of Canada and the Province of Nova Scotia.

Thank you for your early attention to this matter. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

cc: Dr. Richard Apostle

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COMMISSIONER

February 10, 1988

Mr. Brian F. Bailey
Bailey and Black
Barristers & Solicitors
159 Portland Street
P. O. Box 532
Dartmouth, Nova Scotia B2Y 3Y8

Dear Mr. Bailey:

Re: Donald Marshall, Jr. - Royal Commission

I acknowledge your letter of February 3, 1988.

Superintendent Vaughan will be called to give evidence at the Commission Hearings. At the present time, the best estimate we can give you is that Superintendent Vaughan will be required some time during the month of May, 1988. As we get more precise in our estimates, I will keep you advised.

There are voluminous documents which have been introduced as exhibits. We have a complete set of exhibits at the Commission office and can arrange for you to attend at the office to review the volumes at some convenient time. We could also arrange to provide you with copies of any particular documents which you consider necessary. There are particular volumes of exhibits which deal with RCMP involvement. Volumes 19, 20 and 21 are relevant, and I suggest you may wish to review them first. Volume 34 is a compilation of many of the documents found in those other volumes.

Concerning your attendance at the Commission Hearings, the practice has been to allow witnesses to have their counsel present if they wish. Such counsel are entitled to register any objections they consider appropriate and to direct questions to their client after all cross-examination has been concluded and prior to any re-examination being conducted by Commission counsel.

We have followed the normal practice of asking witnesses to refrain from discussing their evidence once they have taken the witness stand. If you consider such a restriction would

Mr. Brian F. Bailey

February 10, 1988

cause you and your client some difficulties, please advise and we can discuss the matter, and if an accommodation cannot be reached, a question can be directed to the Commissioners.

Only those parties who have been granted standing are entitled to direct questions to witnesses other than their own client. Applications for standing were called a considerable time ago, and at that time, many individual members of the RCMP applied for, and were granted, standing. Superintendent Vaughan did not elect to make such an application and he is out of time at this stage. We, as Commission counsel, are quite willing to meet with you and to consider putting to other witnesses any questions which you consider are necessary to enable Superintendent Vaughan to protect his position. Alternatively, of course, you may wish to have Jim Bissell do this on behalf of your client.

We do have copies of all transcripts of evidence given before the Commission. May I suggest that you review the index of witnesses who have appeared and identify those witnesses whose evidence you wish to obtain. I note in particular your request for copies of the testimony of Messrs. MacIntyre, Pratico and Chant. You refer also to a "Mrs. Paris" and I am not aware of any evidence given by someone of that name. Could you perhaps be referring to "Mrs. Pratico"? Are you aware that Chief MacIntyre gave evidence for five days when you request copies of his evidence? Once you have had the opportunity to consider the foregoing, please give me a call and we can discuss the matter further. I will be in the Commission office on February 15th, 16th and 17th and then will be out of the City for the balance of February.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

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COMMISSIONER

February 10, 1988

Mr. Billy Joe MacLean
25 Philpott Street
Port Hawkesbury
Cape Breton, Nova Scotia B0E 2V0

Dear Mr. MacLean:

Re: Donald Marshall - Royal Commission

We spoke several times a couple of weeks ago concerning the statements made by Staff Sergeant Wheaton during his testimony relating to the investigation of a fire at a restaurant in Port Hawkesbury. You indicated you were prepared to allow me to obtain access to any files in the possession of the Attorney General's Department or the RCMP. I advised I would require your written authorization before those files would be made available to me. I am enclosing a form of written release which I would ask you to sign and return to me in order that I can obtain access to the file.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

Enclosure

P.S. Would you please date the enclosed consent form when you have signed it.

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R E L E A S E A U T H O R I Z A T I O N

TO: The Attorney General for the
Province of Nova Scotia
c/o Mr. Jamie W. S. Saunders

- and -

Royal Canadian Mounted Police
c/o Mr. James Bissell

I hereby consent to the release of any information contained in files in the possession of the Province of Nova Scotia, or any department thereof, and in the Government of Canada or the Royal Canadian Mounted Police relating to an investigation carried out respecting a fire which occurred at a restaurant in Port Hawkesbury, Nova Scotia in January, 1982. In particular, I authorize the release of any reports or other documents referring to any investigations carried out concerning my alleged participation in any activity leading to the fire.

DATED at Port Hawkesbury, Nova Scotia, this ____ day of
February, 1988.

Billy Joe MacLean

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February 10, 1988

THE HONOURABLE
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COMMISSIONER

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

Dear Clayton:

Re: Donald Marshall, Jr.

I refer to your letter of January 27, 1988. Cannot Junior Marshall testify to the cutting of the cuff on his jacket? Given the wish of all of us to limit the number of witnesses to those who are absolutely essential, I am reluctant to call Stewart Marshall to merely confirm evidence to be given by Junior.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

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COMMISSIONER

February 10, 1988

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

Dear Anne:

RE: MacKeigan, Hart, Jones, MacDonald
and Pace v. Hickman, Poitras and Evans

I acknowledge receipt of your letter of February 4,
1988.

The Application to quash the subpoenas was set down for
a regular chambers day on April 7th. I suspect a separate date
will be assigned for the hearing. I will advise you as soon as I
can as to when we have determined the course of action to be
followed.

Yours very truly,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 10, 1988

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:

Re: Disclosure of Documentation From Files of the
R.C.M.P. "H" Division and Headquarters

I refer to your letter of January 28th, 1988 and thank you for forwarding the materials to me.

I confirm that we will provide you with a minimum of 10 days notice of any intention to circulate any of these documents among other parties.

As you know, we have not yet been able to reach a decision as to the best manner to have any relevant materials presented to the Commission. I can assure you that we will make every possible effort to ensure that the interests of persons mentioned in any files are properly protected. Once we have decided on the manner of proceeding, we will discuss the matter further with you at that time.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

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COMMISSIONER

February 4, 1988

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

Dear Darrel:

Re: Your File #9201/1 - Scott Clark's Research

Further to your letters of January 15 and 27, 1988, I now enclose a subpoena with respect to the Sydney Crown Prosecutor's files.

I trust you will find this in order, but if not, please advise accordingly. Thank you for your co-operation. I remain,

Yours very truly,


John E.S. Briggs
Director of Research

JESB:jrc

enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

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

- and -

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

TO: Mr. Frank Edwards, Q.C., Crown Prosecutor
Crown Prosecutor's Office, 77 King's Road,
Sydney, Nova Scotia B1S 1A2

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

1. Produce and provide access to Commission Counsel/Research
staff within 10 days to the files listed on the attached
list and identified by blue, yellow, and green colour codes,
said files to be reviewed in the Prosecutor's office in
Sydney without copies thereof being made.

Files of the Cape Breton County Prosecutor's Office. (See
attached list)

WITNESS the Chairman of the Marshall Inquiry this
11th day of February, A.D., 1988.


CHAIRMAN

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

PERSONAL & CONFIDENTIAL

February 10, 1988

Mr. Walter I. Yeadon
Nova Scotia Legal Aid
5212 Sackville Street
Halifax, Nova Scotia
B3J 1K6

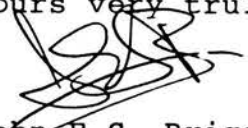
Dear Terry:

This is simply to confirm that, barring the unforeseen, you will be available to meet with Dr. Wilson Head on Thursday, February 18, 1988 at 12:00 noon at your office.

I understand that Dr. Head met with Barbara Beach of your office on Friday last. I also understood from our conversation last week that I could expect to hear from other staff lawyers regarding a possible meeting with Dr. Head. I would like to arrange, if at all possible, any such meetings for the period 17, 18 February.

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

Yours very truly,


John E.S. Briggs
Director of Research

JESB:jrc

cc: Dr. Wilson Head

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 10, 1988


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

Dear Darrel:

Further to yours of February 5, 1988 and our telephone conversation of today, this is to confirm our meeting Monday, February 15, 1988 at 2:00 p.m. at your offices on the 17th floor.

Thank you for your co-operation. I remain,

Yours very truly,


John E.S. Briggs
Director of Research

JESB:jrc

cc: Prof. Bruce Archibald

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
NOVA SCOTIA, B3J 3K5 902-424-4300

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

February 9, 1988

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

Dear Mr. Ryan:

Re: Adolphus Evers

Thank you for your letter of January 20, 1988 to George MacDonald. We are presently reconsidering whether or not it will be necessary to call Mr. Evers. In the event that we do decide to call him, it would be within the next session of the Hearings and we will advise you as far in advance as possible.

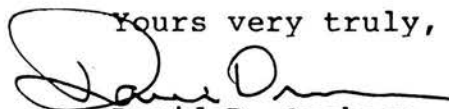
Mr. Evers has previously given evidence as follows:

July, 1971 - Volume 1 - pages 59-63
November, 1971 - Volume 1 - pages 102-106
July, 1982 - Affidavit - enclosed
December, 1982 - Volume 3 - pages 211-230
January 1985 - Volume 9 - pages 171-183

Mr. Evers' laboratory reports may be found in Volume 34, page 126 and pages 129-134.

If Mr. Evers testifies, we would expect to review his examinations and reports, and would ask him for his comments on the differing results reported in Staff Sergeant Wheaton's written reports as found in Volume 34 and as commented on in Staff Sergeant Wheaton's testimony before the Commission.

Yours very truly,



David B. Orsborn
Commission Counsel

DBO:jrc

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COMMISSIONER

February 8, 1988

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 Darrel:

Thank you for your letter of February 1st.

The video tapes of the testimony heard at the Public Hearings are still in the hands of the CBC. The Royal Commission will receive the tapes at the end of the Public Hearings. However, I do not believe there would be any problem getting a copy of some portion of the taped testimony directly from the CBC Film Library. I would suggest that you call them directly, if your contact wants to have the tape immediately. If, however, he or she would like to wait until the end of the Public Hearings, I am sure that we could arrange to have the copy made here, assuming that your client would pay for the cost of dubbing. I understand that the proceedings are ~~to~~ taped on 3/4 inch tape which is slightly larger than that normally used on ordinary video cassette recorders.

Yours very truly,



Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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COMMISSIONER

BY COURIER
CONFIDENTIAL

February 5, 1988

Mr. Gerald Taylor
Executive Director
Black United Front of Nova Scotia
2006 Gottingen Street
Halifax, Nova Scotia B3K 3A9

Dear Mr. Taylor:

Re: Discrimination Against Blacks in Nova Scotia and the
Criminal Justice System

Further to the lengthy meeting held this morning between yourself, Rocky Jones, Dr. Wilson Head and myself, I thought it might be helpful to confirm the points of concern which we discussed.

Firstly, I wish to advise that we are now undertaking a research project entitled "Discrimination in Sentencing" which is designed to examine the question of differential treatment of Blacks in sentencing. Hopefully, the results of this Study will shed some light on a number of questions, including whether or not Blacks receive harsher sentences. This project involves an examination of both police criminal records and the court records. The results will be incorporated within Dr. Wilson Head's principle research project as was envisaged in the Terms of Reference. (See Paragraph "d" page 1 of the Terms of Reference)

I can also advise that the issue of a Civilian Complaints Agency with respect to police behaviour is a matter which is being specifically addressed within the Terms of Reference of the Police Study. You have raised the question of how many formal complaints are filed, the procedure for handling those complaints, and their ultimate disposition. This is a question which we will address in our research.

The third specific concern which you raised related to the list of witnesses to be called before the public hearings. This is a matter which I have advised that you discuss with your Counsel, Mr. Ross. However, the procedure is that Commission Counsel called witnesses to give evidence before the Commission. Any party having standing before the Commission is entitled to request through their Counsel that Commission Counsel call a particular witness to give evidence on a matter which the party considers important and relevant to their interest. If Commission Counsel agrees with that request, the particular witness will be called. If there is disagreement then Counsel acting for the party in question may put the matter to the Commissioners who will then make a ruling.

As you will appreciate, to-date, virtually all of the witnesses who have been called before the public hearings have given testimony relating directly to Donald Marshall, Jr.,'s case, that is, his arrest, prosecution, conviction and subsequent events such as the 1982 RCMP reinvestigation. There are still a considerable number of witnesses yet to be called in respect of this first phase of the hearings.

The second phase of the hearings will deal with broader issues relating to the administration of justice in the province of Nova Scotia. Although the issue of racism has come up and been dealt with as appropriate during various stages of the public hearings, you can expect it to be given more detailed and concentrated attention during the second phase of the hearings. It has not yet been decided how the various research studies will be dealt with, although it is likely that at least some of them will be filed as exhibits and the principal researchers called to give testimony during the second phase.

As I have indicated, BUF is free to identify those witnesses whom they wish to have called. Again, I suggest that you work this out with your Counsel who will then discuss the matter with Commission Counsel.

Finally, I can assure you that we will be seeking your views on the results of Dr. Head's Study and there will be ample opportunity to discuss those results prior to drafting the final study report.

I trust you will find the foregoing in order, but should you have any questions or concerns relating to our meeting today, or any other matter please feel free to call me at any time. Thank you for your co-operation. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

February 8, 1988

Chief Blair Jackson
Halifax Police Department
1975 Gottingen Street
Halifax, Nova Scotia
B3S 2J1


Dear Sir:

Re: Access to Halifax Police Department Files

Further to my telephone conversation of February 5, 1988 with Inspector Claire of your Department, I now enclose the required subpoena.

The subpoena has been drafted pursuant to terms discussed with Inspector Claire. I trust you will find this in order. Thank you for your co-operation. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

attachment

cc: Winston Barnwell

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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: Chief Blair Jackson, Halifax Police Department
1975 Gottingen Street, Halifax, Nova Scotia B3S 2J1

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:

- provide access Research staff
1. Produce and ~~deliver~~ to Commission Counsel/within 5 days of receipt of this Order any and all such documents, reports and materials as may be in your possession or custody and relevant to the matters before the Inquiry, including, without restricting the generality of the foregoing:

"Criminal Records files" of the Halifax Police Department

WITNESS the Chairman of the Marshall Inquiry this
8th day of February, A.D., 1988.


CHAIRMAN

ROYAL COMMISSION ON THE DONALD MARSHA ., JR., PROSECUTION

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February 5, 1988

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

Dear Jamie:

As I mentioned to you a while ago, I would appreciate the opportunity to discuss communications between the Attorney General's Department and the Judiciary with witnesses to be called from the Attorney General's Department, including Harry How, Ron Giffin, Gordon Coles, Gordon Gale and Martin Herschorn.

We would like to get an overview of the nature of the discussions between the Attorney General's Department and the Judiciary prior to asking these sorts of questions when the witnesses are called.

Yours very truly,

J. Cork

W W. Wylie Spicer
Commission Counsel

WWS:jrc

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 4, 1988

PERSONAL AND CONFIDENTIAL

Mr. Robert Patterson
Room 414 - 7 South
Eaton Building
Toronto General Hospital
Elizabeth Street
Toronto, Ontario
M5G 2C4

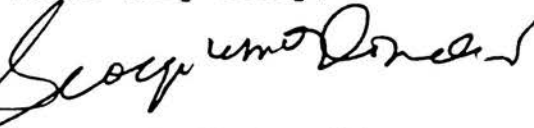
Dear Mr. Patterson:

Thank you for meeting with me in Toronto on
February 2.

I am enclosing copy of a transcript of my
notes which I dictated following the interview I had
with you on February 2. Please review the notes and
if you have any corrections to make, would you bring
them to my attention the next time we meet.

I will be discussing with my fellow counsel
the proposed date to have you give evidence and will
be in touch with you soon to discuss travel arrangements.
In the meantime I hope your recovery from recent surgery
continues to be as rapid as it has to date.

Yours very truly,



George W. MacDonald
Commission Counsel

GWMacD/fm
Encl.

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

February 3, 1988

Inspector L.C. Claire
Halifax Police Department
1975 Gottingen Street
Halifax, Nova Scotia
B3S 2H1

Dear Inspector Claire:

Re: Access to H.P.D. Files

Further to our telephone conversation of January 29, 1988, with respect to your Department's requirement for a subpoena, I would suggest that we follow a procedure similar to that which we are using to access files in the Crown Prosecutor's office.

In the past, our researchers have accessed the Prosecutor's files by firstly preparing a list of the files to which they wish access. This list is prepared with the assistance of the Crown Prosecutor's office as it is necessary as a preliminary matter to identify, for example, files which relate to Native offenders versus non-Native offenders.


Similarly, I think that Mr. Winston Barnwell would require your assistance in preparing a preliminary list of files relating to charges under Section 306 of the Criminal Code. The Royal Commission can then forward a subpoena to you with reference to those specific files. As I have indicated this is procedure which we have followed with the Department of the Attorney General. If this arrangement is satisfactory to you I will have Winston Barnwell contact you so that the list of files can be prepared.

Page 2
February 3, 1988

I would appreciate if you would be good enough to contact me upon receipt of this letter.

Thank you for your co-operation. I remain,

Yours very truly,

A handwritten signature in black ink, appearing to be "JESB", with a long horizontal line extending to the right.

John E.S. Briggs
Director of Research

JESB:jrc

cc: Winston Barnwell

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

February 3, 1988

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

Dear Darrel:

Re: Your File #9201/1

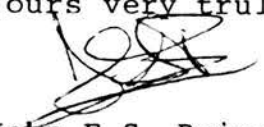
I have your letter of January 4, 1988 and apologize for the delay in responding.

To answer your question, you would not be a party to the peer group review process, nor can you expect to "have an opportunity to review draft reports before they are submitted to the Commissioners".

However, it is clear that your client will have ample opportunity to provide input to, for example, Bruce Archibald's Study on the Role of the Local Crown Prosecutor. There will of course be further opportunity to make views known with respect to any final research report. I trust the foregoing is responsive to your question but if not, please advise accordingly.

Thank you. I remain,

Yours very truly,


John E.S. Briggs
Director of Research

JESB:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

January 31, 1988

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

Dear Jim:

Re: RCMP Files - Thornhill

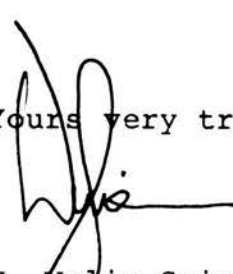
In reviewing the Ottawa Headquarters file I notice a reference in document 12 to a draft report by Assistant Commissioner R. R. Schramm concerning the management audit of H Division. This apparently refers to the decision-making process as between the RCMP and the Attorney General's Department. I would appreciate it if you could forward this material over to me.

There is also a reference in document 12 to a section of the RCMP Operational Manual III 1.D.1 and 1.A which would appear to deal with the same issues. I would appreciate it if you could arrange for us to receive this material as well.

I would like to have the material referred to above prior to my examination of Inspector Christen.

Kind regards.

Yours very truly,


W. Wylie Spicer,
Commission Counsel

WWS/ljb

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

BY COURIER

January 29, 1988

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


Dear Clay,

Thanks for your letter of January 19, 1988 concerning the Gass and Melinda MacLean files. With respect to the Correctional Service file, I would be interested in knowing through whom it was obtained and when. This concerns me because if it was obtained during the currency of the compensation negotiations between Cacchione and the Government, I would like to know that.

I look forward to your reply.

Kind regards,

Yours very truly,



W. Wylie Spicer
Commission Counsel

WWS/jm

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

January 29, 1988

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


Dear Clay,

I am now replying to your letter of January 19, 1988 concerning Peter Ashman.

I did visit with Peter Ashman when I was in London and, prior to making any decisions to whether or not we wish to call him as a witness, I do want to review the draft report which he is in the process of preparing. He did advise me that he will send us a copy of it as soon as it is available and, once I have assessed its usefulness to the Commission, I'll let you know whether we would intend to call him as a witness.

Kind regards,

Very truly yours,


W. Wylie Spicer,
Commission Counsel

WWS/jm

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

January 29, 1988

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

Dear Darrel:

I would appreciate it if you could forward to us the following material which we consider to be relevant to the mandate of Inquiry:

1. Minutes of the Tripartite Liason Committee (Chaired by the Minister of Social Services---try Allan Clarke, Aboriginal Affairs Coordinator).
2. Minutes of Cabinet's Aboriginal Affairs Committee Meetings (These are meetings with leaders in the native community).
3. Details of equalization grants or other financial arrangements whereby money is transferred by the federal government to the Province of N.S. for the provision of justice related services to Native people. This might include policing (esp. on Indian reserves), legal aid, young offenders, correction facilities, rehabilitation programs, court administration, etc.

We are advised that there may have been a court Provincial Advisory Council on Native people and the criminal justice system. We would appreciate it if you could find out if there was such a council and, if so, whether there are reports or minutes relating to it.


Mr. Darrel Pink

-2-

January 29, 1988

In Inspector Christen's letter, Volume 25, Page 24, there is a suggestion that there may have existed in or about 1978 "a criminal justice support group of Nova Scotia". Is there any material in connection with this and, if so, could you please forward it to me.

Yours very truly,



Wylze Spicer
Commission Counsel

WS/jm

cc: Jamie W. S. Saunders

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

BY COURIER

January 29, 1988

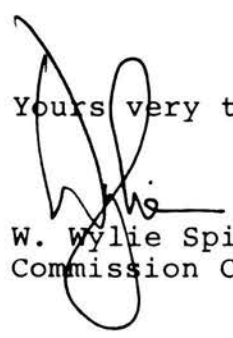
Mr. Jamie W. S. Saunders
Patterson, Kitz
Barristers & Solicitors
10 Church Street
Truro, Nova Scotia B2N 5B9

Dear Jamie:

I will do my best to schedule Ron Giffin sometime during the week of March 14th (I trust that you do not really want me to call him during the week of March 14th, 1877 as requested in your letter).

Kind regards.

Yours very truly,


W. Wylie Spicer,
Commission Counsel

WWS/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

January 29, 1988

BY COURIER

Dr. John J. Furedy
Professor of Psychology
University of Toronto
100 St. George Street
Sydney Smith Hall, Room 4024
Toronto, Ontario M4Z 3Y2

Dear Dr. Furedy:

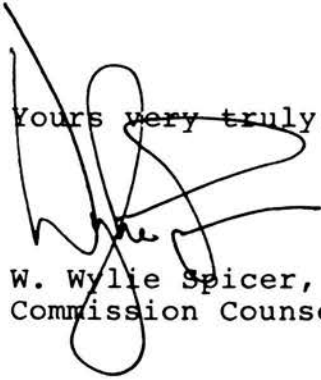
RE: Polygraph Evidence - Marshall Inquiry

I am enclosing, on the assumption that you would be interested, a copy of the transcript of the testimony given by Eugene Smith at the Inquiry in Halifax.

If you have any comments, feel free to let me know.

With kind regards,

Yours very truly,



W. Wylie Spicer,
Commission Counsel

WWS/jm

Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

January 29, 1988

BY COURIER

Dr. Ben Silverberg
10 Foxbar Road
Toronto, Ontario M4V 2G6

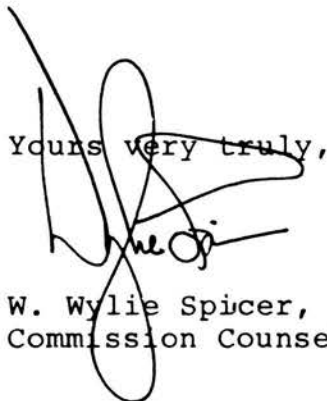
Dear Dr. Silverberg:

RE: Polygraph Evidence - Marshall Inquiry

On the assumption that you would be interested, I am enclosing a copy of the testimony given by Eugene Smith at the Inquiry in Halifax. I would be interested in any comments that you might have.

With kind regards,

Yours very truly,



W. Wyllie Spicer,
Commission Counsel

WWS/jm

Enclosure

ROYAL COMMISSION ON THE DONALD MARSHAL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

January 27, 1988

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

Dear Clayton

Thank you for your letter of January 21, 1988. I found your comments helpful and have passed copies of your letter along to the appropriate researchers.

Your concerns with respect to two of the studies - the Office of the Attorney General and the Role of the Local Crown Prosecutor - are in fact being examined by the respective researchers for those studies.

I am advised by the principal researcher for the Police Study that your suggestion can be incorporated into his study.

Your concern with respect to "...the question of how racial prejudice actually affects the jury system in Nova Scotia..." was first raised in the context of a discussion of jury simulation research. I believe that we examined your suggestion fully and fairly. You have a copy of Tony Doob's letter to me of December 2, 1987 which frankly only reinforced my earlier expressed reservations regarding engaging in this type of research.

We have however, picked up on Dr. Doob's suggestion that we utilize the data from the Charter Project. We expect to receive some preliminary data and analyses shortly. It is to be hoped that this data will shed some light on the racial attitudes which prevail in this region. It is difficult to anticipate how useful the data will be for the purposes of assisting in the formulation of policy recommendations. However, it was our view the Charter Project provided a potentially fruitful avenue worth exploring. In any event, I will let you know when the data comes in.

Clayton Ruby
Page 2
January 27, 1988

Please feel free to contact me if you have any additional concerns or comments. Thank you.

I remain,

Yours very truly,

A handwritten signature in dark ink, appearing to be 'JESB', written over a horizontal line.

John E.S. Briggs
Director of Research

JESB:jrc

P.S.: I was comforted to note on the front page of yesterday's Globe and Mail that Marlys' downtown Toronto office is, "posh"!

ROYAL COMMISSION ON THE DONALD MARSHALL JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

January 27, 1988

Chief Howard MacKenzie
Bedford Town Police
1405 Bedford Highway
Bedford, Nova Scotia
B4A 3C5

Dear Sir:

As part of its research program, the Royal Commission is conducting a background study of policing in Nova Scotia. We are particularly interested in the recruitment and selection of police officers, training policies, and operational practices which are relevant to the investigation of serious crimes. We wish to assess the nature and extent of co-operation among municipal police forces and the R.C.M.P. on these matters, and the ways in which basic procedures relate to the development of positive relationships with Natives, Blacks and other visible minorities.

The Commission expects that this background study will contribute to the formulation of recommendations which will be of benefit to both the public and police forces throughout the Province.

Dr. Richard Apostle, of Dalhousie University, will be the principal researcher responsible for this study. In order that Dr. Apostle's study should be as complete as possible within the time we have allowed for it, the Commission is anxious that Dr. Apostle should interview and collect data from a number of people within the Province who have responsibilities and concerns in the area of his study.

The Commission attaches great importance to this study and considers the assistance and co-operation of yourself and your organization to be essential to its completion.

Page 2
January 27, 1988

While I am sure the information we are seeking is quite straightforward, our staff does appreciate the need to respect confidentiality in certain circumstances. We will exercise appropriate discretion with respect to the use of material gathered during this study.

Dr. Apostle will be contacting you shortly to talk about his interests. His report to the Commission is expected to be submitted by March 31st, 1988.

Should you require any further information or credentials with respect to Dr. Apostle's study, please do not hesitate to get in touch with Mr. John Briggs, the Commission's Director of Research at the Commission offices.

I thank you in advance for any assistance or co-operation you may be able to extend to Dr. Apostle with respect to this important work.

Yours very truly,



Chairman

TAH:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

January 26, 1988

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

Dear Jamie:

Re: Management Studies with Reference to
Organization/Operation of Dept. of Attorney General

You will recall that we discussed this subject during our meeting with the Deputy Attorney General on Monday, January 18, 1988. I understand that Bruce Archibald subsequently met with Gerry Conrad and was advised that the Department was not prepared to release to him copies of the above-noted studies.

I have discussed this matter with Commission Counsel and now formally request that copies of the studies be made available for our examination. It is appreciated that there may be sections of these studies which are not directly relevant to the administration of justice in Nova Scotia. However, those sections of the studies which deal with the organization and operation of criminal prosecutions in the province are clearly relevant.

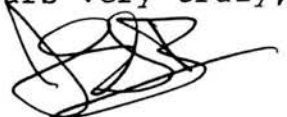
Might I suggest that we follow a similar procedure to that used in the past whereby we be allowed the opportunity to examine the studies in toto and identify those sections which we consider relevant for the purposes of the Royal Commission.

J.W.S. Saunders
Page 2
January 26, 1988

I look forward to hearing from you shortly. Thank you.

I remain,

Yours very truly,

A handwritten signature in black ink, appearing to be "J.E.S. Briggs", written over a horizontal line.

John E.S. Briggs
Director of Research

JESB:jrc

cc: George MacDonald

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

January 26, 1988

Dr. Peter Markesteyn
Chief Medical Examiner
Province of Manitoba
Room 120-770 Bannatyne
Winnipeg, Manitoba R3E 0W3

Dear Dr. Markesteyn:

Further to my telephone conversation of today with Chris Ring of your office, I wish to confirm that you will not be called as a witness during the month of February.

I will attempt to advise you shortly regarding the next most likely appearance date. Thank you for your co-operation. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

cc: George MacDonald

ROYAL COMMISSION ON THE DONALD MARSHAL JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

January 26, 1988

Mr. Gerald Taylor
Executive Director
Black United Front of Nova Scotia
2006 Gottingen Street
Halifax, Nova Scotia B3K 3A9

Dear Mr. Taylor:

Thank you for your letter of January 15, 1988 which arrived on Friday last.

I would be quite happy to meet with you at any time of mutual convenience. I telephoned your office this morning and I understand that you will be out of town for a few days. Perhaps, you would be good enough to contact me upon your return so that we may arrange a satisfactory time.

Thank you. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

January 25, 1988

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

Dear Jamie:

Re: Donald Marshall, Jr. Royal Commission

On January 20, 1988 Staff Sgt. Wheaton testified before the Inquiry in connection with a police investigation of a fire which took place in Port Hawkesbury, I believe in 1982. Allegedly, the police were considering possible arson charges against Billy Joe MacLean.

Staff Sgt. Wheaton testified that a copy of the R.C.M.P. report was delivered to the Attorney General's Department and subsequently found its way to Mr. MacLean. Could you please advise whether the Attorney General's Department has files concerning this matter. I would like to have the opportunity to attend at the Attorney General's Department to review such files and to determine what, if any, further steps should be taken by the Inquiry respecting the same.

Would you please seek instructions on this matter and let me have your advice as quickly as possible. I should advise that I have forwarded a similar request to the solicitor for the R.C.M.P.

I was contacted by Mr. MacLean on January 21. He advised that he would have no objection to my reviewing any materials in the files.

Yours very truly,

George W. MacDonald
Commission Counsel

GWMacD/fm

cc: Mr. Darrel I. Pink

January 25, 1988

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

Dear Mr. Bissell:

Re: Billy Joe MacLean

During the evidence of Sgt. Wheaton given at the Inquiry on January 20 reference was made to an R.C.M.P. report investigating the destruction by fire of a restaurant in Port Hawkesbury. There was a suggestion that arson charges were being considered. Further, Staff Sgt. Wheaton said that he understood a copy of the R.C.M.P. report was delivered to the Attorney General's Department and subsequently found its way into the hands of Mr. MacLean.

I would like to be able to review the R.C.M.P. files concerning that particular investigation and would ask if you could determine if such files are in Halifax and advise when I might have the opportunity to attend at your offices to look through them. I should advise that I have made a similar request of the solicitor for the Attorney General's Department.

I was contacted by Mr. MacLean on January 21. He advised that he would have no objection to my reviewing any materials in the files.

Yours very truly,

George W. MacDonald
Commission Counsel

GWMacD/fm

January 25, 1988

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

Dear Mr. Bissell:

Re: Donald Marshall, Jr., Royal Commission

On Friday, January 22, 1988, John Briggs and I attended at your offices to review materials which had been forwarded from Ottawa and which dealt with the Roland Thornhill matter. There was a numbered index of contents of the materials. I would appreciate if you could provide me with a copy of the index.

With respect to the actual documents, we would like to have copies of all documents except documents 21 and 22. Those latter documents relate to attempts to have the R.C.M.P. release documents during the civil litigation involving Mr. Thornhill and a local radio station and have no relevance to the issue with which we are dealing.

With respect to document No. 7, a portion is "blackened out". Would you please confirm that this portion is deleted because it contains names of persons or incidents which have no relevance or relation whatever to the Thornhill matter.

If you have any difficulty with producing the documentation to us, would you please advise immediately and we can discuss what procedure will have to be followed.

Yours very truly,

George W. MacDonald
Commission Counsel

GWMacD/fm

January 25, 1988

Dear Mr. Ashman:

Re: Marshall Inquiry

Thank you for taking the time to meet with me when I was in London last week. I most appreciate it.

Once you have prepared the first draft of your report I understand you will forward it to us on a confidential basis. Upon review we will let you know whether or not we are interested in having you give evidence before the Commission.

Kind regards.

Yours very truly,

W. Wylie Spicer

Mr. Peter Ashman
Justice
95a Chancery Lane
London WC2A 1BT

WWS/slb(6/34)

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

January 25, 1988

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 Mick:

I acknowledge your letter of January 20, 1988. Mr. Evers will not be giving evidence on January 26th, and at the present time he is not scheduled to give evidence at the Hearings during January and February. Later this week we will attempt to work out a schedule for witnesses for the March Hearings and the list will be forwarded to you.

I will arrange to get an evidence booklet concerning Mr. Evers to you as quickly as possible.

Very truly yours,

George MacDonald

George W. MacDonald, /ljb
Commission Counsel

GWMacD/ljb

10:30 AM
=AY'd
25/88

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

PERSONAL & CONFIDENTIAL

Dr. R. Tasker
Room 215, 14th Floor, Eaton Wing
Toronto General Hospital
200 Elizabeth Street
Toronto, Ontario M5G 2C4

Dear Doctor Tasker:

Re: Your Patient - Robert Patterson


Further to our telephone conversations of Tuesday, January 19, 1988, George MacDonald, Commission Counsel, is tentatively planning to be in Toronto on Friday, January 29, 1988.

If Mr. Patterson is up to it, Mr. MacDonald would like to meet with him on that day. I shall contact your office early next week to seek your advice as to the condition of your patient. Thank you for your co-operation.

I remain,

Yours very truly,



 John E.S. Briggs
Director of Research

JESB:jrc

cc: Dr. Wm. O. Geisler
George MacDonald

ROYAL COMMISSION ON THE DONALD MARSHAL JR., PROSECUTION

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

BY COURIER

PERSONAL & CONFIDENTIAL

January 22, 1988

Dr. Wm. O. Geisler
Wellesley Hospital
Jones Building, Room 119
160 Wellesley Street East
Toronto, Ontario M4Y 1J3


Dear Dr. Geisler:

Re: Your Patient - Robert Patterson

I enclose for your information a copy of my correspondence to Dr. Tasker of today's date. I understand that your patient, Robert Patterson will remain under Dr. Tasker's care at the Toronto General Hospital for perhaps another two weeks.

Thank you for your co-operation. I remain,

Yours very truly,


John E.S. Briggs
Director of Research

JESB:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

January 20, 1988

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 refer to our conversation this morning. We are interested in questioning Messrs. Rutherford and Fainstein about their knowledge of the Reference. In particular, discussions between Provincial and Federal personnel concerning the framing of the Reference will be reviewed.

I believe both Mr. Rutherford and Mr. Fainstein should be called, particularly since Mr. Fainstein has notes of conversations with Gordon Gale and we would rather Mr. Fainstein spoke to these directly.

We intend to call Mr. Rutherford and Mr. Fainstein on February 2nd.

Very truly yours,

W. Wylie Spicer,
Commission Counsel

WWS/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

January 18, 1988

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

Dear Darrel:

Re: Your File #9201/1

Further to your letter of January 6, 1988 enclosed herewith the following:

Natives in the Criminal Justice System in New Brunswick

You might note that this report has been produced in a "Blue Cover" under the auspices of the Research and Statistics Section of the Policy Planning and Development Branch of the Department of Justice. To-date I do not believe this report has been distributed for public consumption and I would therefore ask you to treat it on a confidential basis until otherwise advised. Thank you.

I remain,

Yours very truly,

John E.S. Briggs
Director of Research

JESB:jrc

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

January 18, 1988

Professor Joseph Fletcher
Centre of Criminology
University of Toronto
Toronto, Ontario M5S 1A1

Dear Joe:

Re: Charter of Rights Project

Further to our meeting of January 11, 1988 and our telephone conversation of Thursday, January 14th, I understand that you will be forwarding some preliminary data and analyses to Richard Apostle, Wilson Head, and Scott Clark.

You have indicated that \$3,000. would be a very safe upper limit with respect to the costs of meeting our requirements as indicated to-date.

Your co-operation and interest in the work of the Royal Commission is appreciated. I look forward to reviewing with interest, the preliminary data and analyses.

Thank you. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

cc: Richard Apostle

ROYAL COMMISSION ON THE DONALD MARSHAL JR., PROSECUTION

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

January 15, 1988

Dr. Peter Markesteyn
Chief Medical Examiner
Province of Manitoba
Room 120-770 Bannatyne
Winnipeg, Manitoba R3E 0W3

Dear Dr. Markesteyn:


Thank you very much for your report, dated January 11, 1988 which arrived the following day.

Further to our conversation of January 14, 1988, I enclose herewith a copy of the late Sandy Seale's medical records relating to his treatment following his admission to hospital after the stabbing incident. I trust that this is the documentation which you require, but should you need additional information, please do not hesitate to advise.

It would now appear that Commission Counsel will call you as a witness during the week of February 1, 1988. At the moment, February 2/3 appear to be the most likely dates. I would hope to be in a position to confirm a specific date with you within a few days. Your co-operation in this matter is greatly appreciated. Thank you.

I remain,

Yours very truly,



John E. S. Briggs
Director of Research

JESB:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

January 15, 1988

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

Dear Jamie:

Re: Gordon Coles

I refer to your letter of November 24, 1987. I would appreciate it if you would let me know whether or not Mr. Coles is prepared to meet with us along the lines set out in my letter of November 20. I will be unavailable from February 8 to March 2 and I would appreciate it if Mr. Coles could be seen prior to that break.

Yours very truly,

W. Wylie Spicer
Commission Counsel

WWS:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

January 15, 1988

Mr. Frank Edwards
Crown Prosecutor
Crown Prosecutor's Office
77 King's Road
Sydney, N.S. B1S 1A2

Dear Mr. Edwards:

Further to my telephone conversation with Darrel Pink this afternoon, I enclose herewith a list of files which have been identified by Mr. Scott Clark and concerning which he is being given access.

I understand that you have previously met with Mr. Clark and Mr. Pink and are fully conversant with the arrangements which have been agreed upon. Thank you for your co-operation. I remain,

Yours very truly,

John E.S. Briggs
Director of Research

JESB:jrc

cc: Darrel Pink

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

January 14, 1988

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

Dear Darrel:

. During the evidence of Innis MacLeod, he referred to the creation of the posts of Director-Civil and Director-Criminal for the Attorney General's Department. I understood these positions were created during the time Mr. MacLeod was Deputy Attorney General.

I would like to have copies of the job descriptions for the position Director-Criminal from the time of the creation of the position until the present. Could you please determine if such documents are in existence, and if so, arrange to provide a copy to me.

Yours very truly,

George W. MacDonald
Commission Counsel

GWMacD/ljb

cc: Jamie W. S. Saunders

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

January 14, 1988

BY COURIER

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

Dear Jim:

Re: James Carroll

You asked me if I could provide you with a copy of the transcript of the interview with James Carroll held at the Commission offices earlier this year.

We met Sergeant Carroll on April 10, 1987. In attendance were Charles Broderick and yourself and Jim Bissell. No tape recording of the interview was taken. As I indicated to you this week, I am going to be meeting with Sergeant Carroll and Charles Broderick on Monday and Tuesday, January 18th and 19th, to discuss the evidence he is going to be giving. I understand you do not wish to attend those meetings.

Yours very truly,

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

January 14, 1988

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

Dear Mr. Pugsley:

Re: John Pratico

I refer to your letter of December 16th, 1987.

We are advised by our investigators that Fred Horne and Jim Maloney met with Mr. Pratico on February 21, 1987. The meeting lasted from 9:00 a.m. to 1:15 p.m. The meeting resumed February 23rd from 1:30 p.m. to 2:30 p.m.

A further meeting was held on March 12th, 1987 with our investigators and lasted from 11:30 a.m. to 12:30 p.m. On all of those occasions our investigators were discussing with Mr. Pratico the events involved in this matter. Any further contacts they had with Mr. Pratico were to provide personal assistance at his request and to transport him back and forth to meetings with Commission counsel and attendance at the Hearings.

David Orsborn and I met with Mr. Pratico for approximately three quarters of an hour. I believe it was in February. Unfortunately, we did not keep records naming the various persons we met on any particular trip which we took.

Wylie Spicer met with Mr. Pratico on a couple of occasions in preparation for his giving evidence. Wylie advises that he cannot ascertain from his records how long he spoke with Mr. Pratico.

Yours very truly,

George W. MacDonald
Commission Counsel

GWMacD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

January 14, 1988

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

Dear Charles:

Would you please ensure that Corporal Carroll brings the original of his notebook to Halifax with him next week. We have to make copies of the contents as the ones which were forwarded to us are a little difficult to read. If we copy them again, the quality of the exhibits will not be very good.

Very truly yours,



George W. MacDonald,
Commission Counsel

GWMaCD/ljb

FAYED
4:34pm
1/14/88

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

January 13, 1988

Dr. Roland Perry,
Chief Medical Examiner
Province of Nova Scotia
5788 University Avenue
Dr. D. J. MacKenzie Bldg., West Wing
Halifax, Nova Scotia B3H 1V8

Dear Dr. Perry:

I am enclosing a copy of a report we have obtained from Dr. Markesteyn from the Province of Manitoba. Dr. Markesteyn will be speaking on the contents of this report during the Commission Hearings.

At the present time, we have asked both you and Dr. Markesteyn to give evidence on January 20th. It appears that the date may be optimistic, and I will be in touch with you very early next week to advise whether we will be proceeding with your evidence on that date.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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DEPUTY CHIEF JUSTICE T. ALEXANDER HICKMAN
DEPUTY CHIEF JUSTICE

DEPUTY CHIEF JUSTICE LAWRENCE A. POITRAS
DEPUTY CHIEF JUSTICE

HONOURABLE
JUSTICE GREGORY THOMAS EVANS
DEPUTY CHIEF JUSTICE

January 13, 1988

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

Dear Clayton:

Re: Donald Marshall, Jr.

We have considered your request that some arrangement be made to pay the expenses to be incurred by Mr. Marshall in attending the Hearings of the Commission being held in Halifax. We are unable to agree to make such funds available through the Commission.

The Terms of Reference establishing the Commission direct the Commissioners to approve for payment certain costs which are necessary for the purposes of the Inquiry. We cannot see any way to classify expenses incurred by Mr. Marshall for attendance at the Inquiry on a regular basis as costs incurred for the purposes of the Inquiry. If we require the attendance of Mr. Marshall for the purpose of meeting with Commission counsel or giving evidence, we would be prepared to reimburse him for any expenses incurred in attending at Halifax for those purposes.

I should point out similar requests for assistance from other parties who have been granted standing before the Commission have been refused for the same reason.

We did have one of our investigators obtain information on the costs which would necessarily be incurred to obtain accommodations at various locations in the Halifax area. I am enclosing a copy of that information which you may wish to provide to Mr. Marshall for his information.

Very truly yours,

George W. MacDonald
Commission Counsel

GWMacD/ljb
cc: Ms. Anne Derrick

led Jan 14/88

Junius Marshall
from Jim Maloney

Rooms for Rent Housekeeping

1. Bicentennial Motel - 4 Melrose Avenue, Halifax
phone: 443-9341
- hotel room with small fridge, sink, dishes, range (stove)
- weekly - \$170.00 + tax
- monthly - \$550.00 (tax included)
2. Wedgewood Motel - 374 Bedford Highway, Halifax
phone: 443-1576
- room with fridge/stove/oven - dishes included
- Bedroom
- 1 person - \$250.00 per week
- \$550.00 per month
3. Stardust Motel - 1067 Bedford Highway, Bedford
phone: 835-3316
- room with double bed and kitchenette with fridge/stove and dishes
- 1 person - \$145.00 per week
- \$575.00 per month
4. Ambassador All Suite Hotel - 356 Windmill Rd., Dartmouth
phone: 465-1112
- stove/fridge, living room, bedroom with 2 double beds, cable t.v., phone, bathroom, \$20.00 for dishes, pots and pans
- beds changed once a week
- clean towels everyday
- no toaster
- 1 person - \$275.00 per week + tax
- \$890.00 per month - no tax
5. Winnie's Lodge - Inglis Street, Halifax
phone: 423-8974
- room with kitchen facilities
- must supply own dishes
- \$90.00 per week
6. 6273 North Street - between Windsor and Oxford, Halifax
phone: 861-3288
- stove, fridge, sink
- no dishes
- \$70.00 - \$85.00 weekly
- can be viewed between 6-8 p.m. - center door

7. 2468 Robie Street - Robie Street, Halifax
phone: 423-8492
- room with fridge, stove, sink
- no dishes/ no linen
- shared bath
- \$75.00 - \$85.00 - \$90.00 per week
- near commons
8. Central Halifax - Halifax
phone: 443-2709
- large room with stove and fridge
- no answer last night.

ROYAL COMMISSION ON THE DONALD MARSHAL JR., PROSECUTION

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

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

January 12, 1988

Mr. Ronald J. Downie, Q.C.
Cox, Downie & Goodfellow
Barristers & Solicitors
1100 Purdy's Wharf Tower
1959 Upper Water Street
Halifax, Nova Scotia B3J 3E5

Dear Mr. Downie:

Thank you for your letter of January 11th. I note that you act for all five Justices in their judicial capacity, and would advise that my letter addressed to Mr. Justice Pace was forwarded to Mr. Jamie Saunders with a request to advise me if he was not acting for Mr. Justice Pace in his judicial capacity. As you indicate, all further communication will be between counsel.

The process through which Mr. Marshall was acquitted, including the eventual Reference to the Appeal Division of the Nova Scotia Supreme Court is of obvious interest to the Commission. The Reference has been the subject of considerable comment, and the Commission feels it both necessary and appropriate to review the Reference and related matters in a manner as comprehensive as possible.

I am not unmindful of the sentiments you express in your letter, but when the administration of justice has been called into question, the desirability of publicly addressing such questions may outweigh any ability your clients may have to decline to participate. Indeed, if a privilege or immunity is to be claimed, it may be in the overall interest of the administration of justice that such privilege or immunity be claimed and explained publicly, and, if necessary tested by appropriate means. I should also point out that a Reference may or may not be the type of proceeding to which a privilege attaches, and that in any event, some of the areas in which we are interested go beyond any pure judicial function. These areas include the composition of the Court, the record before the Court, and the letter of transmittal following the decision.


old
CMR
Jan 21 1988

R.J. Downie
Page 2
January 12, 1988

The Commission is prepared to issue subpoenas to the five Justices returnable on the afternoon of February 4, 1988. Would you kindly advise me if you are authorized to accept service of these on behalf of the Justices.

I would propose to serve the subpoenas tomorrow, January 13th, but I would be happy to meet with you before so doing, if you feel it would be useful to discuss the issues raised by our correspondence.

Yours very truly,

A handwritten signature in cursive script, appearing to read "David Orsborn".

David B. Orsborn
Commission Counsel

DBO:jrc

January 8, 1988

Mr. Donald C. Murray
Stewart, MacKeen & Covert
Barristers and Solicitors
P. O. Box 997
Halifax, Nova Scotia
B3J 2X2

Dear Mr. Murray:

Re: Attendance at Halifax Sittings

I acknowledge your letter of December 14, 1987.

I agree with your assessment that the witnesses you identified should not give any evidence which would touch your client in any way. I am not aware of any evidence to be given by those witnesses which would refer to Mr. Urquhart.

By now you will have received a listing of the witnesses proposed to be called in January/February, 1988. In addition to the ones you identified, I suggest K. Lynk, A. Walsh, Dr. R. Perry, Dr. P. Markesteyn, D. Rutherford, R. Feinstein, D. McConkey, A. Estabrooks, Parole (Ottawa) and R. Anderson would fall into the same category.

Yours very truly,

George W. MacDonald
Commission Counsel

GWMacD/fm

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

January 8, 1988

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

The Lord Nelson Hotel
P.O. Box 700
Halifax, N.S. B3J 2T3

Attention: Catherine A. Meery
Sales and Functions Coordinator

Dear Catherine,

Attached are the signed contracts relating to the room bookings for the Hearings of the Royal Commission on the Donald Marshall, Jr., Prosecution. It will certainly be much more convenient to us to rent the rooms to be used as our office and the media room on a weekly basis so that we will not have to move our documents and equipment on days for which no Hearings are scheduled.

According to my calculations, the total cost of renting all of the rooms for our normal four-day week will be as follows:

Imperial Ball Room:	\$325 x 4 =	\$1,300.00/Week
Salons 5 & 6:		\$ 500.00
Salon 4:	\$60 x 4 =	\$ 240.00
Belleisle Room:		\$ 500.00
Kettle Creek Room:	\$75 x 4 =	\$ 300.00

Total For Week:		<u>\$2,840.00</u>
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Assuming that we sit for six, four-day weeks and one, three-day week, as is presently contemplated by the schedule, the total room rental amount should be in the vicinity of \$19,500.00. While we are certainly committed to coming to the Lord Nelson and very much appreciate all of the assistance that you have given us to date, we are obviously concerned about the cost of the Public Hearings and are making every effort to ensure that all costs are reasonable and justifiable. These new room rental rates would seem to supercede those indicated in Judy Yorke's letter to Lois Dyer dated July 28, 1987. In that letter, Ms. Yorke indicated that Mr. Neil Franklin had agreed to reduce the meeting room charges by \$100 per day. I would hope that we might be able to convince Mr. Franklin to make a similar generous gesture in relation to these new rates as it was partly on the basis of that

Lord Nelson Hotel

-2-

January 8, 1988

reduction that we did agree to hold the Hearings at the Lord Nelson.

In any event, we look forward to being at the Lord Nelson for the Public Hearings and want to thank you for all of your help in making the arrangements.

Yours truly,

A handwritten signature in cursive script, appearing to read "Susan Ashley".

Susan M. Ashley
Commission Executive
Secretary

SMA/jm

cc: Mr. N. Franklin
President, Lord Nelson

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

January 5, 1988

To Counsel for all Parties Granted Standing:

Enclosed is a list of those witnesses to be called during the sittings to be held in January and February. We will attempt to maintain the chronology as set out, but you will be aware from experiences in Sydney that at times changes are required to be made to accommodate witnesses' schedules and other unforeseen events.

We are also enclosing a brief description of most witnesses and an indication of the evidence we expect to be given by the witnesses. We do not consider it necessary to provide descriptions for those persons who are well known to all of us. This listing is being provided for the benefit of counsel and we would ask that it not be circulated.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

Enclosures

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

January 5, 1988

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:

Re: Police Study: Examination of Police
Organization, Training Standards and Practices in Nova Scotia

This is in reply to your letter of December 31, 1987
addressed to George MacDonald.

The primary focus of the above-noted study is on current
policing services in Nova Scotia. However, the report which will
be generated by the study may well make reference to the
situation which existed in 1971 and subsequent changes.

The research team consists of Dr. Richard Apostle,
Professor Don Clairmont, both sociologists with Dalhousie
University, and Dr. Philip Stenning of the Criminology Centre,
University of Toronto. The study will be based upon, inter alia,
base line data generated and collected by the researchers,
documentation provided by police forces and other relevant
agencies, relevant literature in the field today, and numerous
personal interviews.

I trust the foregoing is responsive to your inquiry.
However, if you should require further information, please do not
hesitate to give me a call.

Thank you. I remain,

Very truly yours,

John E. S. Briggs,
Director of Research

JESB/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

January 5th, 1988

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

Dear Jamie:

RE: RCMP Contract Policing Services

We have a copy of the standard Provincial Policing Agreement between the Government of Canada and the Province of Nova Scotia. I understand, however, that there is a modified standard contract which deals with "extended coverage" in six specified rural areas.

In addition, I understand that there are contracts with ten specified towns for the provision of RCMP policing services. We would appreciate receiving a copy of the modified standard contract dealing with extended coverage and also a sample contract providing policing services to one of the specified towns.

If you should have any questions, please do not hesitate to give me a call. Thank you for your attention to this matter. I remain,

Yours very truly,

John E. S. Briggs,
Director of Research

JESB/ljb

cc: Dr. Richard Apostle

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

January 5th, 1988

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

Dear Jamie:

I would appreciate it if you would facilitate a meeting between Professor Bruce Archibald, myself and the Deputy Attorney General, Mr. MacDonald.

The purpose of the meeting would be to discuss various questions and policy issues which arise out of Professor Archibald's study with respect to the role of the local crown prosecutor in Nova Scotia.

Might I suggest as possible meeting dates the afternoon of January 13th, any time on Friday, January 15th, or any time on Monday, January 18th, 1988. I shall provide very shortly a list of the crown prosecutors to be interviewed.

I look forward to hearing from you at your earliest convenience. Thank you. I remain,

Yours very truly,

John E. S. Briggs,
Director of Research

JESB/ljb

cc: Professor Bruce Archibald

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

January 5, 1988

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


Dear Anne:

RE: Statement of Account dated December 16, 1987

I have gone over your statement of account covering the period from November 15, 1987 to December 14, 1987 (Invoice No. 2932).

The only item which I would question is the December 10th entry relating to your discussion with Cletus Hallahan and his daughter. I am not sure whether this discussion was relevant to the work of the Commission. However, I do feel that there is sufficient question about that issue to justify the time being billed to the Commission. On that matter, I have asked Fred Horne, one of our investigators, to review the clippings that were sent to us by Mr. Hallahan and to talk to him to determine whether there is anything that he might add to our Inquiry. I will let you know the results of Fred's investigation. I will authorize a cheque in the amount of \$9,522.24 to be prepared immediately.

Yours very truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/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

January 5, 1988

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 Mick:

Re: Corporal Gary Green

This will acknowledge receipt of your letter dated
January 4, 1988.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

JAN 05 1988

STEWART MacKEEN & COVERT
BARRISTERS AND SOLICITORS

J. WILLIAM E. MINGO, Q.C.
J. THOMAS MacQUARRIE, Q.C.
DONALD H. OLIVER
DONALD H. McDOUGALL, Q.C.
JOHN S. McFARLANE, Q.C.
CARMAN G. McCORMICK
JOHN D. MURPHY
ROBERT P. DEXTER
KARIN A. McCASKILL
R. CAMILLE CAMERON
NANCY I. MURRAY
T. ARTHUR BARRY
JOHN MacL. ROGERS
RICHARD A. HIRSCH
JAMES M. DICKSON

JOHN D. MOORE, Q.C.
DAVID A. STEWART, Q.C.
G. DAVID N. COVERT, Q.C.
J. GERALD GODSOE, Q.C.
WILLIAM L. RYAN
DAVID MILLER
JOHN D. PLOWMAN
TIMOTHY C. MATTHEWS
ROBERT G. GRANT
MICHAEL T. PUGSLEY
CHARLES S. REAGH
D. GEOFFREY MACHUM
DONALD C. MURRAY
JAMES B. WOODER
DAVID P. S. FARRAR

RONALD N. PUGSLEY, Q.C.
GEORGE A. CAINES, Q.C.
JAMES S. COWAN, Q.C.
JOEL E. PINK, Q.C.
RICHARD K. JONES
DOUGLAS J. MATHEWS
JONATHAN C. K. STOBIE
BARBARA S. PENICK
MARK E. MacDONALD
GLEN V. DEXTER
ELIZABETH M. HALDANE
ERIC L. BURTON
LAWRENCE J. STORDY
R. BLOIS COLPITTS

DONALD A. KERR, Q.C.

COUNSEL
BRIAN FLEMMING, Q.C.

HUGH K. SMITH, Q.C.

PURDY'S WHARF TOWER ONE
1959 UPPER WATER STREET
HALIFAX, CANADA

CORRESPONDENCE
P. O. BOX 997
HALIFAX, CANADA B3J 2X2

TELEPHONE (902) 420-3200
TELECOPIER (902) 420-1417
TELEX 019-22593

DIRECT DIAL (902) 420-

OUR FILE REFERENCE:

January 4, 1988

DELIVERED BY HAND

The Commission on the
Donald Marshall Jr. Prosecution
Maritime Centre
Suite 1026, 1505 Barrington Street
Halifax, Nova Scotia
B3J 3K5

Attention: George W. MacDonald, Q.C.

Dear George:

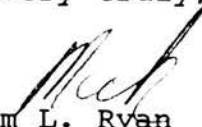
Re: Corporal Gary Green

This is to formally notify you that I have been informed by Corporal Green that he does not have any documentation in his possession relating to the Marshall inquiry.

Therefore, he will not be able to bring any documentation with him at the time he gives his evidence.

Kindly acknowledge receipt of this letter at your earliest convenience.

Yours very truly,


William L. Ryan

WLR:ss
c.c.to: Corporal G.L. Green

C0542101

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

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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

January 5, 1988

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

Dear Mr. Saunders:

As you are aware, the Commission is reviewing as part of its mandate the 1982 Reference to the Court of Appeal.

The decision in the Reference has been subject to some public criticism for the apparently obiter comments in the last two pages. These comments were directed at Mr. Marshall's responsibility for his predicament and were later referred to frequently by those considering compensation for Mr. Marshall. In addition, a question has been raised concerning the participation in the Reference by Mr. Justice Pace, who was Attorney General at the time of Mr. Marshall's conviction.

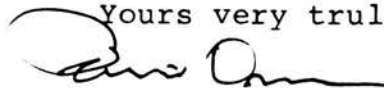
After our own review, we are unsure of the record relied on by the Court in reaching its conclusions. It is not clear what affidavits were before the Court - reference is made in the reasons to certain affidavits but the transcript suggests that the affidavits were not in fact before the Court. In addition, we would like to understand why the affidavits (and cross-examination) of the potential police witnesses were not admitted, given the possible importance of these witnesses in determining why 1971 witnesses were now recanting.

On May 10, 1983, in then Chief Justice MacKeigan's letter of transmittal to the Honourable Mark MacGuigan, he indicated that the judgement of the Court contained "an opinion on the many factors which led to this miscarriage of justice within the judicial system". We would be interested in knowing precisely what these factors were, if in Mr. Justice Pace's opinion there was in fact a miscarriage of justice as contemplated by section 613(1)(a)(iii) of the Criminal Code, and whether the judgement is intended to indicate that there was or was not in fact such a miscarriage of justice.

J.W.S.Saunders
Page 2
January 5, 1988

Commission Counsel believe it is necessary and appropriate to request the attendance of Mr. Justice Pace before the Inquiry to respond to questions arising from the issues noted above. This of course would be an extension of his testimony in connection with his role as Attorney General in 1971. I would point out that we also intend to call Mr. Justice MacKeigan, and are considering calling the other three justices who sat on the Reference. We are presently writing each of the justices concerned to alert them to our intentions, and as we are aware of some of the concerns that arise from a judge's being called to testify, we would be grateful for an early opportunity to meet with you and Mr. Justice Pace to discuss his attendance at the Inquiry and his response to the issues outlined above. If you are not acting for Mr. Justice Pace in his judicial capacity perhaps you could advise us and we will then communicate with him directly.

Yours very truly,



David B. Orsborn
Commission Counsel

DBO:jrc
SAUNDERS.LTR

Note: Our present intention is to schedule the Court of Appeal justices for early February.

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

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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

January 5, 1988

Hon. Mr. Justice Angus L. Macdonald
Supreme Court of Nova Scotia
Appeal Division
1815 Upper Water Street
Law Courts Building
Halifax, Nova Scotia B3J 1S7

My Lord:

As part of its mandate, the Commission is reviewing the 1982 Reference to the Court of Appeal by the Federal Minister of Justice. As a result of this Reference, the court set aside Mr. Marshall's 1971 conviction and directed that a verdict of acquittal be entered.

The decision in the Reference has been subject to some public criticism for the apparently obiter comments in the last two pages. These comments were directed at Mr. Marshall's responsibility for his predicament and were later referred to frequently by those considering compensation for Mr. Marshall.

After our own review, we are unsure of the record relied on by the Court in reaching its conclusions. It is not clear what affidavits were before the Court - reference is made in the reasons to certain affidavits but the transcript suggests that the affidavits were not in fact before the Court. In addition, we would like to understand why the affidavits (and cross-examination) of the potential police witnesses were not admitted, given the possible importance of these witnesses in determining why 1971 witnesses were now recanting.

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Hon. Mr. Justice A.L. Macdonald
Page 2
January 5, 1988

While we have not yet reached a firm decision, Commission Counsel believe it may be necessary and appropriate to request your attendance at the Inquiry to respond to questions arising from the issues noted above. I am writing at this time to alert you of our intention, and since we would like to schedule any appearance for early February, George MacDonald and I would be grateful for an early opportunity to meet with you to discuss your attendance.

Yours very truly,

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

David B. Orsborn
Commission Counsel

DBO:jrc
JONES.LTR

ROYAL COMMISSION ON THE DONALD MARSHALL, J., PROSECUTION

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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

January 5, 1988

Hon. Mr. Justice J.L.S. Hart
Supreme Court of Nova Scotia
Appeal Division
1815 Upper Water Street
Law Courts Building
Halifax, Nova Scotia B3J 1S7

My Lord:

As part of its mandate, the Commission is reviewing the 1982 Reference to the Court of Appeal by the Federal Minister of Justice. As a result of this Reference, the court set aside Mr. Marshall's 1971 conviction and directed that a verdict of acquittal be entered.

The decision in the Reference has been subject to some public criticism for the apparently obiter comments in the last two pages. These comments were directed at Mr. Marshall's responsibility for his predicament and were later referred to frequently by those considering compensation for Mr. Marshall.

After our own review, we are unsure of the record relied on by the Court in reaching its conclusions. It is not clear what affidavits were before the Court - reference is made in the reasons to certain affidavits but the transcript suggests that the affidavits were not in fact before the Court. In addition, we would like to understand why the affidavits (and cross-examination) of the potential police witnesses were not admitted, given the possible importance of these witnesses in determining why 1971 witnesses were now recanting.

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Hon. Mr. Justice J.L.S. Hart
Page 2
January 5, 1988

While we have not yet reached a firm decision, Commission Counsel believe it may be necessary and appropriate to request your attendance at the Inquiry to respond to questions arising from the issues noted above. I am writing at this time to alert you of our intention, and since we would like to schedule any appearance for early February, George MacDonald and I would be grateful for an early opportunity to meet with you to discuss your attendance.

Yours very truly,

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

David B. Orsborn
Commission Counsel

DBO:jrc
JONES.LTR

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

January 5, 1988

Hon. Mr. Justice Malachi Jones
Supreme Court of Nova Scotia
Appeal Division
1815 Upper Water Street
Law Courts Building
Halifax, Nova Scotia B3J 1S7

My Lord:

As part of its mandate, the Commission is reviewing the 1982 Reference to the Court of Appeal by the Federal Minister of Justice. As a result of this Reference, the court set aside Mr. Marshall's 1971 conviction and directed that a verdict of acquittal be entered.

The decision in the Reference has been subject to some public criticism for the apparently obiter comments in the last two pages. These comments were directed at Mr. Marshall's responsibility for his predicament and were later referred to frequently by those considering compensation for Mr. Marshall.

After our own review, we are unsure of the record relied on by the Court in reaching its conclusions. It is not clear what affidavits were before the Court - reference is made in the reasons to certain affidavits but the transcript suggests that the affidavits were not in fact before the Court. In addition, we would like to understand why the affidavits (and cross-examination) of the potential police witnesses were not admitted, given the possible importance of these witnesses in determining why 1971 witnesses were now recanting.

On May 10, 1983, in then Chief Justice MacKeigan's letter of transmittal to the Honourable Mark MacGuigan, he indicated that the judgement of the Court contained "an opinion on the many factors which led to this miscarriage of justice within the judicial system". We would be interested in knowing precisely what these factors were, if in your opinion there was in fact a miscarriage of justice as contemplated by section 613(1)(a)(iii) of the Criminal Code, and whether the judgement is intended to indicate that there was or was not in fact such a miscarriage of justice.

Hon. Mr. Justice M. Jones
Page 2
January 5, 1988

While we have not yet reached a firm decision, Commission Counsel believe it may be necessary and appropriate to request your attendance at the Inquiry to respond to questions arising from the issues noted above. I am writing at this time to alert you of our intention, and since we would like to schedule any appearance for early February, George MacDonald and I would be grateful for an early opportunity to meet with you to discuss your attendance.

Yours very truly,

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

David B. Orsborn
Commission Counsel

DBO:jrc
JONES.LTR

ROYAL COMMISSION ON THE DONALD MARSHALL, J., PROSECUTION

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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

January 5, 1988

Hon. Mr. Justice Ian MacKeigan
Supreme Court of Nova Scotia
Appeal Division
1815 Upper Water Street
Law Courts Building
Halifax, Nova Scotia B3J 1S7

My Lord:

As part of its mandate, the Commission is reviewing the 1982 Reference to the Court of Appeal by the Federal Minister of Justice. As a result of this Reference, the Court set aside Mr. Marshall's 1971 conviction and directed that a verdict of acquittal be entered.

The decision in the Reference has been subject to some public criticism for the apparently obiter comments in the last two pages. These comments were directed at Mr. Marshall's responsibility for his predicament and were later referred to frequently by those considering compensation for Mr. Marshall. In addition, a question has been raised concerning the participation in the Reference by Mr. Justice Pace, who was Attorney General at the time of Mr. Marshall's conviction.

After our own review, we are unsure of the record relied on by the Court in reaching its conclusions. It is not clear what affidavits were before the Court - reference is made in the reasons to certain affidavits but the transcript suggests that the affidavits were not in fact before the Court. In addition, we would like to understand why the affidavits (and cross-examination) of the potential police witnesses were not admitted, given the possible importance of these witnesses in determining why 1971 witnesses were now recanting.

Hon. Mr. Justice I. MacKeigan
Page 2
January 5, 1988

On May 10, 1983, your letter of transmittal to the Honourable Mark MacGuigan indicated that the judgement of the Court contained "an opinion on the many factors which led to this miscarriage of justice within the judicial system". We would be interested in knowing precisely what these factors were, if in your opinion there was in fact a miscarriage of justice as contemplated by section 613(1)(a)(iii) of the Criminal Code, and whether the judgement is intended to indicate that there was or was not in fact such a miscarriage of justice.

Commission Counsel believe it is necessary and appropriate to request your attendance at the Inquiry to respond to questions arising from the issues noted above. We are not unmindful of concerns which surround a judge's giving testimony in any proceeding, and we would like to schedule any appearance for early February, George MacDonald and I would be grateful for an early opportunity to meet with you to discuss your attendance before the Inquiry.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'David B. Orsborn', with a long horizontal flourish extending to the right.

David B. Orsborn
Commission Counsel

DBO:jrc
MACKEIGA.LTR

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
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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

January 5, 1988

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 enclose the original and copy of a subpoena directed to Inspector Wardrop. We had been advised that he would require this subpoena for his records, and I assume service on you is sufficient. If personal service must be effected, would you let me know immediately.

Very truly yours,



George W. MacDonald,
Commission Counsel

GWMacD/ljb

Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

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

- and -

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

TO: INSPECTOR DONALD WARDROP
2306-505 Rouge Road
Winnipeg, Manitoba R3K 1Y3

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

1. Produce and deliver to Commission Counsel within 6
days of receipt of this Order any and all such
documents, reports and materials as may be in your
possession or custody and relevant to the matters
before the Inquiry, including, without restricting the
generality of the foregoing: personal notebooks and/or diaries.
2. Attend at the Hearings of the Marshall Inquiry in the
Imperial Ballroom of the Lord Nelson Hotel, 1515 South Park
Street, Halifax, Nova Scotia on January 11, 1988 at 9:30
a.m. and thereafter as may be required.

5th WITNESS the Chairman of the Marshall Inquiry this
day of January, A.D., 1988.


CHAIRMAN

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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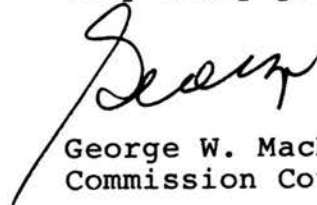
January 5, 1988

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 Ron:

I refer to your letter of December 18th, 1987 and confirm that Superintendent Vaughan will be called as a witness in Halifax, although not during the month of January. When the witness list is forwarded to you within the next few days, you will see our best estimate of the time when he is likely to be called.

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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BY COURIER

January 5, 1988

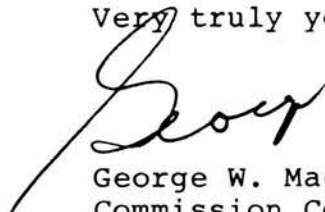
Mr. Jamie W. S. Saunders
Patterson, Kitz
Barristers & Solicitors
10 Church Street
P. O. Box 1068
Truro, Nova Scotia B2N 5B9

Dear Jamie:

RE: Judge Robert Anderson

I confirm our telephone advice given to you within the past several days that of the dates suggested by Judge Anderson for his appearance, we have determined that February 3, 1988 is the most convenient time. We have scheduled his evidence to be heard on that day.

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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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

January 5, 1988

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

Dear Mr. Bissell:

Re: Correctional Service and Parole Board Material

I refer to my letter of December 17, 1987 which enclosed documents concerning the Correctional Service and Parole Board which we would intend to introduce at the Halifax Hearings. To-date I have not heard from you as to whether or not you have any objection to the introduction of these materials and I would appreciate if you could get back to me as soon as possible.

I understand from Al Pringle that you require further statement as to why we wish to call representatives of the Correctional Service and Parole Board. I refer you to my letter of May 28, 1987 in which I set out several reasons for the Commission being interested in the National Parole Board and Correctional Service. Those reasons were stated as follows:

1. It may be that if the information contained in these files had been available to Mr. Marshall's solicitors at the time decisions were made concerning compensation that issue may have been resolved differently. You will remember that Mr. Cacchione requested such material and was denied access to it.
2. The input of Chief MacIntyre with respect to decisions being made on Mr. Marshall's parole applications is relevant to the Inquiry.

J.D. Bissell
Page 2
January 5, 1988

3. The prison experience is of interest to the Commission since it gives some real meaning to the obvious necessity to come out with recommendations to ensure that this sort of thing does not happen again.

4. The Parole Board's policy concerning admission of guilt and parole eligibility is a fact that interests the Inquiry.

Our intention has not changed since May.

The witnesses that we would like to call would include Jack Stewart; the persons who carried out the Community Assessments in connection with Junior Marshall's eligibility for temporary leaves of absence, etc.; Arnold Estabrooks, whom I understand to have been Junior Marshall's plumbing instructor, and Diahann McConkey.

We had originally intended to call these witnesses next week, preferably on January 13th. We would therefore appreciate if you could give us access to these people this week so that we may go through their testimony with them.

Kind regards,


Yours 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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

January 4, 1988

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:

Thank you for your letter of December 29th, 1987.

We do not have a typewritten copy of the notes of Mr. Aronson and Mr. Edwards contained in Volume 29. We have found that the handwritten notes are sufficiently legible for our purposes. However, I will endeavour to have the notes typed for you as staff and time permit over the next few weeks.

Yours very truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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January 4, 1988

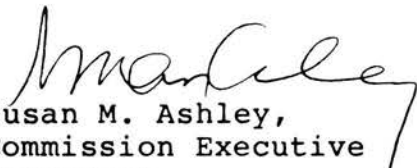
Mr. Donald C. Murray
Stewart, MacKeen & Covert
Barristers & Solicitors
Purdy's Wharf Tower One
1959 Upper Water Street
P. O. Box 997
Halifax, Nova Scotia B3J 2X2

Dear Don:

I was just speaking with George MacDonald who advised me that you were waiting to hear from us on the matter of payment to Mr. Urquhart's doctor for a written opinion of his ability to testify, prior to making the request to the doctor. I have re-read your December 14th letter and must admit that I thought that you were merely advising us of what you were going to do rather than asking for our consent to do so.

In the event that there is any fee for the doctor providing a written report on Mr. Urquhart's health and ability to testify over and above that which is paid by MSI, we would be prepared to cover the cost.

Very truly yours,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 30, 1987

Mr. H. N. Yacowar,
Director
Policy and Support Services
Criminal Justice Branch
Province of British Columbia
3rd Floor, Harbour Square
910 Government Street
Victoria, British Columbia V8V 1X4

Dear Mr. Yacowar:

RE: Crown Counsel Manuals - Policy and Procedure

Thank you for your letter of December 17, 1987.

I note that Volume 2 - Procedure, is now with the printers. I would very much appreciate it if you would forward to my attention a copy of Volume 2 as soon as it has been printed. I understand that Volume 1 - Policy, will not be forwarded to the printers until perhaps as late as the middle of February, 1988. Obviously, when that Volume is completed, I would appreciate receiving a copy.

Thank you very much for your co-operation and attention to this matter. I remain,

Yours very truly,

John E. S. Briggs,
Director of Research

JESB/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 29, 1987

Mr. Graydon Nicholas
24 Lorne Street
Fredericton, New Brunswick E3B 2Y7

Dear Graydon:

Enclosed is the proposed schedule for the Halifax phase of the Public Hearings. You will see that we start on Monday, January 11th, 1988 at 9:30 a.m. The Hearings will be held in the Imperial Ballroom of the Lord Nelson Hotel. Entrance is either from the Lord Nelson parking lot or the Arcade on Spring Garden Road.

We will send your cheques along as soon as we receive them from the Speaker's Office.

I look forward to seeing you in January.

Sincerely yours,

Susan M. Ashley
Commission Executive
Secretary

SMA/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

December 24, 1987

PERSONAL AND CONFIDENTIAL

Philip C. Stenning, Esq.
Senior Research Associate
Centre of Criminology
University of Toronto
Room 8001, 8th Floor, Robarts Library
130 St. George Street
Toronto, Ontario M5S 1A1

Dear Philip:

Thank you for your very detailed letter of December 14th, 1987. It provides a terrific aid memoire with respect to the various issues discussed during our recent meeting in Halifax.

I have asked Richard to co-ordinate arrangements with respect to a Toronto and/or Ottawa trip in early January. At the moment, I believe he is attempting to sort things out with the RCMP in Ottawa and I would hope that by some time next week he would be in a position to make arrangements for an itinerary/agenda for the trip. I enclose for your information a copy of the letter which we received from the RCMP. You will note that Assistant Commissioner G. L. McCully has been appointed as the contact person at Headquarters in Ottawa.

I also enclose for your information a copy of my memorandum to the various researchers with respect to the Charter of Rights project. I previously forwarded to you a copy of Tony Doob's letter and I would be most interested in receiving any comments you may have with respect to the potential utility and application of the data generated by the Charter Project. Perhaps, you would be good enough to drop me a note on that subject at your earliest convenience.

Finally, I must thank you for the copies of the two newspaper articles which I only discovered after we had been speaking on the telephone the other day. With respect to the article on Zydeco bands, I can only say that, again, Stenning and Briggs are in the vanguard!

Philip C. Stenning

December 24, 1987

With respect to the article entitled "Naked Man Gets Ride Clinging to Car Hood" - what a hoot! The image of it all is just too hilarious!! With respect to your suggestion as to my involvement in this incident, I would add parenthetically that, although I may have come close in past lives, I take particular care not to be get caught 'out' at this time of year.

I look forward to our next meeting, wherever, but in any event, before your departure for the U.K.

Happy New Year. I remain,

Yours very truly,

A handwritten signature in black ink, appearing to be 'John E. S. Briggs', with a long horizontal stroke extending to the right.

John E. S. Briggs,
Director of Research

JESB/ljb

Enclosures



Royal Canadian
Mounted Police

Gendarmerie royale
du Canada

Your file Votre reference

Royal Commission of Inquiry
on the Donald MARSHALL Jr. Prosecution
Maritime Centre
Suite 1026
1505 Barrington Street
Halifax, Nova Scotia
B3J 3K5

Our file Notre reference

71H-010-6

December 17, 1987

Attention: Dr. Richard Apostle

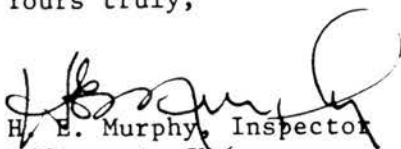
Dear Sir:

Further to letter of Chief Justice T. Alexander Hickman dated November 26, 1987 to Chief Superintendent C. J. Reid, and our meeting with you, this is to advise you that Assistant Commissioner G. L. McCully, Officer in Charge Executive Services, has been appointed as the Contact Person at Headquarters, Ottawa, level.

Your study will undoubtedly require that you conduct inquiries with different Branches of the Force in Ottawa. Assistant Commissioner McCully will assist you in your endeavours. He can be reached at telephone number (613) 993-3210.

Should you need assistance at the local level, please get in touch with me at 426-7974.

Yours truly,


H. E. Murphy, Inspector
Officer in Charge
Contract Policing Branch
"H" Division

P.O. Box 2286
Halifax, Nova Scotia
B3J 3E1

Canada

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

CONFIDENTIAL

M E M O R A N D U M

TO: Dr. Wilson Head
Dr. Scott Clark
Prof. Bruce Archibald
Dr. Richard Apostle

FROM: John E.S. Briggs

DATE: December 7, 1987

RE: CANADIAN CIVIL LIBERTIES AND THE 'CHARTER OF RIGHTS
PROJECT'

I attach for your information, on a confidential basis, a copy of the letter dated December 2, 1987, which I received from Tony Doob, Director of the Centre of Criminology, University of Toronto. The first three pages of the letter deal essentially with the issue of jury simulation research, but I draw your attention in particular to page 4 et seq. and the discussion of the data generated by the Charter Project.

It seems to me that we might well be able to obtain useful data from this research project and in that connection, I would welcome your comments. I look forward to hearing from you shortly. Thank you.

JESB:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 24, 1987

Professor John Ll. J. Edwards
University of Toronto
Faculty of Law
78 Queen's Park
Toronto, Ontario M5S 2C5

Dear Professor Edwards:

Further to our telephone conversation of December 17th, 1987, I acknowledge receipt of your preliminary opinion on the Thornhill case which arrived on Monday, December 21, 1987. It provides for a very good read, but following our many discussions of this case, no surprises!

I have circulated your opinion and advised that you are now working on a preliminary opinion with respect to the MacLean case. I understand that you hope to be in a position to forward that opinion during the first week in January. You have indicated that you will then turn your attention to the matter raised in my memorandum of December 10th and the preparation of your opinion, on a chapter by chapter basis, with respect to the Office of the Attorney General.

I shall be in touch shortly. Thank you. I remain,

Yours very truly,



John E. S. Briggs,
Director of Research

JESB/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 29, 1987

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

Dear Darrel:

Further to our recent discussion in Commission offices, please provide copies of any background papers supporting the policy recommendation to create a Department of Solicitor-General.

Basically, we would like to understand the analysis and decision-making process which resulted in this reorganization of the Department of the Attorney General.

On an unrelated matter, I would request that you facilitate access to provincial and county court records by one of our researchers, Mr. Winston Barnwell, who is working under the supervision of Dr. Wilson Head.

It is proposed to examine a sample number of court records by race in order to determine if there is any differential disposition of cases based upon that factor. At this stage, we are simply attempting to determine whether or not the project is feasible. In that connection, Mr. Barnwell is now examining police occurrence reports to determine if they provide a sufficient means of identifying court records on the basis of race. When he has had an opportunity to carry out a preliminary examination of court records, we will be in a position to determine the overall feasibility of the project. I would appreciate your early response to this latter request.

- 2 -

Mr. Darrel I. Pink

December 29, 1987

If you should have any questions, please do not hesitate to give me a call.

Thank you for your co-operation. I remain,

Yours very truly,

A handwritten signature in black ink, appearing to be 'JESB', written over a series of horizontal lines.

John E. S. Briggs,
Director of Research

JESB/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 23, 1987

PERSONAL AND CONFIDENTIAL

Professor K. Edward Renner
Box 5, Site 5, RR#1
Tantallon, Nova Scotia B0J 3J0

Dear Professor Renner:

Thank you for your letter of December 14, 1987.

I have passed a copy of your letter on to Dr. Wilson Head and the other researchers involved and I am confident that your comments will receive all due consideration.

Thank you for your co-operation. I remain,

Yours very truly,

John E. S. Briggs,
Director of Research

JESB/ljb

cc: Dr. Wilson Head

MEMORANDUM

TO: All Counsel

FROM: Susan M. Ashley, Commission
Executive Secretary



DATE: December 22nd, 1987

RE: Volumes 27 -33 - Halifax Phase of Public Hearings

Enclosed are copies of exhibits volumes which will be introduced in the Halifax phase of the Public Hearings. They are sent to you to assist in your preparation, and we ask that they not be made public until they are actually tendered into evidence.

SMA/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 23, 1987

PERSONAL AND CONFIDENTIAL

Dr. Anthony Doob,
Director
Centre of Criminology
University of Toronto
Toronto, Ontario M5S 1A1

Dear Dr. Doob:

Thank you for your very helpful and detailed letter of
December 2, 1987.

Further to our telephone conversation of December 17, 1987,
I spoke with Joe Fletcher and indicated our interest in the data
generated by the "Charter Project". I expect that several of our
researchers will contact Joe Fletcher shortly in order to further
the discussion. I would also anticipate that we would meet with
Professor Fletcher early in the New Year to discuss this whole
question in sufficient detail in order to be able to make a
decision as to the value and application of the data to our
various research projects.

Your co-operation and assistance is very much appreciated.
I look forward to meeting with you in the near future.

Thank you and wishing you a very Merry Christmas, I remain,

Yours very truly,



John E. S. Briggs,
Director of Research

JESB/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 23, 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 Darrel:

Re: Research Program - Your File: 9201/1

With reference to your letter of December 21, 1987, please be advised that the research now being undertaken by our various researchers is all subject to possible peer review.

There is nothing particularly esoteric intended by this process. It is simply a matter of circulating draft research papers to other experts in the field, and soliciting comments accordingly. I would anticipate that any such review would take place prior to the final draft report being submitted to the Commission with respect to any particular research project.

I trust the foregoing is responsive to the questions raised in your letter. I remain,

Yours very truly,



John E. S. Briggs,
Director of Research

JESB/ljb

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 23, 1987

The Royal Gazette
Department of Government Services
13th Floor, Maritime Centre
P. O. Box 54
Halifax, Nova Scotia B3J 2L4

Dear Sir or Madam:

I would like the following notice to appear in the
January 6, 1988 edition of the Royal Gazette.

Thank you.

Yours very truly,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

NOVA SCOTIA

NOTICE OF INQUIRY

The Royal Commission on the Donald Marshall, Jr., Prosecution will recommence Public Hearings at 9:30 a.m. on Monday, January 11, 1988 in the Imperial Ballroom of the Lord Nelson Hotel, Spring Garden Road, in the City of Halifax, Province of Nova Scotia.

Please note: Entrance is from the parking lot or the Lord Nelson Arcade.

Copies of the Terms of Reference may be obtained by writing to the Secretary:

Susan M. Ashley,
Commission Executive Secretary
ROYAL COMMISSION ON THE DONALD MARSHALL, JR.,
PROSECUTION
Suite 1026, Maritime Centre
1505 Barrington Street
Halifax, Nova Scotia B3J 3K5

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

MARITIME CENTRE, SUITE 1026, 1505 BARRINGTON STREET, HALIFAX
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ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 22, 1987

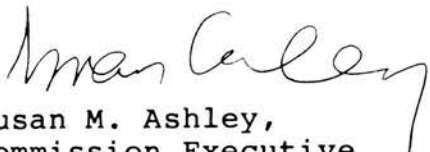
Halifax Police Department
Gottingen Street
Halifax, Nova Scotia

Dear Sir or Madam:

May I introduce to you Mr. Winston Barnwell, who has been hired by the Royal Commission on the Donald Marshall, Jr., Prosecution to undertake research on our behalf. I hope that you will be able to give Mr. Barnwell access to the occurrence reports and such other information as required to complete his work.

I thank you in advance for your anticipated co-operation.

Yours very truly,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 16, 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:

I have reviewed your accounts for October and November and have only a few comments.

1. Funding for more than one counsel: I think it is appropriate that Mr. Gay be permitted to attend at the Hearings during the week of October 5th as your junior counsel, since during that week we heard evidence from several of the witnesses which I identified to you in my October 21st letter as being relevant to your clients' interests.

2. Preparation and discussion of accounts: In my October 21st letter to you I indicated that our position was that time spent on preparation of accounts and in justifying the accounts to the Commission is not time for which the client should be billed or that the Province should be asked to fund. It would appear to me that the three entries on Mr. Gay's account for October 22nd dealing with review of application for standing of BUF, review of funding Decision of Commission and review of standing Decision of the Commission would probably relate to the taxation of your account. If so, they would not be permitted. Perhaps you could let me know if these entries relate to something else, in which case I might change my position.

3. Letters and phone calls I had indicated to you previously our concern that the minimum time that you record on phone calls is .2 hours and I would, therefore, question the following entries:

October 22nd - perusal of copy of letter of October 19th, 1987 from R. Pugsley to Commission counsel re: calling of A. Story and H. Matheson to give evidence at Hearings;

Mr. E. Anthony Ross

December 16, 1987

October 23rd - perusal of Minutes of Meeting of October 7th, 1987 as compiled by S. Ashley;

November 27th - perusal of copy of letter of November 23rd, 1987 from R. Pugsley to G. MacDonald re: witnesses requested to be called during remainder of Sydney phase of Hearings;

November 27th - perusal of copy of letter of November 25th, 1987 from J. Saunders to W. Spicer relating to J. Pratico;

November 23rd - perusal of copy of letter of November 20th, 1987 from R. Pugsley to W. Spicer re: notes of discussions with Dr. Binnie and review of notes themselves.

I would cut all of these entries from .2 hour to .1 hour to be consistent with time charged by other counsel.

As you can see, these are only minor adjustments that I would make to your account. I have not yet forwarded the account with my recommendation to the Speaker's Office as you asked that I identify to you items that might be disallowed before the bill is sent to the Speaker's Office.

Compliments of the Season.

Very truly yours,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 17, 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:

Attached is a copy of a letter to you indicating the minor adjustments that I would make to your firm's bill for October and November. As a result of our telephone discussion this morning, I will send the account along to the Speaker's Office for payment immediately.

Pursuant to the comments made in the attached letter, I have adjusted your hours by .5 and Mr. Gay's hours by .6. The total now owing to your firm for fees is \$36,597.00, making the grand total owing to you \$42,629.83.

Very truly yours,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb
Enclosure

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 16, 1987


Mr. William MacDonald, Q.C.,
Deputy Attorney General
P. O. Box 7
Halifax, Nova Scotia B3J 2L6

Dear Bill:

Congratulations on your recent appointment as Deputy Attorney General. I cannot think of anyone better equipped than you to handle the position and I wish you the very best of luck.

Compliments of the Season.

Very truly yours,


Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

Enclosure

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

December 16, 1987

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

Mr. R. Gerald Conrad, Q.C.,
Executive Director
Legal Services
Department of the Attorney General
P. O. Box 7
Halifax, Nova Scotia B3J 2L6

Dear Mr. Conrad:

As you know, the Royal Commission is now involved in a discussion with Mr. Clayton Ruby about the appropriate hourly rate to be paid to his associate, Ms. Marlys Edwardh. After discussion with Mr. Myles Rector in the Speaker's Office, I felt that it would be appropriate to sit down with you and Mr. Rector so that I could be sure that I had all of the information relating to the manner in which the hourly rates for Mr. Ruby and Ms. Edwardh were set, including any conditions relating to the amount to be charged. While I was in Sydney last week, Mr. Rector agreed to arrange a meeting for some time this week. I understand that you have declined the opportunity to discuss this matter.

While I can understand your reaction, it does leave the Royal Commission with a bit of a problem. It would simplify matters for me if you could merely confirm to me if the agreement reached with Mr. Ruby was that he would be paid at the rate of \$175.00 per hour and his associate, Ms. Edwardh, would be paid at the rate of \$100.00 per hour as junior counsel. If the agreement was something other than this, please let me know. I am not, at this point, concerned about the status of Ms. Derrick as local counsel.

I would appreciate hearing from you at your earliest convenience.

Compliments of the Season.

Very truly yours,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb
cc: Mr. Clayton Ruby
Mr. William MacDonald, Q.C.

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 17, 1987

Dr. John J. Furedy
Professor of Psychology
University of Toronto
100 St. George Street
Sydney Smith Hall, Room 4024
Toronto, Ontario M4Z 3Y2

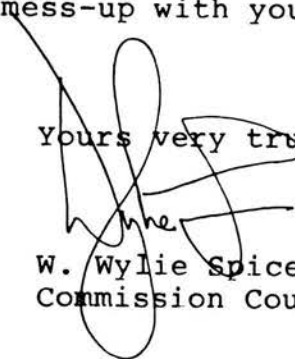
Dear Doctor Furedy:

We have now received a cheque from the Province in payment of your account rendered on October 26, 1987 and I enclose that cheque with this letter.

The Commissioners have concluded that we will not be getting into any discussion of the present reliability of the polygraph and for that reason we do not anticipate calling either yourself or Dr. Silverberg as witnesses. If that situation changes, I will get back to you.

Once again, I would like to thank you for taking the time to speak to me and I apologize for the mess-up with your telephone call subsequent to our meeting.

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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

December 17, 1987

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

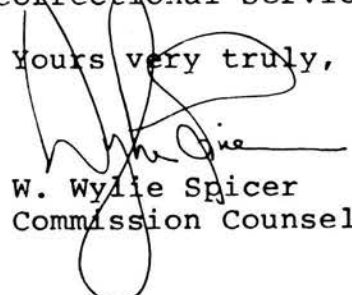
Dear Mr. Bissell:

Re: Correctional Service and Parole Board Material

I enclose copies of the documents which we would intend to introduce at the Halifax hearings. I would appreciate if you could review them and let me know whether or not you have any problems with any of the material proposed to be introduced.

I will try to get back to you at the beginning of the week and give you the names of any other people that we think we may wish to call from the Parole Board or the Correctional Service areas.

Yours very truly,


W. Wylie Spicer
Commission Counsel

WWS:jrc

enclosures

ROYAL COMMISSION ON THE DONALD MARSHALL, JR. PROSECUTION

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 16, 1987

Dr. Peter Markesteyn
Chief Medical Examiner
Province of Manitoba
Room 120-770 Bannatyne
Winnipeg, Manitoba R3E 0W3

Dear Dr. Markesteyn:

Further to my letter of December 9, 1987 and my telephone conversation with your office today, please be advised that Commission Counsel would like to call you as a witness on Monday, January 18, 1988. It will be necessary to circulate your written opinion in advance of your public testimony and I would therefore appreciate if you could forward your opinion by early January.

If the January 18th date is feasible for you, I suggest that you fly to Halifax on the weekend so as to meet with Commission Counsel on Sunday, January 17th.

Please advise at your earliest convenience if you anticipate any difficulty with the January 18th date or forwarding your opinion as requested. Thank you for your co-operation. I remain,

Yours truly,



John E.S. Briggs
Director of Research

JESB:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 14, 1987

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

Dear Margaret:

Further to our conversation, enclosed please find a list of dates for the Halifax phase of the Commission Hearings, a tentative witness list and a list of the exhibits that have been introduced in Sydney.

During the Sydney phase of the Hearings, we were provided with the original and twenty additional copies of the transcript. I think that we should continue with the same numbers during the Halifax Hearings.

Please give me a call in early January so that we can go to the Lord Nelson to finalize the physical arrangements.

Yours truly,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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CHAIRMAN

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 14, 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 Don:

Thank you for providing me with a summary of your hours in relation to both Mr. MacIntyre and Mr. Urquhart. I would appreciate it if you could do a similar summary for all future bills.

I will send the accounts to the Speaker's Office for payment. Please note that on the MacIntyre account there were errors in multiplication for the November 10th entries which results in the total fee payable to Mr. Pugsley being changed to \$13,940.00, with a balance owing of \$17,259.10.

Very truly yours,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 15, 1987

Philip C. Stenning, Esq.
Senior Research Associate
Centre of Criminology
University of Toronto
Room 8001, 8th Floor, Robarts Library
130 St. George St.
Toronto, Ontario M5S 1A1

Dear Philip:

I attach for your information, copies of the following:

1. Tony Doob's letter to me of December 2, 1987, along with attachments.
2. Booklet containing Research Outlines of the various projects.

Thank you very much for your participation last week. Your input was very helpful. As we discussed last week, I would also appreciate if you would follow up from our meeting by sending Richard and/or myself a note reiterating your thoughts on the various points we discussed and any additional comments you now have.

If I have forgotten anything on your shopping list, please give me a shout. Thank you. I remain,

Yours very truly,

John E.S. Briggs
Director of Research

JESB:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

December 15, 1987

Professor Bruce Archibald
Dalhousie University Law School
Weldon Law Building
University Avenue
Halifax, Nova Scotia B3H 4H9

Dear Bruce:

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

Further to our luncheon discussion last week on the subject of disclosure, I now enclose for your information, copies of correspondence between the office of the Crown Prosecutor (Lunenburg County) and David F. Walker, Q.C.

This material was provided to me by David Walker for the purpose of demonstrating to me the local Crown practice in Lunenburg County.

The restrictions imposed by the Crown to the effect that Crown Sheets and/or witnesses' statements not be used for the purpose of cross-examination of any Crown witness in any court proceeding is in my opinion, entirely unacceptable and certainly contrary to my experience with the Crown Prosecutor's office in Halifax.

In any event, I thought the enclosed would provide you with one of what may be perhaps many local variations on this theme.

On the subject of your shopping list, please advise at your earliest the names of Crown Prosecutors and A.G. Department personnel with whom you wish to meet including possible dates or at least a time-frame. Darrel Pink raised this subject with me

Archibald
Page 2
December 15, 1987

today and I indicated ^Iyou would be in touch with him shortly. I also mentioned that you would like to meet with the new Deputy Attorney General in January.

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

Yours truly,

John E.S. Briggs
Director of Research

JESB:jrc

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 14, 1987

Mr. Roy N. Ebsary
c/o Sadie Short's Boarding House
191 Vulcan Avenue
Sydney, Nova Scotia
B1P 5W9

Dear Mr. Ebsary:

Enclosed is a letter that was sent to this office for you.

Yours truly,

Susan M. Ashley
Commission Executive
Secretary

SMA:jrc

encl.

BY COURIER

PERSONAL & CONFIDENTIAL

December 10, 1987

Professor Edward Renner
Psychology Department
Life Sciences Centre
Room 3263, 3rd Floor
Dalhousie University
Halifax, Nova Scotia B3H 4J1

Dear Professor Renner:

Re: Research Project - The Criminal Justice System
and Discrimination Against Blacks in Nova Scotia

I am sorry that I was unable to meet with you on Tuesday morning. I hope that you were not unduly inconvenienced.

We have very carefully considered your proposal of September 28, 1987 and have concluded that while your 1977 study had some relevance to our study, that relevance is limited. The major focus of the earlier study is I believe, on the differential treatment of socio-economic groups rather than the treatment of Blacks per se. Indeed, the major findings of this study appear to suggest that treatment, as measured by severity of sentence was not necessarily related to race but rather to past record, current charge and age. The regression analysis suggests that race and appearance are not significant. This obviously raises doubt as to the basis for any differential treatment if it actually existed at the time the study was conducted. Consequently, I do not believe that replication of the earlier study would be justified in the context of our competing priorities and limited resources.

We will however, pick up on the more relevant lines of inquiry suggested by your earlier study to the extent that our resources permit. This can be done within the scope of the research project now being undertaken by Dr. Wilson Head.

Prof. Renner
Page 2
December 10, 1987

I would be remiss if I did not thank you for the interest which you have shown in the work of the Royal Commission to-date. If you should have any questions concerning any aspect of the foregoing, please do not hesitate to contact me accordingly.

Thank you for your co-operation. I remain,

Yours very truly,

John E.S. Briggs
Director of Research

JESB:jrc
RENNER.LTR

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

December 9, 1987

Dr. Peter Markesteyn
Chief Medical Examiner
Province of Manitoba
Room 120-770 Bannatyne
Winnipeg, Manitoba R3E 0W3

Dear Dr. Markesteyn:

Further to our telephone conversation of Friday, December 4, 1987, please be advised that it is unlikely that Commission Counsel would wish to call you to give evidence until at the earliest, the latter part of January, 1988.

I'm sure that a date can be arranged which is mutually satisfactory and would suggest in that connection that perhaps we discuss this early in the new year. My impression is that you would also be forwarding your written opinion at about the same time. If that is not the case, I would appreciate if you would advise me accordingly.

I am sorry that it was your mother's death which occasioned your telephone call. Thank you for your co-operation. I remain,

Yours truly,

John E.S. Briggs
Director of Research

JESB:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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CHAIRMAN

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

November 9, 1987

Mr. C. Richard Quinney, Q.C.
Director of Prosecutors
Saskatchewan Justice Department
8th Floor, 1874 Scarth Street
Regina, Saskatchewan S4P 3V7

Dear Mr. Quinney:

Re: Crown Prosecutors' Manual

Thank you very much for your letter of November 26, 1987 along with the enclosed policy on disclosure.

I regret that you do not feel you are in a position to provide us with your complete policy manual in its present form. However, I have taken the liberty of suggesting to our principle researcher on this subject, Professor Bruce Archibald at the Faculty of Law at Dalhousie University, that he correspond directly with your office in the event that he wishes to request any further policy directives.

I trust you will find this in order. Thank you for your co-operation. I remain,

Yours truly,

John E.S. Briggs
Director of Research

JESB:jrc

cc: Prof. B. Archibald

QUINNEY.LTR

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

PERSONAL AND CONFIDENTIAL

December 8, 1987

Mr. Pass, Director
Registry of Motor Vehicles
Province of Nova Scotia
Young Street
Halifax, Nova Scotia

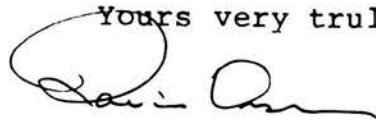
Dear Mr. Pass:

On behalf of the Royal Commission on the Donald Marshall, Jr., Prosecution, I request that you provide us with any information you may have relating to any motor vehicle registered in the name of Shaun Gentile, Date of Birth - September 10, 1954, during the years 1970 and 1971.

The purpose of this request is to attempt to obtain evidence relating to the events surrounding the stabbing of Sandy Seale and the conviction of Donald Marshall, Jr., in 1971.

Your immediate response would be appreciated.

Yours very truly,



David B. Orsborn
Commission Counsel

DBO: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

December 7, 1987

Professor John Ll.J. Edwards
University of Toronto
Faculty of Law
78 Queen's Park
Toronto, Ontario M5S 2C5

Dear Professor Edwards:

Re: Office of the Attorney General

Further to our recent discussions on this subject, please provide the Royal Commission with your opinion on the various questions and issues set out below.

In order to create an appropriate context and perspective for discussion of the relevant issues, I would ask that you provide a brief historical sketch of the origins and roots of the office of the Attorney General. It is expected that you will draw upon your extensive knowledge of the experiences of common-law jurisdictions in both Canada and elsewhere that are relevant to the issues confronting the Commission. In this regard, the experiences of the United Kingdom, Australia, New Zealand and the United States would, I think, be instructive.

As you are aware, the Royal Commission has interpreted its mandate as requiring it to "...make recommendations for the future which are designed to increase the confidence of all Nova Scotians in the system of administration of justice".

Therefore, in addressing the various questions and issues below please give fundamental consideration to the following: to what extent do existing institutional and structural arrangements mitigate against confidence in the impartiality and fairness of the system and to what extent do alternative legislative or administrative solutions, existing or proposed, contribute to widespread public acceptance of the belief that improper considerations do not influence the advice or decisions of the Attorney General.

The specific questions and issues which I would ask you to address are as follows:

1. The advisability of effecting changes respecting the office and role of the Attorney General, including consideration of such issues as selection and appointment, standards of conduct, tenure, relationship to and membership in, the Legislative Assembly, government, Cabinet, a political party, Caucus; the advisability of reassigning any of the responsibilities of the Attorney General to another Cabinet member or office or agency, (e.g. the judiciary; policing and corrections to the recently proposed Department of the Solicitor-General).
2. The advisability of effecting changes with respect to any other officers who are employed in the office of the Attorney General and play a role in the administration of justice, with consideration given to such issues as method of selection, appointment, standards of conduct, tenure, and specific responsibilities within the prosecutorial system.
3. Whether or not existing processes are appropriate or should be altered to ensure that the advice or decisions of the Attorney General are determined, and appear to be determined, free of improper political, personal or other considerations. (Consideration will be given to the handling of specific cases as these cases reflect and illuminate the process.)
4. The advisability of creating a statutory Office of Director of Public Prosecutions, including consideration of the role and functions of such an office, its relationship to and superintendences by the Attorney General, and any other relevant considerations. (The relatively recent experience of Australia, at the both the federal and state level, with this statutory Office is of particular interest.)
5. The advisability of developing publicly accessible guidelines setting forth criteria for the initiation, staying and termination of prosecutions and addressing such other issues as disclosure, negotiated dispositions and the specific responsibilities and role of crown prosecutors for the carriage of cases.

Prof. Edwards
Page 3
December 7, 1987

I would ask that you provide the Commission with your opinion on the basis of your extensive research in this area to-date and your current knowledge of the criminal justice system in Nova Scotia. To the extent that you are lacking in information which cannot be readily obtained in the short term, please simply render your opinion with any necessary qualifications, assumptions, and caveats.

In writing your opinion, please bear in mind that it may be appended to the Commission's final report and therefore should be written so as to be comprehensible to a wide public readership. Feel free to contact me at any time, if I may be of any assistance to you and in particular, should you require clarification regarding any of the foregoing. We look forward to receiving your opinion at your earliest convenience.

Thank you for your co-operation. I remain,

Yours very truly,



John E.S. Briggs
Director of Research

JESB:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

December 7, 1987

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

Dear Jim:

Re: Background Study on Policing in Nova Scotia

Further to my meeting with yourself and Al Pringle on December 4, 1987, I now enclose for your information, copies of the following:

1. Dr. Clark's study entitled, 'Natives in the Criminal Justice System in New Brunswick', March, 1987.
2. Research Outline - 'Adverse Effects for Native People Through Involvement in the Nova Scotia Criminal Justice System'.
3. Research Outline - 'Discrimination Against Blacks in Nova Scotia and the Criminal Justice System'.
4. Research Proposal - 'The Role of the Local Crown Prosecutor and the Administration of Justice in Nova Scotia'.
5. Research Outline - 'Police Study An Examination of Police Organization, Training Standards, and Practices in Nova Scotia' (a copy of which was previously forwarded to you).

J. Bissell
Page 2
December 7, 1987

During our meeting last Friday, I indicated that I would respond in writing to the concerns raised by yourself and Al Pringle with respect to the essential purpose underlying the background study on policing. I shall be meeting later this week with all of the researchers involved in this project, that is, Dr. Apostle, Dr. Stenning, and Professor Clairmont. I shall discuss with them, the particular concerns which you have raised and reply to you shortly thereafter.

I trust you will find this in order. Thank you. I remain,

Yours very truly,

A handwritten signature in black ink, appearing to be 'JESB', written over a horizontal line.

John E.S. Briggs
Director of Research

JESB:jrc

encl.

P.S. Please note that each of the research projects, the outlines for which are enclosed herewith, may address some issues or questions in addition to those which are set out in their respective outlines. However, the essential thrust and focus is, or will be, as set out in its outline. Thank you.

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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COMMISSIONER

THE HONOURABLE
MR. JUSTICE GREGORY THOMAS EVANS
COMMISSIONER

BY COURIER

December 4th, 1987

PERSONAL AND CONFIDENTIAL

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

Dear Jamie:

RE: Access to Personnel and Information
of the Department of the Attorney General
Your File No. 9201/1

Thank you for your letter of November 25th, 1987, along with the enclosed list of crown prosecutors throughout the Province.

Professor Archibald is now preparing a questionnaire to be completed by crown prosecutors. It is agreed that a copy of the questionnaire will be provided to you for information purposes. It is understood that your client does not seek prior approval of the content of the questionnaire, nor will they attempt to restrict the responsiveness of crown prosecutors. In this regard, I would request on behalf of Professor Archibald a copy of the Departmental Memorandum to crowns directing their completion of the questionnaire.

I am able to confirm that anonymity will be preserved in such a manner that the identity of any respondent to the questionnaire will not be revealed. The same anonymity will be preserved with respect to the identity of any persons interviewed by either Dr. Clark or Professor Archibald. I would note, however, that both of these researchers may wish to quote remarks of an individual on an unattributed basis. If this were done - and it is a standard practice in research of this type - it would be done in such manner as to not identify the source of the remarks, either by name or in any other way. Incidentally, Dr. Clark does not propose to administer a questionnaire to crown prosecutors.

Mr. Jamie W. S. Saunders

December 4th, 1987

I must reiterate my concern with respect to the procedure which you have been instructed by your client to adopt during the interviewing of crown prosecutors. The object of this research is to examine in the broadest terms the functioning of the system with particular attention to the role of the local crown prosecutor. Such research will necessitate, quite obviously, an examination of the organizational structure of the Department, its stated policies and practices, and the understanding and implementation of same. I have suggested to you during our discussion that in order to obtain an objective picture of the existing situation, it is necessary to have an uninhibited flow of information from all persons interviewed.

Generally, experience has demonstrated clearly that subordinates are less forthcoming and more inhibited in commenting on these issues when they know that all that they say is subject to being reported to their employer. It is for just this reason that neither the Auditor General of Canada when conducting a management audit, nor firms such as Clarkson Gordon would permit the participation of management in the interviewing process in the way in which you have apparently been instructed by your client.

Our researchers are not researching issues which are the subject of litigation. You have indicated that your client wishes to be fully open and co-operative with our researchers. However, I suggest that your attendance during the interview stage will have a potentially dampening and inhibiting effect, and consequently, will reduce the potential value of that exercise. Your client ultimately will receive the benefit of the information that flows from the interview process, as well as the overall research results. I would have thought that your client would wish to maximize the potential benefits of this project. If, however, your client wishes to be in a position to restrict or control the discussion between researcher and crown prosecutor, then it would be best to state this explicitly at the outset. The concern which I have expressed above is shared by both researchers, although principally by Professor Archibald. Frankly, I am unable to understand the basis for the concern that your client apparently has of giving our researchers uninhibited access to local crown prosecutors.

I would also add that I have difficulty in understanding Darrel Pink's point that crown prosecutors are less likely to talk in the absence of counsel. It would seem to me

Mr. Jamie W. S. Saunders

December 4th, 1987

that, assuming a reasonable rapport between interviewer and interviewee, assurances of confidentiality and anonymity, the interview is more likely to be uninhibited and free-ranging in the absence of counsel. I am assuming, of course, that the Department of the Attorney General would instruct their crown prosecutors to fully co-operate with the researchers. With the blessing of their employer, it is difficult to conceive that practicing lawyers would feel reluctant to speak in these circumstances. Perhaps, you would be good enough to discuss this matter with your client in view of the express concerns of researchers with respect to this procedure, and its potentially negative effect on the quality of the research which we are undertaking.

It is to be hoped that all of the research projects undertaken by the Commission will contribute to the formulation of recommendations which will improve the administration of the system of justice in Nova Scotia, and thereby raise the confidence of Nova Scotians in the fairness of their system. It is with that thought in mind that I reiterate my concern as previously articulated to you during our telephone conversation with the hope that your client might be prepared to take a more expansive view of their role in this process.

I would be remiss if I did not acknowledge the full co-operation and assistance which you and Darrel Pink have already given to facilitate the work of Dr. Scott Clark.

If you have any questions concerning any aspect of the foregoing, please do not hesitate to contact me accordingly. Thank you. I remain,

Yours very truly,

A handwritten signature in black ink, appearing to read 'JESB', with a long horizontal line extending to the right.


John E. S. Briggs,
Director of Research

JESB/ljb
DYER10.LTR
7-9

bcc: Professor Bruce Archibald
Dr. Scott Clark

MEMORANDUM

TO: All Counsel

FROM: Susan M. Ashley, Commission Executive Secretary 

DATE: December 2nd, 1987

RE: Billable Hours Per Day

This is to advise you that at its November 12th Meeting the Commission dealt with the question of the number of hours that it is appropriate to bill per day and that should be funded by the Province of Nova Scotia. The rule that will be applied, effective December 1st, 1987, is that, except in unusual circumstances, a ten-hour daily limit on billable hours will be imposed. If unusual circumstances exist, they must be justified to the Commission Executive Secretary. This rule recognizes that the actual Hearings normally last six hours and that preparation time of two hours is not unusual. Occasionally, counsel may work and bill for up to ten hours per day. Only exceptionally, however, will hours over ten per day be considered as billable hours, and it is for these that we will require a particular explanation.

SMA/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

December 3, 1987

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


Dear Mr. Ruby:

I have reflected on our recent telephone conversation. I accept your view that retroactively applying our new guideline on the maximum number of billable hours per day is inappropriate. I am sending a note to all counsel explaining the new guideline and indicating that justification will be required when they are asking for payment over and above 10 hours. The "10 hour" rule will be applied as of December 1st, 1987.

As a result of this, I will write to the Speaker's Office to authorize that a supplementary cheque of \$4,880.00 be issued to your firm. This represents 15.85 hours of your time and 12.75 hours for Ms. Edwardh at \$100.00 per hour, plus 4.75 hours at \$175.00 per hour.

Very truly yours,



 Susan M. Ashley,
Commission Executive
Secretary

SMA:jrc

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

CHIEF JUSTICE T. ALEXANDER HICKMAN
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS
COMMISSIONER

December 2nd, 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: John MacIntyre Travel Expenses

Thank you for your letter of December 2nd, 1987.

As I understand it, the question of the Royal Commission reimbursing Mr. MacIntyre for travel expenses has already been dealt with. I refer to your letter of June 3rd to George MacDonald and his response to you of June 8th, in which he says, "With respect to your question concerning Mr. MacIntyre's travelling expenses to attend in Halifax to meet you, we are not inclined to recommend that such expenses be included in taxed costs. Given the number of counsel involved and the fact that many clients have retained counsel outside of their place of residence, we are concerned that a potentially dangerous precedent could be set if it were agreed that the costs incurred by clients travelling to meet with their counsel is to be paid from the public purse." I refer also to your letter to George of June 9th and his response to you of June 12th, in which he indicates that the Commission will reimburse Mr. MacIntyre for travel expenses incurred to meet with Commission counsel on August 4th and 5th, since this meeting was at the request of Commission counsel.

I will authorize a check to be prepared in the amount of \$458.80 representing expenses for the trip to Halifax August 3rd to 5th.

Sincerely yours,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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COMMISSIONER

December 2nd, 1987

Mr. Donald Wardrop
2303-505 Rouge Road
Winnipeg, Manitoba R3K 1Y3

Dear Mr. Wardrop:

This is to confirm that we intend to call you as a witness at the Public Hearings of the Royal Commission on January 11th, 1988. We will, of course, pay your expenses for the return trip from Winnipeg to Halifax, including air fare, ground transportation, hotel accommodations and miscellaneous expenses incurred. Perhaps you could advise us of the flight you intend to take from Winnipeg to Halifax so that we can book it for you. We will prepay the ticket from this office. We will reserve a room for you at the Lord Nelson Hotel in Halifax, which will be billed directly to the Royal Commission. You should submit an account to us of all other expenses that you have incurred and we will arrange to have you reimbursed immediately.

You should deal with Jean Miller in this office for information about reimbursement of expenses for this trip.

Yours very truly,

Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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COMMISSIONER

BY COURIER

December 3rd, 1987

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

Dear Mr. Pringle:

I enclose subpoena in connection with the Thornhill and Billy Joe MacLean matters which I understand you are able to accept on behalf of Corporal Grant Shaw.

Very truly yours,

W. Wylie Spicer,
Commission Counsel

WWS/ljb

Enclosures

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COMMISSIONER

December 2nd, 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

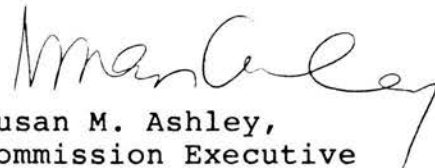
Dear Don:

I have received the firm's bills for October 14th to November 13th relating to Mr. MacIntyre and Mr. Urquhart. I note that while the Urquhart bill relates strictly to your own time, further time is billed for you on the MacIntyre file. If it is not too inconvenient for the firm, it would be very much easier for us if all of your time could be billed on one account. We are trying to keep track of a number of hours and the amount billed by all lawyers who are being funded by the Province. This is difficult to do if the accounts come in on different bills. This is particularly relevant in light of the fact that the Commission has recently adopted as a "rule of thumb" the principal that the maximum number of hours to be billed per day should be ten, unless there are exceptional circumstances which can be justified to the Commission Secretary. This rule will be effective December 1st.

I am sending both bills back to you with the request that they be re-submitted showing all of your time billable on one account.

Thank you very much.

Very truly yours,



Susan M. Ashley,
Commission Executive
Secretary

SMA/ljb

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COMMISSIONER

December 2nd, 1987

Commanding Officer
"H" Division
Royal Canadian Mounted Police
3139 Oxford Street
Halifax, Nova Scotia

ATTENTION: Inspector H. Murphy, O.I.C.
Contract Policing

Dear Sir:

Re: Background Study on Policing in Nova Scotia

Further to my meeting of Monday, November 30th, 1987 with Inspector Murphy, I enclose for your information copies of the following curriculum vitae:

1. Dr. Richard Apostle, Department of Sociology and Social Anthropology, Dalhousie University;
2. Dr. Philip Stenning, Centre of Criminology, University of Toronto;
3. Professor Donald Clairmont, Dalhousie University.

Dr. Apostle is the principal researcher responsible for this study. Dr. Stenning, who has extensive experience with respect to a number of policing issues, has been engaged as a special advisor to the Commission for the purposes of this study. Professor Clairmont is a member of the Atlantic Institute of Criminology and is currently engaged in research with respect to, in particular, community based zone policing. He acts as a consultant to the study.

I have previously delivered to Inspector Murphy a copy of the research outline for the police study. I am confident that the final research plan will be essentially as now set out in the draft research outline.

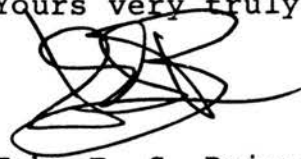
Inspector H. Murphy, O.I.C.

December 2nd, 1987

I appreciated the opportunity of meeting with Inspector Murphy and the co-operation and assistance extended to me. If I can provide any further information or if you should have any questions or concerns regarding the purpose and focus of this research study, please do not hesitate to contact me.

Thank you. I remain,

Yours very truly,

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

John E. S. Briggs,
Director of Research

JESB/ljb

Enclosures

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BY COURIER

December 2, 1987

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

Dear Jamie:

You have delivered to us files concerning the Thornhill and MacLean matters which were in the possession of the Attorney General's Department. In my letter of September 30th, 1987 I asked if we could have access to files contained in other Government departments. For example, the Auditor General's Department initiated the complaints against Mr. MacLean and must have files. We would expect also that the Executive Council and individual members of Government would have files concerning both of these matters. We are not certain of the extent of your mandate and whether we should direct our requests through you or to the various members of Government involved. Would you please let me have your advice, whether we should deal with you, and if so, advise when we could arrange to review the files in the possession of these various people.

Very truly yours,

George W. MacDonald,
Commission Counsel

GWMacD/ljb

cc: Mr. Darrel I. Pink

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COMMISSIONER

December 1, 1987

Mr. Thomas M. MacDonald
Blois, Nickerson, Palmeter & Bryson
P.O. Box 2147
Halifax, Nova Scotia B3J 3B7


Dear Mr. MacDonald:

Thank you for your letter of November 27th. I will advise the Commissioners and Commission Counsel that you will be appearing on behalf of Inspector Scott and Staff Sergeant Wheaton during that portion of the Inquiry dealing with the testimony of John MacIntyre.

In terms of the order of cross-examination, you will appear after counsel for Donald Marshall, Jr., City of Sydney Police, William Urquhart, the estate of Donald C. MacNeil, the Attorney General and the R.C.M.P. For your information, I attach a list of counsel arranged in the order by which they examine witnesses. If you need any other information at all about the Sydney hearings, please give me a call.

It's not possible at this point to indicate to you the date on which Inspector Scott and Staff Sergeant Wheaton will be expected to testify in Halifax, however, I can advise you that we are proceeding with witnesses in a more or less chronological way and that we have to hear witnesses relating to the R.C.M.P. Reinvestigation in 1971, the 1971 Appeal and evidence relating to Junior Marshall's years in prison before we get to the 1982 Reinvestigation in which your clients were involved. Therefore, it is unlikely that we will be calling your clients in the first two weeks of the hearings. We will let you know the tentative dates on which they might be called as soon as possible.

Yours truly,


Susan M. Ashley
Commission Executive
Secretary

SMA:jrc