

MAY 29 1987

**STEWART MacKEEN & COVERT**

BARRISTERS AND SOLICITORS

FRANK M. COVERT, O.C.  
JOHN D. MOORE, O.C.  
DAVID A. STEWART, O.C.  
DONALD H. OLIVER  
DONALD H. McDOUGALL, O.C.  
JOEL E. PINK, O.C.  
RICHARD K. JONES  
DOUGLAS J. MATHEWS  
JONATHAN C. K. STOBIE  
BARBARA S. PENICK  
MARK E. MacDONALD  
DAWN A. RUSSELL  
CHARLES S. REAGH  
D. GEOFFREY MACHUM  
DONALD C. MURRAY  
JAMES B. WOODER

J. WILLIAM E. MINGO, O.C.  
RONALD N. PUGSLEY, O.C.  
GEORGE A. CAINES, O.C.  
G. DAVID N. COVERT, O.C.  
J. GERALD GODSOE, O.C.  
JOHN S. McFARLANE, O.C.  
CARMAN G. McCORMICK  
JOHN D. MURPHY  
ROBERT P. DEXTER  
KARIN A. McCASKILL  
R. CAMILLE CAMERON  
GLEN V. DEXTER  
ELIZABETH M. HALDANE  
ERIC L. BURTON  
LAWRENCE J. STORDY

DAVID R. CHIPMAN, O.C.  
J. THOMAS MacQUARRIE, O.C.  
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WILLIAM L. RYAN  
DAVID MILLER  
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TIMOTHY C. MATTHEWS  
ROBERT G. GRANT  
MICHAEL T. PUGSLEY  
NANCY I. MURRAY  
T. ARTHUR BARRY  
JOHN MacL. ROGERS  
RICHARD A. HIRSCH

COUNSEL  
DONALD A. KERR, O.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) 429-3631  
TELEX 019-22593

DIRECT DIAL (902) 420-

OUR FILE REFERENCE:

008748-001  
008721-001  
008723-001

May 28, 1987

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

Attention: George W. MacDonald

Dear George:

Further to your letter of May 22, 1987 addressed to counsel for all parties granted standing, this is to confirm that I would like to have copies of the following:

- (a) Preliminary Inquiry - Donald Marshall, Jr.;
- (b) Trial transcript - Donald Marshall, Jr.;
- (c) Partial transcripts of the three trials involving Roy Ebsary where the evidence relates to any of my clients (Green, Evers and MacAlpine).

I would also like to have copies of any witness books prepared for our clients (Green, MacAlpine and Evers) along with any other witness book which contains evidence which will impact on the three above noted individuals.

It would appear that the only one of our clients which you intend to call during the Sydney phase is Adolphus Evers. Would you please confirm that you will not require either Green or MacAlpine in Sydney.

Royal Commission on the Donald  
Marshall, Jr. Prosecution  
May 28, 1987  
Page 2

I assume you will want the other two (Green and MacAlpine) for the Halifax phase of the hearing and I would ask for confirmation of the same.

I thank you for your assistance and cooperation.

Yours very truly,



William L. Ryan

WLR:lc  
c.c. Adolphus Evers  
Gary Green  
Richard MacAlpine  
N0540090

MAY 2 1987



FACULTY OF LAW,  
UNIVERSITY OF TORONTO

78 Queen's Park  
Toronto, Canada M5S 2C5

INVOICE

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

Attention: M. Lois Dyer  
Commission Secretary

In Account with: Professor John L. J. Edwards  
Faculty of Law, University of Toronto  
78 Queen's Park Crescent  
Toronto, Ontario M5S 1A6

Travel Expenditures

Incurred in connection with my attendance at  
the Commission's offices for consultations  
with Commission counsel on May 19th and 20th.

Executive class return ticket Toronto-Halifax	\$536.00
Taxi from Halifax Airport to hotel	\$ 25.00
Airport bus from hotel to Halifax Airport	\$ 8.00
Taxi from Toronto Airport to my home	\$ 20.00
Miscellaneous, including tips	\$ 10.00
	<hr/>
Total	\$599.00
	<hr/>

May 25, 1987

*John Edwards.*

J. L. J. Edwards  
Professor Emeritus

JLJE/evr

# BOUDREAU, BEATON & LaFOSSE

Barristers & Solicitors

J. Bernard Boudreau, Q.C.    G. Wayne Beaton  
Guy LaFosse                    A. Peter Ross  
J. Michael MacDonald        Patrick J. Murray

MAY 28 1987

P.O. Box 755  
50 Dorchester Street  
Sydney, Nova Scotia  
Canada B1P 6J1

Telephone (902) 539-5135

Our File Ref.:

May 25, 1987

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

Attention: George W. MacDonald, Esq.  
Commission Counsel

Dear Mr. MacDonald:

Re: Marshall Inquiry  
Our File No. GLF/16,208

Thank you for your correspondence of May 22, 1987, regarding the possible witnesses that will be called during the Sydney phase of the inquiry.

On behalf of Sergeant Herb Davies, I would appreciate it if you would forward to me the witness book for John F. MacIntyre.

Yours truly,

BOUDREAU, BEATON & LaFOSSE

  
Per: Guy LaFosse

GLF/sm  
c.c.

Sergeant Herb Davies



MAY 28 1987

SUPREME COURT OF NOVA SCOTIA  
CHIEF JUSTICE OF THE TRIAL DIVISION



THE LAW COURTS  
P.O. BOX 2314  
HALIFAX, NOVA SCOTIA  
B3J 3C8

May 27, 1987

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

- and -

Mr. Jamie Saunders  
Patterson Kitz  
P.O. Box 247  
Halifax, Nova Scotia  
B3J 2N9

Gentlemen:

I have reviewed your combined letter dated May 8, 1987, and in addition I have discussed the matter with a number of the other Trial Division Judges. At this point in time, it is our understanding that the topic before the Commission is the justice system in Nova Scotia and in particular this would include the Supreme Court of Nova Scotia Trial Division. It is therefore my view that we should not become involved in determining any matter coming before the Commission unless we are legally obliged to do so.

Acknowledging that we probably have inherent jurisdiction, it is also my view that the Commission has jurisdiction to make the necessary determination. No matter how it may be perceived by counsel, the public perception of a Court which is part of the system being inquired into taking on itself the responsibility to determine whether certain documents are privileged or not, would, in my view, be wrong. I would suggest to you that there are others besides the counsel for the Commission and counsel for the Attorney General's Department who have standing before the Commission who might be very interested in participating in the determination of what documents should be revealed.

.../2

I trust you will appreciate the position I have taken, and I must add that even if all parties were in agreement that the Supreme Court should entertain such an application, I would be most loathe to take it on unless all parties were also prepared to agree that there would be no appeal from the decision of the judge, and I respectfully suggest that that would be an infringement of their rights which I would not wish to ask anyone to concede.

Yours very truly,



Constance R. Glube  
Chief Justice, Trial Division

CRG/rls

**PATTERSON KITZ**  
BARRISTERS & SOLICITORS

FORMERLY PATTERSON SMITH MATTHEWS & GRANT AND KITZ MATHESON

LEONARD A. KITZ, Q.C., D.C.L.  
JOHN D. MACISAAC, Q.C.  
DOUGLAS A. CALDWELL, Q.C.  
JAMIE W.S. SAUNDERS  
ROBERT M. PURDY  
RAYMOND F. LARKIN  
S. RAYMOND MORSE  
DARREL I. PINK  
JACK A. INNES, Q.C.  
DIANNE POTHIER  
JANET M. CHISHOLM  
PETER M. ROGERS

DONALD J. MACDONALD, Q.C.  
PAUL M. MURPHY, Q.C.  
RICHARD N. RAFUSE, Q.C.  
J. RONALD CREIGHTON  
J. RONALD CULLEY  
NANCY J. BATEMAN  
R. MALCOLM MACLEOD  
ALAN C. MACLEAN  
DENNIS ASHWORTH  
WENDY J. JOHNSTON  
ROBERT K. DICKSON

FRED J. DICKSON, Q.C.  
DAVID R. HUBLEY, Q.C.  
GERALD J. MCCONNELL, Q.C.  
RONALD A. PINK  
LOGAN E. BARNHILL  
JOEL E. FICHAUD  
J. MARK MCCREA  
D. SUZAN FRAZER  
BRUCE A. MARCHAND  
RODNEY F. BURGAR  
JANICE A. STAIRS

JAMES C. LEEFE, Q.C.  
FRANK J. POWELL, Q.C.  
CLARENCE A. BECKETT, Q.C.  
GEORGE L. WHITE  
DAVID R. FEINDEL  
A. DOUGLAS TUPPER  
DARA L. GORDON  
LORNE E. ROZOVSKY, Q.C.  
WYMAN W. WEBB  
GORDON N. FORSYTH  
KIMBERLEY H.W. TURNER

MAY 27 1987

BANK OF MONTREAL TOWER  
SUITE 1600, 5151 GEORGE STREET  
P.O. BOX 247  
HALIFAX, NOVA SCOTIA B3J 2N9  
TELEPHONE (902) 429-5050  
TELECOPIER (902) 429-5215  
TELEX 019-22893

ALSO OFFICES AT  
TRURO, NOVA SCOTIA  
BEDFORD, NOVA SCOTIA

May 26, 1987

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

Dear Mr. Spicer:

Donald Marshall Inquiry

Further to your request to arrange for meetings with Officials in the Attorney General's Department for the week of June 8th I propose the following schedule:

<u>Name</u>	<u>Date</u>	<u>Place</u>
Martin Herschorn	June 8th	Commission Office
Frank Edwards	June 9th	Commission Office
Gordon Coles, Q.C.	June 10th	Deputy Attorney General's Office
Gordon Gale	June 11th	Commission Office

I have yet to confirm arrangements with Reinhold Endres. He will have to be done on one afternoon of that week or at a subsequent time.

Yours truly,

  
Darrel I. Pink

DIP/cg

c.c. Mr. Jamie Saunders

P.S. Since dictating this, I have spoken with Mr. Endres. I suggest we schedule him for 2:00 p.m. on June 10th.



MAY 27 1987

**PUDDESTER/ORSBORN**  
BARRISTERS AND SOLICITORS

Suite 900, Atlantic Place  
Water Street, P. O. Box 1538  
St. John's, Newfoundland  
Canada A1C 5N8

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Telex 016-3174 LEGIS  
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H. JAMES PUDDESTER, Q.C.  
DAVID B. ORSBORN, C.A.  
R. WAYNE MYLES  
D. GORDON WOODLAND  
AUGUSTINE F. BRUCE  
BEVERLEY A. BARTER

DAVID F. HURLEY, LL.M.  
JEFFREY P. BENSON  
PHILIP M. CHAPMAN  
MALCOLM J. MacKILLOP  
MICHAEL W. DODD, C.A.

May 25, 1987

The Royal Commission on the  
Prosecution of Donald Marshall, Jr.  
Suite 1026, Maritime Centre  
Barrington Street  
Halifax, Nova Scotia

Attention: M. Lois Dyer  
Commission Secretary

Dear Sirs:

RE: Marshall Commission

In connection with the above-captioned matter, we enclose  
herewith the statement of account for the services of Mr. Orsborn  
as Co-Counsel to the Commission for the month of May, 1987.

We trust this is satisfactory.

Yours truly,

PUDDESTER/ORSBORN

  
DAVID B. ORSBORN

DBO/cp  
Enclosure

MAY 26 1987

**STEWART MacKEEN & COVERT**  
BARRISTERS AND SOLICITORS

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

FRANK M. COVERT, O.C.  
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CHARLES S. REAGH  
D. GEOFFREY MACHUM  
DONALD C. MURRAY  
JAMES B. WOODER

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T. ARTHUR BARRY  
JOHN MacL. ROGERS  
RICHARD A. HIRSCH

COUNSEL  
DONALD A. KERR, O.C.

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HALIFAX, CANADA B3J 2X2

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TELECOPIER (902) 429-3631  
TELEX 019-22593

DIRECT DIAL (902) 420-

OUR FILE REFERENCE:

May 26, 1987

Ms. Lois Dyer,  
Royal Commission on the Donald  
Marshall, Jr. Prosecution  
Maritime Centre, Suite 1026,  
1505 Barrington St.,  
Halifax, Nova Scotia,  
B3J 3K5

Dear Ms. Dyer:

RE: MacIntyre

*Send*  
Further to Mr. MacDonald's letter of May 22, 1987,  
concerning the availability of transcripts, we would like to  
advise on behalf of Mr. John F. MacIntyre that we would require  
copies of all of the transcripts described.

*bold*  
While we would also have bits and pieces of the contents  
of what we would anticipate will be contained in the witness  
books, I do not anticipate that we will have complete records -  
particularly where Commission Counsel have obtained new  
statements from certain witnesses. Would you please forward each  
book as it is prepared to us.

Yours very truly,

*Donald Pugsley*  
for Ronald N. Pugsley, Q.C.

DCM/dmb  
N2060028

MAY 26 1987

COPY

April 29, 1988

BY HAND

Mr. W. Wylie Spicer  
Royal Commission on the  
Donald Marshall Jr. Prosecution  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
Halifax, N.S.

Dear Mr. Spicer:

Donald Marshall Inquiry  
Our File No. 9201/1

Further to yours of April 21, 1987, I can confirm that Mr. Gordon Coles' letter to Mr. Frank Edwards dated November 30, 1984, and bearing file number 25-83-0019-06 was typed by Mrs. Kay Chisholm who was secretary to Mr. Coles. Mrs. Chisholm tells me she also determined where to file it and felt it properly belonged in the Cape Breton County Prosecutor's file where it was placed.

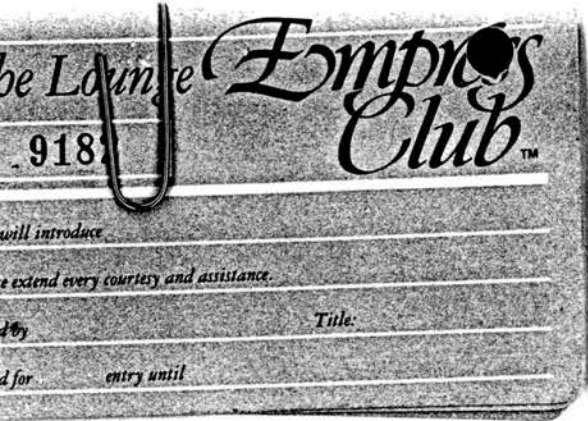
If you would like to talk to Mrs. Chisholm, please advise and we will make the necessary arrangements.

Yours truly,

Darrel I. Pink

DIP/jl

MAY 21 1987



Lignes Aériennes  
Canadien Pacifique

Ms. M. Lois Dyer  
Commission Executive Secretary  
Royal Commission on the  
Donald Marshall, Jr., Prosecution  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Ms. Dyer,

Thank you for your letter dated May 5th, 1987.

I apologize for the manner in which you and your colleagues were treated at Dorval Airport on April 9, 1987. I have forwarded your letter to the Canadian Airlines International Airport Director and the incident will be followed up with the staff involved.

For your future information you should know that access to our Empress Lounges is restricted to domestic passengers travelling in First Class or to members of Canadian Airlines International's Empress Club. Although the lounge attendant was upholding these regulations there is no excuse for the manner in which you were advised.

In the interest of good customer relations I have enclosed invitations for you and your colleagues to be our guest in the lounge on a future trip.

Your business is valuable and I hope you will treat this unfortunate incident as an isolated situation.

Yours truly,

A handwritten signature in cursive script that reads 'Roy Rideout'.

R. P. Rideout

RPR/ms

Encl. (3) Canadian Airlines, Limited  
Halifax International Airport  
P.O. Box 178, Elmsdale, Nova Scotia,  
Canada B0N 1M0

Telephone (902) 861-4381  
Telex 019-23646 (CANPACAIR)  
Facsimile (902) 861-2231



Department of Justice  
Canada

Ministère de la Justice  
Canada

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

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

MAY 19 1987

426-7592

May 14, 1987

Our file: AR-21,613  
Notre dossier:

Your file:  
Votre dossier:

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

Attention: Mr. David B. Orsborn

Dear Sir:

RE: Douglas Rutherford

I acknowledge receipt of your letter of May 1, 1987.

We have noted its contents and I will be discussing them with Mr. Rutherford. At the present time I do not expect Mr. Rutherford to be in Halifax and available to be interviewed during the month of May and thus we will have to arrange for another opportunity other than May 21st.

I will be in touch with you shortly once I have determined what Mr. Rutherford's schedule is to arrange for a meeting either in Ottawa or in Halifax.

Yours very truly,

James D. Bissell  
General Counsel  
Director, Atlantic Region

JDB/vpc

Canada



MAY 15 1987



Salmon P. Chase • Northern Kentucky University • Highland Heights, KY 41076  
College of Law

May 7, 1987

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

Dear Ms. Dyer,

I enclose for your kind attention an invoice representing my professional services as Special Adviser to the Donald Marshall, Jr. Commission of Inquiry during the period from 13 February to 26 March 1987.

Yours truly,

A handwritten signature in cursive script that reads "John Edwards".

J.L.J. Edwards  
Professor Emeritus

JE:ap

Enclosure

INVOICE

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

Attention: M. Lois Dyer  
Commission Secretary

In Account with: Professor John Ll.J. Edwards  
Faculty of Law, University of Toronto  
78 Queen's Park Crescent  
Toronto, Ontario M5S 1A6

Re: Professional services on 13, 15, 16 and 23 February  
1987, and 10, 13, 16, 17, 19, 24 and 26 March 1987 -  
reading of Justice Denied; telephone consultation with  
Chairman; reading of Newfoundland cases regarding  
respective roles of police and prosecutors; preparing  
opinion on constitutional issues arising in connection  
with the Provincial Order in Council; reading  
applications for standing and federal Justice  
Department's position regarding National Parole Board  
and Correctional Services of Canada; attending meeting  
in Toronto with Chairman and Commission Counsel; reading  
judgments of Nova Scotia Court of Appeal on the original  
appeal by Marshall and the reference by the federal  
Minister of Justice - 26 hrs. (= 3 1/4 days).

Professional Fees = \$3,250.00  
(including 10% University overhead) \_\_\_\_\_

*John Edwards.*

7 May 1987

John Ll.J. Edwards  
Professor Emeritus

MAY 13 1987

# THE CITADEL HALIFAX

CN Hotels	Hotels CN
<input type="checkbox"/> Vancouver	Hotel Vancouver
<input type="checkbox"/> Jasper	Jasper Park Lodge
<input type="checkbox"/> Edmonton	Hotel Macdonald (1988)
<input type="checkbox"/> Toronto	LHotel
	CN Tower/La Tour CN
<input type="checkbox"/> Ottawa	Château Laurier
<input type="checkbox"/> Montreal	Le Reine Elizabeth
	The Queen Elizabeth
<input type="checkbox"/> Halifax	Citadel Halifax
<input type="checkbox"/> Moncton	Hotel Beauséjour
<input type="checkbox"/> St. John's	Hotel Newfoundland
<input type="checkbox"/> Paris, France	Hôtel Scribe

May 8, 1987

Ms. Lois Dyer  
Royal Commission on the  
Donald Marshall Prosecution  
1505 Barrington Street  
Suite 1026  
Halifax, Nova Scotia  
B3J 3K5

Dear Ms. Dyer:

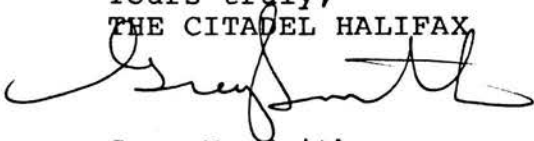
**Re: Meeting May 12, 1987**

Please accept this letter as confirmation of your forthcoming meeting scheduled at The Citadel on the above date.

Please read it over carefully as it states all arrangements and costs. If all is in order, sign both copies and return the pink copy to my attention and retain the white for your files.

Should you have any further questions, please do not hesitate to call.

Yours truly,  
THE CITADEL HALIFAX



Greg M. Smith  
Assistant Catering Manager

GMS/pmn



MAY 12 1987

**SMITH, GAY, EVANS & ROSS**

BARRISTERS & SOLICITORS

BRUCE W. EVANS  
(Also of the Alberta bar)  
JEREMY GAY  
E. ANTHONY ROSS, M.Eng., P.Eng.  
W. BRIAN SMITH

604 QUEEN SQUARE  
P.O. BOX 852  
DARTMOUTH, NOVA SCOTIA  
Telephone  
(902) 463-8100

May 12, 1987

File #1085-01

VIA COURIER

jb

ROYAL COMMISSION ON DONALD MARSHALL, JR. PROSECUTION  
Suite 1026 - Maritime Centre  
1505 Barrington Street  
Halifax, NS  
B3J 3K5

Attention: M. Lois Dyer (Ms) - Commission Executive Secretary

Dear Ms Dyer:

Re: Black United Front of Nova Scotia

Please be advised that I have been retained by The Black United Front with respect to the Inquiry.

I will therefore be making representations on behalf of The Black United Front on the question of funding when the Inquiry convenes and holds hearings on May 13th and May 14th, 1987.

Yours very truly,

SMITH, GAY, EVANS & ROSS

PER:

  
E. ANTHONY ROSS

EAR/lmb  
cc: G. Taylor

Ruby & Edwardh  
*barristers*

MAY 12 1987

11 Prince Arthur Avenue  
Toronto, Ontario  
M5R 1B2  
Telephone (416) 964-9664

May 6, 1987

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

Dear Mr. MacDonald:

You will recall that at the close of the meeting held on Monday, April 13, 1987, you invited all counsel to express any concerns they might have with respect to the "Donald Marshall Inquiry Rules". At this time I wish to draw your attention to some aspects of the rules with the hope of obtaining some clarification from you.

Rule 7, subsection 1, makes it apparent that the Commission may hold procedural hearings to receive documentary evidence. It appears that it is expressly contemplated that this will not be part of the "public hearing phase of the Commission". Might I take it from this provision that parties that have been granted standing will automatically be in receipt of any evidence that will form part of the Record of Commission even if it will not be tendered as part of the public hearing phase. This, I assume, is the case. If it is otherwise, I would appreciate having notice of this.

The provisions of Rule 5, subsection 5, fail to even refer to the right of the party who has standing to seek to call witnesses should Commission Counsel decline to put them forward. I believe it is imperative that provision be made in the rule to

ayton Ruby, B.A., LL.B., LL.M.  
s. Marlys Edwardh, B.A., LL.B., LL.M.  
ichael Code, B.A., LL.B.  
elvyn Green, B.A., LL.B.


permit counsel with standing to call evidence if Commission Counsel declines, and further that the Commission subpoena power be made available to them to effect this. An amendment should be made to make clear this right.

I also have some concern about Rule 12, subsection 3. It is possible to read this provision as endeavouring to preclude an objection by a party with standing on the basis that questions or documents are irrelevant or even outside the terms of reference of the Commission of Inquiry. As it is, of course, the fundamental duty of the Commissioners to determine what their terms of reference are and to confine the Inquiry to matters within those terms I have difficulty understanding this provision. Parties with standing, particularly Mr. Marshall, are entitled to know that the Commission will confine the Inquiry to matters that are truly within the mandate of the Commission. Surely this provision is open to serious objection and invites challenges by way of prerogative writs. Would you please indicate to me your views as to the scope of Rule 12, subsection 3.

The last matter I would like to raise with you is the question of the order of cross-examination. It is my understanding that this matter was settled by agreement between the parties at our meeting on April 13, 1987. I wish to indicate for the record, however, that if the order is in any way changed from that contemplated, that I reserve Mr. Marshall's right to reconsider my position and to make a request to either yourself or the Commissioners as to the matter of order.

I look forward to hearing from you.

Sincerely yours,



Marlys Edwardh

/ad

# WALKER AND TAYLOR

BARRISTERS & SOLICITORS  
NEW GERMANY, NOVA SCOTIA

MAY 11 1987

DAVID F. WALKER, Q.C.  
DONALD S. TAYLOR, B.A., B.ED., LL.B.

P.O. BOX 28  
PHONE: NEW GERMANY 644-2715  
AREA CODE 902  
POSTAL CODE B0R 1E0

April 23, 1987

Mr. W. Wylie Spicer  
McInnes, Cooper & Robertson  
Barristers and Solicitors  
P. O. Box 730  
Halifax, Nova Scotia  
B3J 2V1

Dear Mr. Spicer:

RE: Regina v. Stephen John Hulme,  
age 19, of Dayspring, Lunenburg  
County, Nova Scotia - charged  
with, and acquitted of, first  
degree murder of his mother,  
Micheline Hulme, at Dayspring,  
on June 3, 1985

---

This will confirm our telephone conversation of April 21, 1987, wherein I called this matter to your attention.

Although my client's full name is given herein and in the copies of letters and documents enclosed, there is a ban, pursuant to the Young Offenders Act, on the publication of his name. Hence the two reported Decisions (on the Transfer Hearing Application and Appeal) are entitled Regina v. S.J.H. If at a later date this case should somehow get public exposure through the Marshall Inquiry it would have to be referred to as Regina v. S.J.H.

You will recall that I indicated to you, in our conversation, that your firm is acting for the fire insurance company against whom the Estates of John and Micheline Hulme, (represented by Richard Coughlan, Bridgewater, N.S.), have taken action for the fire insurance proceeds. Jack Davison, now Mr. Justice Davison, was representing the fire insurance company. I am not certain who is representing the insurers now (perhaps Scott Norton).

While I do not feel that there is anything in these materials that could adversely affect the claims of the Hulme Estates against the insurers, I would, nevertheless, ask that you treat this matter with complete confidentiality, as I am sure you will, and not discuss it with the colleague in your firm who is handling the insurance claim.

*Handwritten:*  
a Hochmeyer  
D.F. Walker & Taylor  
Date: 10/10/87

WALKER AND TAYLOR  
Barristers and Solicitors

Mr. W. Wylie Spicer  
Page 2  
April 23, 1987

Also, the material is being sent to you on the understanding that you will not make known to others, except with my concurrence, if I should give it, that a polygraph test was done in this case, and/or the results thereof.

While I personally have very, very grave doubts as to either the objectivity, or the meaningfulness, of the polygraph test, I would not like the public to become aware that my client had, in the opinion of the R.C.M.P., "failed the lie detector". Life has already become hard enough for him, and employment opportunities lost, as a result of the fact he was charged and held in custody for over a month for a psychiatric assessment. (He was subsequently released following a "Show Cause" hearing.)

In our telephone conversation, you indicated to me that one of the areas in which you had a special interest was the area of disclosure, or non-disclosure, by Crown Prosecutors, of their case.

I got so interested in my main complaint that I completely forgot to tell you of my very considerable difficulties in getting information from the police and/or the Crown Prosecutor.

Accordingly, I enclose herewith, for your perusal, photo-copies of the following:

(A) DEMANDS FOR DISCLOSURE OF CROWN'S CASE

(1) Notice that I had given to the Crown, dated September 18, 1986, demanding the name of the "bank", the name of the "banker", and the name of the "close associate".

You will note the references in the Notice to previous attempts on my part to get the information from the Crown Prosecutor.

(2) Demand for Particulars dated October 1, 1986 demanding the names of the "hypnotized witnesses".

This Demand for Particulars referred to a letter dated in August, 1986. I enclose herewith a photo-copy of that letter.



WALKER AND TAYLOR  
Barristers and Solicitors

Mr. W. Wylie Spicer  
Page 3  
April 23, 1987

(3) Notice dated January 12, 1987 making more demands on the Crown.

At the hearing before Judge Kennedy, in Chambers, on January 14, 1987, Judge Kennedy indicated that he felt that I was entitled to the materials and he gave the Crown a couple of weeks to come up with the materials requested.

(Finally, the Crown, on January 21, 1987, gave me three ring binders of materials constituting its "case". This led to my "Summary of Demands" next referred to.)

(4) Summary of Defence Demands for Materials from Crown, dated February 2, 1987 (actually prepared some time earlier (around January 29, 1987), but scheduled to be placed before Judge Kennedy on February 2, 1987), seven pages in length, setting out further demands.

This was basically an attempt to explain in detail why I wanted what I had asked for on January 14, 1987, supplemented by an indication of my dissatisfaction with what had been provided me on January 21, 1987, and why.

It should be remembered that at this stage the trial date was set for late March, 1987, (there are no Preliminary Inquiries in Youth Court), and we still did not know whether it was going to be necessary for the defence to obtain polygraph experts and experts to testify as to the lack of reliability of witnesses who give evidence after having been hypnotized.

(B) CORRESPONDENCE WITH THE ATTORNEY GENERAL OF  
NOVA SCOTIA AND OTHERS

(5) Letter dated November 4, 1986 to the then Attorney General, Mr. Giffin, a copy of which was sent to the Solicitor General for Canada.

(6) A short "covering" letter to the Attorney General, bearing the same date, explaining my long letter.

(7) His letter in reply thereto dated November 24, 1986.

(8) My letter to the Attorney General dated November 28, 1986.

WALKER AND TAYLOR  
Barristers and Solicitors

Mr. W. Wylie Spicer  
Page 4  
April 23, 1987

(9) His letter in reply thereto dated December 9, 1986.

(10) My letter to the Solicitor General for Canada dated November 4, 1986.

(11) A letter in reply thereto from the Special Assistant to the Solicitor General dated November 20, 1986.

(12) A letter dated December 16, 1986 from the Solicitor General for Canada.

(13) My letter dated March 11, 1987 to the Attorney General of Nova Scotia, being 18 pages in length.

(14) My short "covering" letter to the Attorney General, bearing the same date.

(15) My letter to the Solicitor General for Canada dated March 11, 1987.

(16) Letter dated March 23, 1987 from the Special Assistant to the Solicitor General.

(17) Letter from the Solicitor General dated March 31, 1987.

(18) Letter from the Attorney General dated March 24, 1987.

(19) News item from the Halifax Chronicle Herald of February 17, 1987.

I would ask you to note the portion of the news item that I have highlighted.

(20) My letter dated January 30, 1987 to Ms. Linda Garber of the Department of the Attorney General.

I should point out that my long letter to Mr. Giffin of November 4, 1986 may have played some role in the eventual decision, made at the Department of the Attorney General, not by the local Crown Prosecutor, to withdraw the charge against my client. (As I pointed out, I succeeded in forcing the Crown to indicate that it was presenting no evidence, so that the charge could never be laid again.)

WALKER AND TAYLOR  
Barristers and Solicitors

Mr. W. Wylie Spicer  
Page 5  
April 23, 1987

I also feel that Ms. Linda Garber, of the Department of the Attorney General, may have played a significant role in the determination to stop the proceedings against Mr. Hulme.

Ms. Garber handled the Crown's Appeal from the Decision of Judge Carver refusing to transfer Mr. Hulme's case to Adult Court. That Appeal was heard by Madame Justice Glube.

I believe that Ms. Garber may have been very upset by the fact that the transcript of the Transfer Hearing did not disclose any evidence whatsoever linking Mr. Hulme to the crime.

Madame Justice Glube, at a Pre-trial Conference, expressed her concern at the fact that there was no evidence linking Mr. Hulme to the crime.

I would not be surprised if, after Madame Justice Glube upheld Judge Carver's Decision, that Ms. Garber called to the attention of someone the fact that there was absolutely no evidence linking Mr. Hulme to the crime.

In any event, shortly after Madame Justice Glube's Decision of December 31, 1986, (perhaps around January 14, 1987), the Department of the Attorney General called for the file of Mr. Allaby, the Crown Prosecutor.

I believe that the file was then reviewed by Ms. Garber and Mr. Martin Herschorn, and perhaps others, and a recommendation was made to the then Attorney General, Mr. Giffin, just a day or two before his move to another portfolio. I believe that it was actually Mr. Donahue who gave the approval for the withdrawal of the charge.

I might indicate, also, that the defence experienced great difficulty in preparing for trial because the defence did not know, until late January, 1987, anything much about the Crown's case. Rumors abounded in legal circles that the Crown had "no case". Staff Sgt. Clark had, on the other hand, testified at the transfer hearing, that significant information had been unearthed as a result of hypnotism performed on various people.

Also, the local Crown had vacillated on whether it was going to present the polygraph evidence as part of its case before finally deciding (likely in November or

WALKER AND TAYLOR  
Barristers and Solicitors

Mr. W. Wylie Spicer  
Page 6  
April 23, 1987

December, 1986) to present it. Since there was really nothing else, the polygraph evidence would automatically become the most important part of its case.

I understand that the Department decided against presenting the polygraph evidence at trial even before it decided that it had no case.

I am not sure whether the Department decided to abandon the attempt to present polygraph evidence because

(a) to do so would breach an agreement that I had with Cpl. Fitzsimmons, of the R.C.M.P.;

(b) they realized that the polygraph evidence was of little value anyway; or

(c) they realized that there was great likelihood that the trial Judge would rule the polygraph evidence inadmissible.

I thank you very much for taking the time to consider this matter.

I would appreciate it very much if you could study this material, as quickly as possible, and get back to me.

I anticipate that I shall have to commence some legal action against the Attorney General, and/or others, in the near future if I am to obtain any compensation for my client and/or get some action on my other demands.

It appears to me that in this case several severe blows have been dealt to the administration of justice in this province by the R.C.M.P. and/or the Crown.

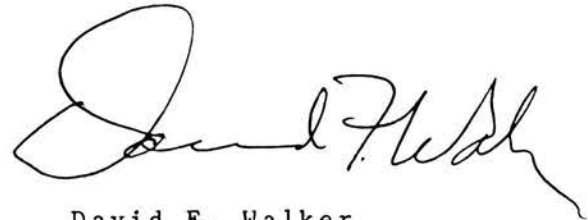
It strikes me as being somewhat ironic that the present Attorney General has publicly expressed his concerns that the Marshall Inquiry make full inquiry as to the manner in which justice was being administered so many years ago but yet apparently sees nothing in this case that would warrant either an investigation of certain R.C.M.P. officers to see if charges should be laid or an inquiry into police tactics in 1985, 1986 and 1987 in an effort to ensure that officers still actively pursuing their duties do not give a "repeat performance".

WALKER AND TAYLOR  
Barristers and Solicitors

Mr. W. Wylie Spicer  
Page 7  
April 23, 1987

I thank you for giving your kind consideration to  
this letter.

Yours truly,  
WALKER AND TAYLOR

A large, stylized handwritten signature in black ink, appearing to read 'David F. Walker'.

David F. Walker

DFW:sac  
Enclosures

P.S. The Decision of Judge Carver rejecting the Crown's  
application to transfer the case to Adult Court, and Madame  
Justice Glube's Decision rejecting the Crown's Appeal  
therefrom, are contained in, respectively, (1986) 74 N.S.R.  
(2d) 443 and (1987) 76 N.S.R. (2d) 163.

*D.F.W.*  
D.F.W.

MAY 08 1987

SUPREME COURT OF NOVA SCOTIA  
CHIEF JUSTICE OF THE TRIAL DIVISION



THE LAW COURTS  
PO BOX 2314  
HALIFAX, NOVA SCOTIA  
B3J 3C8

May 5, 1987

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

RE: Donald Marshall Royal Commission

Dear Mr. MacDonald

I acknowledge receipt of your letter of April 29th, 1987 concerning your request to have the matter determined by me as to whether or not the Trial Division would accept jurisdiction to hear an application concerning the question of privilege and Cabinet documents.

I recognize that you feel it would be more appropriate for a judge of the Supreme Court to deal with this matter, but my concern is that the Court should not take on jurisdiction of something if they do not have the jurisdiction to do it. I believe that Justice Hallett did do some investigation of this matter and as soon as I have an opportunity to do so I will be looking into it further.

In an effort to assist me, I would appreciate receiving from counsel, if they can in the next few days, any cases which might provide the necessary authority for the Court to accept jurisdiction. If you plan on making any submissions to me, please advise.

Yours very truly,

A handwritten signature in cursive that reads "Constance R. Glube".

Constance R. Glube  
Chief Justice, Trial Division

CRG/rls  
c.c. Mr. Jamie Saunders  
Mr. Darrel Pink

MAY 07 1987

# Margaret E. Graham Discovery Service<sub>2</sub>

298 PORTLAND STREET, DARTMOUTH, N.S. B2Y 1K4

PHONE: 469-5734

April 30, 1987

Ms. Lois Dyer  
Suite 1026, Maritime Ctr.  
1505 Barrington St.  
Halifax, N.S.  
B3J 3K5

Dear Ms. Dyer:

In reviewing my letter to you of April 21, 1987, I realized I had made an error in my estimate of the number of pages in the transcription formula.

The following estimate, therefore, should be the one followed. This estimate also makes an adjustment for the additional copy required by the board as per our meeting of April 29, 1987, bringing the total number of copies required to nine.

## **Transcription:**

\$3/page/first copy (within 48 hrs.- May 13-14/87)  
(\$4/page (within 24 hrs.)  
\$.25/each additional copy (8 copies)

Formula: 32 pages/hr. x 12 hrs. x \$5 = **\$1,920**

## **Court Reporting:**

\$125/day (max. 5 hrs.)  
\$37.50/ overtime hours

Formula: 2 days x \$125 = \$250 + 2 hrs. overtime @ \$37.50/hr. =  
\$75.00 = **\$325**

**ESTIMATED TOTAL: \$2245**

At the meeting on the 29th I agreed that the board could make three copies available to solicitors to peruse, but they were to be told that copies could **not** be made. I also agreed that the board itself could make copies for internal use only. I agreed as well that copies to counsel would be charged out at \$.25/page.

For our purposes, I would appreciate having a letter in writing from the board stating that we are the court reporters of record in Halifax and that you have agreed to the above- noted rates and terms.

We look forward to working with you on May 13 and 14.

Yours very truly,

MARGARET E. GRAHAM  
DISCOVERY SERVICE



Margaret E. Graham



MAY 07 1987



halifax cablevision limited

p.o. box 8660 stn. "A", 5841 bilby street; halifax, nova scotia, canada B3K 5M3  
tel. (902) 453-2800

May 4, 1987.

Mrs. Lois Dyer  
Commission Executive Secretary  
Royal Commission on The Donald Marshall J.R Prosecution  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
HALIFAX, Nova Scotia  
B3J 3X5

Dear Mrs. Dyer:

The decision to postpone the public hearings to September 9th has created concern with respect to the live daily coverage we had proposal.

Halifax Cablevision Limited based the acquisition of equipment and manpower on the premise that the hearings would commence and proceed during the summer months.

Since the Inquiry is now anticipated to spread from September 1987 to March 1988, it may be impossible to commit to such extensive live coverage.

The Fall & Winter months very often put tremendous demands on our limited Community Programming resources.

Halifax Cablevision Limited must now carefully re-examine all options available.

We will notify the Commission of our evaluation in ample time, should alternative arrangements be required.

We are hopeful solutions can be found to this latest turn of events so that Nova Scotians will have the opportunity to witness first hand, the hearings of The Royal Commission on The Donald Marshall J.R. prosecution.

Sincerely,  
HALIFAX CABLEVISION LIMITED

Mike Barnes  
PROGRAM DIRECTOR

MAY 07 1987

# St. Andrew's Church,

THE UNITED CHURCH OF CANADA

Halifax, N. S.

CHURCH OFFICE 6036 COBURG ROAD

TELEPHONE: 422-3157

May 5, 1987

Ms. M. Lois Dyer  
Commission Executive Secretary  
The Royal Commission on the  
Donald Marshall, Jr., Prosecution  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
Halifax, N.S.  
B3J 3K5

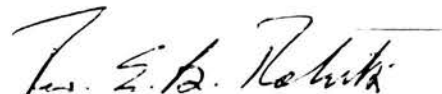
Dear Ms. Dyer:

I am in receipt of correspondence from you dated April 22nd and April 27th regarding the change in dates of the hearings on the Donald Marshall, Jr., Prosecution and also your reaction to our Official Board's decision not to accede to your wishes to have the use of our facilities for the hearings.

I have taken your latest request for reconsideration because of the change of dates to the Executive of our Official Board for clarification. It is the decision of the Executive that our original arguments would still hold true for the months of January-April 1988 as they would for the fall of 1987, viz., that our facilities would be taxed just as much at that time as they will during the fall months and therefore for the reasons outlined in my earlier letter, we feel that it would not be wise for you nor for us to have the hearings here at that time.

I am personally sorry not to be able to help you in your accommodations but feel that the decision, in the light of the above, is a wise one.

Yours very truly,



Rev. E.B. Roberts

c.c. Mr. Hugh Smith  
Chairman  
Official Board

BOUDREAU, BEATON & LAFOSSE

Barristers & Solicitors

J. Bernard Boudreau, Q.C.    G. Wayne Beaton  
Guy LaFosse                    A. Peter Ross  
J. Michael MacDonald        Patrick J. Murray

1987  
P.O. Box 755  
50 Dorchester Street  
Sydney, Nova Scotia  
Canada B1P 6J1

Telephone (902) 539-5135

Our File Ref.:

May 4, 1987

JMMD/16,208

Same Day Courier

Office of the Royal Commission  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

**Attention: M. Lois Dyer**

Dear Ms. Dyer:

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

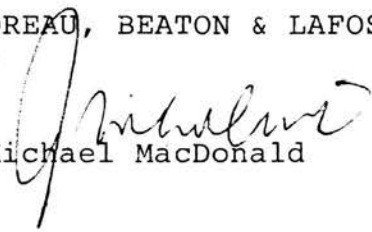
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This letter is further to your letter of April 29, 1987, addressed to Guy LaFosse of our firm. I trust you have Mr. LaFosse's letter dated April 30, 1987. Further to the same, I am pleased to enclose herewith a copy of our Submissions on behalf of Mr. Herb Davies. I also confirm that Mr. LaFosse will be present on May 13, 1987, at 10:00 a.m. as scheduled.

I trust that this is satisfactory.

Yours truly,

BOUDREAU, BEATON & LAFOSSE  
Per:

  
J. Michael MacDonald

JMMD/k1

Enclosure

cc: Mr. Herb Davies

**BLACK UNITED FRONT**  
**OF**  
**NOVA SCOTIA**

MAY 5 1987

8 EDWARD STREET, DARTMOUTH, NOVA SCOTIA B2Y 2P1  
PHONE: (902) 465-4010

MEMO

**TO:** DONALD MARSHALL JR. PROSECUTION  
**FROM:** THE BLACK UNITED FRONT OF NOVA SCOTIA  
**DATE:** MAY 4, 1987  
**RE:** DONALD MARSHALL INQUIRY

Accept this as our formal request to participate in the hearing on May 13, 14, 1987, to hear submissions on the question of funding for legal counsel for the duration of the Donald Marshall Jr., Prosecution.

On May 13, 14, 1987, Randy Johnson will be our representative.

Sincerely,

*Calvin Gough*

Calvin Gough  
2nd Vice President

# **- LACK UNITED FRONT**

OF

## **NOVA SCOTIA**

8 EDWARD STREET, DARTMOUTH, NOVA SCOTIA B2Y 2P1  
PHONE: (902) 465-4010

### **M E M O R A N D U M**

**TO:**

**FROM:** THE BLACK UNITED FRONT OF NOVA SCOTIA

**DATE:** MAY 4, 1987

**RE:** SUBMISSION ON THE QUESTION OF FUNDING FOR LEGAL  
COUNSEL

---

On March 9, 1987, **THE BLACK UNITED FRONT OF NOVA SCOTIA** made a formal request to obtain full standing before the Royal Commission on the Donald Marshall Jr. Prosecution. **THE BLACK UNITED FRONT** was granted standing by the Commissions representatives. **THE BLACK UNITED FRONT**, therefore submitting the following statement about funding or other arrangements that might allow legal counsel to be provided for the duration of the Royal Commission on the Donald Marshall Jr. Prosecution.

According to article (2) of the Commission Terms of Reference of the Order In Council appointing the Royal Commission, it appears that the Inquiry can retain the services of legal counsel at "remuneration", as shall be approved by the Management Board.

The Commission has jurisdiction, or is able to order or recommend fees for Counsel being provided. The issue is the Commissions agreement on remuneration in conjunction with, and approved by, the Management Board as required by, and incurred by the Commission to carry out its mandate.

**THE BLACK UNITED FRONT OF NOVA SCOTIA** would support the Commissions efforts to retain the services of legal counsel on our behalf. However, as a condition, **B.U.F.** reserves the right to choose the legal counsel the Commission will retain to act as our legal representative during said inquiry.

As to the other concerns such as jurisdiction, recommendations, and cost of legal fees, which the Commission requested, **B.U.F.** addresses in this submission, we are unable to respond. These are legal questions, and a lawyer would have had to be retained or assist **B.U.F.** to provide a legal position on such a submission. Funds to pay for legal fees, even at this preliminary stage of the Donald Marshall Jr. Inquiry, do not exist in the organizations budget.

Without proper legal representation it becomes impossible to adequately respond to the commissions' request for a submission with respect to funding for legal counsel.

May 4, 1987  
Page 2

**THE BLACK UNITED FRONT OF NOVA SCOTIA** is therefore placed at a major disadvantage when compared to other parties who will participate in this hearing, and have legal fees paid.

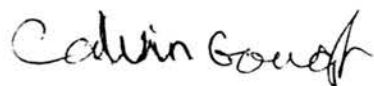
Representatives of **THE BLACK UNITED FRONT OF NOVA SCOTIA** do not have the skills, training or experience to demonstrate from a legal standpoint why funding for legal counsel must be provided. As a Black organization we are under no illusions about the criminal justice system in Nova Scotia. It has been our experience that justice exist for those who have the capital and can afford an experienced lawyer.

The Commission has the responsibility of seeing to it that all parties with full standing have the best legal counsel possible. As a Black organization we do not expect the Attorney Generals Department to provide the financial assistance required for our participation in this Inquiry.

Just last year the Attorney Generals' Department demonstrated its' ethnic insensitivity by neglecting its' responsibility to seeing that justice was done by rejecting the appeal into the murder of Graham Cromwell-Jarvis, who was also slain by a White man.

**THE BLACK UNITED FRONT** commends the Commission for its' efforts, and will provide whatever moral support is necessary in our attempt to obtain legal counsel to participate in the inquiry.

Sincerely,



Calvin Gough  
2nd Vice President

MAY 06 1987

POST OFFICE BOX 43

TELEPHONE 562-5577  
AREA CODE 902

*Elman, Kuna & Hannem*  
*Barristers & Solicitors*

FRANK L. ELMAN, Q.C.  
J. MICHAEL KUNA, B.A., LL.B.  
MURRAY F. HANNEM, B.A., LL.B.

*327 Charlotte Street*  
*Sydney, Nova Scotia*

B1P 6G9

OUR FILE NO.:

April 20, 1987

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

Dear Mr. MacDonald:

**Re: The Estate of Donald C. MacNeil, Q.C.**

I have your letter of April 14, 1987, with reference to the hearing to take place on May 13, 1987, in Halifax.

As you are aware, I have been contacted by Cameron MacNeil, son of the late Donald C. MacNeil, and applied for and received standing at the inquiry.

As you can appreciate, any funds that may have been in the estate of the late Donald C. MacNeil have long since been distributed and there is currently no source from which funding can be obtained to properly represent the estate at the hearing.

I was not in attendance at the last meeting of Monday, April 13, 1987, as funding for my travel to Halifax was unavailable, and as a result, Mr. Cameron MacNeil attended that meeting. Again, for the same reasons, I doubt my ability to attend at the scheduled meeting for May 13, 1987.

At the present time I have discussed with Mr. MacNeil the various alternatives available to him, in the event that funding is not available:

.../2

(a) Cameron MacNeil, himself, will attend at the hearing to represent his late father as best as he can.

(b) No one attends at the hearing on behalf of the late Donald C. MacNeil or;

(c) Withdraw standing.

With reference to the various points which you put forward in your letter of April 14, I will deal with them briefly.

(a) Pursuant to the terms of reference of the Commission, they have, by authority, the right to retain the services of legal counsel and such other technical, secretarial, etc. at a remuneration as approved by Management Board. It follows, therefore, that if the Commission recognizes that certain individuals or groups are entitled to have standing before them, that those persons or groups, "are required for the purposes of the inquiry" and, therefore, come within the jurisdiction of the Commission. It may be, however, that the Commission may adopt rules and practices of procedure which do not require the services of counsel, and if such be the case, those with standing may not need to be represented at the hearing. Since the Commission has already engaged three counsel to represent itself, it is obvious that the rules which they will adopt will necessitate representation for all of those with standing.

(b) It would appear, that in order for the Commission to properly complete its task, they would have the authority to recommend that those with standing be represented by counsel. However, they have no authority to determine how much should be paid in that regard.

(c) The estate of the late Donald C. MacNeil is without funds and, therefore, full funding is required.

It would appear that the Attorney General for the Province has established the precedent by hiring not one, but two counsel to represent his department. All others must support their own cause.

As a matter of note, I find it ironic that the office for the Commission has been located in Halifax and that not one of those persons hired, either by the Commission or by the Attorney General's Department, are from the area where this event took



place. Further, it is my understanding, that only part of these hearings will be held in Sydney, and I question why all the hearings should not be held here.

It would appear to me that at least a part of the inquiry will not involve the late Donald C. MacNeil who died in October, 1978. I feel certain that my involvement on behalf of the estate will only require my attendance during those periods when evidence is being brought forward which might have a direct relation to the conduct of Mr. MacNeil. For that reason, I would foresee that my legal fees for time expended will be less than the norm.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Frank L. Elman". The signature is written in dark ink and is positioned above the typed name.

Frank L. Elman, Q.C.

FLE:nml

MAY 05 1987

Ruby & Edwardh  
*barristers*

11 Prince Arthur Avenue  
Toronto, Ontario  
M5R 1B2  
Telephone (416) 964-9664

May 4, 1987

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

Dear Ms. Dyer:

Enclosed is a copy of our letter to Mr.  
George MacDonald dated April 24, 1987 which  
you apparently have not received.

Yours very truly,

Clayton C. Ruby

/ad

BY COURIER

Clayton Ruby, B.A., LL.B., LL.M.  
Ms. Marlys Edwardh, B.A., LL.B., LL.M.  
Michael Code, B.A., LL.B.  
Melvyn Green, B.A., LL.B.

Ruby & Edwardh  
barristers

Prince Arthur Avenue  
Toronto, Ontario  
M5R 1B2  
Telephone (416) 964-9664

April 24, 1987

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

Dear Mr. MacDonald:

Donald Marshall Jr. does intend to be represented at the sitting to commence on May 13, 1987 in Halifax on the issue of funding. Whether any submissions will be made on behalf of Mr. Marshall concerning this issue will depend upon the position taken by the various parties, and will await a time when I have had an opportunity to consult with some of the other counsel involved.

Yours very truly,



Clayton C. Ruby

/ms

Clayton C. Ruby, B.A., LL.B., LL.M.  
Marlys Edwardh, B.A., LL.B., LL.M.  
Michael Code, B.A., LL.B.  
John Green, B.A., LL.B.

**PATTERSON KITZ**

BARRISTERS & SOLICITORS

FORMERLY PATTERSON SMITH, THOMAS & GRANT AND KITZ MATHESON

MAY 05 1987

LEONARD A. KITZ, Q.C., D.C.L.  
JOHN D. MACISAAC, Q.C.  
DOUGLAS A. CALDWELL, Q.C.  
JAMIE W.S. SAUNDERS  
ROBERT M. PURDY  
RAYMOND F. LARKIN  
A. DOUGLAS TUPPER  
DARA L. GORDON  
D. SUZAN FRAZER  
WENDY J. JOHNSON  
ROBERT K. DICKSON

DONALD J. MACDONALD, Q.C.  
PAUL M. MURPHY, Q.C.  
RICHARD N. RAFUSE, Q.C.  
J. RONALD CREIGHTON  
J. RONALD CULLEY  
JOHN C. MACPHERSON  
S. RAYMOND MORSE  
DARREL I. PINK  
BRUCE A. MARCHAND  
RODNEY F. BURGAR  
JANICE A. STAIRS

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FROM HALIFAX 429-7741  
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**REPLY TO HALIFAX OFFICE**

May 5, 1987

BY HAND

Ms. M. Lois Dyer  
Commission Executive Secretary  
Royal Commission on the Donald Marshall, Jr.  
Prosecution  
Suite 1026, Maritime Centre  
1505 Barrington Street  
Halifax, Nova Scotia

Dear Ms. Dyer:

Donald Marshall Inquiry

Enclosed please find copies of Index of Authorities on Submission on behalf of the Department of the Attorney General.

Yours truly,

*Catherine M. Hicks*

Catherine M. Hicks  
Legal Assistant to  
Darrel I. Pink

CMH/cg

encl:

c.c. Mr. Jamie Saunders

5 1987

**BLOIS, NICKERSON, PALMETER & BRYSON**  
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P.O. Box 2147  
Halifax, Nova Scotia  
B3J 3B7

OUR FILE REFERENCE:  
SB0/31907-001

May 5, 1987

HAND DELIVERED

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

Attention: George MacDonald, Q.C.,  
Commission Counsel

Dear Sir:

**Re: Application for Funding - Inspector Donald B. Scott**  
**and Staff Sergeant Harry F. Wheaton**

As you are aware, Inspector Scott and Staff Sergeant Wheaton have been granted standing at the Inquiry and I will be representing their interests.

I am sure that you are familiar with the involvement of my clients in the 1982 R.C.M.P. investigation which ultimately led to the acquittal and release of Mr. Marshall and the conviction of Mr. Ebsary. Inspector Scott was the officer in charge of the Sydney subdivision at the time the investigation was conducted. He assigned the investigation to Staff Sergeant Wheaton and handled all communications concerning same with his superiors in Halifax. Staff Sergeant Wheaton was directly in charge of the 1982 investigation and carried out the great majority of it himself, accompanied from time to time by other members of the force. Given the nature and degree of their involvement, it would seem virtually certain at this stage that both Inspector Scott and Staff Sergeant Wheaton will be key participants in the Inquiry.

Royal Commission on the Donald  
Marshall, Jr., Prosecution,  
Page 2,  
May 5, 1987.

When I was first retained in this matter, my clients were under the impression that they would be fully reimbursed for all legal expenses. Subsequently, however, they have been advised that this is not the case. I have been attempting, so far without much success, to clarify with the Department of Justice precisely what costs the Federal Government will cover. In this regard, I am enclosing for your information a copy of Mr. Bissell's letter to me dated April 28, 1987. As you can see from that letter, the approach being taken to reimbursement of legal expenses is very restrictive and could well compromise meaningful participation in the Inquiry. In order to preclude this possibility, my clients have instructed me to apply to the Commission for partial funding of their legal expenses.

Given the strictures of time, I do not propose to address issues (a) and (b) identified in your letter to counsel dated April 14, 1987. I am content to rely on the submissions made with respect to those issues by other applicants for funding and will, therefore, confine my remarks to issue (c) -- namely, the necessity for, and the extent of, funding required by my clients from the Province of Nova Scotia.

As to the element of necessity, my clients are career R.C.M.P. officers and their salaries are a matter of public record. They both enjoy a modest standard of living but are certainly not in the position where they either can or should be required to incur substantial legal expenses on their own account in connection with the proceedings of the Inquiry. Their involvement in matters touching upon the Inquiry arose out of the performance of their public duties. They will be examined and cross-examined in minute detail with respect to that involvement and, no doubt, there will be some at the Inquiry who will wish to make them the object of criticism or ridicule. Moreover, there is always the prospect, albeit a slight one, of exposure to civil liability. Consequently, it is imperative that my clients have full access to counsel in connection with this matter and that neither they nor counsel should be constrained from full participation in the Inquiry by lack of funding for legal expenses.

Lest my intentions or those of my clients be misunderstood, I hasten to add that "full participation" shouldn't, in this context, be equated with full time attendance at the Inquiry. At present, I only plan to attend at the Inquiry during the examination and cross-examination of my clients and, possibly, one or two other potential witnesses whose

Royal Commission on the Donald  
Marshall, Jr., Prosecution,  
Page 3,  
May 5, 1987.

evidence I expect to be rather closely related to my clients' involvement in the matter.

As to the extent of funding required, it is quite clear, of course, that my clients will not need full funding. To an extent which is yet undetermined, their legal fees will be paid by the Federal Government. My clients' application for funding, therefore, relates solely to the difference, if any, between their actual legal costs incurred and the amount paid on account thereof by the Federal Government. It is very difficult, of course, to predict at this stage what the differential will be. Assuming the Federal Government eventually decides that it will cover a reasonable amount for preparation, then the differential will probably be quite modest and, indeed, may disappear altogether. If, on the other hand, the Federal Government doesn't provide funding for any preparation, then the differential could prove to be very substantial indeed.

In light of the foregoing, I respectfully request on behalf of my clients that the Commission direct that they be reimbursed by the Province of Nova Scotia for any legal fees incurred by them in connection with this matter, over and above such fees as are properly recoverable from the Federal Government. Should the Commission find that it lacks the jurisdiction to so direct, then I would request that it make an appropriate recommendation to the Province in this regard.

Please be advised that I have previous commitments at another hearing on May 13th and 14th and will not, therefore, be appearing in support of this application on May 13th. Given the number of counsel involved, I doubt that I will be conspicuous by my absence. In any event, my clients are content to stand on the foregoing written submission and waive their right to oral argument.

Yours very truly,

**BLOIS, NICKERSON, PALMETER & BRYSON**



S. Bruce Outhouse

SBO:sw  
Enclosure

Department of Justice  
Canada

Ministère de la Justice  
Canada

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

4ième étage  
Immeuble Banque Royale  
5161 rue George  
Halifax, Nouvelle-Écosse  
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426-7592

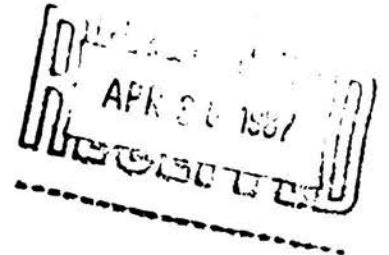
Our file  
Notre dossier

AR-21,613

April 28, 1987

Your file  
Votre dossier

Mr. R. Bruce Outhouse  
Blois, Nickerson, Palmeter & Bryson  
Barristers and Solicitors  
P. O. Box 2147  
Halifax, Nova Scotia  
B3J 3B7



Dear Mr. Outhouse:

RE: Marshall Inquiry - Representation of Members  
of Royal Canadian Mounted Police

This letter is further to our telephone conversation of April 13, 1987, and subsequent dates.

I understand that you are representing Harry F. Wheaton and Donald B. Scott, members of the Royal Canadian Mounted Police.

I wish to draw to your attention the provisions of the Administrative Policy Manuals of the Royal Canadian Mounted Police respecting payment of legal fees incurred by members out of the Public Treasury, which policy is based upon directive from Treasury Board. Under the terms of this policy, payment of members' legal fees at public expense before ongoing commissions of inquiry are payable only when:

- (1) they are required to appear and testify before a commission of inquiry;
- (2) they are requested to meet informally with the commission of inquiry; or
- (3) they are requested to be interviewed by commission counsel or commission investigators, on any matter arising out of the performance of their duties.

There is no scope for either the Department of Justice or the Royal Canadian Mounted Police to go beyond this and authorize payment of legal expenses of members at ongoing commissions of inquiry from the Public Treasury. Therefore, the legal

.../2

Canada



expenses of members will not be paid for services rendered before the Commission of Inquiry on behalf of the member when the member is not a witness on the stand or otherwise as outlined above.

The appropriate tariff, which includes a daily maximum, has been forwarded to the individual members involved by Inspector H. E. Murphy and you will be able to obtain a copy of it from your client. I would also point out that the Treasury Board requires all accounts to be taxed in advance of payment by the Department of Justice. I would, therefore, ask that you forward your account to my attention for taxation.

We envisage that claims for reasonable time spent for instructing counsel for any of the three above-noted purposes will be allowed. However, I am presently seeking instructions from our headquarters respecting this item.

There is no authority for any further reimbursement of the legal expenses of members at ongoing commissions of inquiry in the absence of specific authority from the Treasury Board of Canada. I thought it prudent to draw these terms to your attention so that there could be no misunderstanding at a later date. Those members who have opted to be represented by their counsel have again been reminded of the limits of this policy by Inspector H. E. Murphy.

Yours very truly,



James D. Bissell  
General Counsel  
Director, Atlantic Region

JDB/vpc

MAY 05 1987

Nova Scotia



**Liquor  
License Board**

C. William Singer  
Chairman and  
Chief Executive Officer

Executive Office  
Suite 401  
277 Pleasant Street  
Dartmouth, Nova Scotia

Correspondence  
P. O. Box 857  
Dartmouth, Nova Scotia  
B2Y 3Z5  
902 469-6160

May 4, 1987

Mr. Fred Horne  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Mr. Horne:

In response to your inquiry regarding the hours of operation of Taverns in the city of Sydney in 1971. I attach for your information a copy of the Regulations in effect at that time.

My research indicated the next printing of the Liquor License Board Regulations amending these hours occurred on October 10, 1972.

This information is as accurate as I am able to obtain at this particular time. I would suggest that you pose this question to the Office of the Attorney General, if the information is expected to be given under oath at some future date.

Yours truly,

  
R. S. Durling, Director  
Inspection Services

RSD/njj

Attachment

Taverns and Beverage Rooms

- 50 (1) The holder of a Tavern or Beverage Room License shall not personally or through any employee, servant or agent sell or serve beer in any tavern or beverage room:
  - (a) in the Cities of Halifax, Sydney or Dartmouth between the hours of 6:00 o'clock in the afternoon and 7:15 o'clock in the afternoon of any day unless there is provided in the tavern or beverage room food service and facilities that have been approved by the Board or between the hours of 11:00 o'clock in the afternoon and 10:00 o'clock in the forenoon of the following day;
  - (b) in any other place in the Province of Nova Scotia, excepting the Cities of Halifax, Sydney and Dartmouth, between the hours of 11:00 o'clock in the afternoon and 10:00 o'clock in the forenoon of the following day;
  - (c) on Sundays, Good Friday and Christmas Day;
  - (d) until after the polls close on a day on which a Provincial election is held in the electoral district in which the licensed premises are situate or on which a general municipal election is held in the city, town or municipality in which the licensed premises are situate; or
  - (e) during such other times and on such days as the Board may from time to time direct.
- (2) No person shall consume beer in a licensed tavern or beverage room,
  - (a) in any part of the Province between the hours of 11:30 o'clock in the afternoon and 10:00 o'clock in the forenoon of the following day; or
  - (b) in the Cities of Halifax, Sydney and Dartmouth between the hours of 6:30 o'clock in the afternoon and 7:15 o'clock in the afternoon unless the sale of beer in the tavern or beverage room is permitted within that period under clause (a) of subsection (1).
- 50A (1) Except as otherwise provided in these Regulations, no person shall, in any club, sell or serve liquor:
  - (a) between the hours of 12:30 O'clock in the forenoon of any day and 10:00 o'clock in the forenoon of the following;
  - (b) on Sundays, Good Friday and Christmas Day;

Amended February, 1969

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MAY 05 1987

LEONARD A. KITZ, Q.C., D.C.L.  
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DOUGLAS A. CALDWELL, Q.C.  
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REPLY TO TRURO OFFICE

April 30, 1987

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

Maritime Centre - Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Attention: M. Lois Dyer  
Commission Executive Secretary

Dear Ms. Dyer:

**DONALD MARSHALL INQUIRY**

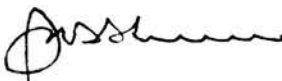
Our File No.: 9201/1

Thank you for your letter dated April 29, with enclosures.

You should have my letter dated April 23, confirming our intention to participate at the May 13 hearing and stating that our submission would be filed on May 4.

When sending correspondence to me, please see that it is addressed to my office in Truro.

Yours very truly,



Jamie W.S. Saunders

JWSS/plb

MAY 05 1987

Ruby & Edwardh  
barristers

11 Prince Arthur Avenue  
Toronto, Ontario  
M5R 1B2  
Telephone (416) 964-9664

April 24, 1987

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

Dear Mr. MacDonald:

On behalf of Donald Marshall, Jr. I am prepared to waive privilege for conversations between Mr. Marshall Jr. and Lawrence O'Neil. Mr. O'Neil is presently a Member of Parliament for Cape Breton Highlands-Canso.

Yours very truly,



Clayton C. Ruby

/ms

Clayton Ruby, B.A., LL.B., LL.M.  
Ms. Marlys Edwardh, B.A., LL.B., LL.M.  
Michael Code, B.A., LL.B.  
Melvyn Green, B.A., LL.B.

MAY 05 1987

11 Prince Arthur Avenue  
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Telephone (416) 964-9664

April 24, 1987

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

Dear Mr. MacDonald:

Donald Marshall Jr. does intend to be represented at the sitting to commence on May 13, 1987 in Halifax on the issue of funding. Whether any submissions will be made on behalf of Mr. Marshall concerning this issue will depend upon the position taken by the various parties, and will await a time when I have had an opportunity to consult with some of the other counsel involved.

Yours very truly,



Clayton C. Ruby

/ms

May 4 1988

# STEWART MacKEEN & COVERT

BARRISTERS AND SOLICITORS

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DIRECT DIAL (902) 420-

OUR FILE REFERENCE:

May 4, 1987

Ms. Lois Dyer,  
Royal Commission on the  
Donald Marshall, Jr.  
Prosecution,  
Suite 1026, 1505 Barrington St.,  
Halifax, Nova Scotia,  
B3J 3K5

Dear Ms. Dyer:

RE: MacIntyre Application for Funding

Please find enclosed three copies of the Authorities which are cited in Appendix "B" of the Submission to the Commission with respect to an Application by John F. MacIntyre for funding of legal counsel.

Yours very truly,  
STEWART, MACKEEN & COVERT  
Per:



*DCM*  
Donald C. Murray

DCM/dmb

MAY 04 1987

**STEWART MacKEEN & COVERT**  
BARRISTERS AND SOLICITORS

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COUNSEL  
DONALD A. KERR, O.C.

OUR FILE REFERENCE:

May 4, 1987

**DELIVERED**

Ms. Lois Dyer,  
Royal Commission on the  
Donald Marshall, Jr.  
Prosecution,  
Maritime Centre, Suite 1026,  
Halifax, Nova Scotia,  
B3J 3K5

Dear Ms. Dyer:

RE: Application for Funding -  
Evers, Green and MacAlpine

Please find enclosed seven copies of the Brief on behalf of the above-noted applicants for funding. Copies of this Brief have also been forwarded to other parties before the Royal Commission who have an interest in this application - that is, counsel on behalf of the Provincial Attorney-General and the Federal Department of Justice.

Yours very truly,



William L. Ryan

/dmb

c.c. Mr. Jamie Saunders/Mr. Darrel Pink  
Patterson Kitz

Mr. James D. Bissell,  
Department of Justice

Adolphus James Evers

Cst. Gary Green

R.A. MacAlpine



# BOUDREAU, BEATON & LaFOSSE

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P.O. Box 755  
50 Dorchester Street  
Sydney, Nova Scotia  
Canada B1P 6J1

Telephone (902) 539-5135

Our File Ref.:

April 30, 1987

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

**Attention: Ms. Lois Dyer**

Dear Ms. Dyer:

**Re: Royal Commission on the Donald  
Marshall, Jr., Prosecution  
Our File No. GLF/16,208**

Further to our telephone conversation on Tuesday, the 28th of April, 1987, I wish to acknowledge that on the 29th of April, 1987, I received from the Commission a copy of their correspondence which is dated the 14th of April, 1987. I wish to acknowledge that I recently received your letter of April 28, 1987 confirming the standing for Sergeant Herb Davies.

In reviewing the April 14, 1987 correspondence from George MacDonald, Commission Counsel, I note that all parties who have standing and wish to be heard on May 13th, are required to make submissions to the Commission by May 4th. On behalf of Sergeant Herb Davies, I wish to confirm that it is our intention to have Michael MacDonald from this firm present on the 13th of May to make application that funding of counsel for Sergeant Davies be provided through the Commission or, alternatively, that the Commission direct the Province of Nova Scotia to provide the required funding for Sergeant Davies.

Regrettably, since receiving your correspondence, I have been trying to obtain a copy of the Order in Council appointing the Commission so that I can be in a position to prepare a brief on the points raised in the letter of April 14, 1987. I hope to have that information made available to me within the next few days. After that, we will

...../2

Royal Commission on the  
Donald Marshall, Jr., Prosecution  
Attention: Ms. Lois Dyer

- 2 -

April 30, 1987

have some materials forwarded to the Commission on the points raised in the letter of April 14, 1987 so that the Commission is aware that we will be seeking funding on behalf of our client.

I trust that this information is satisfactory for your purposes and I trust that the Commission will be able to understand that because of the time constraint and our late involvement in this matter, we are unable to have a written submission to you by the 4th of May, 1987.

Yours truly,

**BOUDREAU, BEATON & LaFOSSE**



Per: **Guy LaFosse**

GLF/sm  
c.c.

Sergeant Herb Davies

MAY 04 1987

# BOYNE CLARKE

Barristers & Solicitors

JOHN A. YOUNG, Q.C.  
THOMAS O. BOYNE  
ROBERT MURRANT  
DAVID J. BRIGHT  
W. RICHEY CLARKE  
A. LAWRENCE GRAHAM  
GORDON F. PROUDFOOT  
CYRIL J. RANDALL  
JAMES L. CONNORS  
PETER A. McINROY  
PATRICIA A. DAVIS  
MATTHEW W. NAPIER  
BRUCE V. McLAUGHLIN  
DEBORAH CONRAD  
DAVID G. COLES  
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May 1, 1987

M. Lois Dyer  
Commission Executive Secretary  
Royal Commission on the Donald  
Marshall, Jr., Prosecution  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
HALIFAX, Nova Scotia  
B3J 3K5

Dear Ms. Dyer:

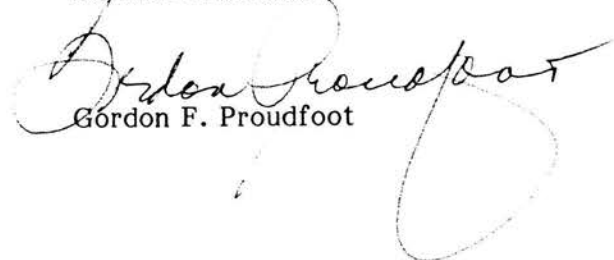
Thank you for your letter of April 29, 1987.

The Nova Scotia Branch of the Canadian Bar Association will not be attending your meeting on May 13th & 14th, 1987 regarding funding of legal fees for various participants.

Thank you for keeping us informed.

Yours sincerely,

**BOYNE CLARKE**



Gordon F. Proudfoot

GFP/mf

MAY 04 1987

**McINNES COOPER & ROBERTSON**  
**BARRISTERS & SOLICITORS**

P.O. BOX 730  
1673 BEDFORD ROW  
HALIFAX, CANADA  
B3J 2V1

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W. Wylie Spicer  
John D. Stringer  
Gregory J. Arsenault  
David A. Graves  
Marcia L. Ruitenber  
Deborah K. Smith  
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Harold F. Jackson, Q.C.  
Harry E. Wrathall, Q.C.  
George T. H. Cooper, Q.C.  
Peter J. E. McDonough, Q.C.  
George W. MacDonald, Q.C.  
Michael I. King  
F. V. W. Penick  
Christopher C. Robinson  
Thomas E. Hart  
Peter M. S. Bryson  
Scott C. Norton  
Fae J. Shaw  
Stephen J. Kingston

**COUNSEL:**  
John H. Dickey, Q.C.  
George B. Robertson, Q.C.

TELEPHONE (902) 425-6500  
TELECOPIERS (902) 425-6386  
(902) 425-6350  
TELEX 019-21859  
CABLE ADDRESS "McInnes"

OUR FILE: I-1816

April 30, 1987

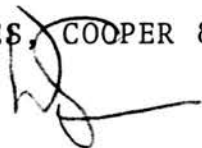
Dear Lois:

I am enclosing our account for the month  
of April which I trust you will find to be in order.

Kind regards,

Yours very truly,

McINNES, COOPER & ROBERTSON

  
W. Wylie Spicer

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

WWS/mm

Enclosure

MAY 04 1987

11 Prince Arthur Avenue  
Toronto, Ontario  
M5R 1B2  
Telephone (416) 964-9664

April 28, 1987

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

Dear Mr. MacDonald:

I have your letter of April 14, 1987 to Marlys Edwardh before me and I have considered carefully with her the response we wish to make to it.

Once privilege is waived with regard to a communication, it is my understanding that privilege is waived for all purposes.

Insofar as the files we have made available to you are concerned, we feel that they really ought, in fairness, be made available to anyone so that parts which we do not consider to be relevant might be used by anyone else if they can persuade the Commissioners that they indeed are relevant. Without access to that material, we really are preventing them from participating fully in the Royal Commission. No doubt there are matters in the file which are not relevant to the Commission, and I think there ought to be an undertaking that that sort of material ought not to be used for any purpose other than the purposes of presentation of material for use by the Royal Commission. That is in accord with the general rules covering material produced on discovery in civil matters. The general public ought not to have access to material that is not put before the tribunal sitting in public.

In short, we believe that openness ought to be the rule. But this position is contingent upon an

understanding that you share that position and that all the material you have from all sources will be dealt with in exactly the same way. Otherwise, an inequity would arise vis a vis Mr. Marshall.

If there are further questions that you have concerning this matter, please do not hesitate to contact me again.

Yours very truly,

Clayton C. Ruby

/ms

**PATTERSON & KITZ**  
BARRISTERS & SOLICITORS

FORMERLY PATTERSON SMITH MATTHEWS & GRANT AND KITZ MATHESON

MAY 01 1987

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ALSO OFFICES AT  
TRURO, NOVA SCOTIA  
BEDFORD, NOVA SCOTIA

May 1, 1987

Chief Justice T. Alexander Hickman  
Chairman  
Royal Commission on the Donald Marshall, Jr.  
Prosecution  
Maritime Centre, Suite 1026,  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Sir:

Marshall Inquiry

Enclosed is a letter which was inadvertently sent to our office.

Yours truly,



Darrel I. Pink

DIP/cg  
encl:

**MAY 01 1987**

LEONARD A. KITZ, Q.C., D.C.L.  
JOHN D. MACISAAC, Q.C.  
DOUGLAS A. CALDWELL, Q.C.  
JAMIE W.S. SAUNDERS  
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TELEX 019-22893

ALSO OFFICES AT  
TRURO, NOVA SCOTIA  
BEDFORD, NOVA SCOTIA

May 1, 1987

BY HAND

Ms. Lois Dyer  
Commission Executive Secretary  
Royal Commission on the Donald Marshall, Jr.  
Prosecution  
Maritime Centre, Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia

Dear Ms. Dyer:

Marshall Inquiry

Enclosed are three copies of the Submission on Behalf of the Attorney General regarding the funding application. From your letter of April 29th we understand that you will be issuing these to all parties and thus we have not exchanged this brief with any of the applicants.

Next week for the convenience of the Commissioners we shall forward to you a booklet of authority of the cases referred to in our submission.

Yours truly,

*Candace Gibbons*

Darrel I. Pink

DIP/cg

encl:

c.c. Mr. Jamie Saunders





MAY 01 1987

APR 27 1987

Chief Justice T. Alexander Hickman  
Chairman  
Royal Commission on the  
Donald Marshall, Jr. Prosecution  
Maritime Centre, Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Sir:

On behalf of the Solicitor General of Canada, the Honourable James Kelleher, I would like to acknowledge and thank you for your letter dated April 15, 1987, and enclosed correspondence to the Honourable Ray Hnatyshyn regarding Commission hearings.

Please be assured that your letter will be brought promptly to the Minister's attention.

Yours sincerely,

A handwritten signature in cursive script that reads "David G. Near".

David G. Near  
Special Assistant

May 31 1987



CITY OF SYDNEY  
P.O. BOX 730  
SYDNEY, NOVA SCOTIA  
B1P 6H7

April 28, 1987

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

ATTENTION: George W. MacDonald  
Commission Counsel

Dear Mr. MacDonald:

Please be advised that I have been instructed by the  
Sydney Police Commission to attend the public sitting  
to be held in Halifax on May 13, 1987.

Sincerely,

M. G. Whalley, Q.C.,  
City Solicitor

MAY 01 1987

11 Prince Arthur Avenue  
Toronto, Ontario  
M5R 1B2  
Telephone (416) 964-9664

April 21, 1987

Mr. Wylie Spicer  
Commission Counsel  
Royal Commission on the Donald  
Marshall, Jr., Prosecution  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
Halifax, N.S.  
B3J 3K5

Dear Wylie:

Please find enclosed an anonymous letter that was forwarded to our office apparently as a result of someone reading a newspaper article. I thought you might find it interesting.

Sincerely yours,

*Marlys Edwardh/jp*

Marlys Edwardh

ME:jp

P.S. Since I do not know how to reach Harry Wheaton, perhaps you might forward this on to his counsel as the letter requests.

MAY 0 1 1987

Ruby & Edwardh  
*barristers*

11 Prince Arthur Avenue  
Toronto, Ontario  
M5R 1B2  
Telephone (416) 964-9664

April 21, 1987

Mr. Wylie Spicer  
Commission Counsel  
Royal Commission on the Donald  
Marshall, Jr., Prosecution  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
Halifax, N.S.  
B3J 3K5

Dear Wylie:

Please find enclosed a copy of the materials on funding I promised to send to you. I have photocopied certain portions of the transcript which involve the representations made by Stephen LeDrew and Madelain Gobeil on behalf of the Liberal Party of Canada and the N.D.P. respectively. Included as well are the comments made by Mr. Ian Binnie, counsel for the Government of Canada and also Mr. John Sopinka on behalf of Mr. Stevens. I have also enclosed Justice Parker's Ruling. I have taken the liberty of also forwarding to you a memo done by a young student on our staff to Ed, my colleague. This is, of course, confidential and would ask that it remain with you and not be shared with anyone else. This memorandum is a comment on the general principles regarding funding which we were advised to consider and further a memorandum commenting on the Liberal Party's submission that had been made to us.

I hope that you find the foregoing of assistance.

Sincerely yours,



Marlys Edwardh

ME:jpp

Clayton Ruby, B.A., LL.B., LL.M.  
Ms. Marlys Edwardh, B.A., LL.B., LL.M.  
Michael Code, B.A., LL.B.  
Melvyn Green, B.A., LL.B.

**STEWART MacKEEN & COVERT**  
BARRISTERS AND SOLICITORS

PURDY'S WHARF TOWER ONE  
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**HALIFAX, CANADA**

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ELIZABETH M. HALDANE  
ERIC L. BURTON  
LAWRENCE J. STORDY

DAVID R. CHIPMAN, O.C.  
J. THOMAS MacQUARRIE, O.C.  
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MICHAEL T. PUGSLEY  
NANCY I. MURRAY  
T. ARTHUR BARRY  
JOHN MacL. ROGERS  
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TELEX 019-22593

DIRECT DIAL (902) 420-

OUR FILE REFERENCE:  
April 30, 1987

COUNSEL  
DONALD A. KERR, O.C.

**DELIVERED**

Ms. Lois Dyer,  
Royal Commission on the  
Donald Marshall, Jr.  
Prosecution,  
Maritime Centre, Suite 1026,  
Halifax, Nova Scotia,  
B3J 3K5

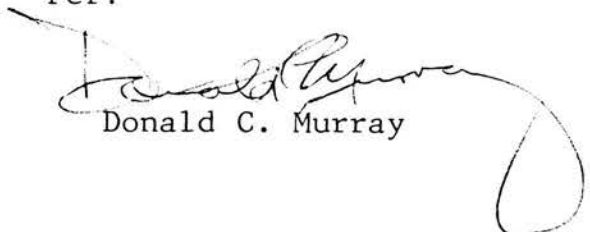
Dear Ms. Dyer:

RE: Submission with respect to  
Application by John F. MacIntyre  
for Funding of Legal Counsel

Please find enclosed seven copies of the above-noted submission to be heard by the Commission on May 13, 1987. As with the Application in support of which this submission is made, a copy has been forwarded to the Counsel who are appearing on behalf of the Attorney General of Nova Scotia and to Counsel for Donald Marshall, Jr. We presume that you will be providing Commission Counsel with these materials.

We await your advice as to the location of the hearing on May 13, 1987.

Yours very truly,  
STEWART, MACKEN & COVERT  
Per:

  
Donald C. Murray

DCM/dmb

c.c. Mr. Jamie Saunders  
Mr. Darrel Pink  
Ms. Anne Derrick



Department of Justice  
Canada

Ministère de la Justice  
Canada

APR 30 1987

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

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

Our file: AR-21,613  
Notre dossier:

426-7592

Your file:  
Votre dossier:

April 28, 1987

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

Attention: Mr. George MacDonald

Dear Sir:

RE: Donald Marshall Inquiry

I acknowledge receipt of your letters of April 15, 1987, in which you request copies of the various pages in effect from 1980 to 1985 concerning the authority of the police officer to lay an Information. You have also requested to have an opportunity to examine the index for the Manual to satisfy yourself that there are no portions which may have relevance. I have asked Insp. Murphy to attempt to locate the earlier policy statements on laying of informations and to seek instruction on turning over the index.

I expect to be in a position very shortly to provide you with the requested material. I have also sought instructions from my Client concerning turning over note books which you have requested as well and either Al Pringle or I will advise you in due course.

Yours very truly,

James D. Bissell  
General Counsel  
Director, Atlantic Region

JDB/vpc

Canada



Department of Justice  
Canada

Ministère de la Justice  
Canada

APR 30 1987

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

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

Our file: AR-21,613  
Notre dossier:

426-7592

Your file:  
Votre dossier:

April 28, 1987

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

Attention: George MacDonald

Dear George:

RE: Procedural Rules

At the meeting with Counsel on April 13, 1987, you distributed copies of proposed procedural rules and you invited Counsel to advise you by the end of the week of any objections to these rules. We are presently examining the rules and may wish to offer some comment in the near future. I trust that since the Inquiry has now been delayed until the Fall, you will not object if we take a little bit more time to look at the rules before sending you our comments.

Thank you.

Yours very truly,

James D. Bissell  
General Counsel  
Director, Atlantic Region

JDB/vpc

APR 30 1987

15 April 1987

Project Planning  
and Feasibility  
Studies.

**CML Consultants**  
Limited

1586 Queen Street  
Halifax  
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B3J 2J1

902 422-1343

M. Lois Dyer  
Executive Secretary  
The Royal Commission on the  
Donald Marshall, Jr., Prosecution  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
Halifax, N.s.

**INVOICE**

Consultant services and expenses incurred on behalf of the  
Royal Commission for the period 01 Mar 87 - 31 Mar 87.  
Time sheets are attached and receipts are available on request.

Fee as agreed \$2,550.00

Expenses

Re Press Release and Fact Sheets 10 & 13 Mar -

Postage & Courier	106.61
Stationery	8.40
Photocopies	133.20

Other business

Courier	9.75
M T & T	<u>1.05</u>

259.01

**TOTAL INVOICE**

**\$2,809.01**

Please remit to CML Consultants Limited at the above address.



# PATTERSON ' KITZ

BARRISTERS & SOLICITORS

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FROM HALIFAX 429-7741  
TELECOPIER (902) 893-3071

REPLY TO HALIFAX OFFICE

April 29, 1988

BY HAND

Mr. W. Wylie Spicer  
Royal Commission on the  
Donald Marshall Jr. Prosecution  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
Halifax, N.S.

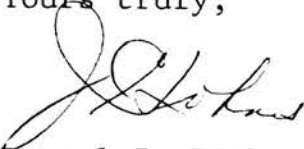
Dear Mr. Spicer:

Donald Marshall Inquiry  
Our File No. 9201/1

Further to yours of April 21, 1987, I can confirm that Mr. Gordon Coles' letter to Mr. Frank Edwards dated November 30, 1984, and bearing file number 25-83-0019-06 was typed by Mrs. Kay Chisholm who was secretary to Mr. Coles. Mrs. Chisholm tells me she also determined where to file it and felt it properly belonged in the Cape Breton County Prosecutor's file where it was placed.

If you would like to talk to Mrs. Chisholm, please advise and we will make the necessary arrangements.

Yours truly,

  
Darrel I. Pink

DIP/jl



PO Box 955  
1800 Argyle Street  
Halifax, Nova Scotia  
Canada  
B3J 2V9

902 421-8686

April 23, 1987

Ms. Lois Dyer  
Royal Commission on the  
Donald Marshall Prosecution  
Suite 1026, Maritime Centre  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Ms. Dyer:

Thank you for your interest in the World Trade and Convention Centre.

Enclosed please find our contract for your review and signature. Kindly return one signed copy of the contract in order to ensure the space allocated you is guaranteed.

Prior to your event, you will be contacted by a representative of our Convention Services Department who will be pleased to assist you in finalizing your technical and catering requirements.

We look forward to having the Royal Commission with us at the World Trade and Convention Centre and trust your function will be successful and enjoyable.

Sincerely,

A handwritten signature in cursive script that reads 'Sheila Blair'.

Sheila Blair  
Sales Assistant

/ts  
Enclosure

# PATTERSON KITZ

BARRISTERS & SOLICITORS

FORMERLY PATTERSON SMITH MATHEWS & GRANT AND KITZ MATHESON

APR 29 1987

LEONARD A. KITZ, Q.C., D.C.L.  
JOHN D. MACISAAC, Q.C.  
DOUGLAS A. CALDWELL, Q.C.  
JAMIE W.S. SAUNDERS  
ROBERT M. PURDY  
RAYMOND F. LARKIN  
A. DOUGLAS TUPPER  
DARA L. GORDON  
D. SUZAN FRAZER  
WENDY J. JOHNSON  
ROBERT K. DICKSON

DONALD J. MACDONALD, Q.C.  
PAUL M. MURPHY, Q.C.  
RICHARD N. RAFUSE, Q.C.  
J. RONALD CREIGHTON  
J. RONALD CULLEY  
JOHN C. MACPHERSON  
S. RAYMOND MORSE  
DARREL I. PINK  
BRUCE A. MARCHAND  
RODNEY F. BURGAR  
JANICE A. STAIRS

FRED J. DICKSON, Q.C.  
DAVID R. HUBLEY, Q.C.  
GERALD J. MCCONNELL  
RONALD A. PINK  
LOGAN E. BARNHILL  
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LORNE E. ROZOVSKY, Q.C.  
WYMAN W. WEBB  
GORDON N. FORSYTH  
KIMBERLEY H. W. TURNER

JAMES C. LEEFE, Q.C.  
FRANK J. POWELL, Q.C.  
CLARENCE A. BECKETT  
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DAVID R. FEINDEL  
JOEL E. FICHAUD  
J. MARK MCREA  
ALAN C. MACLEAN  
DIANNE POTHIER  
JANET M. CHISHOLM  
EDWIN A. CAMERON

BANK OF MONTREAL TOWER  
SUITE 1600, 5151 GEORGE STREET  
P.O. BOX 247  
HALIFAX, NOVA SCOTIA B3J 2N9  
TELEPHONE (902) 429-5050  
TELECOPIER (902) 429-5215  
TELEX 019-22893

10 CHURCH STREET  
P.O. BOX 1068  
TRURO, NOVA SCOTIA B2N 5B9  
TELEPHONE (902) 895-1631  
FROM HALIFAX 429-7741  
TELECOPIER (902) 893-3071

REPLY TO HALIFAX OFFICE

April 27, 1987

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

Dear Mr. Spicer:

Donald Marshall Inquiry

I acknowledge yours of April 21, 1987. I am attempting to identify the person you have referred to and shall be back to you.

Yours truly,



Darrel I. Pink

DIP/cg  
c.c. Mr. Jamie Saunders

APR 28 1987

LEONARD A. KITZ, Q.C., D.C.L.  
JOHN D. MACISAAC, Q.C.  
DOUGLAS A. CALDWELL, Q.C.  
JAMIE W.S. SAUNDERS  
ROBERT M. PURDY  
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TELEPHONE (902) 429-5050  
TELECOPIER (902) 429-5215  
TELEX 019-22893

REPLY TO TRURO OFFICE

April 23, 1987

Mr. George W. MacDonald, Q.C.  
Commission Counsel  
**ROYAL COMMISSION ON THE DONALD MARSHALL, JR.,  
PROSECUTION**  
Maritime Centre - Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Mr. MacDonald:

**DONALD MARSHALL INQUIRY**  
Our File No.: 9201/1

Thank you for your letter dated April 14 with respect to the postponement of the public hearings.

This is to advise that it will be the intention of our client to be represented at the public hearing scheduled for May 13, 1987, commencing at 10:00 a.m.

Our written submission with documentation in support will be delivered, as requested, no later than May 4. Am I to assume that Commission counsel will distribute copies of submissions made by interested parties among the others who have made similar submissions? Alternatively, will you be providing us with a list of those persons who intend to make submissions, so that we can exchange our Brief for theirs?

Finally, would you let us know the location for the May 13th hearing?

Yours very truly,



Jamie W.S. Saunders

JWSS/plb

c.c.: Darrel I. Pink

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

CHIEF JUSTICE T. ALEXANDER HICKMAN  
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS  
COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

April 23, 1987

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

Dear Mr. Pink:

Re: Cabinet Documents

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

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

.../2

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

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

Yours very truly,

*W. Wylie Spicer*

W. Wylie Spicer  
Commission Counsel

WWS/mm

DELIVERED

APR 27 1987

**SMITH, GAY, EVANS & ROSS**

BARRISTERS & SOLICITORS

BRUCE W. EVANS  
(Also of the Alberta bar)  
JEREMY GAY  
E. ANTHONY ROSS, M.Eng., P.Eng.  
W. BRIAN SMITH

604 QUEEN SQUARE  
P.O. BOX 852  
DARTMOUTH, NOVA SCOTIA  
B2Y-3Z5  
Telephone  
(902) 463-8100

April 24, 1987

File #1077-01

ROYAL COMMISSION ON  
DONALD MARSHALL, JR., PROSECUTION

Suite 1026  
Maritime Centre  
1505 Barrington St.  
Halifax, NS  
B3J 3K5

Attention: George W. MacDonald, Esq. Q.C. - Commission Council

Dear Mr. MacDonald:

Re: Oscar Nathaniel Seale

Further to your communique of April 14, 1987 (received on April 21, 1987), I did, on Friday, April 24, 1987, advise Ms J. Cook of the Commission Offices that Mr. Seale will be represented at the May 13th sitting, and further, that submissions will be made on his behalf.

Yours very truly,

SMITH, GAY, EVANS & ROSS

PER: 

E. ANTHONY ROSS

EAR/lmb  
cc: O. Seale

Copy to Chief Justice Hickman

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

CHIEF JUSTICE T. ALEXANDER HICKMAN  
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS  
COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

April 23, 1987

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

Dear Mr. Pink:

Re: Cabinet Documents

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



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Yours very truly,

*Original Signed by*

W. Wylie Spicer  
Commission Counsel

WWS/mm

DELIVERED

APR 27 1987

**Public Legal  
Education**  
SOCIETY OF NOVA SCOTIA

---

1127 BARRINGTON STREET, HALIFAX, NOVA SCOTIA, B3H 2P8 (902) 423-7154

April 23, 1987

Mr. Justice T. A. Hickman  
Chief Justice of Newfoundland  
Royal Commission on the  
Donald Marshall, Jr. Prosecution  
c/o Ste. 1026, Maritime Centre  
1505 Barrington Street  
Halifax, NS  
B3J 3K5

Dear Justice Hickman:

Our First Annual Law Day Luncheon was a resounding success, and we are most indebted to you for your participation.

Having a speaker of your reputation and calibre was fortunate for us. Thank you again for assisting our Society.

Sincerely,



Thelma Costello  
Executive Director

TC:rp

cc: Alan MacNeill  
President

APR 27 1987

**BOUDREAU, BEATON & LAFOSSE**

**Barristers & Solicitors**

J. Bernard Boudreau, Q.C.    G. Wayne Beaton  
Guy LaFosse                    A. Peter Ross  
J. Michael MacDonald         Patrick J. Murray

P.O. Box 755  
50 Dorchester Street  
Sydney, Nova Scotia  
Canada B1P 6J1

Telephone (902) 539-5135

Our File Ref.:

April 22, 1987

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

**Attention: Ms. Lois Dyer**

Dear Ms. Dyer:

**Re: Royal Commission on Donald Marshall,  
Jr. Prosecution  
Our File No. GLF/16,208**

Further to our meeting in Halifax on Monday, April 13, 1987, I wish to confirm that I have been retained to act on behalf of Sergeant Herb Davies of the R.C.M.P.

In speaking with my client, I understand that he, along with a number of other R.C.M.P. officers, did a re-investigation of the Marshall prosecution. As a result, he and the other officers will be required to testify at the Commission hearing. As you are aware, Staff Sergeant James Carroll, Adolphus Evers, Gary Green and Richard McAlpine, all members of the R.C.M.P., have been granted standing at the Commission hearings. On behalf of Sergeant Herb Davies, I would request that he also be granted standing with the solicitor of his choosing.

In speaking with the solicitors who are acting for various parties who have standing at the hearing, I understand that some of the parties involved may try to discredit the investigation done by Sergeant Davies and the other members of the R.C.M.P. Because of this situation, we feel that it would be in Sergeant Davies' interest to have standing at the hearing.

...../2

The Royal Commission on  
Donald Marshall, Jr.  
Prosecution

Attention: Ms. Lois Dyer

- 2 -

April 22, 1987

I would appreciate it if you would advise me  
at your earliest convenience whether or not Sergeant Davies  
will be granted such standing.

Yours truly,

**BOUDREAU, BEATON & LaFOSSE**



Per: **Guy LaFosse**

GLF/sm  
c.c.

Sergeant Herb Davies

# St. Andrew's Church

APR 27 1987

THE UNITED CHURCH OF CANADA  
Halifax, N. S.

CHURCH OFFICE 6036 COBURG ROAD

TELEPHONE: 422-3157

April 22, 1987

Royal Commission on the Donald Marshall,  
Jr., Prosecution  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
Halifax, N.S.  
B3J 3K5

Attention: M. Lois Dyer, Commission  
Executive Secretary

Dear Ms. Dyer:

As promised by me in my letter of April 1st 1987, I am writing you following the meeting of our Official Board on April 20th 1987. The Board discussed at some length your request for space at St. Andrew's to hold public hearings in regard to the Royal Commission on the Donald Marshall, Jr., Prosecution.

Your original intention was to hold hearings in Halifax during June, August, September and October of 1987. I believe the Official Board would have looked favourably on your using our facilities during that time mainly because our occupancy rate is minimal for most of that period.

However, now that we have learned through the press that the beginning of the hearings has been postponed until September, we assume that you would wish the space mentioned for September, October, November and December 1987. If this is correct, then the Official Board feels that we cannot accede to your request mainly on the grounds that our premises will be experiencing maximum occupancy during this period.

We would have liked to have had this opportunity to be of service to you and the community but because of all the other activities in which we are engaged it would tax our facilities to the limit. We feel it would be disruptive to some of them and to you to try and accommodate everyone.

We hope that we have not held you up unduly in your decision-making, and trust that you will find suitable accommodations for your purposes very soon.

Yours sincerely,



Rev. E.B. Roberts

c.c. Mr. David Sellar  
Secretary  
Official Board

LEONARD A. KITZ, Q.C., D.C.L.  
JOHN D. MACISAAC, Q.C.  
DOUGLAS A. CALDWELL, Q.C.  
JAMIE W.S. SAUNDERS  
ROBERT M. PURDY  
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REPLY TO HALIFAX OFFICE

April 23, 1984

Ms. Lois Dyer  
Commission Executive Secretary  
Royal Commission on the Donald Marshall, Jr.  
Prosecution  
Maritime Centre, Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Ms. Dyer:

Donald Marshall Inquiry

As Counsel for the Department of the Attorney General we would like copies of all materials which the Commission intends to disseminate. Though we have in our possession copies of transcripts and will not require them to be duplicated, we would like a list of all material that is available for parties.

It is our understanding that witness booklets are being prepared with excerpts from testimony, statements, etc. given by various witnesses. If that is the case then we would like these booklets even though they may involve some duplication of material.

If you give me a call we can perhaps discuss the nature of the material the Commission has and intends to provide and then we can determine exactly what we want.

Yours truly,



Darrel I. Pink

DIP/cg  
c.c. Mr. Jamie Saunders

APR 24 1987



UNIVERSITY OF  
NEW BRUNSWICK

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

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

Telex: 014-46-202

15 April 1987

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

Dear Ms. Dyer:

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

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

Yours truly,

A handwritten signature in cursive script, appearing to read 'David G. Bell'.

David G. Bell  
Assistant Professor

DGB/wmb

Enclosures

APR 24 1987

LEONARD A. KITZ, Q.C., D.C.L.  
JOHN D. MACISAAC, Q.C.  
DOUGLAS A. CALDWELL, Q.C.  
JAMIE W.S. SAUNDERS  
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FROM HALIFAX 429-7741  
TELECOPIER (902) 893-3071

REPLY TO HALIFAX OFFICE

April 22, 1987

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

Dear Mr. Orsborn:

Donald Marshall Inquiry

Thank you for yours of April 15th enclosing discovery transcripts as enumerated in your letter.

Yours truly,



Darrel I. Pink

DIP/cg  
c.c. Mr. Jamie Saunders



LEONARD A. KITZ, Q.C., D.C.L.  
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LORNE E. ROZOVSKY, Q.C.  
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REPLY TO TRURO OFFICE

April 20, 1987

Mr. George W. MacDonald, Q.C.  
Commission Counsel  
**ROYAL COMMISSION ON THE DONALD MARSHALL, JR.,  
PROSECUTION**  
Maritime Centre - Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Mr. MacDonald:

**DONALD MARSHALL INQUIRY**  
Our File No.: 9201/1

Thank you for your letter dated April 14 which obviously crossed in the mail with mine of April 15.

I trust that our position was suitably described in that letter, but if you have any other questions, please do not hesitate to contact us.

Yours very truly,



Jamie W.S. Saunders

JWSS/plb

APR 22 1987

# Margaret E. Graham Discovery Service

298 PORTLAND STREET, DARTMOUTH, N.S. B2Y 1K4

PHONE: 469-5734

April 21, 1987

Ms. Lois Dyer  
Suite 1026, Maritime Ctr.  
1505 Barrington St.  
Halifax, N.S.  
B3J 3K5

Dear Ms. Dyer:

Re: Donald Marshall Inquiry

Further to our conversation today, I have drawn up an estimate of the cost of the hearing on May 13, 14, 9-5 as requested.

We estimate approximately:

**Transcription:**

32 pages an hour

6 hrs. per day x two days = 12 hrs.

\$3.00 per page/first copy (within 48 hrs.)

\$.25/per copy x 8 copies = \$2.00

Formula:  $35 \times 12 \times \$5 = \$1,920$

**Court Reporting:**

\$125 per day (max. 5 hrs.)

\$37.50/ overtime hours

Formula: 2 days x \$125 = \$250 + two hours overtime @ \$37.50  
per hour = \$75.00 = **\$325.00**

**ESTIMATED TOTAL: \$2245.00**

The price is in keeping with our quote previously submitted. (N.B. The price would be reduced if the typing could be done in the ordinary course and not within a 48-hour deadline.)

I anticipate hearing from you as to further details, particularly sound systems. Please do not hesitate to contact me should you need more information.

Yours very truly,

MARGARET E. GRAHAM  
DISCOVERY SERVICE



Margaret E. Graham

APR 22 1987

# STEWART MacKEEN & COVERT

BARRISTERS AND SOLICITORS

FRANK M. COVERT, O.C.  
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TELEX 019-22593

DIRECT DIAL (902) 420-

OUR FILE REFERENCE:

April 21, 1987

DELIVERED BY HAND

Royal Commission on the  
Donald Marshall, Jr., Prosecution  
Maritime Centre, Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia

Dear Sirs:

Further to George MacDonald's memorandum of April 14, 1987, I would ask you to accept this letter on behalf of Richard McAlpine, Constable Gary Green and Adolphus Evers that it is their intention to be represented on the funding hearing slated for May 13. It is further our intention to submit written briefs prior to the 13th without calling any evidence at the time of the formal hearing.

Yours very truly,

STEWART, MacKEEN & COVERT

Per:

  
William L. Ryan

WLR:lc

APR 22 1987

LEONARD A. KITZ, Q.C., D.C.L.  
JOHN D. MACISAAC, Q.C.  
DOUGLAS A. CALDWELL, Q.C.  
JAMIE W.S. SAUNDERS  
ROBERT M. PURDY  
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REPLY TO HALIFAX OFFICE

April 22, 1987

BY HAND

Mr. W. Wylie Spicer  
Commission Counsel  
Royal Commission on the Donald Marshall, Jr.  
Prosecution  
Maritime Centre, Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia

Dear Mr. Spicer:

Donald Marshall Inquiry

This follows our brief discussion on Monday, April 13th, where we indicated that we were anticipating instructions regarding your request for production of Cabinet documents. We promised to get back to you by Wednesday, April 22nd.

In response to the specific request contained in your letter of March 25, 1987, we confirm there are no Cabinet documents which relate to possible charges against John F. MacIntyre or Donald Marshall, Jr.

Our instructions are to release to the Commission, the following materials, copies of which are enclosed:

- a) certified true copy of Order-In-Council dated March 13, 1984;
- b) certified true copy of Order-In-Council dated April 10, 1984;
- c) certified true copy of Order-In-Council dated September 28, 1984;
- d) certified true copy of Order-In-Council dated January 15, 1985;
- e) certified true copy of Order-In-Council dated October 28, 1986.

Mr. W. Wylie Spicer  
April 22, 1987  
Page 2

If you have any questions regarding this material, do not  
hesitate to be in touch.

Yours truly,

A handwritten signature in cursive script, appearing to read "Darrel I. Pink".

Darrel I. Pink

DIP/cg

encl:

c.c. Mr. Jamie Saunders

PATTERSON KITZ

APR 22 1987

STEWART MacKEEN & COVERT

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DIRECT DIAL (902) 420-

OUR FILE REFERENCE:

April 16, 1987

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

Attention: M. Lois Dyer  
Commission Executive Secretary

Dear Ms. Dyer:

Re: Marshall Inquiry

I thank you for your letter of April 13, 1987. Please pass along my appreciation to the Commission for granting standing on behalf of the three R.C.M.P. officers.

It is my understanding that an application is being made for funding by John MacIntyre and BUF and the Union of Indians.

As Ottawa is only prepared to cover a very small portion of our clients' expenses, we would also like to join in any application to be made for funding.

Please provide us with notice of any hearing with respect to funding as we would like to make a submission to the Council at that time.


Yours very truly,

STEWART, MacKEEN & COVERT

Per:

*W. L. Ryan per L. E.*  
William L. Ryan

WLR:lc  
c.c. Adolphus Evers  
Gary Green  
Richard MacAlpine



Department of Justice  
Canada

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

Ministère de la Justice  
Canada  
426-7594

4ième étage  
Immeuble Banque Royale  
5161 rue George  
Halifax, Nouvelle-Écosse  
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APR 21 1987

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

Our file  
Notre dossier

AR-21,613

Your file  
Votre dossier

April 14, 1987

Dear Mr. Spicer:

Re: Donald Marshall Inquiry

I refer to your letter of March 25, 1987.

Jack Stewart, Dihann McConkey, C.D. Stonehouse and Kim Thompson are available for interview on April 22, 1987, at approximately 1:30 pm. Would you please let us know this week what particular issues you wish to go over with these persons.

We request that you clarify the purpose for obtaining files and other information concerning Canadian Correctional Services and/or the National Parole Board. The Order setting up the Inquiry does not purport to extend to either of the above and we question on the basis of the case law whether it would be possible to so extend the Inquiry.

We certainly wish to co-operate with all relevant aspects within the legitimate scope of the Inquiry. However, in light of the complexity of the issues within the Inquiry mandate we are understandably reluctant to pursue matters beyond the jurisdiction of the Inquiry terms of reference.

We request that we be consulted prior to any decision to include Parole Board or Correctional Services documents to the Commission's List of Documents.

Yours very truly,

Original Signed By  
A. R. PRINGLE  
A. R. Pringle  
Senior Counsel  
Atlantic Region

Canada



c.c.: Mr. George MacDonald, Q.C.  
Commission Counsel  
Royal Commission on the  
Donald Marshall, Jr.,  
Prosecution  
Maritime Centre, Suite 1026  
1505 Barrington Street  
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Mr. David Orsborn  
Royal Commission on the  
Donald Marshall, Jr.,  
Prosecution  
Maritime Centre, Suite 1026  
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Canada

Ministère de la Justice  
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B3J 1M7

APR 21 1987

AR-21,613

Our file:  
Notre dossier:

Your file:  
Votre dossier:

426-7594

April 15, 1987

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

Dear Mr. MacDonald:

RE: Donald Marshall Inquiry

Further to the April 13th, 1987, meeting, we would appreciate receiving copies of transcripts for the preliminary inquiry, all trials and the rehearing.

Yours very truly,

A. R. Pringle  
Senior Counsel  
Atlantic Region

ARP/vpc

APR 21 1987

# STEWART MacKEEN & COVERT

BARRISTERS AND SOLICITORS

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JOHN D. MOORE, O.C.  
DAVID A. STEWART, O.C.  
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OUR FILE REFERENCE: 2076-2

April 16, 1987

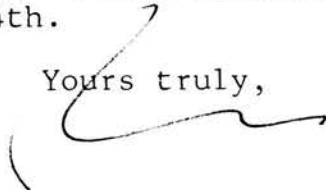
George W. MacDonald, Esq., Q.C.  
Commission Counsel  
Maritime Centre, Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Mr. MacDonald:

RE: John MacIntyre

Thank you for your letter of April 14th. I have been instructed on behalf of my client to make submissions to the Commission on May 13th at 10:00. I will forward to you, written submissions no later than May 4th.

Yours truly,

  
Ronald N. Pugsley

RNP/ps

APR 21 1987

**BLOIS, NICKERSON, PALMETER & BRYSON**  
**BARRISTERS AND SOLICITORS**

---

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ALAN J. STERN, Q.C.  
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MICHAEL B. SHERAR  
THOMAS M. MACDONALD  
KAY L. RHODENIZER

FRANKLYN W. CORDON, Q.C.  
WILLARD STRUG, Q.C.  
LAWRENCE A. FREEMAN  
ROBERTA J. CLARKE  
GORDON R. KELLY  
COLIN D. BRYSON

CORRESPONDENCE:  
P.O. Box 2147  
Halifax, Nova Scotia  
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OUR FILE REFERENCE:

April 15, 1987

Royal Commission of Inquiry -  
Donald Marshall, Jr.,  
Maritime Centre,  
Suite 1026,  
1505 Barrington Street,  
Halifax, Nova Scotia  
B3J 3K5

Attention: M. Lois Dyer

Dear Lois:

**Re: Royal Commission of Inquiry - Donald Marshall, Jr.**

I have been retained by Inspector D. B. Scott and Staff Sergeant H. F. Wheaton to represent their interests in connection with the above-noted inquiry.

Accordingly, I would request that the Commission grant me standing to act on their behalf, including the right to examine and cross-examine witnesses. I understand that similar status has been accorded to other lawyers representing various members of the R.C.M.P. who will be called as witnesses at the inquiry. My participation would, of course, be limited to those matters which have a bearing on the conduct of my clients and, at present, it is my expectation that I will only be in attendance at the inquiry when my clients are giving their evidence.

I look forward to hearing from you.

Yours very truly,

**BLOIS, NICKERSON, PALMETER & BRYSON**



S. Bruce Outhouse

SB0:sw

APR 21 1987

LEONARD A. KITZ, Q.C., D.C.L.  
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REPLY TO TRURO OFFICE

April 14, 1987

Mr. David B. Orsborn  
Commission Counsel  
**ROYAL COMMISSION ON THE DONALD MARSHALL, JR.**  
**PROSECUTION**  
Maritime Centre - Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3L 3K5

Dear Mr. Orsborn:

**DONALD MARSHALL INQUIRY**  
Our File No.: 9201/1

I refer to your letter dated March 11. Would you now kindly indicate when we may expect to obtain copies of the transcripts from the MacIntyre v. C.B.C. litigation?

We wish to be able to consider this material without delay.

Yours very truly,



Jamie W.S. Saunders

JWSS/plb

APR 21 1987

LEONARD A. KITZ, Q.C., D.C.L.  
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DENNIS ASHWORTH  
DIANNE POTHIER  
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TELEX 019-22893

REPLY TO TRURO OFFICE

April 14, 1987

Mr. George W. MacDonald, Q.C.  
Commission Counsel  
**ROYAL COMMISSION ON THE DONALD MARSHALL, JR.,  
PROSECUTION**  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia

Dear Mr. MacDonald:

**DONALD MARSHALL INQUIRY**  
Our File No.: 9201/1

This follows the meeting among counsel yesterday at the Chateau Halifax where you invited a response from those interested on the question whether objection would be taken to the Commission circulating a list of all materials in its hands and/or distributing copies of such materials, quite apart from the documents which the Commission intends to tender as evidence at the hearings, which will of course be distributed to all parties in advance anyway.

We do object to any such proposal. We have provided the Commission with our files and made our people available for interviews on a confidential basis. We must insist that those confidences be respected. Excepting the materials you intend to compile in booklet form for distribution among all parties in advance of the hearings, we claim privilege for all else, and that would include anything/anyone even being identified as an item/source.

If you have any questions about this, please speak to me.

Yours very truly,



Jamie W.S. Saunders

JWSS/plb

APR 21 1987

LEONARD A. KITZ, Q.C., D.C.L.  
JOHN D. MACISAAC, Q.C.  
DOUGLAS A. CALDWELL, Q.C.  
JAMIE W.S. SAUNDERS  
ROBERT M. PURDY  
RAYMOND F. LARKIN  
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REPLY TO TRURO OFFICE

April 15, 1987

Mr. George W. MacDonald, Q.C.  
Commission Counsel  
**ROYAL COMMISSION ON THE DONALD MARSHALL, JR.,  
PROSECUTION**  
Maritime Centre - Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia

Dear Mr. MacDonald:

**DONALD MARSHALL INQUIRY**  
Our File No.: 9201/1

I write to outline my difficulty after learning this morning that the hearings have been postponed until Wednesday, September 9, 1987.

I act for Central Trust Company, one of twenty-one parties involved in the prolonged Nova Scotia Savings & Loan/Halifax Developments Limited/Exco Corporation litigation. We are a Respondent in the upcoming appeals. The trial lasted three months in 1986 and the various appeals are scheduled to be heard in Halifax, September 8-14, inclusive.

All other parties had sought to have the appeals heard in June, 1987, however, at my request the Court of Appeal agreed to set it over until September on account of my commitment in the **Marshall Inquiry**, with those hearings scheduled to begin in May and expected to last the summer.

Having been granted such accommodation by the Court, it will be impossible for me to appear in Sydney on September 9, 10 or 11.

I write to ask whether it would not be possible to commence the **Marshall** hearings the week of September 14? One advantage would be to have a full five days for the initial week, which I suggest makes some sense and would be less disjointed. From a personal standpoint, it would allow me to fly from Halifax to Sydney just as soon as the appeal is concluded. That might be by Friday afternoon, September 11, in which case I will be available in Sydney Monday morning. If the appeal runs into September 14, then I would only miss the opening day (which I gather from your remarks at the Chateau Halifax, will be taken up with opening statements from the

Mr. George W. MacDonald, Q.C.

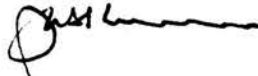
April 15, 1987

Page 2

Commissioners and their counsel, without evidence being called).

I would appreciate my request being given consideration by the Commission.

Yours very truly,

A handwritten signature in black ink, appearing to read "J.W.S. Saunders", written over a horizontal line.

Jamie W.S. Saunders

JWSS/plb



APR 21 1987

LEONARD A. KITZ, Q.C., D.C.L.  
JOHN D. MACISAAC, Q.C.  
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REPLY TO TRURO OFFICE

April 15, 1987

Mr. George W. MacDonald, Q.C.  
Commission Counsel  
**ROYAL COMMISSION ON THE DONALD MARSHALL, JR.,  
PROSECUTION**  
Maritime Centre - Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia

Dear Mr. MacDonald:

**DONALD MARSHALL INQUIRY**  
Our File No. 9201/1

At the meeting of counsel convened at the Chateau Halifax on Monday, April 13, you invited comments from those present in response to the proposed "practice and procedure rules" which you and your colleagues put forward as suggestions. You asked that replies be forthcoming by the end of the week.

Having now had an opportunity to consider your suggestions, Darrel Pink and I wish to express our concerns in relation to Clause 12(3) at p. 4 which purports to limit or perhaps even prevent objection being taken to questions asked or evidence tendered:

"merely on the ground that they do or may raise questions or issues that are not contained in or vary from the Terms of Reference contained in the Minute of Council."

With deference, there must, I think, be some well-defined limits to what testimony and/or documentary evidence the Commission will be prepared to accept. Counsel for all parties ought to know what such limits are before the hearings begin so that one will not be taken by surprise, and can make thorough and proper preparations for the issues anticipated. Surely the only way to do that is to take some comfort in the knowledge that the "questions or issues" will relate to the Terms of Reference which established the Commission in the first place, namely:

"...respecting the investigation of the death of Sanford William Seale on the 28th-29th day of May, A.D., 1971; the charging and prosecution of Donald Marshall Jr., with

Mr. George W. MacDonald, Q.C.

April 15, 1987

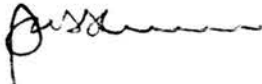
Page 2

that death; the subsequent conviction and sentencing of Donald Marshall Jr., for the non-capital murder of Sanford William Seale for which he was subsequently found to be not guilty; and such other related matters which the Commissioners consider relevant to the Inquiry;"

I thank you for your invitation to comment on the proposals you have suggested, and will look forward to hearing from you in due course. It may be that other parties have similar or other concerns as well.

I will give further consideration to the suggested Rules and will let you know if there are any other items which, in our judgment, ought to be reconsidered.

Yours very truly,



Jamie W.S. Saunders

JWSS/plb



APR 21 1987

1987-04-10

Your file    Votre référence

Our file    Notre référence

Mr. J. Maloney  
Investigator,  
Royal Commission on the Donald Marshall, Jr.  
Prosecution,  
Maritime Centre, Suite 1026,  
1505 Barrington St.,  
Halifax, N.S. B3J3K5

Dear Mr. Maloney:

Regarding your letter dated April 9th, 1987 requesting an interview with our inmate John SARSON. I have no difficulty with this taking place. We wish such interviews to take place in person if possible. However, I realize this may be an unnecessary expense.

If you wish to interview the inmate by telephone, such arrangements can be made through his Case Management Officer, Mr. Marc Hyppolite.

Yours sincerely,

F.A. Sisson  
A/Warden  
Millhaven Institution  
P.O. Box 280  
Bath, Ontario  
KOH 1G0

c.c. CMO, Mr. Hyppolite



APR 21 1987

Ministry of  
the Attorney  
General

Ministère du  
Procureur  
général

Policy Development  
Division

Division de  
l'élaboration des  
politiques

15th Floor  
18 King Street East  
Toronto, Ontario  
M5C 1C5

15<sup>e</sup> étage  
18, rue King est  
Toronto, Ontario  
M5C 1C5

April 11, 1987

PERSONAL AND CONFIDENTIAL

Inquiry into Donald Marshall  
Suite 1026  
Maritime Centre  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Attention: Lois Dyer

Dear Lois:

Re: The Media

Further to our recent chat, I am pleased to enclose a copy of an article entitled "Proof Positive: How to Survive on Radio/TV. I have also enclosed a document entitled "Production Checklist". This is a guide that was given to me by a Cable TV producer. It provides some excellent recommendations for accentuating your otherwise appealing presence.

I look forward to seeing you again.

Yours very truly,

  
Michael Cochrane

MGC:dm  
Attachment

**APR 16 1987**

April 16, 1987

Ms. Lois Dyer  
Commission Secretary  
Royal Commission on the  
Donald Marshall, Jr. Prosecution  
1505 Barrington Street  
Suite 1026  
Halifax, N. S.  
B3J 3K5

Dear Ms. Dyer:

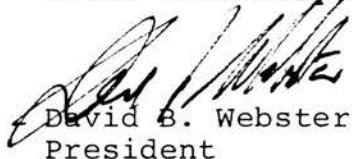
As you are aware, Reco-Trans Services Ltd. has submitted a quotation to the Royal Commission on the Donald Marshall, Jr. Prosecution for reporting and transcript services.

We understand the inquiry has been postponed until September but that a special public hearing on funding issues is scheduled for May 13, 1987, in Halifax.

If you are considering having recording and transcription services for the May 13th hearing, we would be pleased to provide you with a quotation from our Company.

We look forward to hearing from you and thank you for your consideration in this matter.

Yours sincerely,



David B. Webster  
President

DWB/emb

APR 16 1987

LEONARD A. KITZ, Q.C., D.C.L.  
JOHN D. MACISAAC, Q.C.  
DOUGLAS A. CALDWELL, Q.C.  
JAMIE W.S. SAUNDERS  
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TELEX 019-22893

REPLY TO TRURO OFFICE

April 14, 1987

Mr. W. Wylie Spicer  
Commission Counsel  
**ROYAL COMMISSION ON THE DONALD MARSHALL, JR.,  
PROSECUTION**  
Maritime Centre - Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Mr. Spicer:

**ROYAL COMMISSION - DONALD MARSHALL INQUIRY**  
Our File No.: 9201/1

I was just handed copies of the contracts between the Government of Canada and the Government of the Province of Nova Scotia.

I enclose for your information the following policing agreements:

- 1) May 16, 1966
- 2) March 16, 1977;
- 3) March 3, 1981.

We, and counsel representing the Department of Justice, do not object to these contracts being provided to Commission counsel so long as copies are not released to other individuals. We are not necessarily agreeing to their relevance or admissibility at the Inquiry.

Kindly acknowledge receipt.

I am directing a copy of this letter to Mr. Bissell.

Yours very truly,

  
Jamie W.S. Saunders

JWSS/plb

Enc.

c.c.: James D. Bissell

APR 16 1987

Nova Scotia



**Department of  
Attorney General**

PO Box 7  
Halifax, Nova Scotia  
B3J 2L6

Our file no: **00-87-0044-06**

Our phone no: **424-4024**

April 14, 1987

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

Dear Mr. MacDonald:

Re: **John F. MacIntyre v. A.G.N.S.,  
Notice of Intended Action**

As I told you over the telephone yesterday, the Deputy Attorney General has your correspondence addressed to me dated April 10, 1987, and it will be for him to respond as he deems appropriate.

Yours very truly,

A handwritten signature in cursive script, appearing to read 'R. M. Endres'.

Reinhold M. Endres  
Director (Civil Litigation)

RME/crn  
c.c. Gordon F. Coles, Q.C.



Department of Justice  
Canada

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

Ministère de la Justice  
Canada  
426-7594

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5161 rue George  
Halifax, Nouvelle-Écosse  
B3J 1M7

APR 16 1987

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

Our file  
Notre dossier

AR-21,613

Your file  
Votre dossier

April 14, 1987

Dear Mr. Spicer:

Re: Donald Marshall Inquiry

I refer to your letter of March 25, 1987.

Jack Stewart, Dihann McConkey, C.D. Stonehouse and Kim Thompson are available for interview on April 22, 1987, at approximately 1:30 pm. Would you please let us know this week what particular issues you wish to go over with these persons.

We request that you clarify the purpose for obtaining files and other information concerning Canadian Correctional Services and/or the National Parole Board. The Order setting up the Inquiry does not purport to extend to either of the above and we question on the basis of the case law whether it would be possible to so extend the Inquiry.

We certainly wish to co-operate with all relevant aspects within the legitimate scope of the Inquiry. However, in light of the complexity of the issues within the Inquiry mandate we are understandably reluctant to pursue matters beyond the jurisdiction of the Inquiry terms of reference.

We request that we be consulted prior to any decision to include Parole Board or Correctional Services documents to the Commission's List of Documents.

Yours very truly,

Original Signed By,\*  
A. R. PRINGLE

A. R. Pringle  
Senior Counsel  
Atlantic Region

Canada





Department of Jus.  
Canada

Ministère de la Justice  
Canada

APR 15 1987

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

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5161 rue George  
Halifax, Nouvelle-Écosse  
B3J 1M7

AR-21,613

Our file:  
Notre dossier:

426-7592

Your file:  
Votre dossier:

April 13, 1987

Mr. W. Wylie Spicer  
Commission Counsel  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Mr. Spicer:

RE: Royal Commission on the Donald Marshall, Jr.  
Inquiry

This letter is further to your request for access to the files of the Department of Justice and to interview Mr. Douglas Rutherford, the Honourable Mark R. MacGuigan and the Honourable John Chrétien. In this regard, we note that the terms of reference established for the inquiry empower it to inquire into:

- (a) the investigation into the death of Seale on May 28-29, 1971;
- (b) the charging and prosecution of Donald Marshall;
- (c) the conviction and sentencing of Donald Marshall, and
- (d) such other related matters which the Commissioners consider relevant to the Inquiry.

While the Commissioners have some discretion concerning the breadth of the Inquiry, we question whether the mandate extends to inquire into the decision of the Minister of Justice to refer the matter back to the courts pursuant to section 617 of the Criminal Code and the launching of that reference.

.../2

Canada

Page 2  
Mr. W. Wylie Spicer  
April 13, 1987

Mr. Rutherford is, however, prepared to meet informally with you to discuss what information the Department of Justice may have that would be of interest to the Inquiry in the arrangements for access to it. I have been requested to be present at that meeting and, therefore, I would appreciate it if you would advise me as to dates within the next week or two that we could meet Mr. Rutherford in Ottawa. I will then check with Mr. Rutherford as to the suitability of the date.

As far as the Honourable John Chrétien and the Honourable Mark MacGuigan are concerned, Mr. Rutherford has written to both of them to alert them of your interest in interviewing them; however, you should contact them directly. The Honourable John Chrétien is Counsel to Lang, Michener, Cranston, Farquharson and Wright, Box 10, First Canadian Place, Toronto, Ontario, M5X 1A2. The address for the Honourable Mark R. MacGuigan is c/o the Federal Court of Canada (Appeal Division), Supreme Court Building Ottawa, Ontario K1A 0H9.

I look forward to hearing from you in due course.

Yours very truly,



James D. Bissell  
General Counsel  
Director, Atlantic Region

JDB/vpc



Department of Justice  
Canada

Ministère de la Justice  
Canada

APR 15 1987

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Our file: AR-21,613  
Notre dossier:

Your file:  
Votre dossier:

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

April 13, 1987

Dear Mr. MacDonald:

Re: Donald Marshall Inquiry

Further to our discussion of April 10, 1987, we would appreciate receiving copies of the following Discovery transcript.

- (1) James MacNeil
- (2) Parker Barss Dorham
- (3) Michael Harris
- (4) Patricia Harris
- (5) Maynard Chant
- (6) John Pratico
- (7) Heather Matheson

We thank you for your assistance and co-operation.

Yours very truly,

A. R. Pringle  
Senior Counsel  
Atlantic Region

ARP:mm

Canada



Department of Justice  
Canada

Ministère de la Justice  
Canada

APR 15 1987

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AR-21,613

Our file:  
Notre dossier

Your file:  
Votre dossier

426-7592

April 15, 1987

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

Attention: George MacDonald

Dear Sirs:

RE: Royal Commission on the Donald Marshall, Jr. Inquiry

This letter is written in response to the meeting held on April 13th, 1987, with you and with the Counsel for those granted standing before the Commission of Inquiry. You will recall that during the meeting several Counsel voiced a desire to have access to all material in your possession regardless of your intention to tender such documents as exhibits during the course of the Inquiry.

I wish to stress on behalf of the Royal Canadian Mounted Police, the Correctional Service of Canada and the National Parole Board that documents, most of which are confidential, were turned over to you as Commission Counsel for your information to assist in the preparation for the Inquiry. This was specifically discussed between Wylie Spicer and myself at my office on February 6, 1987, at the time Mr. Spicer picked up the file material of the R.C.M.P., the National Parole Board and the Correctional Service of Canada.

.../2

Page 2  
Royal Commission on the  
Donald Marshall Jr., Prosecution  
April 15, 1987

Indeed, I would appreciate it if you would provide me with a list of those documents that you intend to tender during the course of the Inquiry before copies are made available to the other Counsel. It is unlikely that any problem will arise but, especially with the files of the Correctional Service of Canada and the National Parole Board, it is possible that we will take a position in opposition to their admission as being outside the scope or authority of the Inquiry. While I do not anticipate that we will have such a problem, you will appreciate that, in keeping with the spirit in which they were provided, I am anxious to ensure that these documents are not used to broaden the scope of the Inquiry into an investigation or examination of the dealings by the Correctional Service of Canada, the National Parole Board or any other department or agency of the Government of Canada.

I thank you for your continued cooperation and would ask that if you as Commission Counsel change your minds and decide to accede to the request of certain Counsel for access to these documents which you do not intend to tender, that we be given notice so that we may seek instruction from our Client as to the appropriate action for us to take. Thank you.

Yours very truly,



James D. Bissell  
General Counsel  
Director, Atlantic Region

JDB/vpc



Department of Justice  
Canada

Ministère de la Justice  
Canada  
426-7594

APR 14 1987

4th Floor  
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B3J 1M7

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Halifax, Nouvelle-Écosse  
B3J 1M7

Our file  
Notre dossier

AR-21,613

Your file  
Votre dossier

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

April 14, 1987

Dear Mr. Spicer:

Re: Donald Marshall Inquiry

I refer to your letter of March 25, 1987.

Jack Stewart, Dihann McConkey, C.D. Stonehouse and Kim Thompson are available for interview on April 22, 1987, at approximately 1:30 pm. Would you please let us know this week what particular issues you wish to go over with these persons.

We request that you clarify the purpose for obtaining files and other information concerning Canadian Correctional Services and/or the National Parole Board. The Order setting up the Inquiry does not purport to extend to either of the above and we question on the basis of the case law whether it would be possible to so extend the Inquiry.

We certainly wish to co-operate with all relevant aspects within the legitimate scope of the Inquiry. However, in light of the complexity of the issues within the Inquiry mandate we are understandably reluctant to pursue matters beyond the jurisdiction of the Inquiry terms of reference.

We request that we be consulted prior to any decision to include Parole Board or Correctional Services documents to the Commission's List of Documents.

Yours very truly,

A. R. Pringle  
Senior Counsel  
Atlantic Region

Canada

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

Mr. David Orsborn  
Royal Commission on the  
Donald Marshall, Jr.,  
Prosecution  
Maritime Centre, Suite 1026  
Halifax, Nova Scotia  
B3J 3K5

APR 14 1987



Post Office Box 1557  
Halifax  
Nova Scotia  
B3J 2Y3

**Executive Director**  
J.W. (Joe) Ross  
1154 Rockcliffe Street  
Halifax  
Nova Scotia  
Office: 902 423-7477  
Home: 902 429-0343

**President**  
Cst. James Griffin  
Halifax

**First Vice-President**  
Sgt. Harold Thurrott  
Truro

**Second Vice-President**  
Cpl. Bob Kennedy  
Dartmouth

**Secretary/Treasurer**  
Cst. Roy Landry  
Halifax

**Solicitor**  
Bruce Evans

**Member:**  
Canadian Police  
Association and the  
International Union  
of Police Associations

April 7, 1987

Ms. M. Lois Dyer  
Commission Executive  
Secretary  
Royal Commission on the  
Donald Marshall, Jr., Prosecution  
Maritime Centre, Suite 1026  
1505 Barrington Street  
Halifax, NS  
B3J 3K5

Dear Ms. Dyer:

**RE: DONALD MARSHALL, JR. INQUIRY**

I acknowledge receipt of your letter dated March 27, 1987.

I will be personally representing the Police Association of Nova Scotia at the meeting scheduled for Monday, April 13, 1987.

Sincerely yours,

David W. Fisher  
Solicitor, PANS

DWF/brb  
pc: Mr. Joseph Ross



APR 13 1987



OFFICE OF THE PRESIDENT, NOVA SCOTIA BRANCH  
CABINET DU PRÉSIDENT, DIVISION PROVINCIALE DE LA NOUVELLE-ÉCOSSE

P. O. Box 876  
Dartmouth, N.S.  
B2Y 3Z5

(902) 469-9500

April 8, 1987

Chief Justice T. Alexander Hickman  
Chairman - Royal Commission on Donald  
Marshall Jr., Prosecution  
Suite 1026, Maritime Centre  
1505 Barrington Street  
HALIFAX, Nova Scotia  
B3J 3K5

Dear Chief Justice Hickman:

The Canadian Bar - Nova Scotia Branch is hosting its Annual Branch Meeting May 8th and 9th, 1987 and we cordially invite you to attend.

I am enclosing a brochure for your information. For Members of the Bench who are not available to participant in all the events, may attend the Dinner at \$30 per person to cover our cost.

The President of the Canadian Bar, Bryan Williams, Q.C., will be joining us from Vancouver and we expect that the Attorney General of Nova Scotia, Terence Donahoe, will confirm as our guest speaker shortly.

If you require any further assistance, you may contact our Executive Director of the Canadian Bar in Halifax, Paddy Griffin, at 422-1716.

Yours sincerely,



Gordon F. Proudfoot

GFP/mf  
Encl.



Department of Justice  
Canada

Ministère de la Justice  
Canada

APR 13 1987

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

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

426-8203

April 9, 1987

Our file: AR-21,613  
Notre dossier:

Your file  
Votre dossier:

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

Attention: Mr. David Orsborn

Dear Mr. Orsborn:

Re: Donald Marshall Inquiry

This letter is to provide a reply to two questions you asked me to check during earlier meetings:

1. Is it known who authored the R.C.M.P. telex on May 30, 1971 which said that the investigation to date revealed Donald Marshall to be the prime suspect?

The author of the R.C.M.P. telex remains unknown.

2. Is there a copy available of Staff Sergeant Barlow's draft report that was different from his final report?

A search by Corporal Shaw of the available files in this matter has again been completed and there is no draft report prepared by Staff Sergeant Barlow.

I trust the foregoing will be of some assistance to you.

Yours very truly,

James D. Bissell  
General Counsel  
Director, Atlantic Region

JDB:ja

Canada

APR 13 1987

LEONARD A. KITZ, Q.C., D.C.L.  
JOHN D. MACISAAC, Q.C.  
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ALAN C. MACLEAN  
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TELEX 019-22893

10 CHURCH STREET  
P.O. BOX 1068  
TRURO, NOVA SCOTIA B2N 5B9  
TELEPHONE (902) 895-1631  
FROM HALIFAX 429-7741  
TELECOPIER (902) 893-3071

REPLY TO HALIFAX OFFICE

April 9, 1987

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

Dear Mr. Spicer:

Marshall Inquiry

You have asked that I identify Attorney General's File 25-83-0019-06. This file is an administrative file dealing with the Crown Prosecutor's Office in Cape Breton County.

Except for the material you have already seen, it does not contain anything that relates to the Inquiry.

Yours truly,

*Catherine M. Dicks*

for Darrel I. Pink

DIP/cg  
c.c. Mr. Jamie Saunders



Department of Justice  
Canada

Ministère de la Justice  
Canada

APR 13 1987

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

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

426-8203

April 9, 1987

Our file: AR-21,613  
Notre dossier:

Your file:  
Votre dossier:

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

Dear George:

Re: Donald Marshall Inquiry

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

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

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

.../2

Canada

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

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

Yours very truly,



James D. Bissell  
General Counsel  
Director, Atlantic Region

JDB:ja

Enclosure



OFFICE OF THE PRESIDENT, NOVA SCOTIA BRANCH  
CABINET DU PRÉSIDENT, DIVISION PROVINCIALE DE LA NOUVELLE-ÉCOSSE

APR 13 1987

P. O. Box 876  
Dartmouth, N.S.  
B2Y 3Z5

(902) 469-9500

April 10, 1987

**By Courier**

M Lois Dyer  
Royal Commission on the Donald  
Marshall, Jr., Prosecution  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
HALIFAX, Nova Scotia  
B3J 3K5

Dear Ms. Dyer:

**Re: N.S. Branch - C.B.A.**

I will not be able to be present on Monday, April 13, 1987 due to a prior commitment.

As I will be meeting with Chief Justice Hickman the following day, any details arising from Monday's meeting (which would have involved our group) could be discussed then.

I trust this is satisfactory.

Yours sincerely,



Gordon F. Proudfoot

GFP/mf



# Nova Scotia Barristers' Society

Keith Hall, 1475 Hollis Street, Halifax, Nova Scotia B3J 3M4  
(902) 422-1491

Office of: **Secretary-Treasurer**

April 7, 1987

Mr. W. Wylie Spicer  
McInnes, Cooper & Robertson  
P.O. Box 730  
1673 Bedford Row  
Halifax, N.S.  
B3J 2V1

Dear Wylie:


**RE: C.B.C. Transcript re Donald Marshall Case**

Further to our phone conversation, attached please find a copy of the Executive Committee Minutes from the June 15, 1983 meeting dealing with the C.B.C. commentary on the Marshall case.

There is no reference to this matter in the previous Executive Committee minutes (May 17th) and, as I mentioned, to the best of my recollection Bar Society staff was instructed orally by the Executive or a member of the Executive to obtain a transcript of the commentary.

I trust this is the information you require.

Yours sincerely,

  
Gail Salsbury  
Secretary-Treasurer  
GS/ld

(d) Replacement Cost Endorsement on Office Insurance - The Executive agreed that the staff should determine the replacement cost of the equipment in the Society Offices before any decision is made on whether a replacement cost endorsement should be added to the policy. The Executive further agreed that they would like to know how much the insurance premium would be before deciding this question.

Gail noted that staff is too busy at present to undertake this task, but would do so when time permits.

(e) Annual Report - The Executive agreed that the new format for the Annual Report is much better than the old format. Ted Flinn commended Mr. Chipman on his President's Report.

(f) CBC Transcript Re Marshall Case - The Executive reviewed a transcript of a CBC commentary on the Marshall case. It was agreed that the commentary contained a number of uncomplimentary remarks which should be brought to the attention of the courts. The Executive was informed that the courts were already aware of the commentary.

It was agreed that a copy of the transcript should be given to Ruth Carmody, Chief Justice MacKeigan's secretary. The Executive also agreed that a copy of the transcript should be sent to Dean Charles with the suggestion that one of the Law Schools' professors may want to consider it.

(g) Civil Law/Common Law Exchange Program Reception - Mr. Chipman informed the Executive that the Society had been asked to host a reception on June 23rd for the Civil Law/Common Law Exchange students. Mr. Chipman indicated that he had spoken with Dean Charles and had discussed the fact that the Society had done a lot for students this year already.

After discussing whether the Society should host a reception or make a contribution to a reception, the Executive agreed against participating.

The Executive instructed Gail to write to Chris Axworthy indicating that the Society would not participate this year although in the past, the Society may have given financial assistance when needed.



Nova Scotia



APR 10 1987

**Department of  
Attorney General**

PO Box 7  
Halifax, Nova Scotia  
B3J 2L6

April 10, 1987

Our file no:

Our phone no: 424-4024

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

Dear Mr. MacDonald:

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

The Deputy Attorney General, being out of the Province, may not have an opportunity to provide you with a response, as requested, by Monday morning next.

It might assist you to know that in our response to Mr. MacIntyre's counsel, we have reiterated that it has always been our position that the Crown is not entitled to waive statutory requirements, such as the notice provision contained in the Proceedings Against the Crown Act.

For what it is worth, from my perspective, I don't see any reason why the Commission should not continue to make plans for the commencement of hearings on May 12, 1987. Any obstacle arising from the intended proceedings on behalf of Mr. MacIntyre is purely speculative at this point, and if the intended Charter challenge turns purely on economic factors, as appears to be the case, I doubt very much that a court would entertain an application for an injunction stopping the progress of the Commission hearings.

I will bring your letter to the Deputy Attorney General's attention upon his return.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Reinhold M. Endres".

Reinhold M. Endres  
Director (Civil Litigation)

RME/crn  
c.c. Gordon F. Coles, Q.C.

APR 10 1987

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JOHN D. MACISAAC, Q.C.  
DOUGLAS A. CALDWELL, Q.C.  
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TELECOPIER (902) 429-5215  
TELEX 019-22893

10 CHURCH STREET  
P.O. BOX 1068  
TRURO, NOVA SCOTIA B2N 5B9  
TELEPHONE (902) 895-1631  
FROM HALIFAX 429-7741  
TELECOPIER (902) 893-3071

REPLY TO HALIFAX OFFICE

April 8, 1987

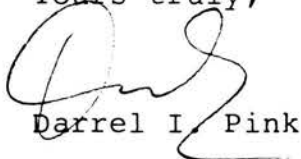
Mr. W. Wylie Spicer  
Commission Counsel  
Royal Commission on the Donald Marshall, Jr.  
Prosecution  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Mr. Spicer:

Marshall Inquiry

As previously promised, and apologizing for the tardiness, I am enclosing material regarding disclosure which I have obtained from files in the Department of the Attorney General. These files are those relating to the Prosecutors Conferences and as they relate to earlier material obtained by you I feel the Commission should have them as part of their material.

Yours truly,

  
Darrel I. Pink

DIP/cg  
encl:  
c.c. Mr. Jamie Saunders

APR 08 '87

Please refer to:

- Suite 202  
111 Ilsley Avenue  
Dartmouth, N.S.  
B3B 1S8  
Phone - (902) 465-5045
- 92 Ochterloney Street  
Dartmouth, N.S.  
B2Y 1C5  
Phone - (902) 465-6669

# MacINTYRE MacKINNON

BARRISTERS — SOLICITORS — NOTARIES

Angus A. MacIntyre, B.A., LL.B.  
Blair MacKinnon, B.A., LL.B.  
Helen L. Foote, B.A., LL.B.  
Christopher P. LaVigne, LL.B.

April 8, 1987

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

Dear Mr. MacDonald:

Further to your request I enclose herewith a copy of a letter from the Management Board dated March 11, 1987, rejecting John MacIntyre's request for reimbursement for legal representation; copy of a letter dated February 17, 1987, addressed to me, concerning a request by John MacIntyre for reimbursement for legal services; and several newspaper reports concerning payment by the Province for Donald Marshall's legal fees. I have also requested Mr. Pugsley to forward to you the Affidavit of John MacIntyre concerning his application for reimbursement of legal fees and I understand he will do so.

Given the amount of projected legal expenses for Mr. Donald Marshall, one would wonder where the Province or the Inquiry could expect a person of normal means to retain and pay for Counsel. In addition, it would appear that the Province is making a special exception for Mr. Donald Marshall recognizing his "special circumstances."

As John MacIntyre has endured over the past number of years press coverage that, to say the least, has been uncomplimentary and accusatory, and considering he was an agent of the Crown at the time of the Marshall affair, I think it only reasonable and fair that he have personal legal representation at the Inquiry and the Province pay for same.

Yours very truly,

MACINTYRE MACKINNON

  
Per: Angus A. MacIntyre

AAM/dh  
Enc.

20-03-87

Royal Commission on The Donald  
Marshall Jr. Prosecution  
1505 Barrington Street, #1026  
Halifax, Nova Scotia  
B3J 3K5

Dear Customer:

RE: Lease #229701728

Thank you for allowing PB Leasing Division to assist you in the acquisition of your new equipment.

Enclosed for your records is a copy of the executed lease. The start date and lease number are noted on the lease face.

You will be automatically invoiced monthly, quarterly or annually in accordance with the terms of your lease, unless you have chosen to use our Pre-Authorized Payment Plan. If you have chosen our Pre-Authorized Payment Plan, your lease payments will be automatically deducted from your bank account.

For your records, please note that payments for this lease are to be sent to PB Leasing, 701 Evans Avenue, Suite 200, Etobicoke, Ontario, M9C 1A3. Your attention to this will ensure prompt receipt of your payment.

If you should have any questions concerning your lease agreement, please contact the Customer Service Department at your regional PB Leasing Division office. Our Central regional office is located at 701 Evans Avenue, Suite 605, Etobicoke, Ontario, M9C 1A3. Our Eastern regional office is located at 100 Alexis Nihon, Suite 470, St. Laurent, Quebec, H4M 2N9. Our Western regional office is located at 1207 - 11th Avenue S.W., Suite 260, Calgary, Alberta, T3C 0M5.

Thank you.

C. McGuire (Mrs.)  
Manager  
Head Office Administration

CM/dw  
Enclosure

11 Prince Arthur Avenue  
Toronto, Ontario  
M5R 1B2  
Telephone (416) 964-9664

March 31, 1987

David B. Orsborn  
Commission Counsel  
Royal Commission on the Donald  
Marshall, Jr., Prosecution  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Mr. Orsborn:

It is now approximately six weeks from the commencement of the Royal Commission. Preparation for the inquiry is proceeding apace but we do not have material or information from the Commission, save for some transcripts you have been good enough to send us.

Would you be good enough to advise us what witnesses you intend to call and to provide us with a list of witnesses. We would appreciate both the statements of witnesses who you are intending to call and those who you may call and tell us what these witnesses have to say which may affect the issues to be touched on by the Royal Commission?

We have not as yet received any document brief, though you have been good enough to send us copies of transcripts of the trials that we were missing. Can we have a copy of the documents that you are intending to put before the Commission? It's getting quite late.

I appreciate that you may not have completed the final task of binding this material as yet, but you must have collected it by now and we would appreciate

APR 08 1987

11 Prince Arthur Avenue  
Toronto, Ontario  
M5R 1B2  
Telephone (416) 964-9664

April 2, 1987

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

Dear Mr. Spicer:

I have had conversations with both Mr. Khattar and Mr. Rosenblum. Though my conversations have not been as full as I would have liked, I recognize the urgency under which you are operating. As the enclosed letters indicate, I hereto waive privilege on behalf of my client for conversations between him and Mr. Khattar and Mr. Rosenblum.

Would you let me know if there are any other counsel with respect to which you want a waiver of privilege with whom I have not yet spoken?

Yours very truly,



Clayton C. Ruby

/ms



APR 07 1987

# MATHERS TRAVEL

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April 2, 1987

Royal Commission  
1505 Barrington Street, Suite 1026  
Halifax, N. S. B3J 1K5

Att. Miss Lois Dyer

Dear Miss Dyer:

First of all I want to thank you for using Mathers Travel for your recent travel arrangements.

Your assigned agent is Mrs. Margaret Pegg and your alternative agent Ms. Marlene Mathers. Both agents have over ten years each of travel experience.

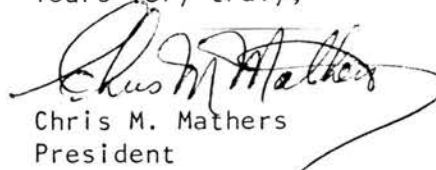
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Should you wish any further information or have any questions, please contact me.

Again, thank you for choosing Mathers Travel

Yours very truly,

  
Chris M. Mathers  
President

**1525 Birmingham Street, P.O. Box 3495 South, Halifax, N.S. B3J 3J2**  
**Tel: (902) 429-7100 Telex 019-21771**

APR 07 1987

**STEWART MacKEEN & COVERT**

BARRISTERS AND SOLICITORS

FRANK M. COVERT, O.C.  
JOHN D. MOORE, O.C.  
DAVID A. STEWART, O.C.  
DONALD H. OLIVER  
DONALD H. McDOUGALL, O.C.  
JOEL E. PINK, O.C.  
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CHARLES S. REAGH  
D. GEOFFREY MACHUM  
DONALD C. MURRAY  
JAMES B. WOODER

J WILLIAM E. MINGO, O.C.  
RONALD N. PUGSLEY, O.C.  
GEORGE A. CAINES, O.C.  
G. DAVID N. COVERT, O.C.  
J. GERALD GODSOE, O.C.  
JOHN S. McFARLANE, O.C.  
CARMAN G. McCORMICK  
JOHN D. MURPHY  
ROBERT P. DEXTER  
KARIN A. McCASKILL  
R. CAMILLE CAMERON  
GLEN V. DEXTER  
ELIZABETH M. HALDANE  
ERIC L. BURTON  
LAWRENCE J. STORDY

DAVID R. CHIPMAN, O.C.  
J. THOMAS McQUARRIE, O.C.  
BRIAN FLEMMING, O.C.  
JAMES S. COWAN, O.C.  
HUGH K. SMITH, O.C.  
WILLIAM L. RYAN  
DAVID MILLER  
JOHN D. PLOWMAN  
TIMOTHY C. MATTHEWS  
ROBERT G. GRANT  
MICHAEL T. PUGSLEY  
NANCY I. MURRAY  
T. ARTHUR BARRY  
JOHN MacL. ROGERS  
RICHARD A. HIRSCH

COUNSEL  
DONALD A. KERR, O.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) 429-3631  
TELEX 019-22593

DIRECT DIAL (902) 420-

OUR FILE REFERENCE:

April 6, 1987

HAND DELIVERED

The Marshall Inquiry  
10th Floor, 1505 Barrington Street  
Suite 1026  
Halifax, Nova Scotia

Attention: Lois Dyer

Dear Lois:

Re: Marshall Inquiry

Further to a recent telephone conversation I had with George MacDonald, I would like to confirm that I have been retained by the following R.C.M.P. officers in connection with their involvement with the inquiry:

- (a) Adolphus Ebers
- (b) Richard McAlpine
- (c) Gary Green

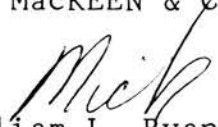
I would request permission from the Commission to be allowed to attend with my clients at the time they give their evidence (or attend at any time that evidence is given which impacts upon them) and be recognized by the inquiry for the purposes of addressing questions to any witnesses which directly affect my clients' involvement in this matter.

If you require any further information, please do not hesitate to contact the undersigned.

Yours very truly,

STEWART, MacKEEN & COVERT

Per:

  
William L. Ryan

WLR/jp1





Department of Justice  
Canada

Ministère de la Justice  
Canada

APR 06 1987

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

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

AR-21,613

Our file:  
Notre dossier:

Your file:  
Votre dossier:

426-7592

April 3, 1987


Ms. M. Lois Dyer  
Commission Executive Secretary  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Ms. Dyer:

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

Further to your letter dated March 27, 1987, please be advised that I will be present at the meeting on April 13, 1987, at 2:00 p.m.

Yours very truly,

  
James D. Bissell  
General Counsel  
Director, Atlantic Region

JDB/vpc

APR 06 1987



# Native Communications Society of Nova Scotia

P. O. BOX 344, SYDNEY, NOVA SCOTIA, B1P 6H2, TELEPHONE: 539-0045  
P. O. BOX 1407, TRURO, NOVA SCOTIA, B2N 5V2, TELEPHONE: 895-6217

March 31, 1987

Mr. David Osbourne  
Royal Commission Coordinator  
Maritime Center  
Suite 1026  
1505 Barrington Street  
Halifax, N.S.  
B3J 3K5

Dear Mr. Osbourne;

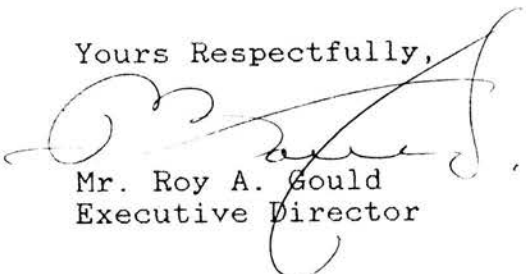
Just a few minutes of your time to request the commissions permission to video tape proceedings of the Donald Marshall Jr. inquiry on behalf of the Native Communications Society of Nova Scotia in Sydney and Halifax either in whole or in part.

In addition, should special passes be required for media. The society would be interested in obtaining a daily pass for as many as three reporter/photographers throughout the inquiry to ensure accurate coverage and recording of the proceedings is maintained.

The Society's aim is to record and document the inquiry for member associations consisting of the eight native associations in the province of Nova Scotia and last but not least, to complete an on-going information file on the Donald Marshall Jr. Case.

Thanking you for your kind cooperation, I remain;

Yours Respectfully,

  
Mr. Roy A. Gould  
Executive Director



CITY OF SYDNEY  
P.O. BOX 730  
SYDNEY, NOVA SCOTIA  
B1P 6H7

APR 06 1987

April 2, 1987

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

ATTENTION: Ms. M. Lois Dyer

Dear Ms. Dyer:

I wish to acknowledge your letter of March 27, 1987  
re meeting scheduled for Monday, April 13.

Please be advised that I will represent the City of  
Sydney Police Commission at that meeting.

Sincerely,

  
M. G. Whalley, Q.C.,  
City Solicitor

MGW/emi

APR 06 1987

# BUCHAN, DERRICK & RING

BARRISTERS · SOLICITORS

Flora I. Buchan, B.A., LL.B.  
Anne S. Derrick, B.A.(Hons.), LL.B.  
Dawna J. Ring, B.A. (Hons.), LL.B.

1545 Grafton Street  
Halifax, Nova Scotia  
B3J 2B9  
(902) 422-7411

April 1, 1987

Royal Commission on  
Donald Marshall Jr. Prosecution  
Maritime Centre  
1505 Barrington Street  
Suite 1026  
Halifax, N.S.  
B3J 3K5

Att: M. Lois Dyer

Dear Ms. Dyer:

Thank you for your letter dated March 27, 1987, concerning the April 13th meeting to review procedural and other matters in connection with the upcoming hearings of the Royal Commission.

I am available and will be attending on behalf of Donald Marshall, Jr. I will advise you further if Mr. Ruby will be intending instead although I do not anticipate this.

Yours sincerely,

BUCHAN, DERRICK & RING



Anne S. Derrick

ASD/raj  
Marshall/Com.  
AD#3A

c.c. C. Ruby



Department of Justice  
Canada

Ministère de la Justice  
Canada

APR 06 1987

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

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

AR-21,613

Our file:  
Notre dossier:

Your file:  
Votre dossier:

426-7592

April 3, 1987


Mr. W. Wylie Spicer  
Commission Counsel  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Mr. Spicer:

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

I acknowledge receipt of your letter of April 2nd to  
which I will reply as soon as I have received  
instructions.

Yours very truly,

  
James D. Bissell  
General Counsel  
Director, Atlantic Region

JDB/vpc

APR 06 1987

# BUCHAN, DERRICK & RING

BARRISTERS SOLICITORS

Flora I. Bucham, B.A., LL.B.  
Anne S. Derrick, B.A.(Hons.), LL.B.  
Dawna J. Ring, B.A. (Hons.), LL.B.

1545 Grafton Street  
Halifax, Nova Scotia  
B3J 2B9  
(902) 422-7411

March 31, 1987

Royal Commission on Donald  
Marshall, Junior  
Prosecution  
Maritime Centre  
1505 Barrington Street  
Suite 1026  
Halifax, Nova Scotia  
B3J 3K5

Attention: David Osborne

Dear Mr. Osborne:

Prior to the commencement of the Commission Hearings, we would like to interview the following people by inviting them to speak at our request but require your assistance in locating them; Donna Ebsary, Doug Ratchford, John Pratico, Patricia Harris, James MacNeil.

We would appreciate being advised of the addresses and telephone numbers for the above people so that we may contact them. If any of these people reside in Toronto, Mr. Marshall Junior's counsel in Toronto can arrange to speak with them there.

We would also appreciate receiving a list of the names of all counsel involved in this Inquiry and the parties they represent.

Thank you for your kind attention to our request.

Yours sincerely,

BUCHAN, DERRICK & RING



Anne S. Derrick

ASD/dlp

Marshall/  
Osborne  
ASD#3A

APR 06 1987

LEONARD A. KITZ, Q.C., D.C.L.  
JOHN D. MACISAAC, Q.C.  
DOUGLAS A. CALDWELL, Q.C.  
JAMIE W.S. SAUNDERS  
ROBERT M. PURDY  
RAYMOND F. LARKIN  
S. RAYMOND MORSE  
DARREL I. PINK  
D. SUZAN FRAZER  
WENDY J. JOHNSON  
ROBERT K. DICKSON  
PETER M. ROGERS

DONALD J. MACDONALD, Q.C.  
PAUL M. MURPHY, Q.C.  
RICHARD N. RAFUSE, Q.C.  
J. RONALD CREIGHTON  
J. RONALD CULLEY  
NANCY J. BATEMAN  
R. MALCOLM MACLEOD  
LORNE E. ROZOVSKY, Q.C.  
BRUCE A. MARCHAND  
RODNEY F. BURGAR  
JANICE A. STAIRS

FRED J. DICKSON, Q.C.  
DAVID R. HUBLEY, Q.C.  
GERALD J. MCCONNELL, Q.C.  
RONALD A. PINK  
LOGAN E. BARNHILL  
JOEL E. FICHAUD  
J. MARK McCREA  
ALAN C. MACLEAN  
WYMAN W. WEBB  
GORDON N. FORSYTH  
KIMBERLY H. W. TURNER

JAMES C. LEEFE, Q.C.  
FRANK J. POWELL, Q.C.  
CLARENCE A. BECKETT, Q.C.  
GEORGE L. WHITE  
DAVID R. FEINDEL  
A. DOUGLAS TUPPER  
DARA L. GORDON  
DENNIS ASHWORTH  
DIANNE POTHIER  
JANET M. CHISHOLM  
EDWIN A. CAMERON

10 CHURCH STREET  
P.O. BOX 1068  
TRURO, NOVA SCOTIA B2N 5B9  
TELEPHONE (902) 895-1631  
FROM HALIFAX 429-7741  
TELECOPIER (902) 893-3071

BANK OF MONTREAL TOWER  
SUITE 1600, 5151 GEORGE STREET  
P.O. BOX 247  
HALIFAX, NOVA SCOTIA B3J 2N9  
TELEPHONE (902) 429-5050  
TELECOPIER (902) 429-5215  
TELEX 019-22893

REPLY TO TRURO OFFICE

April 3, 1987

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

Maritime Centre - Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Attention: Ms. M. Lois Dyer  
Commission Executive Secretary

Dear Ms. Dyer:

**DONALD MARSHALL INQUIRY**  
Our File No.: 9201/1

Thank you for your letter dated March 27, 1987, which I only received on April 2, confirming the meeting among counsel and the commissioners to be held on Monday, April 13th at 2:00 p.m.

I expect that Darrel Pink and I will both be in attendance.

Yours very truly,



JWS: Jamie W.S. Saunders

JWSS/plb

c.c.: Darrel I. Pink

APR 06 1987

11 Prince Arthur Avenue  
Toronto, Ontario  
M5R 1B2  
Telephone (416) 964-9664

March 31, 1987

David B. Orsborn  
Commission Counsel  
Royal Commission on the Donald  
Marshall, Jr., Prosecution  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Mr. Orsborn:

We are most concerned, as the enclosed letter will indicate, about the records of complaint against the officers involved in the Marshall prosecution. If you have not already obtained such material, would you be good enough to furnish us with a subpoena so that we may subpoena it ourselves.

On the other hand if you can assure me that these will be submitted by the Commission and copies given to us I will be most grateful.

Similarly, we would like to obtain the psychiatric records of John Pratico, Mr. Ebsary and Mr. James MacNeill. We know that there is a record of psychiatric nature which is presently in the custody of the Cape Breton hospital in the case of Mr. Pratico. That record may contain information which will be of assistance on the issue of whether or not he is fit to testify as a witness, and may offer some insight into his relationship to former Chief of Police MacIntyre.

If you intend to obtain these records on your own and can assure me that you will furnish us with a copy



Ruby & Edwardh

of them, then of course it will not be necessary for me to have a subpoena in that regard either.

Yours very truly,



Clayton C. Ruby

/ms  
cc Anne Derrick

11 Prince Arthur Avenue  
Toronto, Ontario  
M5R 1B2  
Telephone (416) 964-9664

March 31, 1987

David B. Orsborn  
Commission Counsel  
Royal Commission on the Donald  
Marshall, Jr., Prosecution  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Mr. Orsborn:

Pursuant to my last letter to you, Marlys Edwardh and I came down to Halifax on the 25th of March hoping, inter alia, to spend some time with Mr. Marshall to go over the areas that concerned us in relation to his proposed testimony and in the hope that we could thereafter allow your office to interview him. That interview did not materialize. Mr. Marshall was not available even to us on that trip.

This is a very difficult time for him. As the Commission of Inquiry approaches, the pressure upon him intensifies. While I appreciate that conversations with you prior to his testifying will be of great assistance to him, I must ask you to understand that the meetings that I am to have with him preparatory to that have not taken place as yet.

I am hopeful that Mr. Marshall will meet with Ms. Edwardh and myself in Toronto in the very near future and that thereafter we can arrange a meeting with you.

It appears that the pressure on Mr. Marshall will intensify as the inquiry approaches closer and as press attention becomes focussed upon him once again. Those who have dealt with him in the past tell me that the press attention in particular creates great difficulties for him. The spotlight which your Royal Commission will focus upon him will, I suspect, be

# Ruby & Edwardh

more intense than even the previous occasions when the case has come to public attention.

Would you direct your mind to ways in which the adverse impact of these factors upon Mr. Marshall can be minimized and any ways in which we can work together cooperatively in this endeavour to assist the administration of justice and Mr. Marshall as well.

Yours very truly,



Clayton C. Ruby

/ms

cc Wylie Spicer  
Anne Derrick

APR 06 1987

Ruby & Edwardh  
barristers

11 Prince Arthur Avenue  
Toronto, Ontario  
M5R 1B2  
Telephone (416) 964-9664

March 31, 1987

David B. Orsborn  
Commission Counsel  
Royal Commission on the Donald  
Marshall, Jr., Prosecution  
Maritime Centre  
Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Mr. Orsborn:

Re: Donald Marshall, Jr.

Messrs. Ebsary and MacNeill were given polygraph examinations as part of the police investigation in 1971 and 1972 by the RCMP.

I want to have those polygraph records examined by an independent polygraph expert. Would you be good enough to forward to me an exact copy of the record made by the polygrapher at that time, including the questions that were put to him and a description of the circumstances under which the test was taken and any preparatory measures that were engaged in prior to the tests.

Yours very truly,



Clayton C. Ruby

/ms

cc Anne Derrick  
& James Bissell  
Counsel Atlantic Region  
Dept. of Justice Canada  
4th Floor  
Royal Bank Building  
5161 George St.  
Halifax, Nova Scotia  
B3J 1M7

Clayton Ruby. B.A., LL.B., LL.M.  
Marlys Edwardh. B.A., LL.B., LL.M.  
Michael Code. B.A., LL.B.  
Lyn Green. B.A., LL.B.

APR 06 1987

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

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

CHIEF JUSTICE T. ALEXANDER HICKMAN  
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS  
COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

March 30, 1987

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

Dear Jean:

I enclose copies of letters forwarded by me today to Associate Chief Justice Poitras and Mr. Justice Evans. I would appreciate your making copies of same and placing them on the desks of Lois Dyer and our three counsel.

Thank you.

Yours sincerely,



T. ALEX HICKMAN,  
Chief Justice

TAH:hdh  
Enclosures

11 Prince Arthur Avenue  
Toronto, Ontario  
M5R 1B2  
Telephone (416) 964-9664

March 31, 1987

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

Dear Mr. Spicer:

I have now had an opportunity to speak to Deborah Gass who was a lawyer employed by Nova Scotia Legal Aid. In addition, she was working with Philip C. MacNeil, a legal worker presently an employee of Amherst Legal Aid.

On behalf of Donald Marshall, Jr., I am prepared to waive privilege with respect to both of these legal advisors.

Yours very truly,



Clayton C. Ruby

/ms

APR 06 1987

11 Prince Arthur Avenue  
Toronto, Ontario  
M5R 1B2  
Telephone (416) 964-9664

March 31, 1987

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

Dear Mr. Spicer:

Included in the materials we sent to you as part of the file of Debbie Gass was some material which we have subsequently learned was not Ms. Gass's at all.

This series of seven sheets of handwriting on 8 1/2" x 14" paper consisted of notes for an interview with Mr. Marshall and notes of an interview with him which apparently took place (from the heading at the top) on January 11, 1980.

It now appears likely that this note is the bulk of the file of one Melinda McLean, a lawyer in Truro. The interview was conducted in the presence of Lawrence O'Neil who is now an M.P. in Ottawa and he can be reached at his House of Commons office.

A privilege with respect to both of these counsel is waived.

Yours very truly,



Clayton C. Ruby

/ms



Royal Canadian Mounted Police Gendarmerie royale du Canada

APR 06 1987

Your file      Votre référence

Our file      71H-010-6  
Notre référence

87-04-01

Royal Commission on The  
Donald MARSHALL, Jr. Prosecution  
Maritime Centre, Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia

Attn: M. Lois DYER  
Executive Secretary

Re: Royal Commission of Inquiry  
Donald MARSHALL Jr.

During the A.M. of 87-03-31, Supt. E.A. MARSHALL (Retired) was interviewed by counsel for the Commission of Inquiry.

At a later time he supplied to the R.C.M. Police a copy of his expenses which are as follows:

- 1) Private car mileage (return)  
380 Kilometers @ 25.5 per Kilo = \$96.50  
(Govt. Rate)
- 2) Parking (receipt attached) @ \$ 3.50
- 3) One (1) Lunch @ \$ 8.50  
(Govt. Rate)


As a result of discussion between your office and Mr. Jim BISSELL, Dept of Justice, an agreement was reached whereby your office would pay the expenses incurred by our members pertaining to these pre-inquiry interviews.

Thus, find enclosed MARSHALL's expenses as handed over to the R.C.M. Police.

His mailing address is:

R.R. #1 Granville Ferry, N.S.  
B0S 1K0

Attachments:

  
(H.E. MURPHY) Insp.  
Officer i/c Contract Policing  
"H" Division



INTER - OFFICE MEMO

To: David Orsborn and Wylie Spicer

From: George MacDonald

Date: April 3, 1987

Re: **DONALD MARSHALL INQUIRY**File No.: **I-1816**

---

I am attaching a draft of the letter which we discussed for the Chairman's signature. Please make any suggested changes in order that we can have a recommended letter when we meet with the Commission in Montreal on April 9.

I am also attaching a copy of the Notice of Intended Proceeding which Ron Pugsley forwarded to me. The Proceedings Against the Crown Act require two months' notice of any proceeding before the action can be commenced.

GWMacD/fm

Att.

April 2, 1987

Hon. R. Hnatyshyn  
Minister  
Department of Justice  
Room 418 North  
Centre Block  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Dear Mr. Hnatyshyn:

Re: Donald Marshall Inquiry

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

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

Our Counsel have advised that such a circumstance likely would be avoided if the Commission had written advice from you confirming the position which has been stated orally by your Deputy Minister. If such a written directive were put to a witness refusing to answer questions, I consider the Commission would feel confident ordering the witness to answer questions.

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

Yours very truly,

Chairman

GWMacD/fm



ACKNOWLEDGEMENT OF SERVICE

I, \_\_\_\_\_, hereby acknowledge service of this Notice of Intended Proceeding, this \_\_\_\_\_ day of April, 1987, on behalf of the Attorney-General of Nova Scotia pursuant to s. 17 of the Proceedings Against the Crown Act, R.S.N.S. 1967, c. 239.

\_\_\_\_\_

(Name/Authority)