

JAN 22 1988

LEONARD A. KITZ, Q.C., D.C.L.
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DOUGLAS A. CALDWELL, Q.C.
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ALSO OFFICES AT
TRURO, NOVA SCOTIA
BEDFORD, NOVA SCOTIA

January 21, 1988

BY HAND

Mr. David Osborn
Royal Commission on the
Donald Marshall, Jr. Prosecution
Suite 1026
1505 Barrington Street
Halifax, N.S.

Dear David:

Our File No. 9201/1

Considerable time has elapsed since we provided you with copies of the Thornhill and MacLean files from the Attorney General's Department.

We wish to be informed as to the use you intend to put these materials? I recall from our previous discussions that one of the possibilities we considered was to have the documentation reviewed in a setting other than a viva voce, public hearing. I seriously question how many of the parties with standing would have any legitimate interest in reviewing the Thornhill or MacLean matters and I believe thought ought to be given to reducing the number of parties involved in that phase of the Inquiry. For example, it may be best dealt with during the research phase of the Inquiry called upon to explore the role of the Attorney General and the relationship between the Attorney General and the investigating police.

We are, of course, mindful of the distinction you make between "process" and the "merits" of the case and we wish to ensure that the interests of persons mentioned in the files are properly protected.

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January 21, 1988

BY HAND

Ms. Susan Ashley
Royal Commission on the
Donald Marshall, Jr. Prosecution
Suite 1026
1505 Barrington Street
Halifax, N.S.

Dear Susan:

Our File No. 9201/1

Enclosed is the copy of Dr. Markesteyn's report which you provided to Jamie on Wednesday. We weren't sure whether we allowed to keep this so I have made a copy and I am returning yours to you. Many thanks.

Yours truly,



Darrel I. Pink

DIP/jl
Enc.

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January 21, 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 Wylie:

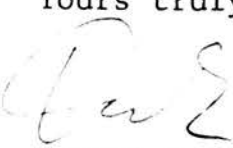
Marshall Inquiry - Canadian Distilleries File
Our File No. 9201/1

I have yours of January 19, 1988.

As I indicated to you when we spoke about this matter on that day, because the subject of this file is now or will shortly be before the courts, we are not in a position to release the file to the Commission. It would be inappropriate for us to do anything which might in any way jeopardize the accused's right to a fair trial.

I reiterate the comment made earlier that the Commission currently has those documents relating to communication between the former Deputy Attorney General and the RCMP regarding the dissemination of RCMP reports.

Yours truly,


Darrel I. Pink

DIP/jl

c.c. Mr. R. Gerald Conrad, Q.C.

JAN 21 1988

STEWART MacKEEN & COVERT

BARRISTERS AND SOLICITORS

PURDY'S WHARF TOWER ONE
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COUNSEL
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HUGH K. SMITH, Q.C.

OUR FILE REFERENCE:

008748-001

January 20, 1988

DELIVERED BY HAND

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 George:

Re: Adolphus Evers

Originally Mr. Evers was due to give evidence on January 26, 1988.

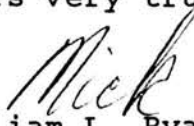
It is my understanding that the evidence of Harry Wheaton is taking longer than anticipated and that there is a chance Mr. Evers will not be called on the 26th. Would you please confirm with my office whether that is the case and, if so, what date you expect Mr. Evers to be present.

In addition will you also supply me with a copy of your booklet on Mr. Evers indicating what information you expect to cover with him. I would expect copies of transcripts of evidence he might have given at previous trials or statements he might have given or any other information which would be helpful for us to properly prepare him.

George W. MacDonald, J.C.
January 20, 1988
Page 2

I thank you for your assistance and cooperation.

Yours very truly,


William L. Ryan

WLR:lc
N0542312

JAN 21 1988

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BEDFORD, NOVA SCOTIA

January 18, 1988

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

**ATTENTION: Mr. W. Wylie Spicer
Commission Counsel**

Dear Wylie:

**Donald Marshall
Our File Number: 9201/1**

As a follow-up to our discussion on January 14th I would appreciate it if you would track down the original notes made by Lawrence O'Neil before and during his interview with Donald Marshall Jr., in penitentiary.

You will remember that during cross-examination of Melinda MacLean, she expressed her belief that the original notes went to Clayton Ruby's office and Anne Derrick searched for them without success and she concludes that they must still be with Mrs. MacLean or Mr. O'Neil.

Would you please look into this and get back to me.

Yours very truly,

Chris McConnell
for

Jamie W. S. Saunders

JWSS/cam

c.c. Darrel I. Pink

BRUCE H. WILDSMITH, B.Sc., LI.B., LI.M. (HARV.)
BARRISTER & SOLICITOR

33 WALTON DRIVE
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George W. MacDonald, Q.C.
Commission Counsel
Royal Commission on the
Donald Marshall, Jr. Prosecution
Maritime Centre, Suite 1026
1505 Barrington St.
Halifax, NS
B3J 3K5

Jan. 18, 1988

Hand Delivered

Dear George:

I am writing in follow-up to our meeting after the Hearings on Jan. 14, 1988. The particular documents in the possession of the Province of Nova Scotia to which I request access (and copies as appropriate) are:

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

The time frame for these would be the late '60s through to the present.

In addition, there is a reference in the Minutes of the Jan. 21, 1976 Tripartite Liason Committee Meeting to a "Provincial Advisory Council of Native People and the Criminal Justice System." Can you find out if there was such a council and, if so, whether there are reports or minutes relating to it?

In Christen's letter at volume 25, page 24 there is a suggestion that there existed in or about 1978 a "criminal justice support group of Nova Scotia." Is there material on this?

On Jan. 14 we also discussed other potential witnesses. You will be looking into Michael MacGuire, the teacher/hockey coach from New Brunswick. I also remind you about Eva Bernard for collaboration of Bernie Francis's confrontation with Judge John MacDonald. Furthermore, Angus Collier of 104 Henry St., Sydney (ph. 539-4907) was apparently in court when Lewis Matheson made remarks about putting a fence around Eskasoni.

It is also my understanding that you believe the appropriate time to put the documents referred to above to the past and present provincial officials is upon their initial appearance on the witness stand, rather than during the general administration of justice phase.

Thank you for your usual generous cooperation.

Yours faithfully,



Bruce H. Wildsmith

1
Jan. 1, 1988

JAN 20 1988

Susan M. Ashley,
Commission Executive Secretary,
Royal Commission on the Donald Marshall, Jr., Prosecution,
Suite 1026 - Maritime Centre,
1505 Barrington Street,
Halifax, N.S. B3J-3K5.

Dear Mrs. Ashley:

Would you please forward

Copies of the Terms of Reference to:

Mrs. Margaret Bellefontaine,
309 Ridgway Road,
P.O. Box 196
Crystal Beach, Ontario
L0S-1B0

Thanking you.

25

K:Campbell

sent Jan. 20/88

JAN 19 1988

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OUR FILE REFERENCE:

January 18, 1988

DELIVERED

Ms. Susan Ashley,
Royal Commission on the
Donald Marshall, Jr. Prosecution,
Suite 1026, Maritime Centre,
Halifax, Nova Scotia

Dear Ms. Ashley:

RE: William Urquhart

I now enclose our account with respect to the above matter which account covers the period from December 15, 1987 to and including January 14, 1988 which I trust you will find satisfactory.

Yours very truly,
STEWART, MACKEN & COVERT
Per:

D. C. Murray (Murray)
Donald C. Murray

DCM/dmb
N2061128

JAN 19 1988

STEWART MacKEEN & COVERT

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January 19, 1988

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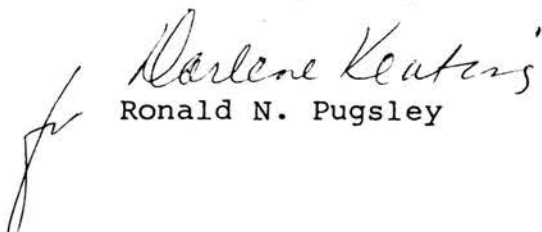
George W. MacDonald
Commission Counsel
Royal Commission on the
Donald Marshall, Jr., Prosecution
Maritime Centre, Suite 1026
1505 Barrington Street
Halifax, Nova Scotia
B3J 3K5

Dear Mr. MacDonald:

John Pratico

Thank you very much for your letter of January 14.

Yours very truly,


Ronald N. Pugsley

RNP:dk

N0181593

JAN 19 1988

COX, DOWNIE & GOODFELLOW

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OUR FILE: 8118-1

January 15, 1988

Mr. David B. Orsborn
Commission Counsel
Royal Commission on the Donald
Marshall, Jr. Prosecution
Suite 1026, Maritime Centre
1505 Barrington Street
HALIFAX, N.S.

Dear Mr. Orsborn:

RE: Marshall Inquiry

I refer to my earlier letter of today's date in which, with the understandings expressed therein, I accepted service of the five orders to attend.

The orders to attend (hereinafter I may sometimes refer to them as "Subpoenas" without in any way agreeing that they have the force at law of a valid Subpoena) are stated to be returnable on February 4, 1988. As you know, I take the position that the Commission does not have the capacity to issue orders requiring these Justices of the Appeal Division to attend before the Commission to give evidence related to the performance of their judicial functions, and in particular, related directly to the May 10, 1983 Judgment and Order of the Court. As I have previously mentioned, the Justices do decline to attend in response to the Subpoenas. We do not, however, wish to simply ignore the Process issued by the Commission.

If the Commission does not choose to withdraw the orders to attend because of the judicial independence/immunity principle, then it is the wish of my clients that the validity of these Subpoenas should be determined according to law. It would be our desire, if it is

January 15, 1988

reasonably possible, to have the proceeding which is to test their validity started, at least, before the stated return date of February 4.

The position of the Justices is that this Commission does not have the power to compel them to attend and give evidence and, of at least equal importance, it is also the position of the Justices that it would be improper for them to attend and give evidence by way of explanation or expansion respecting the May 10 Judgment and their deliberations relating to it.

I had suggested that it might be appropriate to bring the matter on in the normal way before a Judge of the Trial Division of the Supreme Court of Nova Scotia for argument and decision. During our meeting, we did discuss possible procedures to get the matter properly before the Court. I have not completed my briefing on procedural matters, but I believe that we are in general agreement that the objective is to get to the issues and not to argue unnecessarily about procedural details. My initial thinking is that I will probably apply for an Order in the nature of certiorari and prohibition. If you disagree with this approach, I would invite your response.

I was retained on this matter on Friday, January 8 as a result of your letter of January 5. Consequently, I have had very little time to brief. I suggest that we will both require a sufficient opportunity to prepare full written Submissions to the Court; and this will take some time - the issues are very important. I also suspect that because of the nature of some of the issues which probably will be raised by our application, notices will have to be given to others.

May I suggest that we mutually request an opportunity to attend upon the Chief Justice of the Trial Division to discuss timing and the availability of a trial Judge.

I have already indicated what I think to be the main thrust of our position. However, would you please take notice that on the court application, we will be at liberty to raise any other relevant arguments. The following arguments, among others, may well be put in issue:

1. basic constitutional questions on the division of powers;
2. the validity and extend of the terms of

reference;

3. the encroachment by the stated terms of reference or by the actuality of the Commission proceedings into federal areas of jurisdiction;
4. all matters relating to the jurisdiction and authority of the Commission, its Subpoenas, and in particular these Subpoenas.
5. the whole question of judicial independence/privilege/immunity.

I suggested to you that a workable procedure with respect to Mr. Justice Pace might be to have him appear with his counsel, Mr. Saunders, to give his evidence as a former Attorney General. It would be understood - and explained to all counsel - that his attendance was limited to what he might be able to say with respect to his tenure as Attorney General. The whole matter of any further attendance as a Justice of the Appeal Division would await final decision on the validity of the five orders to appear. I have discussed with Mr. Saunders this suggested procedure, and he is in agreement.

Incidentally, I am going to be out of the Country from January 26 to February 22. May I advise that my partner, F.P. Crooks, will be assisting me in the briefing, and if an emergency should occur during my absence, my partner, John Barker will be available for interim counsel work. I am proceeding on the basis that during the next few weeks, we might be able to put the structures in place for a hearing which probably would not be able to come on for argument until mid-March at the earliest.

I did raise with you conversationally - and entirely without prejudice - the possibility of our supplying to the Commission in an appropriate manner information on the structures, procedures and practices of the Appeal Division. As I understand it, this seems to be an area where Commission Counsel has expressed an interest. However, I understand from your response that such a proposal would not satisfy the intent of the Commission. Therefore I cannot really see that any useful purpose would be served by my pursuing this line any further. It did seem like a possibility to me.

I apologize for the length of this letter, but I thought it might be useful to record areas of our

Page 4 Mr. David B. Orsborn

January 15, 1988

discussions and some of my early thinking.

Yours very truly,

R. J. Downie

RJD:cmg

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
FERN M. GREENING

FRED J. DICKSON, Q.C.
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BRUCE A. MARCHAND
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TELEX 019-22893

ALSO OFFICES AT
TRURO, NOVA SCOTIA
BEDFORD, NOVA SCOTIA

January 18, 1988

BY HAND

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

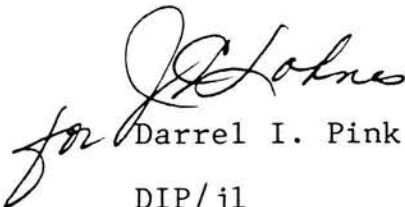
Dear Wylie:

Our File No. 9201/1

Further to yours of November 30, 1987, and January 15, 1988, regarding the Canadian Distilleries file, we have reviewed the Attorney General file in that matter.

We confirm that you are in possession of all correspondence "concerning the RCMP's distribution of their investigative reports" specifically I am referring to the letter written by former Deputy Attorney General Coles to the Commissioner's office which you already have in your possession. There is no other material in the file other than the Commissioner's reply, which relates to that issue.

Yours truly,


for Darrel I. Pink

DIP/jl

c.c. Mr. R. Gerald Conrad, Q.C.

JAN 19 1988

LEONARD A. KITZ, Q.C., D.C.L.
JOHN D. MacISAAC, Q.C.
DOUGLAS A. CALDWELL, Q.C.
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ALSO OFFICES AT
TRURO, NOVA SCOTIA
BEDFORD, NOVA SCOTIA

January 19, 1988

BY HAND

Mr. John Briggs
Director of Research
Royal Commission on the
Donald Marshall, Jr. Prosecution
Suite 1026
1505 Barrington Street
Halifax, N.S.

Dear John:

Our File No. 9201/1

I have yours of January 18, 1988, enclosing Scott Clark's report entitled "Natives in the Criminal Justice System in New Brunswick".

We will keep the report confidential unless directed otherwise.

Yours truly,


for Darrel I. Pink

DIP/jl

c.c. Mr. R. Gerald Conrad, Q.C.

1/19/88

at Meeting to Scott's ...
not ~~the~~ on surveillance patent
referred to by Frank Edwards Vol. 17/5.

(whilst evidence: appears 21/11/87)
to to Director ...
Singapore to ...
of Sydney Police ...
to. Scott said ...

...
...
...

JAN 18 1988

COX, DOWNIE & GOODFELLOW

BARRISTERS AND SOLICITORS

TELEPHONE (902) 421-6262
FACSIMILE (902) 421-3130
TELEX 019-22514

A. WILLIAM COX, O.C.
W. R. E. GOODFELLOW, O.C.
JOHN R. GRANT, O.C.
DANIEL M. CAMPBELL
DOUGLAS C. CAMPBELL
WARREN K. ZIMMER
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JAN MCK. SILLIKER
LES D. DOLL
JONATHAN R. GALE

1100 PURDY'S WHARF TOWER
1959 UPPER WATER STREET
HALIFAX, CANADA

CORRESPONDENCE
P.O. BOX 2380, STATION M
HALIFAX, NOVA SCOTIA B3J 3E5

OUR FILE: 8118-1

January 15, 1988

Mr. David B. Orsborn
Commission Counsel
Royal Commission on the Donald
Marshall, Jr. Prosecution
Suite 1026, Maritime Centre
1505 Barrington Street
Halifax, NS

Dear Mr. Orsborn:

RE: Marshall Inquiry

We met on the afternoon of Wednesday, the 13th, to discuss the various matters arising from our recent exchange of correspondence. Mr. Wylie Spicer accompanied you.

During our meeting, I accepted service from you on behalf of the five Justices of the Appeal Division (MacKeigan, Hart, Jones, Macdonald and Pace) of the forms of order to attend dated January 13, 1988 bearing the signature of T. Alec Hickman, Chairman of the Commission. Before accepting service, I stipulated that I would only do so on the clear understanding between us and on condition that such acceptance by me on behalf of the Judges was not, and should not be construed as, a waiver of any rights, privileges, arguments or whatever which might be raised about the orders to attend - judicial independence, immunity, constitutional questions or otherwise. The understanding was that my acceptance of service was intended only to save everyone the inconvenience of personal service - all else is preserved. It was agreed that I would write you in confirmation.

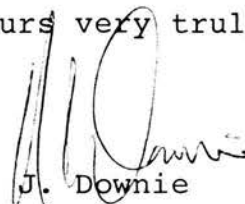
It is also understood, as discussed and recorded

January 15, 1988

in the correspondence that I am not involved in any way in the intended appearance before the Commission of Mr. Justice Pace in his capacity as a former Attorney General of Nova Scotia. Mr. Jamie Saunders is representing him in this regard.

Thank you for your courtesy and your attendance at my office which gave us an opportunity to have a discussion. I propose to write a further letter to you today or Monday setting forth in more detail other aspects of the matter which we discussed.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'R. J. Downie', is written over the typed name. The signature is fluid and cursive, with a large loop at the end.

R. J. Downie

RJD:cmg

JAN 18 1988



CENTRE OF CRIMINOLOGY
UNIVERSITY OF TORONTO

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Mr. John E.S. Briggs,
Director of Research,
Royal Commission on the Donald
Marshall Jr. Prosecution,
Suite 1026, Maritime Centre,
1505 Barrington Street,
HALIFAX, Nova Scotia B3J 3K5.

15th January, 1988.

Dear John,

Attached is an invoice for work done for the Commission since my last invoice. Please note that the 3 days for which I have invoiced this time covered the days of 14th December, 1987, and 6th, 7th and 11th January, 1988. The previous invoice covered the days of the 9th and 11th November and 10th and 11th December, 1987. My travel expenses for the December 1987 trip to Halifax, however, are included on the current invoice. I hope the Commission will find all of this in order.

Also enclosed are: (1) a copy of Shearing & Stenning's article on social control in Disney World, as requested; (2) recipe and instructions for cooking spinach cheese crepes, also as requested. Eating the crepes while reading the article could turn out to be one of life's great experiences for you and Betty...

I'll stay in touch, and have a pint or two (or more...) of English ale in your honour while in Oxford. If you can find an excuse to join me there for one, that would be fine too.

I guess this is not the kind of letter consultants are supposed to write to their clients. Oh well....

Very best wishes,

A handwritten signature in dark ink, appearing to read 'Philip C. Stenning'.

Philip C. Stenning,
Senior Research Associate

Encls.



The
Prince
George
Hotel

January 6, 1988.

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

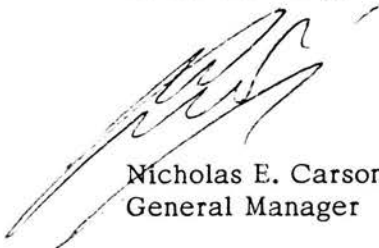
Dear Mr. Pugsley:

Your letter addressed to Ralph Medjuck has been passed to me for attention.

I am pleased to advise that The Prince George Hotel has today ordered, for immediate delivery, a top quality, tournament size ping-pong table which we are hopeful will be installed in our Exercise Room before the Commission Judges and Solicitors arrive.

Thank you for bringing this request to our attention.

Yours sincerely,



Nicholas E. Carson,
General Manager

NEC/pac

cc. R.M. Medjuck

MAR 23 '88 16:38 CPC SYD N.S. CDA P.A.

P.1



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Union of Nova Scotia Indians



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To: The Honorable John Buchanan, Premier of Nova Scotia, and
Cabinet Members
Vincent J. MacLean, Leader of the Opposition
Alexa McDonough, Leader of the New Democratic Party

Re: Royal Commission on the Donald Marshall Jr. Prosecution


The Chiefs and Executive of the Union of Nova Scotia Indians strongly urge the Premier of Nova Scotia and Members of the Cabinet to NOT formally challenge the decision of the Marshall Inquiry Commission to hear evidence regarding the general character of cabinet deliberations on the Marshall case.

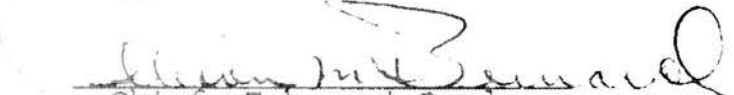
The Commission has demonstrated care, diligence and fairness in all matters of public concern related to the Marshall case.

It is the UNSI's position that the public interest is best served by a complete and comprehensive assessment of the administration of justice in Nova Scotia.

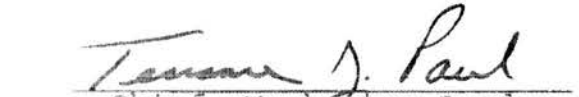

Chief, Acadia Band


Chief, Afton Band



Chief, Annapolis Valley


Chief, Eskasoni Band

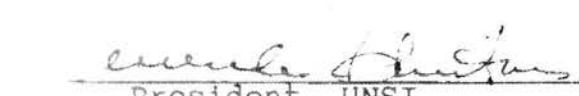

Chief, Chapel Island Band



Chief, Membertou Band


Chief, Wagmatcook Band


Chief, Whycocomagh Band


Grand Chief


President, UNSI


Vice-President, UNSI


Secretary-Treasurer, UNSI

MARCH 23, 1988

Alex Christmas, President
Reg Maloney, Vice-President (Mainland)
Roderick A. Googoo, Vice-President (Cape Breton)
Carl Gould, Secretary-Treasurer

MURRANT BROWN

Barristers & Solicitors

SUITE 404
PURDY'S WHARF
P.O. BOX 2626
HALIFAX, CANADA
B3J 3P7

JAN 18 1988

ROBERT MURRANT

TELEPHONE (902) 421-2121

XEROX-FAX (902) 421-2125

14 January, 1988

WITHOUT PREJUDICE
By Telecopier

D. E. Osborn, Q.C.
Royal Commission on the Donald
Marshall, Jr., Prosecution
1505 Barrington Street
Suite 1026
HALIFAX, Nova Scotia
B3J 3K5

Dear Mr. Osborn:

Re: Exhibits tendered during the deposition of
Ms. Heather Matheson

It has come to the attention of corporate counsel that a request has been made for the examination of Ms. Heather Matheson before the Inquiry.

Counsel are unaware of any particular or peculiar factual contribution which Ms. Matheson could made within the mandate of the Inquiry.

Prior to further consideration of the matters raised during our telephone conversation of yesterday's date, we would appreciate hearing from you as to such evidence as is anticipated to be adduced through Ms. Matheson so that we might consider whether her compulsory appearance at the Inquiry may violate her rights as a journalist and those of her employer, the Canadian Broadcasting Corporation.

I look forward to hearing from you at your early convenience.

Yours truly,



Robert Murrant

RM/mf
cc Peter Robinson - By Telecopier

TAN 15 1988



DALHOUSIE UNIVERSITY
HALIFAX, N.S.
B3H 1T2

DEPARTMENT OF SOCIOLOGY
AND SOCIAL ANTHROPOLOGY
TELEPHONE: (902) 424-6593

January 15, 1988

Mr. John Briggs
Director of Research
Royal Commission on the
Donald Marshall Prosecution
Suite 1026
1505 Barrington Street
Halifax, Nova Scotia
B3J 3K5

Dear Mr. Briggs:

This is to notify you that in accordance with my project plan of December 6, I have put in 14 working days during the months of November and December, 1987, on the police project. I would appreciate receiving compensation for this work.

I have also enclosed receipts for minor expenses (\$51.57) incurred during November and December, as well as receipts for the Ottawa-Toronto trip of January 5-11 (\$441.14).

Yours sincerely,

A handwritten signature in cursive script that reads "Richard Apostle".

Richard Apostle

RA/dmm

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
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FAX (902) 429-5215
TELEX 019-22893

ALSO OFFICES AT
TRURO, NOVA SCOTIA
BEDFORD, NOVA SCOTIA

January 15, 1988

BY HAND

Mr. John E. S. Briggs
Director of Research
Royal Commission on the
Donald Marshall, Jr. Prosecution
Suite 1026
1505 Barrington Street
Halifax, N.S.

Dear John:

Scott Clark's Research
Our File No. 9201/1

In order to facilitate Scott Clark's access to files in the Prosecutor's Office in Sydney, we will require a subpoena for these files. The procedures for the review have been reviewed with Scott Clark and the Prosecuting Officer for Cape Breton County and they are both familiar with the method to be followed.

I have also discussed the need for a subpoena with George MacDonald and he understands the reasons for this.

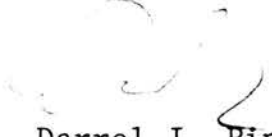
I am enclosing a list of files from the Cape Breton County Prosecutor's Office. Scott has identified those which he needs. By referencing the numbers in the left-hand column, the yellow highlighted numbers relate to files with charges against native persons and the green highlighted numbers relate to other files. Scott wishes to have access to all these files and I would request that you deliver to me, a subpoena directed to the Deputy Attorney General to provide access to these files.

Mr. John E. S. Briggs
January 15, 1988
Page 2

The files are going to be reviewed in the Prosecutor's office without copies being made. The subpoena should be phrased accordingly.

It has been agreed that all information from these files will be kept confidential so far as it relates to the names of individuals and individual charges. I ask for your confirmation of this when you return the subpoena to me.

Yours truly,



Darrel I. Pink

DIP/jl
Enc.

c.c. Mr. Gerald Conrad, Q.C.

JAN 14 1988

MURRANT BROWN
Barristers & Solicitors

SUITE 404
PURDYS WHARF
P.O. BOX 2626
HALIFAX, CANADA
B3J 3P7

ROBERT MURRANT

TELEPHONE (902) 421-2121

XEROX-FAX (902) 421-2125

14 January, 1988

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By Telecopier

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Royal Commission on the Donald
Marshall, Jr., Prosecution
1505 Barrington Street
Suite 1026
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Prior to further consideration of the matters raised during our telephone conversation of yesterday's date, we would appreciate hearing from you as to such evidence as is anticipated to be adduced through Ms. Matheson so that we might consider whether her compulsory appearance at the Inquiry may violate her rights as a journalist and those of her employer, the Canadian Broadcasting Corporation.

I look forward to hearing from you at your early convenience.

Yours truly,



Robert Murrant

RM/mf
cc Peter Robinson - By Telecopier

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Barristers & Solicitors

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TELEPHONE (902) 421-2121

XEROX-FAX (902) 421-2125

TRANSMISSION COVER SHEET

TO : D. E. Osborn, Q.C.
Royal Commission on the Donald Marshall Jr., Prosecution

DATE: January 14, 1988

RE : Marshall Inquiry

COMMENTS

NUMBER OF PAGES: 2

CONFIRMATION: Yes

No X

If you have not received all of this transmission or some problem arises, please contact:

Mayda Fielding

JAN 12 1988



The Speaker

Administration

PO Box 1617
Halifax, Nova Scotia
B3H 2K3

204-24-4478

January 11, 1988

Ms Susan Ashley
Commission Executive Secretary
Royal Commission on Donald Marshall Jr.
Maritime Centre
Halifax, N.S.

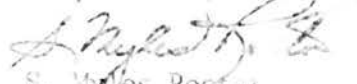
Dear Susan:

Enclosed is a letter received by the Honourable Arthur P. Donahoe, Speaker regarding an invoice for Buchan, Derrick & Ring.

According to my records this amount was included with Ruby & Edwards for the total of \$67,100.71. invoice #536.

Would you review your records and advise this company of your findings so that they will know who to correspond with in the future.

Many thanks,


S. Miles Reesor
Director of Administration

SMR/slc

BUCHAN, DERRICK & RING

JAN - 9 1988

BARRISTERS · SOLICITORS

Flora I. Buchan, B.A., LL.B.
Patricia Lawton Day, B.Sc., LL.B.
Anne S. Derrick, B.A. (Hons), LL.B.
Dawson J. Ring, B.A. (Hons), LL.B.

Sovereign Building, Suite 205,
5516 Spring Garden Road
Halifax, Nova Scotia
B3J 1G6
(902) 422-7411

January 2, 1988

Honorable Member of the House
Speaker of the House
Cabinet Minister Provincial Government
P.O. Box 1617
Halifax, Nova Scotia
B3J 2Y3

Dear Sir:

RE: Donald Marshall Inquiry

It has come to my attention that our invoice number 2785 dated September 30, 1987, in the amount of \$9,440.48 appears to be outstanding.

Would you be kind enough to check your records to see if you have any documentation with respect to this outstanding invoice?

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

Yours sincerely,

BUCHAN, DERRICK & RING



Flora I. Buchan

FLB:tem
Marshall/Speaker
PU#:

5-15-88

JAN 12 1988

COX, DOWNIE & GOODFELLOW

BARRISTERS AND SOLICITORS

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FACSIMILE (902) 421-3130
TELEX 019-22514

A. WILLIAM COX, O.C.
W. R. E. GOODFELLOW, O.C.
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DOUGLAS C. CAMPBELL
WARREN K. ZIMMER
TERRY L. ROANE
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ROBERT W. CARMICHAEL
JAN MCK. SILLIKER
LES D. DOLL
JONATHAN R. GALE

1100 PURDY'S WHARF TOWER
1959 UPPER WATER STREET
HALIFAX, CANADA

CORRESPONDENCE
P. O. BOX 2380, STATION M
HALIFAX, NOVA SCOTIA B3J 3E5

OUR FILE: 8118-1

January 12, 1988

Mr. David B. Orsborn
Commission Counsel
Royal Commission on the Donald
Marshall, Jr. Prosecution
Suite 1026, Maritime Centre
1505 Barrington Street
HALIFAX, NS

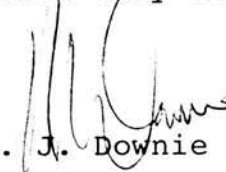
Dear Mr. Orsborn:

Thank you for your letter of January 12 in answer to mine of January 11.

I will be reporting and seeking instructions, but I do agree that it might be useful if we were to meet and discuss the issues raised by this exchange of correspondence.

I am not available today, but suggest early tomorrow afternoon, if that would be convenient.

Yours very truly,



R. J. Downie

RJD:cmg

JAN 12 1988

131 Eucalyptus Ave
Halifax, N.S.
B3M 1C8

Jan. 07. 1988

Susan M. Ashley
Commission Executive Sect,
Royal Commission on the Donald Marshall Jr. Prosecution
Suite 1026 - Maritime Centre
1505 Barrington St.
Halifax, N.S. B3K 3K5

Dear Ms. Ashley,

Please forward a copy of the Terms of
Reference.

Thank you.

Dance L. McDonald.

sent



JAN 11 1988

The Speaker

Administration

PO Box 1617
Halifax, Nova Scotia
B3J 2Y3

902 424-4478

January 8, 1988

Ms Susan Ashley
Commission Secretary
Royal Commission on the
Donald Marshall Jr.

Dear Susan:

Enclosed is a copy of a letter from
Wayne Clancey, Property Officer, regarding
your lease on the 10th floor, Maritime
Centre.

Would you please review and advise your
decision as soon as possible.

Sincerely yours,

S. Myles Rector
Director of Administration

JAN 11 1988

P.O. Box 400
George Town, N.S.
BOA 1V0
Jan 5, 1988

Susan M Asaley
Commission Executive Secretary
Royal Commission, Donald Marshall, Jr. prosecution
suite 1026, Maritime Centre
1505 Barington St Halifax B3J 3K5

Dear Madame.

Please send a copy of
the Terms of Reference, as advertised
in C.B. post, Notice of Inquiry.

Sincerely
Leah M Donald

sent

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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LORNE E. ROZOVSKY, Q.C.
WYMAN W. WEBB
GORDON N. FORSYTH
KIMBERLEY H. W. TURNER

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

ALSO OFFICES AT
TRURO, NOVA SCOTIA
BEDFORD, NOVA SCOTIA

January 6, 1988

BY HAND

Mr. John E.S. Briggs
Royal Commission on the
Donald Marshall Jr., Prosecution
Maritime Centre, Suite 1026
1505 Barrington Street
Halifax, N.S.

Dear John:

Our File No. 9201/1

In meeting with Scott Clark, he has indicated you have available, a copy of the similar study he did in New Brunswick with regard to native peoples and the justice system. I would like to see this and perhaps take a copy. I would like to borrow your copy when it would be convenient. Please let me know.

Yours truly,



Darrel I. Pink

DIP/jl

JAN 11 1988

STEWART MacKEEN & COVERT

BARRISTERS AND SOLICITORS

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

J. WILLIAM E. MINGO, Q.C.
J. THOMAS MacQUARRIE, Q.C.
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GLEN V. DEXTER
ELIZABETH M. HALDANE
ERIC L. BURTON
LAWRENCE J. STORDY
R. BLOIS COLPITTS

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

DIRECT DIAL (902) 420-

DONALD A. KERR, Q.C.

COUNSEL
BRIAN FLEMMING, Q.C.

HUGH K. SMITH, Q.C.

OUR FILE REFERENCE:

January 11, 1988

HAND DELIVERED

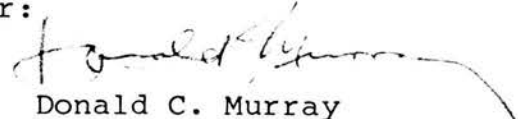
Mr. George W. MacDonald
Commission Counsel
Royal Commission on the
Donald Marshall, Jr. Prosecution
Maritime Centre
Suite 1080
1505 Barrington Street
Halifax, Nova Scotia
B3J 3K5

Dear Mr. MacDonald

RE: Attendance at Halifax Sittings

Thank you for your letter of January 8, 1988. I concur with the additions you have made to the list of witnesses whom I should not need to be present for, with the exception of K. Lynk and A. Walsh. My reason for mentioning these individuals is that Mr. Urquhart was contacted some time in the mid-70's with respect to a temporary release for Mr. Marshall. You may refer to Mr. Urquhart's August interview with the Commission where this was discussed. Perhaps if it is one or the other who recalls dealing with Mr. Urquhart you could advise me and I will only attend for that witness's evidence.

Yours very truly,
STEWART, MACKEEEN & COVERT
Per:


Donald C. Murray

DCM/lw

c.c. Mr. William Urquhart

N2061082

January 11, 1988

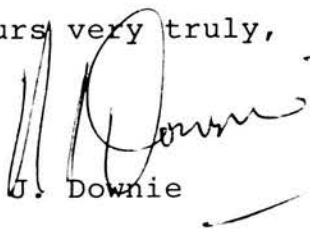
fundamental and significant judicial and constitutional matters.

I am instructed to advise you that the five Justices decline to be interviewed respecting their Judgment and the circumstances surrounding its rendering. The Judgment which allowed the appeal, quashed the conviction of Mr. Marshall and directed that a verdict of acquittal be entered speaks for itself. If you were to request their attendances to discuss the Reference hearing and the Judgment, they would decline to attend.

On behalf of the Court and the Justices, I take the position that any such interviews or attendances would be improper, contrary to our constitutional and judicial structures and traditions, and would be in clear violation of the concept of the independence of the Court and its members. My position is that the independence of the Judiciary has been firmly built into our legal and constitutional systems for the good of the state and the protection of its citizens. In fact, this independence/immunity principle cannot be waived or violated by a Justice of the Appeal Division or any of its members.

I would be pleased to hear from you at your convenience if you, as counsel to the Commission, take a different view of these matters. I am proceeding on the usual understanding that further communication, if any, will be between counsel.

Yours very truly,



R. J. Downie

RJD:cmg

JAN 11 1988

COX, DOWNIE & GOODFELLOW

BARRISTERS AND SOLICITORS

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FACSIMILE (902) 421-3130
TELEX 019-22514

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1959 UPPER WATER STREET
HALIFAX, CANADA

CORRESPONDENCE
P.O. BOX 2380, STATION M
HALIFAX, NOVA SCOTIA B3J 3E5

OUR FILE:

January 11, 1988

BY COURIER

Mr. David B. Orsborn
Commission Counsel
Royal Commission on the Donald
Marshall, Jr. Prosecution
Maritime Centre, Suite 1026
1505 Barrington Street
HALIFAX, N.S.

Dear Mr. Orsborn:

I have been retained by the Appeal Division of the Nova Scotia Supreme Court and by MacKeigan, Hart, Jones, Macdonald and Pace, J.J.A., as a result of your letters of January 5, 1988 to four of the five named Justices. My understanding is that you, or other Commission Counsel, have previously expressed an intent respecting the attendance at the Inquiry of Mr. Justice Pace. I do not represent Mr. Justice Pace with respect to his possible attendance and any evidence he might give as a former Attorney General of Nova Scotia; however, as noted, I represent him as a Justice of the Appeal Court.

In your letters you state, inter alia, that you "believe it may be necessary and appropriate to request your attendance at the Inquiry to respond to questions arising from the issues noted above". The "issues noted above" relate directly to the May 10, 1983 Judgment and Order of the Court of Appeal on the Donald Marshall, Jr. Reference.

Your letters, which express the possibility of requesting the attendances in this regard of the Justices of the Appeal Division, and your request to meet with such Justices to discuss such possible attendances, raise

JAN 11 1988

LEONARD A. KITZ, Q.C., D.C.L.
JOHN D. McISAAC, Q.C.
DOUGLAS A. CALDWELL, Q.C.
JAMIE W. S. SAUNDERS
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KIMBERLEY H. W. TURNER

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

ALSO OFFICES AT
HALIFAX, NOVA SCOTIA
BEDFORD, NOVA SCOTIA

January 6, 1988

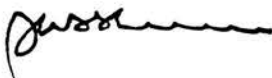
Mr. George W. MacDonald, Q.C.
Commission Counsel
**Royal Commission on the
Donald Marshall, Jr., Prosecution**
Maritime Centre, Suite 1026
1505 Barrington Street
Halifax, Nova Scotia
B3J 3K5

Dear George:

**Donald Marshall Royal
Commission of Inquiry
Our File Number: 9201/1**

Thank you for your letter dated January 5th confirming that Judge Anderson will appear to testify on Wednesday, February 3, 1988.

Yours very truly,



Jamie W. S. Saunders

JWSS/cam



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

JAN 11 1988

AR-21,613

Our file
Notre dossier

Your file
Votre dossier

426-7594

January 7, 1988

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:

RE: Marshall Inquiry

Further to our telephone conversation of January 6, 1988, I enclose a copy of Mr. Outhouse's letter of September 16, 1987, as well as copies of the enclosures he refers to. I previously gave copies of this to George MacDonald in Sydney last September.

Of the lawyers acting for various R.C.M.P. members, Mr. Ryan hasn't responded to our request concerning notebooks. Guy LaFosse advised us that Herb Davies has no notebook.

I enclose a copy of our letter of September 4, 1987, concerning Sgt. Cole. We have not heard from anyone in response to such letter; although we note from the Sydney evidence that the page 213 of Volume 16 was not removed from the Exhibit Book as promised in Mr. Orsborn's letter of September 3rd, 1987. We will ask Sgt. Cole to bring the relevant pages of the notebook. You have a copy of Corporal Clark's notes (Exhibit 87). I believe that Chuck Broderick told us that Cpl. Carroll's notes were given to Commission Counsel during or after his interview.

Yours very truly,

A. R. Pringle
Senior Counsel
Atlantic Region

JAN 08 1988

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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ALSO OFFICES AT
HALIFAX, NOVA SCOTIA
BEDFORD, NOVA SCOTIA

January 6, 1988

Personal and Confidential

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

ATTENTION: David B. Orsborn

Dear David:

Our File Number: 9201/1

Thank you for your letter dated January 5th.

I will seek instructions on the matters you have raised and then get back to you as quickly as I can.

Yours very truly,



Jamie W. S. Saunders

JWSS/cam

JAN 08 1988

STEWART MacKEEN & COVERT
BARRISTERS AND SOLICITORS

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

J. WILLIAM E. MINGO, O.C.
J. THOMAS MacQUARRIE, O.C.
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HALIFAX, CANADA B3J 2X2

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TELECOPIER (902) 420-1417
TELEX 019-22593

DIRECT DIAL (902) 420-

COUNSEL
DONALD A. KERR, O.C.

COUNSEL
BRIAN FLEMMING, O.C.

HUGH K. SMITH, O.C.

OUR FILE REFERENCE:

January 7, 1988

DELIVERED

Mr. David Orsborne,
Commission Counsel,
Royal Commission on the
Donald Marshall, Jr. Prosecution,
Maritime Centre, Suite 1026,
Halifax, Nova Scotia.

Dear David:

RE: William Urquhart Testimony

Further to our telephone conversations of yesterday, a message conveyed by my office to you yesterday, and a brief conversation with Wylie Spicer today (January 7, 1988), I wish to confirm that having consulted with Mr. Urquhart and urged him to make himself available on January 13, 1988 to testify, I was informed (and so inform you) that Mr. Urquhart has medical appointments which have long been scheduled for January 13 and 19, 1988 and will not be able to be available on January 13, 1988. I pressed Mr. Urquhart to arrange his affairs so that he could testify on this short notice but this appeared to cause him a great deal of excitement and concern - something which I am not prepared to push further at this time.

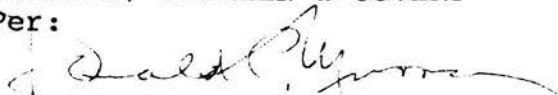
I appreciate that you have made arrangements to schedule other individuals for particular times throughout the months of January and February, some of whom are coming from out of town and province. However, I am concerned that tentative dates proposed to me by Mr. MacDonald late Monday afternoon of this week became firm and impossible dates by Wednesday.

January 7, 1988

2

I would ask you to reconsider your schedule for the first week of January.

Yours very truly,
STEWART, MACKEN & COVERT
Per:



Donald C. Murray

DCM/dmb

c.c. Mr. William Urquhart

N2061071

P.S. I confirm Wylie Spicer's telephone call of this afternoon setting February 1, 1988 as the date of Mr. Urquhart's testimony.



I.S.T.S.

**LE SERVICE DE TRADUCTION SIMULTANÉE
INTERNATIONAL
SIMULTANEOUS TRANSLATION SERVICE**

90 MONTÉE DE LIESSE, MONTRÉAL, QUÉBEC, CANADA H4T 1N4
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January 4, 1988

JAN 08 1988

HEAD OFFICE: Our File: 1626
MONTREAL

BRANCH OFFICES:
HALIFAX Ms. Susan Ashley
SAINT JOHN The Royal Commission on the
Donald Marshall Jr. Prosecution
QUEBEC CITY Maritime Centre
OTTAWA Suite 1026
TORONTO Halifax, N.S.
EDMONTON B3J 3K5
VANCOUVER

Dear Ms. Ashley:

Please find enclosed our Invoice No. 23904 , regarding our technical services rendered on December 7-11, 1987, in Sydney, N.S.

We sincerely hope that our services were carried out to the entire satisfaction of all parties concerned. We hope that we can be of service to you once again in the near future, and remain,

Yours truly,

I. S. T. S.


Robert Thiel
President

RT/mw

Enclosure



LE SERVICE DE TRADUCTION SIMULTANÉE **INTERNATIONAL** SIMULTANEOUS TRANSLATION SERVICE

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TÉL.: (514) 340-1821 • TÉLEX: 05-824655 • FACSIMILE: (514) 340-1639

JAN 08 1988

January 4, 1988
Our File: 1626

INVOICE NO: 23904

HEAD OFFICE

MONTREAL

Ms. Susan Ashley

BRANCH OFFICES

The Royal Commission on the

HALIFAX

Donald Marshall Jr. Prosecution

SAINT JOHN

Maritime Centre

QUEBEC CITY

Suite 1026

OTTAWA

Halifax, N.S.

TORONTO

B3J 3K5

EDMONTON

RE: Technical services rendered on December 7-11, 1987, in
Sydney, N.S.

VANCOUVER

1	Technician	\$ 195.00	\$ 975.00
4	Sound Columns	12.50	250.00
16	Microphones	10.00ea.	800.00
1	Control Panel (for 16 mikes)	2.00	160.00
2	Press Feeds	25.00ea.	250.00
1	Wireless Microphone		225.00
1	Set-Up and Dismantling		50.00
TOTAL:			<u>\$ 2,710.00</u>

TERMS: Net 10 days

All overdue accounts are subject to interest
charges at the prevailing bank rate plus 1 1/4
percent.

/mw

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

January 7, 1988

COURIER

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

Dear Susan:

In connection with your letter of December 4, 1987 I want to tell you the view that I take of the authority you are purporting to exercise to tax accounts. (It may be that there will eventually be no dispute between you and I but you should, I think, at least know the position that I have arrived at in connection with it.)

The statute authorizing the setting up of a Royal Commission gives no power to the Governor-in-Council to deal with either fees or taxations of fees. Indeed, the ordinary taxing statute of the Province would seem to apply, on its face, concerning taxation. That statute does not authorize you to do any taxation of accounts.

The Costs and Fees Act of Nova Scotia, s.1(1) and (2) might be interpreted to allow the Governor-in-Council to from time to time determine the fees and allowances in connection with the Royal Commission. But that only allows them to set the rate of fees and allowances and does not purport to allow them to tax individual accounts or to set up a special taxing office for individual accounts when they choose. The direction by the Governor-in-Council to you is therefore ultra vires. The executive cannot, by its own action and absent statutory authority, deprive a person of the benefits of the ordinary law of the Province, e.g. taxation in the ordinary course of events by an independent court official.

Indeed, it would be surprising if the Canadian Charter of Rights and Freedoms would allow the Government to appoint a Judge in its own cause whose decisions were to be restricted to a particular lis.

But the language of the Costs and Fees Act, and the authority which the Governor in Council may have in connection therewith, underscores the argument I made to you earlier. The rate of fees and allowances may be set by the Governor-in-Council from time to time, but since in this case a single rate of fees and allowances has been set, there is no warrant whatsoever for dealing with Commission counsel in a manner that is different from that of counsel for parties granted standing.

Yours very truly,



Clayton C. Ruby

/ms

BUCHAN, DERRICK & RING

BARRISTERS · SOLICITORS

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

Sovereign Building, Suite 205,
5516 Spring Garden Road
Halifax, Nova Scotia
B3J 1G6
(902) 422-7411

January 4, 1988

Ms. Susan Ashley
Executive Secretary
c/o Royal Commission
on Donald Marshall Prosecution
Suite 1026, Maritime Centre
1505 Barrington St.
Halifax, N.S.
B3J 3K5

Dear Susan:

Re: Cletus Hallihan

Please find enclosed the clippings sent to me by Mr. Hallihan. I would appreciate your copying these and returning them so that I can maintain a file for reference is necessary.

Yours sincerely,

BUCHAN, DERRICK & RING



Anne S. Derrick

ASD/har
Ashley
ASD 7A

JAN 07 1988

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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KIMBERLEY H. W. TURNER

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

ALSO OFFICES AT
HALIFAX, NOVA SCOTIA
BEDFORD, NOVA SCOTIA

December 23, 1987

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

ATTENTION: Mr. John E. S. Briggs

Dear John:

Research Projects - Terms of Reference
Our File Number: 9201/1

Thank you for your memo dated December 7 with enclosures which only arrived at my office today.

Seasons Greetings.

Yours very truly,



Jamie W. S. Saunders

JWSS/cam

JAN 07 1988

INTER - OFFICE MEMO

To: ✓ David Orsborn and Wylie Spicer

From: George MacDonald

Date: January 4, 1988

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

I spoke with Clayton Ruby on December 29. He had met socially with Doug Rutherford and they discussed briefly the Thornhill and MacLean file situation. Originally Rutherford was taking the position that we would be provided with copies of any documents which are in Nova Scotia but nothing that is in Ottawa. Ruby says he attempted to convince Rutherford that it would not be advisable for the RCMP to take such a position since they would be getting in the middle of a problem involving the Province and the Commission. Rutherford apparently relented somewhat and indicated he may be prepared to turn over any documents which indicate decisions were made but not the materials on which the decisions were based. Once again Ruby told him that he had no doubt Subpoenaes would be issued from the Commission requiring production of all documents and suggested Rutherford reconsider his position.

GWMacD/fm



JAN 07 1988

(902) 422-9120
895-6385

The Confederacy of Mainland Micmacs

Member Bands:

Bear River-- Afton—Horton—Millbrook—Pictou Landing—Shubenacadie

Mailing Address:

P.O. Box 1590
Truro, N.S.
B2N 5V3

Head Office:

Community Hall
Church Street
Millbrook Indian Reserve
Truro, N.S.

Halifax Office:

2158 Gottingen Street
Halifax, N.S.
B3K 3B4

January 5, 1988
Our File No.

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

Dear Ms. Ashley:

Please forward copies of the Terms of Reference on
the Donald Marshall Jr. Inquiry. Thanks.

Yours in Recognition
of Treaty Rights,

Stanley Johnson
Band Financial Advisor

SJ:bd

*Sent
Jan. 7/88*

JAN 07 1988

STEWART MacKEEN & COVERT
BARRISTERS AND SOLICITORS

J. WILLIAM E. MINGO, Q.C.
J. THOMAS MacQUARRIE, Q.C.
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TELECOPIER (902) 420-1417
TELEX 019-22593

DIRECT DIAL (902) 420-

OUR FILE REFERENCE:

DONALD A. KERR, Q.C.

COUNSEL
BRIAN FLEMMING, Q.C.

HUGH K. SMITH, Q.C.

RNP
2076-2

January 7, 1988

DELIVERED BY HAND

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:

Thank you for your letter of January 5.

I look forward to your advice as to when Superintendent Vaughan will be called.

Yours very truly,


Ronald N. Pugsley

RNP:dk

N0181503

JAN 06 1988



The LORD NELSON

P. O. Box 700
Halifax, Canada
B3J 2T3

January 5, 1988

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

Attention: Susan Ashley

Dear Susan:

Furthur to our telephone conversation of January 5, 1988,
the following will confirm revised Function room rates as
previously agreed.

Imperial Ballroom (Hearing Room)	\$325/day	Mon-Thurs weekly
Salons 5&6 (Media Room)	\$500/week	Based on 7 day week
Salon 4 (Commission Council Room)	\$60/day	Mon-Thurs weekly
HMS Bellisle (Office)	\$500/week	Based on 7 day week
Kettle Creek (Commissioners Retiring Room)	\$75/day	Mon-Thurs weekly

Enclosed are the Lord Nelson Hotel's function contracts
for the upcoming hearings.

Please read them over carefully, and if all the details
are correct, sign the contracts and return the yellow copies
to my attention in the sales office.



The LORD NELSON

P. O. Box 700
Halifax, Canada
B3J 2T3

Please note that receipt of the signed yellow copies are confirmation of your booking.

If changes or corrections are necessary, please contact me as soon as possible.

On behalf of The Lord Nelson Hotel, we look forward to hosting the Royal Commission on the Donald Marshall Jr. Prosecution next week.

Sincerely,

Catherine A. Meery
Sales & Functions Coordinator
THE LORD NELSON HOTEL

Encl.

CM/ph

JAN 06 1988

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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10 CHURCH STREET
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TRURO, NOVA SCOTIA B2N 5B9
TELEPHONE (902) 895-1631
FROM HALIFAX 429-7741
FAX (902) 893-3071

ALSO OFFICES AT
HALIFAX, NOVA SCOTIA
SHEFFORD, NOVA SCOTIA

January 4, 1988

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

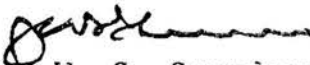
Dear George:

Our File Number: 9201/1

Would you kindly confirm that Thursday, February 1, 1988 is
the date when you would like His Honour Judge Robert
Anderson to attend as a witness?

I would appreciate hearing from you as quickly as possible
so that I might inform Judge Anderson.

Yours very truly,


Jamie W. S. Saunders

JWSS/cam

c.c. Darrel I. Pink



Department of Justice
Canada

Ministère de la Justice
Canada

JAN 06 1988

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

January 5, 1988

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:

RE: Correctional Services of Canada, National
Parole Board - Material and Employees

I acknowledge receipt of your letter of January 5, 1988.

With respect to your letter of December 17, 1987, we understood from your telephone conversation of December 21, 1987, with Al Pringle that you would write us detailing the intended purpose of introducing the documents. We wrote you on December 23, 1987, to once again request such a letter.

I note that I still have not received a reply from you to my letter of September 3, 1987, in which I set out our concerns respecting the constitutional issues involved in your request to tender certain documents from the Correctional Services of Canada and the National Parole Board and to interview witnesses from those departments.

Before we can agree to the tendering of any documents and the examination of any witnesses from either the Correctional Services of Canada or the National Parole Board, we need your written assurance that the Commission Counsel:

- (i) will respect the constitutional limitations as set out in my letter of September 3, 1987; and
- (ii) will support our position by objecting to any line of questioning from other counsel which might focus on management, practices or policies of Federal institutions.

Canada

Page 2
Mr. W. Wylie Spicer
January 5, 1988

In our view, the only conceivable legitimate purpose for examining the period of time when Mr. Marshall was under the control of Federal authorities is the extent, if any, which Municipal or Provincial authorities influenced or attempted to influence the Federal authorities. We, therefore, have always concurred that item 2 in your letter of January 5, 1988, is relevant. Accordingly, the Community Assessment witnesses from Sydney have been available for interview as we discussed during various conversations in Sydney last fall.

With respect to items 1, 3 and 4 of your letter of January 5, 1988, we and our clients are very concerned about the extent to which these items appear to focus on sentence administration and the Federal prison system.

On January 4, 1988, you mentioned for the first time that you might want to call some of the Correctional Services of Canada and the National Parole Board witnesses as early as next week. We note from the proposed list of witnesses sheet for the Halifax phase that there is no indication of such timing. In light of the time frame and the recent stated purpose of calling most of these witnesses, it is virtually impossible to arrange for their attendance for next week.

We are most anxious to cooperate with the Commission but feel duty bound to reassert the constitutional concerns and to seek the foregoing assurances.

Yours very truly,



James D. Bissell
General Counsel
Director, Atlantic Region

JDB/vpc

JAN 05 1988

LEONARD A. KITZ, Q.C., D.C.L.
JOHN D. McISAAC, Q.C.
DOUGLAS A. CALDWELL, Q.C.
JAMIE W. S. SAUNDERS
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BANK OF MONTREAL TOWER
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ALSO OFFICES AT
TRURO, NOVA SCOTIA
BEDFORD, NOVA SCOTIA

January 4, 1988

BY HAND

Mr. John E.S. Briggs
Director of Research
Royal Commission on the
Donald Marshall, Jr., Prosecution
Suite 1026
1505 Barrington Street
Halifax, N.S.

Dear John:

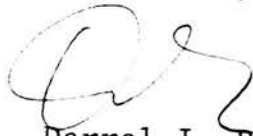
Our File No. 9201/1

Thank you for yours of December 23, 1987.

In asking the question I did, perhaps I was not as specific as I might have been. Will the peer review allow us to be party to that process? In other words, will we have an opportunity to review draft reports before they are submitted to the Commissioners?

I look forward to hearing from you.

Yours truly,



Darrel I. Pink

DIP/jl

AN 0 5 1988

STEWART MacKEEN & COVERT

BARRISTERS AND SOLICITORS

FRANK M. COVERT, O.C.
RONALD N. PUGSLEY, O.C.
GEORGE A. CAINES, O.C.
JAMES S. COWAN, O.C.
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PURDY'S WHARF TOWER ONE
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TELECOPIER (902) 420-1417
TELEX 019-22593

DIRECT DIAL (902) 420-

OUR FILE REFERENCE:

COUNSEL
DONALD A. KERR, O.C. BRIAN FLEMMING, O.C. HUGH K. SMITH, O.C.

January 4, 1988

DELIVERED

Ms. Susan Ashley,
Royal Commission on the
Donald Marshall, Jr. Prosecution,
Suite 1026, Maritime Centre,
Halifax, Nova Scotia.

Dear Ms. Ashley:

RE: John MacIntyre - Travel Expenses

Further to our letter of December 2, 1987 concerning the above-noted expenses, it appears that we miscalculated the total account figure as \$3,644.65 when it ought to have been \$3,199.25. All the specific amounts indicated are correct and we merely made an error in addition for the final total.

With respect to your reply of December 2, 1987 we appreciate that you have advised in the past that the Commission Counsel are not inclined to recommend expenses for clients to attend in Halifax to be included in taxed costs. We appreciate your stated concern of "a potentially dangerous precedent". In spite of this, I stand by the position set out in my letter of December 14, 1987.

Yours very truly,

Ronald N. Pugsley

/dmb
c.c. Mr. John F. MacIntyre
N206105i

Supreme Court of Prince Edward Island



108 CENTRAL STREET
SUMMERSIDE
C1N 3L4

December 28, 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:

I very much regret that your letter of November 20, 1987, addressed to Mr. Hugh D. MacIntosh, has waited so long for this response from me.

I want to reiterate my earlier assurances of co-operation to the present Commission on behalf of Mr. MacIntosh and myself. We will be making ourselves available as witnesses when called upon. I shall see to it that the Compensation Commission files are made available for your purposes. I do not believe all material contained in the files ought to be released publically. Some material was conveyed to me in confidence. Furthermore, it would seem reasonable to expect that only the file material which is relevant to the purposes of the Prosecution Commission would be selected for inclusion in the documentation for the Halifax portion of the hearings.

I would invite someone of your choice to examine the files with a view to ascertaining the relevance and usefulness of the material for your purposes.

The relevancy of material requires a clear and specific statement of purpose of the review of the Compensation Commission files, and indeed, of the examination of myself and Mr. MacIntosh.

You will appreciate that we are still, at this late date, not at all clear why we are being called to testify, nor are we certain in what manner we should prepare ourselves to be of the greatest assistance to the Commission.

When we met in August, it was my understanding that the purpose of reviewing the Compensation files was in the context of exploring future compensation mechanisms. Several of your questions put to Mr. MacIntosh and myself went far beyond mere considerations of mechanisms. I acknowledge that your chairman did in May indicate that one of the areas to be investigated would be the "process through which compensation was granted to him [Marshall]." Those words mandate an investigation

into the performance of the Compensation Commission. It is open to interpretation whether the quantum of compensation and the means by which it was achieved is open to investigation.

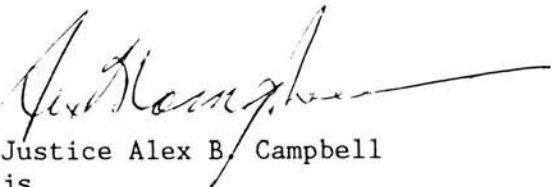
Mr. Spicer, I ask you to state fully and precisely the purpose for which we are being invited to testify so that we may prepare ourselves accordingly.

I also await your advice as to whether Mr. MacIntosh and I are acting in this matter at our own expense or whether out-of-pocket expenses and Mr. MacIntosh's time will be compensated for.

Please respond in duplicate to Mr. MacIntosh at his usual address, and to me at my home address:

Hon. Mr. Justice Alex B. Campbell
330 Beaver Street
Summerside, P.E.I.
C1N 2A3

Yours truly



Mr. Justice Alex B. Campbell
ABC /js
c.c. Hugh D. MacIntosh, LL.B, LL.M.

JAN 05 1988

STEWART MacKEEN & COVERT

BARRISTERS AND SOLICITORS

J. WILLIAM E. MINGO, O.C.
J. THOMAS MacQUARRIE, O.C.
DONALD I. OLIVER
DONALD H. McDougall, O.C.
JOHN S. McFarlane, O.C.
CARMAN G. McCORMICK
JOHN D. MURPHY
ROBERT P. DEXTER
KARIN A. McCASKILL
R. CAMILLE CAMERON
NANCY I. MURRAY
T. ARTHUR BARRY
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BARBARA S. PENICK
MARK E. MacDONALD
GLEN V. DEXTER
ELIZABETH M. HALDANE
ERIC L. BURTON
LAWRENCE J. STORDY
R. BLOIS COLPITTS

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

CORRESPONDENCE
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HALIFAX, CANADA B3J 2X2

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

DIRECT DIAL (902) 420-

OUR FILE REFERENCE:

DONALD A. KERR, O.C.

COUNSEL
BRIAN FLEMMING, O.C.

HUGH K. SMITH, O.C.

January 4, 1988

DELIVERED BY HAND

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

Attention: George W. MacDonald, Q.C.

Dear George:

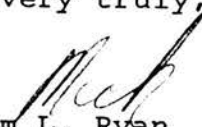
Re: Corporal Gary Green

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

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

Kindly acknowledge receipt of this letter at your earliest convenience.

Yours very truly,


William L. Ryan

WLR:ss

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

C0542101

JAN 04 1988

STEWART MACKEEN & COVERT

BARRISTERS AND SOLICITORS

FRANK M. COVERT, Q.C.
RONALD N. PUGSLEY, Q.C.
GEORGE A. GAINES, Q.C.
JAMES S. COWAN, Q.C.
JOEL E. PINK, Q.C.
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OUR FILE REFERENCE:

DONALD A. KERR, Q.C.

COUNSEL
BRIAN FLEMMING, Q.C.

HUGH K. SMITH, Q.C.

RNP
2076-2

December 29, 1987

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

Dear Ms. Ashley:

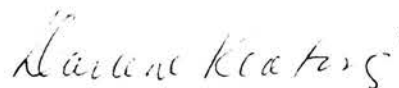
Volumes 27 - 33

Thank you very much for forwarding these Volumes to me.

I would appreciate it if I could have a typewritten copy of the notes of Mr. Aronson and Mr. Edwards contained in Volume 29 as soon as possible.

Thank you for your cooperation.

Yours very truly,


Ronald N. Pugsley

RNP:dk

N0181447

JAN 04 1988

STEWART MacKEEN & COVERT
BARRISTERS AND SOLICITORS

PURDY'S WHARF TOWER ONE
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OUR FILE REFERENCE:

DONALD A. KERR, O.C.

COUNSEL
BRIAN FLEMING, O.C.

HUGH K. SMITH, O.C.

December 31, 1987

Mr. George McDonald,
Royal Commission on the
Donald Marshall, Jr. Prosecution,
Suite 1080, Maritime Centre,
1505 Barrington Street,
Halifax, Nova Scotia.

Dear Mr. MacDonald:

RE: Research Projects - Terms of Reference

Thank you for forwarding to us John Briggs' memo of December 7, 1987, on the above-captioned subject. With respect to the research outline dealing with the Police Study, are you able to have Mr. Briggs be more detailed, particularly as to the time frame with which this study is concerned - is it today, 1971, or throughout?

I also would be interested in being informed as to the materials which will be used as the basis for the study, together with the qualifications of the research team that is in place with respect to this study.

Yours very truly,
STEWART, MACKEEN, & COVERT
Per:


Donald C. Murray

DCM/dmb
c.c. R.N. Pugsley, O.C.
William Urquhart
N2061046

DEC 30 1987

HUGH D. MACINTOSH, LL.B., LL.M.

BARRISTER AND SOLICITOR
OF THE P.E.I. & N.S. BARS

TELEPHONE (902) 892-9594
P. O. BOX 2257
83 QUEEN STREET
CHARLOTTETOWN, P.E.I.
CANADA C1A 8B9

FILE No.

YOUR FILE No.

December 23, 1987

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

Attention: W. Wylie Spicer, Esq.
Barrister & Solicitor

Dear Mr. Spicer:

Your letter of November 20, 1987 addressed to me was forwarded to the Honourable Mr. Justice A. B. Campbell. I have asked that he reply to your letter directly to you.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Hugh D. Macintosh".

DEC 29 1987

Ruby & Edwardh
barristers

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

December 18, 1987

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

Dear Wylie:

I have in front of me your letter of November 20, 1987 to Clayton wherein you indicate that the Commission is not going to pursue the question of whether or not police forces currently use or rely on polygraphs too much. As this is a matter of some concern to us in the investigation, I wanted to indicate to you in writing (having already done so orally) that it is Clayton's and my wish to pursue this matter and further that there may come a time shortly where we bring an application to the Commission to call evidence in relation to this issue.

Yours sincerely,



Marlys Edwardh

ME:jp



**Department of
Attorney General**

PO Box 7
Halifax, Nova Scotia
B3J 2L6

Our file no:
09-87-0756-01

Our phone no:

December 22, 1987

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

Dear Ms. Ashley:

Re: Marshall Inquiry

I acknowledge receipt of your letter dated December 16th wherein you advised that you wish to be sure that you have all information relating to the matter in which the hourly rates for Mr. Ruby and Ms. Edwardh were set.

In my telephone conversation with Myles Rector last week I advised him that to my knowledge the totality of communication between Mr. Ruby and officials of this Department on this subject of fees for Mr. Ruby and his associates consisted of the following exchange of correspondence:

1. a letter dated November 19, 1986 from Mr. Ruby to the Attorney General;
2. a letter dated November 25, 1986 from the Deputy Attorney General to Mr. Ruby;
3. a letter dated December 11, 1986 from Mr. Ruby to the Deputy Attorney General;
4. my letter dated December 16, 1987 to Mr. Ruby.

As you will see from the attached copies of this correspondence, there has been no agreement between Mr. Ruby and the Department of Attorney General with respect to hourly fees for Mr. Ruby or his associates. I point out, however, that Attorney General, Ronald Giffin, Q.C., made a public announcement of the Executive Council's decision "to the payment of legal fees to the legal counsel in the Marshall Inquiry at the rate of \$175 per hour for senior counsel and at \$100 per hour for junior counsel, plus reasonable and necessary disbursements and expenses." If you wish to discuss this matter, you could call me at 424-4041.

Yours very truly,

A handwritten signature in cursive script, appearing to read "R. Gerald Conrad".

R. Gerald Conrad, Q.C.
Executive Director (Legal Services)

cc Myles Rector
Clayton Ruby

Ruby & Edwardh
barristers

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

November 19, 1986

07-86-0579-87
RECEIVED
NOV 22 1986

Revised 7/25/86

The Honourable Ronald C. Giffin, Q.C.
Attorney General of Nova Scotia
P.O. Box 7
Halifax, Nova Scotia
B3J 2L6

ATTORNEY GENERAL

Dear Mr. Attorney:

I have been asked by Donald Marshall, Jr., to represent him at the Royal Commission of Inquiry which you have established. I am told that you undertook to compensate him for his legal fees and expenses in connection with his representation of that Inquiry. It is my intention, since he is a central figure in it, to attend the Inquiry and ask for standing on his behalf. I would anticipate that I would be joined by junior counsel during much, if not all, of the Inquiry.

I charge for my services at the rate of \$250.00 per hour for preparation time and \$2,500.00 per day for trials and hearings. My associate, is Marlys Edwardh, who charges at the rate of \$150.00 per day and \$1,500.00 for trial or hearing.

I would very much like to work out some arrangement whereby our bills can be paid by you on an interim basis as I anticipate that the hearing will take two months. I will also travel to Nova Scotia from time to time to do certain necessary investigations in Halifax and Sydney, and I would particularly like to make one trip very quickly. I anticipate retaining a local agent to do matters that require attendance in Nova Scotia but which do not justify a trip from Toronto. In addition, I will have to arrange a call to the Bar in Nova Scotia in the near future.

May I hear from you soon as I wish to commence the preparation for this hearing right away, and there is a great deal of material which has to be gathered and assimilated and a good deal of research to be done.

Yours very truly,

CR
Clayton Ruby

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.

09-86-0579-01

November 25, 1986

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

Dear Mr. Ruby:

The Attorney General, the Honourable Ronald C. Giffin, Q. C., has asked me to acknowledge and reply to yours of November 19th.

Your letter of advice on behalf of Mr. Donald Marshall, Jr., raises a number of issues requiring clarification.

The question of Mr. Marshall's status before the Inquiry and the nature and extent of his participation are, of course, matters for the Commissioners to determine. Procedurally I would think that these preliminary matters ought to be raised with the Commission's counsel when counsel is appointed.

Mr. Marshall, of course, has the right to retain counsel and any decision to do so will be that of Mr. Marshall. It is not the intention of the Attorney General to appoint or retain counsel on behalf of Mr. Marshall. I would therefore expect if Mr. Marshall decides to retain counsel, all matters pertaining to such retainer will be agreed upon between the solicitor and the client in the usual way. The Attorney General has indicated that the Province will be prepared to reimburse Mr. Marshall's necessary legal fees, if required.

I would have thought Mr. Marshall would have inquired

the basis on which the Province will be prepared to reimburse him for legal fees if he thought it necessary to retain counsel in respect to any testimony he may be required to give before the Commission.

The Commissioners, appointed under the Public Inquiries Act, are to investigate into the police investigation of the death of Sandford William Seale and the charging, prosecution and conviction of Donald Marshall, Jr., with that death for which he was subsequently found to be not guilty. Although the inquiry resulted from circumstances affecting Donald Marshall, Jr., the purpose of the Inquiry is to investigate, consider and report how such a result occurred in our criminal justice system. It is therefore difficult to speculate at this time the extent to which Mr. Marshall will be involved in the Inquiry or his need to be present or represented during hearings at which he is not required to give testimony. Obviously these are matters for the Commissioners themselves, however, such determination will obviously affect Mr. Marshall's decision in retaining counsel and certainly the Province's decision in reimbursing him for necessary legal costs.

Our experience in this Province with reimbursing persons, who are witnesses before Commissions, their legal expenses, is that senior competent counsel are available within Nova Scotia at hourly rates ranging from One hundred dollars to One hundred seventy-five dollars per hour. As a rule of thumb we equate the need for preparation time to the actual time involved in the hearing, limited in all cases to that part of the hearing concerned with the testimony of the person for whom counsel has been retained. In other words, if Mr. Marshall were required to be interviewed by counsel for the Commission and give testimony before the Commission involving, for purposes of example, a total of twenty-four hours, we would acknowledge the need for an additional three times twenty-four hours

for the necessary preparation time for a total reimbursement of ninety-six hours at the hourly rate agreed upon. If the Commission requested oral or written submission at the conclusion of its hearings, the same factors would apply. We would expect the hourly rate to be inclusive of all fees and would not consider reimbursement in respect to associate counsel or local counsel in such circumstances.

In addition to fees, necessarily incurred disbursements and reasonable travel and necessary living expenses within the Province during times of preparation and of hearings relating to Mr. Marshall's own testimony would also be reimbursed. I am not able, at this time, to express any opinion as to reimbursement for travel expenses of counsel, retained outside of the Province, other than to expect that any such reimbursement by the Province would be limited to necessary travel related to the time for which reimbursement will be paid for the preparation and attendance on the hearings in respect to testimony required of Mr. Marshall.

You will understand that although Mr. Marshall has a right to retain counsel of his choice, I have no authority nor am I prepared to recommend reimbursement to Mr. Marshall for legal costs at rates or on a basis other than that which has been paid in respect to comparable inquiries in Nova Scotia, particularly, when senior competent counsel in this Province have been and I understand are available to him on such terms in the matter of this Inquiry.

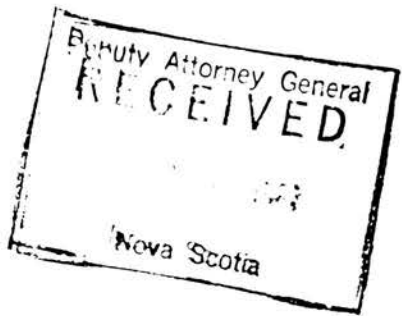
Yours very truly

Gordon F. Coles

09-96-07-1

Ruby & Edwardh
barristers

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



December 11, 1986

COURIER

G.F. Coles, Q.C.
Deputy Attorney General
Department of the Attorney General
Provincial Building
Box 7
Halifax, Nova Scotia
B3J 2L6

Dear Mr. Deputy:

Thank you for your letter of November 25, 1986. I appreciate very much hearing from you and replying to my letter of November 19, 1986, and think it best to state my perspective on the forthcoming Commission so that you will understand it.

In my view, though clearly not yours, Mr. Marshall is central to this inquiry. My status as his counsel is different from that of all others who, I expect, will be granted standing at this inquiry. The administration of criminal justice in Nova Scotia is at issue in this inquiry. All other parties, except Commission counsel, have an interest in seeking to justify what they did to Mr. Marshall. The police, the prosecutors, the Attorneys General and the judges all have this common interest. They may well have a common interest to cast blame in whole or part on Mr. Marshall himself.

But I would be the only party who seeks to represent the interests of the accused/appellant/prisoner in the criminal justice system. That perspective is important and unique. It does not seem to me, based on this letter, that the Attorney General's office understands that role, or is capable of representing that interest.

For some peculiar reason, you harbour the notion that this sort of representation can be effectively carried on if Mr. Marshall has counsel qua witness, ie., when he is actually on

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.

the witness stand, and if he is asked, during submissions. This would be a period of perhaps three or four days at most. It is as if the entire balance of the commission had nothing to do with Mr. Marshall, or the interests of the accused/appellant/prisoner did not need to be brought out by someone who understood them, and had an interest and could present them not from some impartial point of view, but from that particular perspective.

Neither Mr. Marshall nor I would accept such a limited role.

With your experience you should understand that it is likely that the Commission will grant standing to Mr. Marshall in the full sense, to appear, to examine and cross-examine witnesses, and to make submissions throughout the hearing. Indeed, in his public statements to the press, the Attorney General seemed to contemplate that Mr. Marshall would be granted standing, whereas you write to me on the footing that he will be granted counsel only to appear as a witness.

The level of preparation that you contemplate is entirely inadequate to do an effective job by my standards. I can believe that some senior counsel will be available in Nova Scotia at \$175.00 per hour, but it strains credibility to think that they will be available at \$100.00 per hour. My own inquiries at the Nova Scotia bar indicate that \$200.00 per hour is the accepted fee for a number of senior Nova Scotia counsel in litigation matters. I understand that out-of-province counsel from Toronto may well be more expensive than counsel in Halifax because, inter alia, the expenses of running a law office are much greater in Toronto than they are in Halifax.

I note that you "would no consider" reimbursement in respect to associate counsel or local counsel in such circumstances. You know, of course, that the Law Society rules require that I have local counsel and without local counsel at least at the beginning and the end of the proceedings, I cannot appear. Your rule would therefore preclude me from appearing at all.

If counsel for the Sydney Police Department, or the Attorneys General, or any other party granted standing have associate or junior counsel, I would expect that I will be treated exactly the same way. Discrimination between parties having standing and a substantial interest in the proceedings seems invidious.

The main thrust of your letter seems to be resentment at Mr. Marshall for choosing counsel from outside the province. Together with this there seems to be some concern on your part that Mr. Marshall did not make any inquiries of you before he went ahead and obtained counsel outside the province. You say in your letter:

"I would have thought Mr. Marshall would have inquired [sic] the basis on which the Province will be prepared to reimburse him for legal fees if he thought it necessary to retain counsel in respect to any testimony he may be required to give before the Commission."

Mr. Marshall sought counsel outside the province for the very same reasons that impelled you to choose counsel from outside the Province and Commissioners from outside the Province. In the words of the Attorney General (Toronto Star, September 25, 1986):

"It will be a person from outside the Province. There are so many people in the legal profession and on the bench from this Province who are involved in the case."

From that same news report, the Attorney General is said to have committed the Nova Scotia government to pay the expenses of all lawyers, including Mr. Marshall's, who are part of the inquiry. That language seems clear and unambiguous. It would not have occurred to me, as it did not occur to Mr. Marshall, that it was necessary then to inquire into the "basis" on which the Province will reimburse him.

I want to commence my preparation for this matter immediately. Your letter throws up a number of road blocks that prevent my doing so, yet Mr. Marshall cannot afford on his own to retain counsel.

Your letter makes it impossible for me to commence work, and preparation time is vanishing as we write these letters to each other. The restrictions you have placed upon Mr. Marshall's representations seem designed to make certain that the appearance of participation will exist, but the reality and substance of it is such that it is guaranteed to be ineffectual. Neither I nor Mr. Marshall will take part in such a charade. A public fight with the Attorney General's office is not sought by Mr. Marshall, but unless a firm foundation for reimbursement can be established quickly, we will have no alternative but to announce that we cannot participate in the Commission under the circumstances that you have set out.

In closing, I have some difficulty understanding why you are dealing with these matters. It seems to me that you and your office have an interest in these proceedings which is incompatible with an impartial settling of financial matters for those who are opposed in interest to you, as is Mr. Marshall. The appearance of justice cannot exist so long as you continue. Meanwhile, it is imperative that I have someone with whom I can speak to settle these matters quickly so that the required

preparation can be commenced now. Would you be good enough to arrange for someone to telephone me so that these matters can be decided quickly.

Yours very truly,

A handwritten signature in cursive script, appearing to read 'Clayton Ruby', written in dark ink.

Clayton Ruby

/ms

Nova Scotia



**Department of
Attorney General**

PO Box 7
Halifax, Nova Scotia
B3J 2L6

Our file **89-86-0579-01**

Our phone no:

December 16, 1986

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

Dear Mr. Ruby:

I acknowledge receipt on December 16, 1986 of your letter dated December 11, 1986 to the Deputy Attorney General. In the Deputy's absence from the Province, I am replying to your letter.

In accordance with the request of the Marshall Commission, arrangements have been made with the Office of the Speaker to deal with the funding of the Marshall Commission. Copies of your correspondence with the Deputy Attorney General have been forwarded to the Speaker and I expect that he or his representative will be in touch with you shortly.

Yours very truly,

**R. Gerald Conrad, Q.C.
Executive Director (Legal Services)**

DEC 24 1987

RAYMOND SHEPPARD
P.O.Box 413
Station M
Halifax, N.S.
B3J 2P8
(902) 425-6203
(902) 462-0801

THE MARSHALL ROYAL COMMISSION

The lack of justice in Nova Scotia for Indian/Blacks (minorities) is not limited to the Cape Breton area of this province, nor the Sydney police department. As a black person residing in Halifax for fourteen years, I know all-too-well the harassment and limitations, placed on black people by city police. In 1978 I applied to the Atlantic Police Academy in Charlottetown, Prince Edward Island: Passed tests and was told by one Inspector Swim that "I would make a good police officer, and passed the tests with flying colors". However, one Inspector Cuthbert of the Halifax City Police Department had other plans that would limit black enrollment, basically a quota system. *This particular case is well documented with the NS/PEI Human Rights Commissions.

I would like the opportunity to express this grave injustice to the Royal Commission, I feel this case and others will shed light on how the system works against minorities in the province of Nova Scotia.

*Phil Comuau - Nova Scotia Human Rights

*Thomas Klewin - P.E.I. Human Rights

Raymond Sheppard



Province of
British Columbia

Ministry of
Attorney General

DEC 24 1987
Criminal Justice Branch
Third Floor, Harbour Square
910 Government Street
Victoria
British Columbia
V8V 1X4

OUR FILE

YOUR FILE

December 17, 1987

Mr. John E.S. Briggs
Director of Research
Royal Commission on the
Donald Marshall, Jr., Prosecution
Maritime Centre
Suite 1026
1505 Barrington Street
Halifax, N.S.
B3J 3K5

Dear Mr. Briggs:

RE: Crown Counsel Manuals - Policy and Procedure

Further to your enquiry of November 5, 1987 in which you request advice as to when the Crown manuals might be available, I would confirm that we have just referred the Crown Counsel Manual Volume II - Procedure for printing. I anticipate the Crown Counsel Manual, Volume I - Policy will not be ready for printing until the end of January or middle of February 1988.

Thank you for your enquiry.

Yours very truly,

H.N. Yacowar
Director
Policy and Support Services
Criminal Justice Branch



Department of Justice
Canada

Ministère de la Justice
Canada

REC 23 1987

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

426-7594
4ième étage
Immeuble Banque Royale
5161 rue George
Halifax, Nouvelle-Écosse
B3J 1M7

BY COURIER

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

December 23, 1987

Dear Mr. Spicer:

Re: Donald Marshall Inquiry

I acknowledge receipt of your letter dated December 17, 1987, with enclosures. We have passed your letter along to our clients in Ottawa for their instructions.

I understand from our telephone conversation of December 21, 1987, that you would write us to detail the intended purpose of introducing these documents. Our clients have requested such a letter to assist them in reaching their decision.

Yours very truly,

A. R. Pringle
Senior Counsel
Atlantic Region

ARP:mm

Canada

BEC 2 1 1987

Margaret E. Graham Discovery Service

298 PORTLAND STREET, DARTMOUTH, NOVA SCOTIA, CANADA B2Y 1K4

PHONE: (902) 469-5734

December 22, 1987

Ms. S. Ashley
Royal Commission
Maritime Centre, Suite 1026
Halifax, N.S.
B3J 3K5

Dear Ms. Ashley:

Further to our recent conversation, I would appreciate receiving a week's advance in the amount of \$7,200 to cover expenses for the Marshall hearing starting January 11, 1987.

I acknowledge receipt of your tentative schedule and list of probable witnesses.

I will be contacting you early in the new year so that we may attend at the Lord Nelson to finalize physical arrangements.

Yours very truly,

MARGARET E. GRAHAM
DISCOVERY SERVICE



Margaret E. Graham

DEC 23 1987

Nova Scotia



**Department of
Attorney General**

PO Box 7
Halifax, Nova Scotia
B3J 2L6

Our file no:

Our phone no: 424-4223

December 21, 1987.

Susan M. Ashley
Commission Executive Secretary
Maritime Centre, Suite 1026
1505 Barrington Street
Halifax, Nova Scotia
B3J 3K5

Dear Susan:

Thank you for your kind remarks following my
appointment. I was very pleased to hear from you.

Best wishes for a happy and prosperous new year.

Sincerely yours

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

D. William MacDonald
Deputy Attorney General



Royal Canadian
Mounted Police

Gendarmerie royale
du Canada

Your file Votre référence

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

Our file Notre référence

71H-010-6

December 17, 1987

Attention: Dr. Richard Apostle

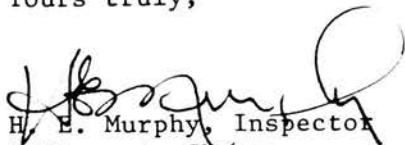
Dear Sir:

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

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

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

Yours truly,


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

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

Canada

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
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DIANNE POTHIER
JANET M. CHISHOLM
PETER M. ROGERS

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GORDON N. FORSYTH
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ALSO OFFICES AT
TRURO, NOVA SCOTIA
BEDFORD, NOVA SCOTIA

December 21, 1987

Mr. John E.S. Briggs
Director of Research
Royal Commission on the
Donald Marshall Jr., Prosecution
Suite 1026
1505 Barrington Street
Halifax, N.S.
B3J 3K5

Dear John:


Donald Marshall Royal Commission Inquiry
Our File: 9201/1

On several occasions when we have discussed the research being done by the Commission, there has been an indication that it is the Commission's intention that prior to completion, the researchers' papers will be "peer reviewed."

I would appreciate receiving from you an indication of what is intended by this and when it is likely to take place.

I look forward to hearing from you.

Yours truly,


for Darrel I. Pink

DIP/dj

cc: Jamie Saunders

DEC 21 1987

Dr. Autar Krishen Munshi, Psychiatrist, MB;BS, D.P.M.(London), M.R.C.Psy.(U.K.), F.R.C.P.(C)

*337 Welton Street
Sydney, N.S. B1P 5S6
Tel. (902) 562-2828*

December 15, 1987

ROYAL COMMISSION ON THE DONALD MARSHALL, JR.
PROSECUTION

Maritime Centre, Suite 1026
1505 Barrington Street
Halifax, N.S.
B3J 3K5

Re: Roy Newman Ebsary

Dear Mr. MacDonald:

I received your letter dated December 1, 1987, re my account submitted on October 19, 1987.

I met with you and Mr. Orsborn on September 8, 1987, at 9:00 p.m. at your request in my office. It was your idea to meet with me to discuss the case of Mr. Roy Ebsary. The case was discussed and the amount of time spent with you and Mr. Orsborn was 45 minutes in my office. It took me about 15 minutes to go through the file before I met with you (in other words total time spent on the case was 60 minutes).

It is immaterial to me whether you derived any benefit from meeting with me on the said date. I am billing for the time which was spent on this matter.

The reason I saw you at 9:00 p.m. was the only time (not the convenient time for me) I had that day to meet with you.

I would be grateful if my bill would be paid at your earliest convenience.

Sincerely,


A.K. Munshi, M.D.
PSYCHIATRIST

AKM/ds

EC 18 1987

STEWART MACKEN & COVERT
BARRISTERS AND SOLICITORS

BURDYS WHARF TOWER ONE
1222 UPPER WATER STREET
HALIFAX, CANADA

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JOEL E. PINK, Q.C.
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JONATHAN C. K. STODIE
BARBARA S. PENICK
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CROCKETT M. WELDANE
ERIC C. GIBSON
LAWRENCE J. STORIS
P. JOHN COVERT

J. WILLIAM E. MINGO, Q.C.
J. THOMAS MacQUARRIE, Q.C.
DONALD H. OLIVER
DONALD H. McDUGALL, Q.C.
JOHN R. McPARLANE, Q.C.
GARMAN G. McCORMICK
JOHN D. NURTHY
ROBERT P. DEITER
KARIN I. MICHAEL
L. CARROLL CAMERON
NANCY J. MURRAY
T. MATHIAS SWART
FRANK M. BOOBIS
REYNOLD A. BIRCH
JACQUES DICKSON

JOHN D. MOORE, Q.C.
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G. DAVID H. COVERT, Q.C.
J. GERALD GODSDE, Q.C.
WILLIAM L. RYAN
DAVID MILLER
JOHN D. BLOWMAN
TIMOTHY C. MATTHEWS
ROBERT G. GRAFF
MICHAEL T. PUGSLEY
CHARLES S. REAGAN
D. DEBBY MURPHY
DONALD C. MURRAY
JAMES W. WOODR
DAVID J. BAYNE

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TELECOPIER (902) 420-1417
TELEX 997 0227

DIAL (902) 420-

224 PL. REFERENCE

COUNSEL

RONALD A. KERR, Q.C.

BRIAN FLEMING, Q.C.

IRVIN KENNEDY, Q.C.

RNF
2076-2

December 18, 1987

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:

Marshall Inquiry

I wish to reiterate my request that Sgt. Inter lent A. Vaughan
be called in January.

Yours very truly,


Ronald N. Pugsley

RNF:dk

NO181364

Budget Rent-A-Car of Halifax
3170 Kempt Road
Halifax, N.S., B3K 4X1
Telephone: (902) 453-5200

DEC 18 1987

Budget

December 15, 1987

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

ATTN: JEAN MILLER

Dear Ms. Miller:

As per our conversation earlier this week we are pleased to extend a special rate for your car rental needs for all employees traveling on business for the Marshall Inquiry. The rate will be \$29.95 per day, unlimited kilometers. This rate applies to sub-compact through full size based on availability.

These rentals must be billed to the Royal Commission and are subject to normal rental requirements.

I hope this meets with your approval, I remain.

Yours truly,



Dianne Cochrane
Budget Rent A Car of Halifax

DC/jh

cc Budget Rent A Car Airport location
Joanne Martell



DEC 18 1987

FACULTY OF LAW

Queen's University
Kingston, Canada
K7L 3N6

December 9, 1987

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

Attention: John E.S. Briggs, Dir. of Research

Dear Mr. Briggs:

Thank you for your letter of October 15, 1987. I am pleased that my comments on Professor Archibald's paper were helpful. You suggest that I send an account for professional services and I therefore enclose the same.

Yours truly,

A handwritten signature in cursive script, appearing to read "R.J. Delisle".

R.J. Delisle
Professor

RJD/lb
Enc.

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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HALIFAX, NOVA SCOTIA B3J 2N9
TELEPHONE (902) 429-5050
FAX (902) 429-5215
TELEX 019-22893

ALSO OFFICES AT
TRURO, NOVA SCOTIA
BEDFORD, NOVA SCOTIA

December 15, 1987

DELIVERED BY HAND

Mr. David Orsborne
Commission Office
Maritime Centre
1505 Barrington Street
Suite 1026
Halifax, N.S.

Dear David:

At your request, we have again reviewed the Attorney General's files regarding the compensation issue. Having now also examined the material you propose to circulate, I do not believe there is anything in the Attorney General Department's file which you have not previously copied. There is one document, a copy of which is enclosed, which I do not recall seeing in your material and enclose it for your information.

Having now reviewed the material, it would seem appropriate that the documents relating to compensation should not be made public until witnesses dealing with that issue are called to the stand. We do not object to this material being provided to counsel at an earlier time but would prefer it not to become public until the witnesses take the stand.

Other than that, we have no comments on the material from the Attorney General Department's files which you intend to circulate.

Yours truly,

Darrel I. Pink

DIP/pg
Enc.

cc: Mr. Jerry Conrad
Mr. Jamie W.S. Saunders



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

DEC 17 1987

AR-21,613

Our file
Notre dossier

Your file
Votre dossier

426-7594

December 15, 1987

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

Dear Sir:

RE: Marshall Inquiry

We enclose photocopies of a letter received from former Superintendent T. M. Gardiner as well as his notes. Although the notes probably add very little, we are forwarding them for your information.

Yours very truly,

A. R. Pringle
Senior Counsel
Atlantic Region

ARP/vpc
Encls.

DEC 16 1987

STEWART MacKEEN & COVERT
BARRISTERS AND SOLICITORS

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

FRANK M. COVERT, Q.C.
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COUNSEL
DONALD A. KERR, Q.C.

COUNSEL
BRIAN FLEMMING, Q.C.

COUNSEL
HUGH K. SMITH, Q.C.

OUR FILE REFERENCE:

December 16, 1987

DELIVERED

Ms. Susan Ashley,
Royal Commission on the
Donald Marshall, Jr. Prosecution,
Suite 1026, Maritime Centre,
Halifax, Nova Scotia

Dear Ms. Ashley:

RE: John MacIntyre and William Urquhart

I now enclose our accounts and summaries with respect to the above matters which accounts cover the period from November 15, 1987 to and including December 13, 1987 which I trust you will find satisfactory.

On the MacIntyre account you will notice that Mr. Pugsley has 4.5 hours for return travel to Halifax from Sydney. Mr. Pugsley is aware of your views that only 2.5 hours for travel time should be permitted unless unusual circumstances prevail. On December 11, 1987, Mr. Pugsley completed his work in Sydney in the early afternoon and would not have been able to obtain an airplane flight until 4:00 or 5:00 o'clock. As it was, Mr. Pugsley was driving, and spent 4.5 hours driving back to Halifax. We trust that the incurring of this expense by Mr. Pugsley on December 11, 1987 will be regarded as reasonable. You will notice also that Mr. Pugsley is only claiming 2.5 hours for driving to Sydney on December 5, 1987.

I also enclose at this time a breakdown summary of the time spent by myself on the two individual matters.

Yours very truly,
STEWART, MACKEN & COVERT

Rer:


Donald C. Murray

DCM/dmb
N2060972

DEC 16 1987

STEWART MacKEEN & COVERT
BARRISTERS AND SOLICITORS

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

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DIRECT DIAL (902) 420-

OUR FILE REFERENCE:

DONALD A. KERR, Q.C.

COUNSEL
BRIAN FLEMMING, Q.C.

HUGH K. SMITH, Q.C.

RNP
2076-2

December 16, 1987

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:

John Pratico

During the course of the Pratico examination, I asked if details could be made available of the number of occasions Pratico was interviewed by Commission counsel, as well as Commission investigators.

I would appreciate it if that information could be provided setting forth:

1. Dates when interviews took place;
2. Who was present when the interviews occurred;
3. How long did the interviews last.

Thank you for your cooperation.

Yours very truly,


Ronald N. Pugsley

RNP:dk

N0181344

DEC 15 1987

December 11, 1987

Ms. Susan Ashley
Royal Commission on The
Donald Marshall Jr., Prosecutor
Maritime Center,
Suite 1026 - 1505 Barrington St.
Halifax, Nova Scotia
B3J 3K5

Dear Ms. Ashley:

RE: Reimbursement for Services Rendered
on Marshall Inquiry

I have prepared my expenses and per diems for my involvement on matters pertaining to my involvement of the Marshall Inquiry.

I have enclosed the receipts of items claimed. I trust that everything is in proper order. I appreciate your assistance in this matter.

My Social Insurance Number is 107-091-159. I want also request that you forward the cheque to my resident address which is:

Graydon Nicholas
24 Lorne Street
Fredericton, NB
E3B 2Y7
Tel: (506) 454-1981

If you have questions or require more information, please contact me.

Sincerely,


Graydon Nicholas

DEC 15 1987

STEWART MacKEEN & COVERT
BARRISTERS AND SOLICITORS

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

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J. WILLIAM E. MINGO, O.C.
J. THOMAS MacQUARRIE, O.C.
DONALD H. OLIVER
DONALD H. McDougall, O.C.
JOHN S. McFARLANE, O.C.
CARMAN G. McCORMICK
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ROBERT G. GRANT
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D. GEOFFREY MACHUM
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DONALD A. KERR, O.C.

COUNSEL
BRIAN FLEMING, O.C.

HUGH K. SMITH, O.C.

OUR FILE REFERENCE:

RNP
2076-2

December 14, 1987

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

Dear Ms. Ashley:

John MacIntyre - Travel and Lodging Expenses

Thank you for your recent communication.

I consider it absolutely essential for Mr. MacIntyre to have attended in Halifax on those occasions listed. If he had not attended here, I would have been obliged to go to Sydney which presumably would have involved the Commission a greater expense in view of the time charged for my travelling.

I would ask that the matter be reviewed by the three Commissioners for their decision.

Thank you for your cooperation.

Yours very truly,


Ronald N. Pugsley

RNP:dk

N0181321

DEC 14 1987

STEWART MacKEEN & COVERT
BARRISTERS AND SOLICITORS

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

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COUNSEL
BRIAN FLEMING, O.C.

HUGH K. SMITH, O.C.

OUR FILE REFERENCE:

December 14, 1987

DELIVERED

Mr. George MacDonald,
Royal Commission on the
Donald Marshall, Jr. Prosecution,
Suite 1026, 1505 Barrington St.,
Halifax, Nova Scotia,
B3K 3K5

Dear Mr. MacDonald:

RE: Attendance at Halifax Sittings

In appreciation of the need for the Royal Commission to prevent the incurring of unnecessary expense, I would like to propose a list of those witnesses for whom I do not anticipate Mr. Urquhart to have any interest. Of course, these suggestions of where my absence on behalf of Mr. Urquhart would be appropriate is based solely on the tentative Halifax witness list distributed November 17, 1987, and my understanding of the evidence to be elicited from those witnesses. Should you be aware of any comments which the listed persons may have with respect to William Urquhart and which would justify my attendance on his behalf, I would appreciate your advice.

Those witnesses whose evidence I expect will not concern Mr. Urquhart at all would be as follows:

Leonard Pace
Harry How
Ronald Giffin
Reinhold Endres
Alex Campbell
Heather Matheson
Federal Department of Justice representatives
Correction Services of Canada representatives
Junior Marshall's Plumbing Instructor
Jack Stewart

December 14, 1987

2

Debbie Gass
Melinda MacLean

As I mentioned to David Orsborne on Thursday, December 10, 1987, I had been speaking with Mr. Urquhart who appears to be recovering well and who has suffered no permanent damage as a result of his heart attack. Within the next few weeks I should be in a position to request a written opinion from his physician as to if or when it might be appropriate that Mr. Urquhart testify. I trust that since this is not an expense which Mr. Urquhart or myself would normally have to incur, that the Royal Commission will allow as a disbursement a request for a written report from Mr. Urquhart's physician with respect to his availability to testify.

Yours very truly,
STEWART, MACKEN & COVERT
Per:


Donald C. Murray

DCM/dmb
c.c. Mr. William Urquhart
N2060966

Winnipeg, Manitoba.

R3K 1Y3

DEC 14 1987

8 December 87

Maritime Centre

Suite 1026, 1505 Barrington St.,

Halifax, N.S.

Dear Mrs ASHLEY: _

Received your letter dated 2DECEMBER87 on this date, I do not believe your choice of Courier Service is that expeditious. At any rate I find that you are adopting the most difficult route in arranging my transportation. It seems to me the most efficient way of handling it would be, to let me make all of the arrangements here. At the rate your letter got here I am not sure that I will have tickets in hand by departure time.

Having said that, I plan to leave here on Sunday the 10th., 1988, with Air Canada on strike I find it difficult to tell you the flight, consequently I will leave that up to you, it will be preferably Air Canada or if they are still on strike CANADIAN. Whatever you arrange send me the ticket, I don't know how long this will take, subsequently you perhaps would be wise to leave the return open ended. Mr BISSELL wanted to see me on the 10th so it would be better if you made it quite early on that date.

Sincerely Yours



D.J. WARDROP, A/Comm'r (Ret'd)



DEC 11 1987

OFFICE OF THE MAYOR

DARTMOUTH, NOVA SCOTIA

B2Y 3Z3

December 8, 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 Chief Justice Hickman:

Thank you for your letter of November 26, concerning Policing in Nova Scotia.

The City of Dartmouth would be delighted to cooperate with you or with Dr. Apostle, in whatever way it is felt necessary. I have not yet heard from Dr. Apostle; but a copy of this will be going to Don Trider, Chief of Dartmouth City Police, in order to keep him up to date with the request. I myself feel very strongly that this is a direction that is very well worth following; but it is interesting to note that the City of Dartmouth has for years adopted a policy of employing Black Policemen, and it will be interesting to see the statistics when you get them. The City really has a very small Black population; but many people from significant Black areas move in and out of our City everyday, and I know the Chief has always felt it necessary to have a good representation of Black people on the Force, and indeed, has made this one of his goals.

Looking forward to giving you any help that you need. Best wishes for your Inquiry.

Kind regards,

John Savage
Mayor

JS/mm
cc D. Trider
Chief of Police

DEC 11 1987



DALHOUSIE LAW SCHOOL HALIFAX CANADA B3H 4H9

December 8, 1987

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

Dear Susan,

Please find enclosed my final Statement of Account in relation to the preparation and presentation of the Opinion concerning evidentiary rulings made at the trial of Donald Marshall Jr.

I hope that you will find it in order. Should there be any questions please let me know.

Yours truly,

A handwritten signature in cursive script, reading "Bruce P. Archibald".

Bruce P. Archibald
Associate Professor of Law

BPA/m

encl.



Department of Justice
Canada

Ministère de la Justice
Canada

DEC 11 1987

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

4ième étage
Immeuble Banque Royale
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B3J 1M7

AR-21,613

Our file
Notre dossier

Your file
Votre dossier

426-7592

December 9, 1987

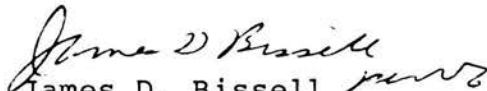
Mr. George MacDonald
Royal Commission on the
Donald Marshall, Jr. Prosecution
Maritime Centre
Suite 1026
1505 Barrington Street
Halifax, Nova Scotia
B3J 3K5

Dear Sir:

RE: Donald Marshall

As requested when we met with Mr. Fainstein in Ottawa,
enclosed are copies of his written notes and a typescript
of same.

Yours very truly,


James D. Bissell
General Counsel
Director, Atlantic Region

JDB/vpc
Encls.

c.c. Mr. S. Ronald Fainstein
Criminal Prosecutions Section
Justice Ottawa

DEC 10 1987

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ALSO OFFICES AT
TRURO, NOVA SCOTIA
BEDFORD, NOVA SCOTIA

December 8, 1987

BY HAND

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

Dear Mr. MacDonald:

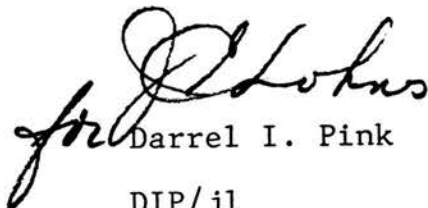
Our File No. 9201/1

We acknowledge yours of December 2, 1987, to Jamie Saunders.
We apologize for overlooking this item in your September
30, 1987, letter.

We expect shortly to identify what files exist in both
the Executive Council's and Auditor General's offices.
We are instructed that individual members of the Executive
Council of the government do not maintain separate files
regarding Executive Council meetings or the various subjects
discussed therein.

Once we can identify what files exist, we will be in a
position to determine how best they can be dealt with
by the Commission.

Yours truly,


for Darrel I. Pink

DIP/jl

c.c. Mr. Gerald Conrad, Q.C.

DEC 10 1987

Petrie & Richmond
Barristers and Solicitors

J. GORDON PETRIE, Q.C.
GEORGE R. RICHMOND, B.A., LL.B.
(ALSO OF THE ONTARIO BAR)
HAROLD L. DOHERTY, B.A., LL.B.

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FILE:

December 7, 1987

George W. MacDonald
Commission Counsel
Royal Commission on the
Donald Marshall, Jr., Prosecution
Maritime Centre, Suite 1026
1 505 Barrington Street
Halifax, NOVA SCOTIA
B3J 3K5

Dear Mr. MacDonald:

RE: Marshall Inquiry

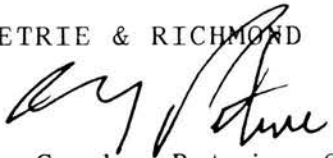
Your letter of November 25, 1987 is acknowledged with thanks.

Mr. Smith and I will be available for his appearance on January 11, 1988.

We will plan to be in the Sheraton on Sunday, January 10, 1988 at approximately 3:00 p.m. Should you and Mr. Spicer wish to meet with my client, please feel free to make the appropriate arrangements.

Yours very truly,

PETRIE & RICHMOND


J. Gordon Petrie, Q.C.

JGP:ame
cc: Eugene Smith

DEC 07 1987

STEWART MacKEEN & COVERT
BARRISTERS AND SOLICITORS

PURDY'S WHARF TOWER ONE
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OUR FILE REFERENCE:

DONALD A. KERR, O.C.

COUNSEL
BRIAN FLEMMING, O.C.

HUGH K. SMITH, O.C.

December 5, 1987

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

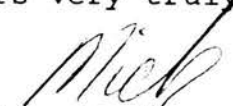
Dear Susan:

Re: Marshall Inquiry

Further to your letter of November 24, 1987, I will not be attending in Sydney during MacIntyre's testimony which is to commence on Monday, December 7.

I thank you for your consideration and I look forward to hearing from you in the future.

Yours very truly,


William L. Ryan

WLR:cg
DELIVERED BY HAND

C0547237

DEC 07 1987

TELEPHONE 562-5577
AREA CODE 902

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Elman, Kuna & Hannem
Barristers & Solicitors

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MURRAY F. HANNEM, B.A., LL.B.

327 Charlotte Street
Sydney, Nova Scotia
B1P 6G9

OUR FILE NO.:

1 December 1987

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

Attention: Susan M. Ashley

Dear Ms. Ashley:

I enclose herein our statements of account for the months of September, October and November, 1987.

I recognize the constraints on funding as outlined in your letter of September 16th and you will note that I have made appropriate adjustments for fees for junior counsel.

I trust you will find the same to be completely satisfactory.

Yours very truly,


Frank L. Elman, Q.C.

FLE:nml
Enclosures

DEC 07 1987

STEWART MacKEEN & COVERT
BARRISTERS AND SOLICITORS

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OUR FILE REFERENCE:

DONALD A. KERR, Q.C.

COUNSEL
BRIAN FLEMMING, Q.C.

HUGH K. SMITH, Q.C.

December 4, 1987

HAND DELIVERED

Royal Commission on the
Donald Marshall, Jr. Prosecution
Attention: George W. MacDonald
Maritime Centre
Suite 1206
1505 Barrington Street
Halifax, Nova Scotia


Dear George:

Re: Donald Marshall Inquiry

I thank you for your letter of November 30, 1987 dealing with Gary Green.

I acknowledge receipt of the Subpeona and confirm that I have passed on the same to Corporal Gary Green.

Yours very truly,


William L. Ryan

WLR:lc
C0541808

DEC 04 1987

BLOIS, NICKERSON, PALMETER & BRYSON
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GLENN R. ANDERSON

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LAWRENCE A. FREEMAN
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CORRESPONDENCE:
P.O. Box 2147
Halifax, Nova Scotia
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OUR FILE REFERENCE:
SB0/31907-001

COUNSEL
ROBERT H.N. BLOIS, Q.C.

December 3, 1987

BY HAND

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 George:

Re: Donald Marshall Inquiry

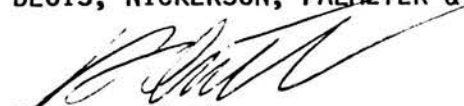
This is further to your letter of November 30th and our subsequent telephone conversations.

As discussed, the only documents that Staff Sergeant Wheaton and I have in our possession are his personal diary and copies of the R.C.M.P. files. I understand from you that you already have copies of the latter. With respect to the former, Staff Sergeant Wheaton put together a compilation of the notes in his personal diary relating to the Marshall case. This was done at the request of Al Pringle who, in turn, was acting upon a request from you. I sent the compilation to Al on September 16, 1987, together with a typewritten statement of Raymond Poirier, and he tells me that he delivered copies of same to you a few days later. In any event, I now enclose additional copies for easy reference. Incidentally, the original Poirier statement is handwritten in Staff Sergeant Wheaton's diary.

As I have indicated to you, Staff Sergeant Wheaton intends to be in Sydney next week to hear former Chief MacIntyre's evidence. If you need any further information from him to assist you with your examination, please feel free to make any inquiries of him through my associate, Tom Macdonald.

Yours very truly,

BLOIS, NICKERSON, PALMETER & BRYSON


S. Bruce Outhouse

SB0;sw
Enclosures

DEC 03 1987

LEONARD A. KITZ, Q.C., D.C.L.
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DOUGLAS A. CALDWELL, Q.C.
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ALSO OFFICES AT
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BEDFORD, NOVA SCOTIA

December 3, 1987

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:

Our File No. 9201/1

Enclosed please find a copy of our list of documents.

Yours truly,



Catherine M. Hicks
Legal Assistant to Darrel I. Pink

/jl
Enc.

DEC 03 1987

STEWART MacKEEN & COVERT
BARRISTERS AND SOLICITORS

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OUR FILE REFERENCE:

DONALD A. KERR, Q.C.

COUNSEL
BRIAN FLEMMING, Q.C.

HUGH K. SMITH, Q.C.

December 3, 1987

DELIVERED

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

Dear Wylie:

RE: Dr. Binnie

I have now had an opportunity to speak with Dr. Binnie. In response to your letter of November 12, 1987, I am not prepared to acknowledge that the note accurately reflects what Dr. Binnie's evidence would be if the Commission were to call him to the stand. For example, Dr. Binnie expressed the view to me that there was no reason to single out the police in the last sentence of your second paragraph - indeed Practico "would respond to suggestions from anyone". I was also advised by Dr. Binnie that everyone should use the same care in considering John Pratico's ability to be honest, now or then.

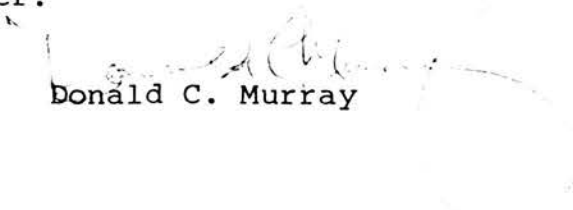
In view of these points and others which were raised during my discussion with Dr. Binnie, I must object to the submission of your note to the Commission. I do not anticipate

December 3, 1987

2

that any other formulation of the note, which I had considered, would be satisfactory.

Yours very truly,
STEWART, MACKEEN & COVERT
Per:


Donald C. Murray

DCM/dmb

c.c. Mr. William Urquhart
Mr. Clayton Ruby
Mr. Michael G. Whalley, Q.C.
Mr. R.N. Pugsley, Q.C.
Mr. Frank L. Elman, Q.C.
Mr. Jamie W.S. Saunders
Mr. James D. Bissell
Mr. A.R. Pringle
Mr. W.L. Ryan
Mr. Charles Broderick
Mr. S. Bruce Outhouse, Q.C.
Mr. Guy LaFosse
Mr. Bruce Wildsmith
Mr. E. Anthony Ross

N2060916

McINNES, COOPER & ROBERISON

REC 03 1987

INTER - OFFICE MEMO

To: ✓ David Orsborn and Wylie Spicer

From: George MacDonald

Date: December 1, 1987

Re: **DONALD MARSHALL INQUIRY**

File No.:

Chief Justice Evans provided me with the following names of persons who may be useful witnesses for us on various points.

1. Ross Bennett - Chief Coroner, Province of Ontario
2. Commissioner Archie Ferguson - Ontario Provincial Police

Mr. Bennett can be contacted at telephone number 965-6678. Mr. Ferguson can be reached at 965-1211. Apparently Mr. Ferguson is prepared to attend for his expenses only. Mr. Bennett indicated he would require several weeks notice of any requirement to attend.

GWMacD/fm

McINNES, COOPER & ROBERTSON

DEC 03 1987

INTER - OFFICE MEMO

To: Susan Ashley
From: George MacDonald
Date: December 1, 1987
Re: **DONALD MARSHALL INQUIRY**

File No:

I attach letter from David Ratchford advising that he wishes to have the video tape of the Ebsary reenactment returned to him at the conclusion of the Hearings.

GWMacD/fm

Att.

Holiday Inn Sydney

480 King's Road at Castle Drive,
Sydney, Nova Scotia,
Canada
Telephone (902) 539-6750

5/11/87

Dear Jordan,

With respect to my video tape
which was used in the inquiry recently,
could you please see that the same is
returned to me at my home in
Scarborough, Ont.

Sincerely

David F. Hatchford

STEWART MacKEEN & COVERT
BARRISTERS AND SOLICITORS

DEC 02 1987

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OUR FILE REFERENCE:

DONALD A. KERR, O.C.

COUNSEL
BRIAN FLEMMING, O.C.

HUGH K. SMITH, O.C.

December 2, 1987

DELIVERED

Mr. George MacDonald,
Royal Commission on the
Donald Marshall, Jr. Prosecution,
Suite 1026, Maritime Centre,
1505 Barrington St.,
Halifax, Nova Scotia

Dear Mr. MacDonald:

RE: John MacIntyre - CBC Broadcast

Further to your request of Monday, November 30, 1987 please find enclosed transcripts of the following programs listed below. While the transcripts are generally accurate we are unable to vouch for their complete accuracy.

November, 1983: CBC "Sunday Morning" Broadcast
(Heather Matheson)

January 1, 1984: CBC "Sunday Morning Year
Ender" (Palmer, Thomas, Donham, and Marshall)

January 18, 1984: CBC "Inquiry" (Ian Parker)

February 7, 1984: CBC "Fifth Estate"

I trust that you find these transcripts helpful. If we can be of any further assistance, please do not hesitate to contact myself or Mr. Pugsley.

Yours very truly,
STEWART, MACKEEEN & COVERT
Per:


Donald C. Murray

DCM/dmb

N2060904

DEC 02 1987

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OUR FILE REFERENCE:

DONALD A. KERR, O.C.

COUNSEL
BRIAN FLEMMING, O.C.

HUGH K. SMITH, O.C.

December 2, 1987

DELIVERED

Ms. Susan Ashley,
Royal Commission on the
Donald Marshall, Jr. Prosecution,
Suite 1026, Maritime Centre,
1505 Barrington St.,
Halifax, Nova Scotia

Dear Ms. Ashley:

RE: John MacIntyre - Travel Expenses

It has come to my attention that John MacIntyre has not billed the Commission for his necessary expenses in connection with the Royal Commission. It appears that his expenses are as set out on the attached sheet. Mr. MacIntyre is in a position to provide receipts except for mileage - he having driven on each of his seven trips to Halifax from Sydney.

We would appreciate it if you would review these accounts and approve them as appropriate expenses of the Royal Commission, forwarding a cheque made out to John MacIntyre as the payee to us for delivery to Mr. MacIntyre.

Yours very truly,


Ronald N. Pugsley

/dmb
c.c. John F. MacIntyre
N2060902

BUCHAN, DERRICK & RING

BARRISTERS · SOLICITORS

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

Sovereign Building, Suite 205,
5516 Spring Garden Road
Halifax, Nova Scotia
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(902) 422-7411

December 1, 1987

Ms. Susan Ashley
Executive Secretary
Royal Commission on
Donald Marshall, Jr., Prosecution
Suite 1026, Maritime Centre
1505 Barrington St.
Halifax, N.S.
B3J 3K5

Dear Susan:

Re: Donald Marshall, Jr.

Further to our conversation a couple of weeks ago in Sydney, I am writing to confirm that I will be attending at Sydney during the time when John MacIntyre is scheduled to testify. I have spoken with Maryls and am advised by her that she will be joining me in Sydney for the first few days of Mr. MacIntyre's testimony. We will then be joined by Clay, however, I will be remaining in Sydney to do other work, including spending time with Junior Marshall. As I am sure you appreciate, this is a time of extreme stress for Mr. Marshall and he expects that I will be in Sydney. It is in the interests of Mr. Marshall and the Commission that I be there on a continuing basis during this time.

I will therefore be billing for my work with respect to the above in accordance with our recent discussion and your letter of November 24, 1987. I understand from our discussions that you do not foresee any problems with the above arrangements.

I have discussed the above with Maryls and Clay, and they wish to have me in Sydney for the duration of Mr. MacIntyre's testimony. I am sure they would confirm this in writing to you if you require.

Yours sincerely,

BUCHAN, DERRICK & RING



Anne S. Derrick

ASD/agd
Ashley
ASD 5A

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OUR FILE REFERENCE:

DONALD A. KERR, O.C.

COUNSEL
BRIAN FLEMMING, O.C.

HUGH K. SMITH, O.C.

November 30, 1987

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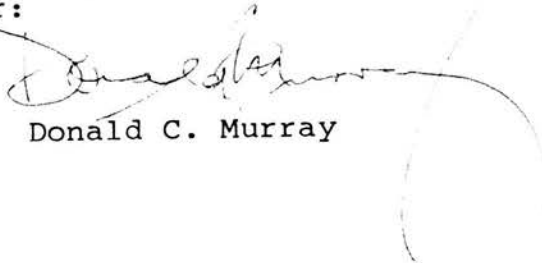
Ms. Susan Ashley,
Royal Commission on the
Donald Marshall, Jr. Prosecution,
Suite 1026, Maritime Centre,
Halifax, Nova Scotia

Dear Ms. Ashley:

RE: William Urquhart

I now enclose our account and summary with respect to the above matter which account covers the period from October 14, 1987 to and including November 13, 1987 which I trust you will find satisfactory.

Yours very truly,
STEWART, MACKEN & COVERT
Per:


Donald C. Murray

DCM/dmb
N2060875

Ruby & Edwardh
barristers

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

November 20, 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:

You have not expressed, on behalf of Commission staff, any position with regard to the issue of whether or not the Commission ought to make a recommendation to the Government of Nova Scotia, if it sees fit, to pay additional compensation to Mr. Marshall, Jr.

The Commission will be examining the process by which compensation was awarded and the propriety of the actions of the various officials who dealt with Mr. Marshall in that regard. If it should come to the conclusion that Mr. Marshall was dealt with in a way that disclosed the application of no acceptable principle and was inappropriate, surely it would be equally inappropriate for the Commission to compound that wrong by refusing to make a recommendation to the Government of Nova Scotia concerning further compensation.

In addition I want to draw to your attention the difficulty of looking at the principles of compensation and at the same time deliberately refraining from applying them to the only case at hand. This will create a level of artificiality and peculiarity that I am certain the public would find unjustifiable. The ordinary person would have an expectation that if the process was unacceptable, that a recommendation would be made that would set matters right.

For example, if the Commission decided that all victims of government wrongdoing in this sort of case ought not to have to personally pay the legal costs that were incurred in the process of proving his innocence and obtaining his compensation, it would be wrong not to recommend to the Government of Nova Scotia a reimbursement to Mr. Marshall of his legal costs. I would think this would be a likely conclusion. To make this finding in the abstract and yet say nothing about Mr. Marshall's particular \$100,000 seems quite artificial--even a little hard-hearted.

I also find it difficult to envision the Commission and its staff taking the position that, at the end of the day, serious wrongs were done by the Government to Junior Marshall but that even though these wrongs have been inadequately dealt with in terms of compensation, nothing further ought to be done to alleviate injustices that will for the first time have been fully explored.

I do not seek to commit you to a position urging further compensation for Mr. Marshall, but merely your support for the Commission taking on that inquiry, and making recommendations to the Government of Nova Scotia in that regard if it sees fit and if the evidence warrants.

I think it would be appropriate that the Commission in which we are now engaged should not only be the first Commission to set out the principles on which compensation ought to be awarded, but to make that decision a concrete one by making recommendations based upon these principles that will apply in the case of Donald Marshall, Jr. The case should be the very first in which those principals get applied, we ought not to wait for a second victim.

Yours very truly,



Clayton C. Ruby

/ms
cc Wylie Spicer
David Orsborn

NOV 26 1987

LEONARD A. KITZ, Q.C., D.C.L.
JOHN D. MACISAAC, Q.C.
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ALSO OFFICES AT
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BEDFORD, NOVA SCOTIA

November 26, 1987

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 Wylie:

Our File No. 9201/1

I am enclosing a copy of the Attorney General's file on the Native Court Worker Program as well as documents from the Department of Social Services file which are not duplicated in the A.G.'s material.

I am providing you with copies of the material as I believe it will all be of interest to the Commission and its researchers.

Yours truly,



Darrel I. Pink

DIP/jl
Enc.

Ruby & Edwardh
barristers

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

November 20, 1987

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

Dear Wylie:

I happened to be having lunch in Toronto and had occasion to speak with Mr. Claire Lewis, formerly a judge of the Provincial Court, who is now in charge of the Civilian Police Complaints Agency. We had a rather, extensive conversation about some of the work he has been doing to follow up that of Mr. Sydney Linden who was the founder of the agency. In particular we discussed the role of such an agency in dealing with questions of race and racism as they affected policing. It occurred to me that this is an avenue that we have not yet explored in the Commission and that at the stage of recommendations it might be well worth having someone like Mr. Lewis testify as to the prevailing complaint mechanisms which exist and how effective they are.

I look forward to talking about this with you at a later date.

Yours sincerely,



Marlys Edwardh

ME:jp

BLOIS, NICKERSON, PALMETER & BRYSON
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 WILLARD STRUG, Q.C.
 LAWRENCE A. FREEMAN
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 P.O. Box 2147
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OUR FILE REFERENCE:

COUNSEL
 ROBERT H.N. BLOIS, Q.C.

November 27, 1987

Susan M. Ashley
 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. Ashley:

RE: Donald Marshall Inquiry

Bruce Outhouse has asked me to write to you and to advise you that I will be attending on his behalf for that portion of the Inquiry dealing with the testimony of John MacIntyre.

It would be helpful if you could advise me where we will be slated in the order of cross-examination.

It would also be most helpful if you could advise me as to the date that Inspector Scott and Staff Sgt. Wheaton will be expected to testify in the Halifax portion of the Inquiry.

Yours very truly,

BLOIS, NICKERSON, PALMETER & BRYSON


 THOMAS M. MACDONALD.

TMM/dlp

NOV 27 1987

LEONARD A. KITZ, Q.C., D.C.L.
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ALSO OFFICES AT
HALIFAX, NOVA SCOTIA
BEDFORD, NOVA SCOTIA

November 24, 1987

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

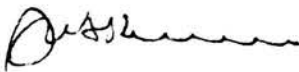
ATTENTION: Mr. W. Wylie Spicer
Commission Counsel

Dear Wylie:

Thank you for your letter dated November 20 which I only received today.

I will look into arrangements for a resumption of the interview with Mr. Coles and we will get back to you shortly.

Yours very truly,



Jamie W. S. Saunders

JWSS/cam

M E M O R A N D U M

TO: John E.S. Briggs
FROM: Dr. Wilson Head
DATE: November 25, 1987
RE: PROPOSAL BY E. RENNER....RECOMMENDATIONS

I have re-read the Renner Proposal, and found that while it has some relevance to our study, that relevance is limited. I agree with the evaluation written by Don Clairmont, although it focuses more directly on the technical aspects of the Renner study than I feel is needed for our purposes. As I view the situation, the purposes of the entire project should focus on the perceptions and experiences of the Black population as related to the Criminal Justice System of Nova Scotia. These experiences and perceptions should of course be evaluated in relationship to the: (1) actual functioning of the system, including how it deals with citizens in general; and (2) how it deals with the Black population. This is necessary in order to determine the degree, if any, of unfair treatment of Blacks.

The major focus of the Renner study is on the treatment of citizens of different socio-economic levels generally; it is not focused on the treatment of Blacks per se. For example, only 15% of the cases studied were identified as Black, while 83% were identified as White.

Second, the major findings appear to suggest that treatment, as measured by severity of the sentence was not necessarily related to race but to past record and current charge and, of course, to age. (P. 75) This information, while useful, tells us nothing about possible racial bias. As a matter of fact, as Clairmont points out, one regression analysis indicates that race and appearance are not "significant" thus raising some doubt that differences in treatment actually existed, at least at the time the study was conducted. In short, the Renner study focuses on differential treatment of socio-economic groups...e.g. the treatment of the vulnerable poor and the more affluent middle

J. Briggs
Page 2
November 25, 1987

class individual caught up in the Criminal Justice System.

My recommendations are as follows:

First, that we select from the Renner Study, those aspects which focus directly on the possibility of apparent discriminatory treatment based on race. If the ratio of Black to White individuals are, as in the Renner study, roughly seven to one (560 White to 100 Black) then there is no need to select approximately 1000 cases for examination. A quota sample of 100 Blacks and 100 or at best 200 Whites should be sufficient for comparison purposes. This would require limiting the number of variables to be tested.

Second, the basic demographic variables would still be required ...that is, age, sex, educational levels, etc. Also, prior records, most recent offence, the utilization of counsel, employment status and severity of sentence. I would drop appearances, type of charge, marital status, etc., simply because their usefulness for our purposes is limited.

A third limitation of the Renner study is the fact that it is limited to the Halifax/Dartmouth area. Its findings, however significant, do not provide us with a picture of experiences and perceptions of Blacks in Nova Scotia. While it might be difficult at this late date to replicate the previous study, it might be possible to conduct a more limited study of records in one or two other localities perhaps a rural and a small town area of the province.

A fourth limitation refers to the treatment of alleged criminals by the police...usually the first encounter with the Criminal Justice System. This focus may not be as important as a broader focus of the entire system.

The above comments are not intended to suggest that the Renner study is without merit. Much of the materials, particularly that related to socio-economic characteristics are similar to the findings of many sociological and criminological studies. (see P. 68) It is also likely that many if not the majority of Blacks involved in the Criminal Justice System are found among the lower socio-economic groups, and are thus disproportionately represented in the Criminal Justice System. These findings of ten years ago now require up-to-date confirmation.

In summary, it is important that any replication of the Renner study, should be sharply focused on a comparison of the

J. Briggs
Page 2
November 25, 1987

treatment of Blacks and Whites involved in the Criminal Justice System. There is ample evidence in the literature of the fact that the young, poor and uneducated are generally treated more harshly than the well-educated and affluent individual. In addition, there is little evidence in the Renner study that race was found to be an important variable.

A useful study should provide information on both perceptions and experiences elicited from both Black and White groups. This study should also obtain data relating to the treatment of both Black and White groups obtained from actual police and court records.

The proposal by Professor Renner should be helpful in this regard in the event it is limited as indicated above. The suggested focus on race as an independent variable should provide this additional data. In the event that Professor Renner is unwilling or unable to become involved in a more limited approach as indicated, then we should identify and employ another individual who can take on this task.

WH:jrc

To John Briggs
From: W. Head
Re: Proposal by A. Renner.... Recommendations

I have re-read the Renner proposal, and found that while it has some relevance to our study, that relevance is limited. I ~~do not~~ agree with the evaluation written by Don Clairmont, although it focusses more directly on the technical aspects of the Renner study than I feel is needed for our purposes. As I view the situation, the purposes of the entire project should focus on the perceptions and experiences of the Black population as related to the criminal justice system of Nova Scotia. These experiences and perceptions should of course be evaluated in relationship to the (1) the actual functioning of the system, including how it deals with citizens generally, and (2) how it deals with the Black population, *in this is* order to determine the degree, if any, of ~~bias in the~~ *surface* treatment of Blacks.

necessary to prevent some economic levels

The major focus of the Renner study is on the treatment of citizens of generally; it is not focussed on the treatment of Blacks per se. For example, only 15% of the cases studied were identified as Black, while 83% were ~~identified~~ *identified* as white.

Second, the major findings appear to suggest that treatment, as ~~measured~~ measured by severity of the sentences was not necessarily related to race out to past record and current charge and, of course, to age. (P-15)

This information, while useful, tells us nothing about possible racial bias. In short, the Renner study focusses on ~~the~~ *the* treatment of different socio/economic groups...e.g. the treatment of the vulnerable poor and the more affluent middle class individual *caught up in the criminal justice system.*

directed you back this page

My recommendations are as follows:.

First, that we select from the Renner Study those aspects which focusses directly on the possibility of ~~discrimination based on~~ *apparent discriminatory* treatment based on race. If the ratio of black to white individuals are, as in the Renner study, roughly seven to one ((560 white to 100 black) than there is no need to select approximately 1000 cases for examination. A quota sample of 100 Blacks and 100 or at best 200 whites should be sufficient for comparison purposes. This would require limited the number of variables to be tested.

Second, the basic demographic variables would still be required... that is, age, sex, education *levels*, etc. Also ~~the~~ prior records, most recent offense, the utilization of counsel, *employment status* and severity of sentence. I would drop appearances, type of charge, marital status, etc simply *because* their usefulness for our purposes is limited.

A third limitation of the Renner study ~~as related to our purposes~~ is the fact that it is limited to the Halifax/Dartmouth area. Its findings, however significant, does not provide us with a picture of experiences and perceptions of blacks in Nova Scotia, while it ~~might~~ ^{might} be difficult at this late date to replicate ^{the previous} ~~a more focused study at this late date~~, it might be possible to conduct a more limited study of records in one or two other localities.....perhaps a rural and a small town area of the province.

A fourth limitation refers to the treatment of alleged criminals by the police....usually the first encounter with the criminal justice system. This ^{focus} may not be as important as ~~the above aspects since my study deals with perceptions and experiences in that area.~~ ^{a broader focus of the entire system.}

The above comments ^{are} ~~do~~ not intend ^{to} ~~to~~ suggest that the Renner study is without merit. Much of the materials, particularly that related to socio/economic characteristics ^{is/are} ~~is~~ similar ~~to many other studies~~ to the findings of many sociological and criminological studies. (see p. 68), it is also likely that many if not the majority of blacks involved in the criminal justice system are ~~XXXXXX~~ ^{XXXXXX} found among the lower socio/economic groups, and are thus disproportionately ~~represented~~ ^{represented} in the system. These findings of ten years ago now require up to date confirmation.

criminal justice

^{in summary} it is important that any ^{replication of} ~~study of the records presented in~~ the Renner study, should be sharply focused on a comparison of the treatment of blacks and whites involved in the criminal justice system. There is ample evidence in the literature of the fact that the ~~poor and~~ young, poor and uneducated are generally treated more harshly than the well educated and

affluent individual. In addition there is little evidence ^{in the Renner study} that race was found to be an important variable.

~~The information required from~~ a useful study should provide information on both perceptions ^{and} experiences elicited from both black and white groups. This study should also obtain data relating to the treatment of both black and white groups obtained from ^{actual} ~~police~~ and court records.

← The proposal by Prof. Renner should be helpful in this regard in the event it is limited as indicated above. The suggested focus on race as an independent variable should provide this additional ~~data~~ data. In the event that Prof Renner is unwilling ^{or unable} to become involved in a more limited approach as indicated, then we should identify ^{and employ} another individual who can take on this task.

of a survey

07 25 1987

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November 25, 1987

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 Wylie:


Your Memo Regarding Dr. Binnie
November 12, 1987
Our File No. 9201/1

We cannot agree to your filing a copy of your note describing your conversation with Dr. Binnie as evidence.

Apparently Dr. Binnie reviewed John Pratico's medical records and his memory was not refreshed at all about Mr. Pratico. In my view, that ends the matter.

I fail to appreciate the usefulness of Dr. Binnie's subsequent views. In light of his comment that he has no recollection whatsoever of John Pratico, the rest is mere speculation.

Yours truly,


for Jamie W. S. Saunders

JWSS/jl

c.c. Mr. Ronald N. Pugsley, Q.C.
Mr. George MacDonald, Q.C.
Mr. Clayton Ruby
Mr. Michael Whalley, Q.C.
Mr. Frank Elman, Q.C.
Mr. James Bissell

Mr. Allison R. Pringle
Mr. Charles Broderick
Mr. S. Bruce Outhouse, Q.C.
Mr. Guy LaFosse
Mr. Bruce Wildsmith
Mr. E. Anthony Ross

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ALSO OFFICES AT
TRURO, NOVA SCOTIA
BEDFORD, NOVA SCOTIA

November 25, 1987

BY HAND

Mr. John Briggs
Director of Research
Royal Commission on the
Donald Marshall Jr., Prosecution
Maritime Centre
Suite 1026
1505 Barrington Street
Halifax, N.S.

Dear John:

Our File No. 9201/1

This will confirm our meeting in Sydney last Wednesday where we reviewed the nature of the research planned by Dr. Scott Clark and Professor Bruce Archibald. Those in attendance were Dr. Clark, Jim Maloney, yourself, Professor Bruce Archibald, Darrel Pink and I.

You handed me copies of the draft proposals prepared by Messrs. Archibald and Clark. Professor Archibald's is entitled "The Role of the Local Crown Prosecutor in the Administration of Justice in Nova Scotia" and Dr. Clark's is entitled "Research Outline - Adverse Effects for Native People Through Involvement in the Nova Scotia Criminal Justice System".

I promised to provide you with a list of Crown Prosecutors and Assistant Crown Prosecutors throughout the province and that list is enclosed.

Mr. John Briggs
November 25, 1987
Page 2

It is hoped that Messrs. Archibald and Clark will be able to select individual prosecutors with whom they wish to consult and then Darrel and I will organize a timetable for those interviews to be completed.

Already we have had discussions with Dr. Clark and made arrangements for him to meet with prosecutors in Truro, Shubenacadie and Sydney.

Professor Archibald described a questionnaire that he is preparing, and I understand that Dr. Clark will also be drafting a questionnaire to be completed by Crown Prosecutors. We will be given a copy of those questionnaires.

We made it clear that anonymity must be preserved so that the identity of any Crown Prosecutor will not be revealed. You assured us that there is no coding or other method whereby the identity of the writer could be ascertained. With those assurances we agree that the questionnaires be submitted to Crown Prosecutors throughout Nova Scotia.

It should also be understood that the identity of people interviewed by Dr. Clark, Professor Archibald or other researchers employed by the Commission, will be preserved. In other words, none of the remarks made by these individuals will be quoted by the researchers in their reports. Nor, would their identity be disclosed by reference to office location, etc.

Would you kindly confirm receipt of this letter and indicate that I have accurately set forth the agreements reached during our discussions last week.

Yours truly,


For Jamie W.S. Saunders

JWSS/jl

c.c. Mr. Darrel Pink

Mr. R. Gerald Conrad, Q.C.

NOV 25 1987

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BEDFORD, NOVA SCOTIA

November 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 George:

Our File Number: 9201/1

We have been advised by His Honour Judge Robert Anderson that the only available dates for him to appear in January are a half day on Thursday, January 21; all of January 22; and all of Wednesday, February 3 or Friday, February 5.

May I please hear from you so that I may get back to Judge Anderson with confirmation?

Yours very truly,



Jamie W. S. Saunders

JWSS/cam

c.c. Darrel I. Pink

NOV 24 1987

STEWART MacKEEN & COVERT
BARRISTERS AND SOLICITORS

PURDY'S WHARF TOWER ONE
1959 UPPER WATER STREET
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JAMES S. COWAN, Q.C.
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J. WILLIAM E. MINGO, Q.C.
J. THOMAS MacQUARRIE, Q.C.
DONALD H. OLIVER
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JOHN S. McFARLANE, Q.C.
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COUNSEL
DONALD A. KERR, Q.C. BRIAN FLEMMING, Q.C. HUGH K. SMITH, Q.C.

OUR FILE REFERENCE:

RNP
2076-2

November 23, 1987

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:

Donald Marshall, Jr., Commission
- Tentative List of Witnesses for Halifax

Thank you for the list of tentative witnesses that was distributed at counsel meeting on Wednesday, November 18.

As stated, I would appreciate it if you could let us know when you plan to call the various groups so that those of us who do not have an interest in attending for the examination of all witnesses might arrange our own schedules.

In addition to Heather Matheson and Allan Story, whom I have requested you to call, I also request that Inspector Marshall's superior, I believe Mr. Wardrop, who directed Marshall to go to Sydney, be called as well.

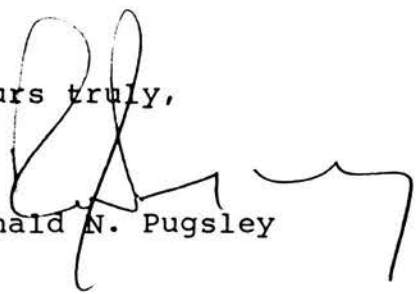
Inspector Marshall testified that his report was reviewed by someone in CIS before it left the Department. Would you please determine what individuals reviewed his report and provide me with their names and a precis of their evidence.

It would be helpful if Mr. Wardrop were called as the first

George W. MacDonald
November 23, 1987
Page 2

witness on December 7.

Yours truly,


Ronald N. Pugsley

RNP:dk

c: W. Wylie Spicer
Clayton Ruby
Michael G. Whalley, Q.C.
Frank L. Elman, Q.C.
Jamie W.S. Saunders
James D. Bissell
Allison R. Pringle
Charles Broderick
S. Bruce Outhouse, Q.C.
Guy LaFosse
Bruce H. Wildsmith
E. Anthony Ross

N0181185

Permission to share full details

1-204 - 774 7375

Tory MLA Bob Wilson

NOTICE

NOV 24 1987

November 15 1987

Royal Commission Inquiry into Donald Marshall Jr.
Ste 1026 - 1505 Barrington Street
Halifax N.S.
B3J 3K5

Attn David Orsborn LL.B.

Dear Committee;

Many grieving families and I am sure future generations should acknowledge the NOBLE CAUSE OF THE BUCHANAN GOVERNMENT. It is your work that may reverse - redress the National civic cancer that is sweeping this land.

The Donald Marshall case is not unique. In Manitoba, the Bob Wilson case and Tom Sophonow case are just two examples of police/crown corruption. Planned and premediated thru some strange socialization of corrupt minds that all crimes must be solved for career advancement. WHY?

I enclose material which is not precise and may not be cognative to counsel. The signs are the ~~re~~ for your legal minds. The 30 day drug conspiracy trial with no defense called by Liberal Jay Prober. The Preferred Direct Indictment used by Liberal prosecutor Bruce Macfarlane LL.B. (now RCMP senior counsel in Ottawa)

The bottom line is over six criminal code infractions by police/crown to convict an innocent family man. A mastermind criminal was paid \$ 73,000 , given freedom forever and relocated at tax expense to Merivale B.C. We have two theories why they chose Bob Wilson ex-MLA as perfect fall guy.

- a) ethnic lawyers did not want the names of the elite Jewish Jet Set (2.2 year targets) known to the media so it was c important no defanse be called.
- b) it is the norm for police to be corrupt and prosecutor to direct the corrupt conspiracy for career advancement.

Two 7 years jail terms for MLA Bob Wilson is a sick commentary on our Canada model of justice when the man is innocent, yes, totally non deviant.



The
Prince
George
Hotel

NOV 24 1987

November 19, 1987

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

Dear Jean:

I am pleased to enclose our Group Accommodation Contract for your upcoming bookings at The Prince George Hotel.

If all is in order, please sign the original copy and return to my attention, retaining the second copy for your records.

If you have any questions or require further assistance, please contact me personally.

We really look forward to hosting this group and I can assure you of the utmost in attention and service at all times.

Sincerely yours,
THE PRINCE GEORGE HOTEL

Debbie McCann
Director of Sales

/vlv

NOV 23 1987

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MICHAEL T. PUGSLEY
CHARLES S. REAGH
D. GEOFFREY MACHUM
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CORRESPONDENCE
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HALIFAX, CANADA B3J 2X2

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OUR FILE REFERENCE:

DONALD A. KERR, Q.C. COUNSEL
BRIAN FLEMMING, Q.C. HUGH K. SMITH, Q.C.

RNP
2076-2

November 20, 1987

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

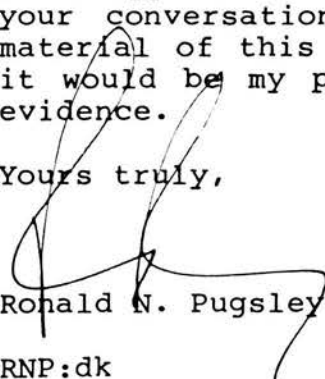
Dear Mr. Spicer:

Dr. Binnie

Thank you for your letter of November 12.

I am opposed to you delivering to the Commission the notes of your conversation with Dr. Binnie. If it was felt that any material of this nature should be placed before the Commission, it would be my position that it should be by way of viva voce evidence.

Yours truly,


Ronald N. Pugsley

RNP:dk

c: George W. MacDonald
Clayton Ruby
Michael G. Whalley, Q.C.
Frank L. Elman, Q.C.



NOV 23 1987

Ministry of the
Attorney
General

Office of the
Director of
Crown Attorneys

416/965-5879

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

November 12, 1987

John Briggs, Esq.
Director of Research
Donald Marshall Jr. Inquiry
Maritime Centre
Suite 1026
1505 Barrington Street
Halifax, Nova Scotia
B3J 3K5

Dear Sir:

Pursuant to our telephone conversation I
enclose:

1. A copy of our directive regarding plea negotiations.
2. A copy of our directive regarding disclosure.

I hope that these are the materials that
you require. If there is anything further we can
do for you please tell me.

Yours truly,

A handwritten signature in cursive script, appearing to read 'M.E. Martin'.

M.E. Martin
Director of Crown Attorneys

/pm



NOV 23 1987

CENTRE OF CRIMINOLOGY
UNIVERSITY OF TORONTO

JOHN P. ROBERTS RESEARCH LIBRARY
ROOM 8001, 130 ST. GEORGE ST.
TORONTO M5S 1A1
(416) 978-3451.

Mr. John E.S. Briggs,
Director of Research,
Royal Commission on the Donald
Marshall Jr. Prosecution,
Suite 1026, Maritime Centre,
1505 Barrington Street,
HALIFAX, Nova Scotia B3J 3K5.

19th November, 1987.

Dear John,

Thank you for your letter of November 16th, which I received today. I must say that it is a long time since I have had a letter addressing me as "Esq.!" (probably not since I left England, in fact.) It sounds so grand!

Your letter accords entirely with my recollection of what we agreed last Friday. The only matter which is not quite accurately stated in your letter, at least as I recall it, is that the per diem rate is to be \$350 if the total number of days is 15 or less (rather than "less than 15" as stated in your letter). I suspect, however, that this is what you intended to write.

I'm not sure that we reached any agreement about how I should bill the Commission for my time, so may I propose that I bill "occasionally" as circumstances (including my financial circumstances!) require? Given the potentially different per diem rates (depending on the ultimate number of days to be billed), I suggest that we could do it in either of two ways. Either I could bill for the \$350 per diem rate to start with, and then we could make appropriate adjustments if and when the number of days exceeds 15. Or I could bill initially at the rate of \$250 per diem, and we could make appropriate adjustments at the end in the event that the number of days does not exceed 15. As between these two options, I have no strong preference, so I invite you to decide to suit your (the Commission's) preference. Either way, however, it would suit me well (as you can probably imagine) to arrange for one payment before Christmas (I've got two kids to buy Christmas presents for nowadays...), so would appreciate it if you could arrange for me to be paid for two or three days (see below) sometime in December. Would that be OK?

December 4th suits me fine as a date for our next meeting, assuming that Richard (and Don) have reached a stage by then which makes it worth having another meeting (I doubt if such a stage will be reached earlier than that, but could meet at an earlier date[provided it is not 26th or 27th November or 2nd December] if that seems sensible). If the meeting is to be on Dec. 4th, I would like to come in on the afternoon/evening of the 3rd, with a view to getting down to work early on the 4th, as I would like, if possible, to catch the 5:05 p.m. Air Canada flight back to Toronto that evening. Could you please confirm the date of this meeting with me as soon as possible, as I gather that evening flight tends to be in heavy demand, so that I would have a better chance of getting on it the earlier the booking is made? It is possible, I suppose, that Richard may wish to meet with me for a while before we meet with you; if this is the case, I will suggest that I come earlier on Dec. 3rd so that we can meet on that day.

As regards the "letter of introduction", I agree with your general strategy (a succinct letter, with details to follow via Richard himself). If Richard is able to produce a reasonably "sanitized" version of his overall research plan in time (i.e. one that will not unduly arouse those from whom he will be seeking co-operation), you might think about whether it would be a good idea to include a copy of this with the letter of introduction. This is how we proceeded when I did my study for the Federal McDonald Commission in 1979, and it seemed to work quite well. By way of illustration, I am enclosing copies of the letter of introduction which that Commission wrote for me, and of the brief description of the study which accompanied it. Perhaps these may be helpful as a model, although the letter which your Commission sends should perhaps be in somewhat stronger (i.e. more coercive or "persuasive") language. I would be happy to look at a draft and offer comments if this would be helpful.

I am also enclosing a copy of the letter which we agreed I should write to Richard Apostle.

Finally, I am enclosing two versions of an invoice (see above), on the understanding that it will not be paid until I have made my next trip to Halifax.

I did, by the way, make the standby last Friday, and thank you very much not only for arranging it but also for agreeing to pay the additional cost of the stopover in Montreal.

I look forward to hearing from you again quite shortly.

Yours sincerely,



Philip C. Stenning,
Senior Research Associate

NOV 23 1987



NOVA SCOTIA LEGAL AID

5212 SACKVILLE STREET, SUITE 301 HALIFAX, NOVA SCOTIA, B3J 1K6 PHONE 423-1291

November 20, 1987

Mr. John E.S. Briggs
Director of Research
Royal Commission on the Donald Marshall, Jr., Prosecution
Maritime Centre
Suite 1026
1505 Barrington Street
Halifax, Nova Scotia
B3J 3K5

Dear Mr. Briggs:

Further to your telephone conversation yesterday afternoon with Mr. Bremner, I am enclosing a copy of our Memorandum to Legal Aid Staff Lawyers dated November 16th, placed in the mails on today's date as well as a copy of a list of Nova Scotia Legal Aid Office Locations which includes the name of our Managing Lawyer in each of these offices.

Yours very truly,

Rosemary Rideout,
Office of the Executive Director

/rr
Encs.

NOV 23 1987

PO Box 70 • Ingonish Beach • Nova Scotia • Canada • B0C 1L0

Telephone: (902) 285-2880



November 13, 1987

Ms. Susan M. Ashley
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. Ashley:


We thank you for your letter of November 9, 1987; and we are pleased to confirm 10 rooms in our 2-bedroom cottages for members of your staff for arrival on June 1, with departure on June 8, 1988.

The rates for these accommodations will be \$143.00 per room per day for single occupancy, and \$191.00 per room per day for double occupancy. These rates are based on the Modified American Plan (includes dinner and breakfast), and are subject to 10% Health Services Tax and 12% general gratuity. You may wish to note that dress regulations are in effect in our Main Dining Room for the evening meal. Gentlemen are required to wear jackets - jeans or shorts are not permitted.

The Conference Room in our White Birch Inn has been reserved for your use from June 1, to June 7, 1988. The daily rental charge for this room is \$75.00. Coffee service is available at \$1.00 per person, and pastry is available at \$2.50 per person. This food service in the Conference Room is subject to 10% Health Services Tax and 15% gratuity.

We thank you for selecting Keltic Lodge as the venue for your deliberations, and we look forward to serving as your hosts.

Yours truly,



John H. Hamilton
Front Office Manager
Keltic Lodge

JHH:lmd

NOV 18 1987



DEPARTMENT
OF
ATTORNEY GENERAL
NOVA SCOTIA

5788 UNIVERSITY AVENUE
HALIFAX, NOVA SCOTIA
B3H 1V8

November 16, 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:

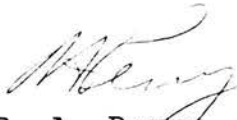
RE: DONALD MARSHALL, JR., COMMISSION

I read the transcript which you sent me of the evidence given by Dr. Naqvi. It couldn't be more obvious to me that the interpretation of Sandy Seak's injuries should be given by someone who has expertise in that area. I would be glad to appear at the Commission Hearings in this regard. I obviously prefer to give testimony in Halifax, so some time early in the New Year as you mention in your letter would be suitable.

You are mistaken in your conclusion concerning our discussions as you mentioned in paragraph two of your letter. My opinion is exactly opposite as you state. The examination of the body is very important and certainly can be used for purposes other than just determining the cause of death. This topic could be expanded if you want to discuss it with me before my appearance.

Trusting that I will hear from you at your earliest convenience,

Yours truly,


R. A. Perry, M.D.
Chief Medical Examiner
for Nova Scotia

RAP/ljm

BUCHAN, DERRICK & RING

BARRISTERS · SOLICITORS

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

Sovereign Building, Suite 205,
5516 Spring Garden Road
Halifax, Nova Scotia
B3J 1G6
(902) 422-7411

November 13, 1987

Ms. Susan Ashley
Secretary to the Royal
Commission on the
Donald Marshall Prosecution
Suite 1026, Maritime Centre
1505 Barrington Street
Halifax, Nova Scotia
B3J 3K5

Dear Susan:


Re: Statement of Account - Donald Marshall Jr.

My most recent statement of account from September 30 to November 5 will shortly be forwarded to you. I am, however, enclosing a separate statement of account relating to the time spent travelling to and from Sydney from September 9 to September 25, this time having been left off my previous bill dated September 30, 1987, Invoice No. 2785. I understand that the Commission is paying for travel time.

I am sorry if my having left this time off my previous bill has caused you any administrative inconvenience. Thank you for your kind attention to this.

Yours sincerely

BUCHAN, DERRICK & RING


Anne S. Derrick

ASD/agd
ASD #4
Marshall/Ashley

NOV 18 1987

BUCHAN, DERRICK & RING

BARRISTERS · SOLICITORS

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Sovereign Building, Suite 205,
5516 Spring Garden Road
Halifax, Nova Scotia
B3J 1G6
(902) 422-7411

November 13, 1987

Ms. Susan Ashely
Secretary to the Royal
Commission on the
Donald Marshall Prosecution
Suite 1026, Maritime Centre
1505 Barrington St.
Halifax, N.S.
B3J 3K5

Dear Susan:

Re: Statement of Account - November 13, 1987 Invoice #2871

Please find enclosed my recent statement of account with respect to my representation of Donald Marshall in the above matter. I understand that it is acceptable to you that I send my accounts directly to the commission for payment. Previously they had been included as part of the Ruby and Edwardh bill but I am advised by that office that this is not necessary.

Thank you for your kind attention to this.

Yours sincerely,

BUCHAN, DERRICK & RING



Anne S. Derrick

ASD/har
Ashely
ASD 7A

Enclosure

Ruby & Edwardh
barristers

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

November 12, 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 Wylie:

I have had a chance to think about the polygraph issue. I think there are two issues which ought to be addressed. One of them you are adequately dealing with by calling Ben Silverberg, whose reputation is very high and whom I know and like. That issue is the one concerned with the quality of the polygraph in those days and the techniques used by the RCMP. He will also be able to cover the accepted view within the polygraph community of how to use or not to use a polygraph. He will be very helpful.

The second issue is whether or not police forces today, and the Sydney police force then, generally tend to rely upon a polygraph too much. I have serious doubts as to whether polygraphs should ever be used as an investigative technique and I think that the Professor from the University of Toronto, would be useful and important in addressing this issue. I think we ought to get something before the Commissioners which would form a basis for a recommendation that police ought not to be using polygraph in anything like the number of the situations they do use them in because of its lack of reliability.

Yours very truly,



Clayton C. Ruby

Ruby & Edwardh
barristers

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

November 11, 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 spoke to you last week about the study that I proposed the Commission ought to do regarding juries. You notified me that your experts did not think it feasible. I took advantage of your permission to call Wilson Head and confirm with him that indeed, although he was not familiar with that particular study, he thought it was feasible. The facts, of course, would have to be changed so that it is not recognizable as the Marshall case. But we are not interested in a particular case but whether or not there is a differential response to accused and victims of different races in a murder situation.

He suggested that we call the Chairman of the School of Criminology at the University of Toronto, Mr. Tony Doob and canvass the matter with him. I did so and Mr. Doob confirmed that my proposed study was indeed an appropriate one to measure the parameters of which we are concerned in terms of jury response, and that it could be administered in groups of six or twelve or any smaller number that we choose.

He thought it would be cheapest to administer it in the context of Professor Head's interviews but that it could be done separately. Indeed, given some help with the facts he could draft a scenario himself that could be the facts administered as part of the study. Alternatively, he could have Professor Head do it and administer it himself. In the third alternative, he thought it would be quite feasible that he should draft the facts of the study and have them

Ruby & Edwardh

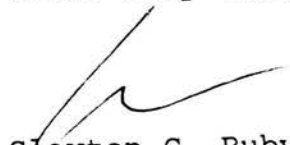
administered by some more junior member of his department who would make themselves available for a modest fee to the Commission. Or, once again, someone could be hired from Dalhousie University to administer the study. Apparently, this administration is a matter of great simplicity.

I left Professor Head with a promise from him that he would contact Professor Doob as soon as he is free and discuss the matter further. I have not yet heard back from Professor Head, but I have not been in the office.

It is in my view urgent that the study move ahead quickly. I still think it is the most convenient and best way of getting at jury attitudes with regard to race in this community. If you are not willing to do it, please notify me forthwith so that I may retain an expert to do it myself and then I will offer the evidence to the Commissioners who will be, of course, at liberty to find the evidence, publicly, admissible or inadmissible as they see fit. I am quite confident that the evidence is appropriate and helpful, and would not be expensive.

Time is passing, and I think that the arrangements for this study ought to be made forthwith. May I hear from you?

Yours very truly,



Clayton C. Ruby

/ms

cc Wilson Head

Mr. Biggs, Commission Office - Halifax

NOV 16 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
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ALSO OFFICES AT
TRURO, NOVA SCOTIA
BEDFORD, NOVA SCOTIA

November 13, 1987

BY HAND

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

Dear George:

Our File No. 9201/1

Further to our meeting on November 10, 1987, this will acknowledge yours of November 2, 1987, to Jamie Saunders regarding Commission researchers.

As we indicated to you, we wish to cooperate fully with the researchers so far as access to individuals in the Attorney General's Department is concerned. However, there are both logistical and cost considerations which must be kept in mind. For that reason, we have requested an opportunity to meet with the individual researchers to determine the nature of the information they wish from the Department and the extent of access they require to individuals. It is our present desire that interviews be coordinated by us to ensure the courts of various prosecutors are covered if individuals must be absent on a day court is scheduled and also to ensure either Jamie or I can be in attendance when interviews are conducted.

*Filed to D.M.
on Nov. 16th.*

Mr. George MacDonald
November 13, 1987
Page 2

We do not believe any of the researchers will have to interview all prosecutors in the province or even all prosecutors in a particular location. We hope that by working with them we will be able to identify individuals who will be useful to their research without imposing too great a burden on the limited resources of the Department.

You indicated Mr. Archibald wishes to administer an anonymous questionnaire to all prosecutors in the province. That is agreeable to us; however, we would like to know when that will be done so we can advise the prosecutors in advance and encourage them to assist Professor Archibald in his work. You have agreed to provide us with a copy of the questionnaire when it is available.

We look forward to being able to meet with the researchers at an early time so they can proceed quickly with their work and we can make the necessary arrangements with members of the Attorney General's Department.

Yours truly,



Darrel I. Pink

DIP/jl

c.c. Mr. R. Gerald Conrad, Q.C.

NOV 16 1987

LEONARD A. KITZ, Q.C., D.C.L.
JOHN D. MacISAAC, Q.C.
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WYMAN W. WEBB
GORDON N. FORSYTH
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10 CHURCH STREET
P.O. BOX 1068
TRURO, NOVA SCOTIA B2N 5B9
TELEPHONE (902) 895-1631
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ALSO OFFICES AT
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BEDFORD, NOVA SCOTIA

November 12, 1987

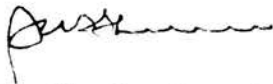
Royal Commission on the
Donald Marshall Jr., Prosecution
Maritime Centre, Suite 1026
1505 Barrington Street
Halifax, Nova Scotia
B3J 3K5

**ATTENTION: Mr. W. Wylie Spicer
Commission Counsel**

Dear Wylie:

Thank you for your letter dated November 10. We have asked that the files referred to, be assembled for our review and as soon as Darrel and I have had an opportunity to go through them we will be in touch.

Yours very truly,



Jamie W. S. Saunders

JWSS/cam

*Forwarded
Nov. 16 + 1 to W.S.*



Government
of Canada

Gouvernement
du Canada

Regional Industrial
Expansion

Expansion industrielle
régionale

Native Economic
Development Program

Programme de développement
économique des autochtones

NOV 13 1987

November 6, 1987

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

Dear Mr. Maloney:

I would like to thank you for meeting with us, and for giving us the opportunity to discuss with you the Native targetted development programs administered by the Department of Regional Industrial Expansion (DRIE), especially, the possible directions of the future programming. As we discussed, economic development is the business of all of us.

For this reason your views are of particular importance because only you can tell us what are the developmental needs in your region and how appropriate assistance could be delivered. Your views together with the views of others, will help to develop the future direction of the federal economic development programming for Native peoples.

I would appreciate if you could send me a written summary of your concerns so that we could make use of your views.

Once again, it was a pleasure to visit with you and if you have any further concerns, please call me at my office. The toll-free number is: 1-800-267-9378.

Yours sincerely,

Lawrence Gladue
Director - Consultations
Native Economic Programs

Canada

NL 10 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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TELEPHONE (902) 429-5050
FAX (902) 429-5215
TELEX 019-22893

ALSO OFFICES AT
TRURO, NOVA SCOTIA
BEDFORD, NOVA SCOTIA

November 13, 1987

BY HAND

Mr. George W. MacDonald, Q.C.
Royal Commission on the
Donald Marshall, Jr. Prosecution
Maritime Centre
Suite 1026
1505 Barrington Street
Halifax, N.S.

Dear George:

Our File No. 9201/1

I am enclosing a copy of a letter from Malachi Jones which Judge Matheson has indicated is similar to the one received by him in his early years as a prosecutor. You will note the position espoused by the Attorney General's Department with regard to disclosure.

The other references referred to on the last page of the letter are also enclosed. I intend to introduce this letter through Judge Matheson.

Yours truly,



Darrel I. Pink

DIP/jl
Enc.

c.c. Mr. R. Gerald Conrad, Q.C.

NOV 13 1987

R.R.#1,
Jordan Falls P.O.,
Shelburne County,
Nova Scotia
B0t 1J0
November 10, 1987

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

Attention: Commission Executive Secretary

I would very much appreciate it if you could forward to me at your earliest opportunity a copy of the terms of reference of the above-named commission of inquiry, as well as a list of the witnesses scheduled to be called and the tentative dates of their appearance, if such is available.

In particular, could you advise whether the current Deputy Attorney General will be called, and provide the date(s) and time set aside for his testimony?

Yours truly,



A. E. Smith



NOV 12 1987

STEWART MacKEEN & COVERT
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OUR FILE REFERENCE:

DONALD A. KERR, Q.C. COUNSEL
BRIAN FLEMMING, Q.C. HUGH K. SMITH, Q.C.

008721-001

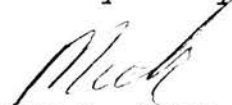
November 10, 1987

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

Dear George:

I thank you for your letter of November 2, 1987. I appreciate your cooperation to date.

Yours very truly,


William L. Ryan

WLR:lc
N0541583

NOV 09 1987

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November 6, 1987

BY HAND

Mr. George W. MacDonald, Q.C.
Royal Commission on the
Donald Marshall, Jr. Prosecution
Maritime Centre
Suite 1026
1505 Barrington Street
Halifax, N.S.

Dear Mr. MacDonald:

Our File No. 9201/1

Enclosed herewith are the documents referred to in the subpoena addressed to Mr. Gordon Coles. Each file is segregated, with the individual documents being numbered in accordance with the listing provided by you.

From the MacLean file we have deleted the names of the individuals who fall into two categories, namely:

1. Those against whom investigations did not result in any charges;
2. Witnesses whose identity never became part of the public record as a result of the proceedings against Mr. MacLean.

These documents are provided to you in response to the subpoena, Though no proceedings have been filed regarding this specific material, should other material be demanded, we reserve the right to question the scope of the Commission at that time.

*Forwarded
Nov 9/87*

Mr. George W. MacDonald, Q.C.
November 6, 1987
Page 2

I would ask that you confirm in writing the subpoena has been satisfied and there will be no need for Mr. Coles to appear on November 19, 1987.

Yours truly,

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

Darrel I. Pink

DIP/jl
Enc.

c.c. Mr. R. Gerald Conrad, Q.C.

Ruby & Edwardh
barristers

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

November 3, 1987

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

Dear George:

To date we have not had any disclosure of what evidence you intend to produce during the Halifax phase of the hearings. I know that you are going to produce for us in the very near future a provisional list of witnesses; but that is not what I mean.

The evidence to be given by witnesses in the Sydney phase was very well known, at least in broad outline. I have absolutely no idea, for the most part, what the witnesses who are involved in the Attorney Generals office are going to say, with the exception of Mr. Edward whose notes we now have.

Can you prepare for us witness sheets to indicate what the witnesses are going to say so that we can start thinking and preparing now about our response to their evidence? In addition, document books would be helpful as part of that process.

Yours very truly,



Clayton C. Ruby

/ms
DICTATED
BUT NOT READ

NOV 04 1987

Ruby & Edwardh
barristers

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

November 3, 1987

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

courier

Dear Ms. Ashley:

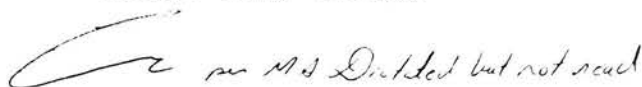
Pursuant to our conversation, let me advise you that we have, since the rendering of our first account to the Attorney General of Nova Scotia, thought through the question of the rate at which Marlys Edwardh should be billed.

It seems to us that equality and parity between counsel ought to be the rule since the work of counsel is comparable regardless of their Brief. Of course, the Commission counsel brief will entail longer hours, and greater preparation, but the nature of the work and the responsibility is no different.

Accordingly, we think that we ought to be paid at exactly the same rate as that of Commission counsel for the same work. So, for example, if counsel with eight years experience at the Bar is paid \$160 per hour when hired as Commission counsel, then the same rate ought to apply to us. The clients are different, but the task is essentially the same.

I hope this is satisfactory to you. If you have any questions, do not hesitate to discuss this matter with us in person.

Yours very truly,


Clayton C. Ruby

/ms

Clayton Ruby, B.A., LL.B., LL.M. • Marlys Edwardh, B.A., LL.B., LL.M.
Michael Code, B.A., LL.B. • Melvyn Green, B.A., LL.B. • Marcia Matsui, LL.B.

NOV 03 1987

Johnson & Somberg

Attorneys at Law
Eleven Green Street
Jamaica Plain, Massachusetts 02130
Telephone (617) 522-4848

Arthur L. Johnson
Judith E. Somberg
Lenore Glaser
Joyce Richard

October 29, 1987

of counsel
Dagmar Pollex

George W. MacDonald
Commission Counsel
Royal Commission on the Donald
Marshall Jr. Prosecution
Maritime Centre, Suite 1026
1505 Barrington Street
Halifax, Nova Scotia B3J3K5

RE: Donna Ebsary

Dear Mr. MacDonald:

Thank you for the letter and the materials. At this time, my client, Donna Ebsary is not inclined to testify. If you decide to subpoena Ms. Ebsary we will respond formally at that time. I think you should be aware that Ms. Ebsary has testified many times about a traumatic incident in her life and needs now to have her privacy respected.

Sincerely,

Lenore Glaser

Lenore Glaser, Esq.
LG/kmr
cc: Donna Ebsary

x Jca
Fax
11/2/87



PATTERSON & KITZ

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FROM HALIFAX 429-7741
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ALSO OFFICES AT
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BEDFORD, NOVA SCOTIA

October 30, 1987

PERSONAL AND CONFIDENTIAL

BY FAX BY MAIL

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 George:

Our File Number: 9201/1

I acknowledge delivery of your letter dated October 28, 1987 with subpoena enclosed. We expect our instructions shortly.

You misunderstood the comment in the last sentence, first page of my letter of October 26th. I was not impugning your integrity in the slightest. What I objected to was a complete reversal in attitude in the space of two days - it was that fact alone which caused us to question the rationale for your demand for production.

Yours very truly,



Jamie W. S. Saunders

JWSS/caf

11/2/87

PATTERSON KITZ

BARRISTERS & SOLICITORS

FORMERLY PATTERSON SMITH, HEWES & GRANT AND KITZ MATHESON

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BEDFORD, NOVA SCOTIA

October 30, 1987

PERSONAL AND CONFIDENTIAL

BY FAX

BY MAIL

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 George:

Our File Number: 9201/1

We have checked with Judge Anderson regarding his availability in Sydney next week. We have been informed by his office that other trials prevent him from attending.

Therefore his appearance will have to be put off until the hearings resume in Halifax.

I will check with Judge Anderson concerning the precise dates when he will be available in January, 1988 and I will let you know.

Yours very truly,



Jamie W. S. Saunders

JWSS/caf

1/3/87