

JUL 29 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  
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, Q.C.  
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.  
DAVID R. HUBLEY, Q.C.  
GERALD J. MCCONNELL, Q.C.  
RONALD A. PINK  
LOGAN E. BARNHILL  
JOEL E. FICHAUD  
J. MARK MCCREA  
D. SUZAN FRAZER  
BRUCE A. MARCHAND  
RODNEY F. BURGAR  
JANICE A. STAIRS  
DENNIS J. JAMES

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

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

July 29, 1988

BY HAND

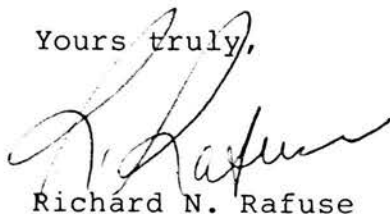
W. Wylie Spicer  
Commission Counsel  
Royal Commission on the Donald  
Marshall, Jr. Prosecution  
Maritime Centre  
Suite 1026, 1505 Barrington St.  
Halifax, N.S.

Dear Mr. Spicer:

Roland Thornhill Case

On behalf of Bank of Montreal, I wish to acknowledge receipt of your letter of July 25 and enclosures concerning the above noted.

Yours truly,



Richard N. Rafuse

RNR/jbc

b11(9)



THE ROYAL BANK  
OF CANADA

JUL 29 1988

**Robert J. Sutherland**  
Senior Vice President  
and  
General Manager

Atlantic Provinces Headquarters  
P.O. Box 1147  
Halifax, N.S.  
B3J 2Y1  
(902) 421-8110

July 26, 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:

**Roland Thornhill Case**

By this means, I acknowledge receipt of your letter dated July 25th with certain attachments.

Mr. Ronald N. Pugsley of Stewart MacKeen & Covert is our counsel in this matter and you may expect to hear from him in due course.

Yours truly,

'JUL 29 1988

P. O. Box 14  
Boylston, N. S.  
BOH 1G0

26 July, 1988.

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

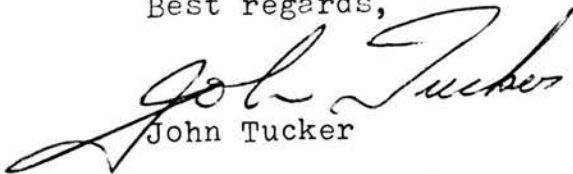
Attn: Susan M. Ashley

Dear Ms. Ashley,

I received your letter dated 12 May, 1988 on 22 July, 1988.  
I don't know why the mail took so long. However, I wish to  
thank you for replying to my letter to Mr. Orsborn.

I was hoping you would look into my case but I do understand  
your letter and I thank you for taking the time to reply.  
Please thank Mr. Orsborn as well.

Best regards,

  
John Tucker



Law Reform Comm. on  
of Canada

Commission de réforme du droit  
du Canada

JUL 29 1988

130 Albert St.  
Ottawa, Canada  
K1A 0L6

130, rue Albert  
Ottawa, Canada  
K1A 0L6

Your file    Votre référence

Our file    Notre référence

July 25th, 1988

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

Dear John,

Many thanks for your letter of July 20th, 1988 and for your kind invitation to participate in the workshop on the Edwards' Papers that is to be held on September 29th, 1988. I would be more than pleased to participate.

If the papers are available now I would appreciate having an early look at them. As you know our own work on the Powers of the Attorney General is well underway. I am sure that having Professor Edwards most recent ruminations on the subject would be of assistance to us as we move towards the finalisation of our endeavours.

Yours sincerely,

Stanley A. Cohen  
Coordinator  
Criminal Procedure Project

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

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

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

July 29, 1988

**BY HAND**

Mr. Wylie Spicer  
Counsel Royal Commission to  
the Donald Marshall, Jr. Prosecution  
Maritime Mall  
Suite 1026  
1505 Barrington Street  
Halifax, NS

Dear Mr. Spicer:

Donald Marshall, Jr. Prosecution  
Our File Number 9201/1

---

I enclose Factum of the Appellant in this matter.

Yours truly,



Joel E. Fichaud

JEF/les

j8g12

JUL 28 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  
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.  
DAVID R. HUBLEY, Q.C.  
GERALD J. MacCONNELL, Q.C.  
RONALD A. PINK  
LOGAN E. BARNHILL  
JOEL E. FICHAUD  
J. MARK MacCREA  
D. SUZAN FRAZER  
BRUCE A. MARCHAND  
RODNEY F. BURGAR  
JANICE A. STAIRS  
DENNIS J. JAMES

JAMES C. LEEFE, Q.C.  
FRANK J. POWELL, Q.C.  
CLARENCE A. BECKETT, Q.C.  
GEORGE L. WHITE  
DAVID R. FEINDEL  
A. DOUGLAS TUPPER  
DORA L. GORDON  
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

July 26, 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 Mr. Briggs:

Our File No. 9201/1

We have located a copy of the 1983 discussion paper issued by the Attorney General's Department regarding the Police Act. I now enclose a copy of that discussion paper for your purposes.

You have those formal responses to this document and to the draft legislation which were dealt with at the Law Amendments Committee.

As well, we have various files in which there are isolated references to the Green Commission Report and the discussion paper in correspondence from the Union of Nova Scotia Municipalities. Although I do not believe most of this is relevant to you, if you wish to see it, please advise and I shall make it available.

Yours truly,



Darrel I. Pink

DIP/jl  
Enc.

c.c. Ms. Nadine Cooper-Mont  
Mr. R. Gerald Conrad, Q.C.

John Briggs  
has material  
referred to:

JUL 28 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  
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.  
DAVID R. HUBLEY, Q.C.  
GERALD J. MacCONNELL, Q.C.  
RONALD A. PINK  
LOGAN E. BARNHILL  
JOEL E. FICHAUD  
J. MARK MacCREA  
D. SUZAN FRAZER  
BRUCE A. MARCHAND  
RODNEY F. BURGAR  
JANICE A. STAIRS  
DENNIS J. JAMES

JAMES C. LEEFE, Q.C.  
FRANK J. POWELL, Q.C.  
CLARENCE A. BECKETT, Q.C.  
GEORGE L. WHITE  
DAVID R. FEINDEL  
A. DOUGLAS TUPPER  
DORA L. GORDON  
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

July 26, 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

Enclosed please find documents for insertion in the Advice  
to Prosecutors blue binder.

Yours truly,



Darrel I. Pink

DIP/j1  
Enc.

John Briggs  
has material  
referred to.

# COX, DOWNIE & GOODFELLOW

BARRISTERS AND SOLICITORS

TELEPHONE (902) 421-6262  
FACSIMILE (902) 421-3130  
TELEX 019-22814

1100 PURDY'S WHARF TOWER  
1989 UPPER WATER STREET  
HALIFAX, CANADA

CORRESPONDENCE  
P. O. BOX 2360, STATION M  
HALIFAX, NOVA SCOTIA B3J 3E8

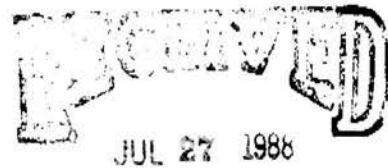
OUR FILE: 8118-1

A. WILLIAM COX, Q.C.  
W. R. E. GOODFELLOW, Q.C.  
ROBERT G. MACKEIGAN, Q.C.  
JOHN ARNOLD  
DANIEL F. GALLIVAN  
THOMAS P. DONOVAN  
ANTHONY L. CHAPMAN  
J. CRAIG MCCREA  
JAMIE S. CAMPBELL  
LORRAINE P. LAFFERTY  
A. JAMES MUSGRAVE  
JOCelyn M. CAMPBELL

RONALD J. DOWNIE, Q.C.  
DAVID McD. MANN, Q.C.  
MICHAEL S. RYAN, Q.C.  
GREGORY I. NORTH  
PETER W. GURNHAM  
FREDERICK P. CROOKS  
PAUL C. MARTIN  
LESLIE J. DELLAPINNA  
ROBERT W. CARMICHAEL  
JAN MCK. BILLIKER  
LES D. DOLL  
JONATHAN R. GALE

GEORGE M. MITCHELL, Q.C.  
JOHN M. BARKER, Q.C.  
DANIEL M. CAMPBELL, Q.C.  
DOUGLAS C. CAMPBELL  
WARREN K. ZIMMER  
TERRY L. ROANE  
MICHAEL E. DUNPHY  
BRIAN W. DOWNIE  
ALAN J. DICKSON  
D. KEVIN LATIMER  
K. MICHAEL TWEEL  
BRIAN A. TABOR

July 26, 1988



Mr. George W. MacDonald, Q.C.  
McInnes, Cooper & Robertson  
Barristers & Solicitors  
Cornwallis Place  
1601 Lower Water Street  
HALIFAX, N.S.

McINNES COOPER & ROBERTSON

Dear George:

RE: MacKeigan et al. v. Hickman et al.

I refer to my note to you of July 18. I now have heard from Ms. Derrick - letter of July 23.

I gather that we are in agreement on the draft form of Order other than the words "relating to the performance of their judicial duties" at the end of the first recital.

I do understand your point. However, it is clear, I suggest, that the Justices were asked to attend to give evidence to the Judges who sat on the Marshall Reference. They were not going to be asked about some other matter. Also, counsel to the Commission agreed in his argument before C.J. Glube that on the Marshall Reference the Justices were sitting in the normal way of their duties as members of the Appeal Court (my words, not his). I am simply trying to capture that concept.

How about taking out these words and substituting "regarding their participation as Justices of the Appeal Division of the Supreme Court of Nova Scotia" and with respect to the Donald Marshall, Jr. Reference?

Yours truly, simply let me hear by telephone.

Very truly,

R. J. Downie

RJD:mg  
cc. Ms. Anne Derrick  
Mr. Jamie Saunders



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

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

**CHIEF JUSTICE T. ALEXANDER HICKMAN  
CHAIRMAN**

**ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS  
COMMISSIONER**

**THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER**

July 27, 1988

**BY TELECOPIER**

Dear David and Wylie:

**Re: MacKeigan et al v. Hickman et al**

I enclose copy of a letter I received from Ron Downie concerning the change to the Order.

The suggested change Mr. Downie proposes is agreeable to me. Let me have your comments since I would like to have the final form of Order agreed quickly so that the Order can be signed and filed. Ron Downie advises me he is meeting with his clients this Friday and will then be able to advise us whether we will be provided with a consent to apply for Leave to Appeal to the Supreme Court of Canada.

Yours very truly,

George W. MacDonald

GWMacD/fm  
Encl.

JUL 26 1988



THE LAW SOCIETY OF UPPER CANADA  
THE ONTARIO LEGAL AID PLAN  
RESEARCH FACILITY

TELEPHONE  
(416) 979-1321

SUITE 200  
481 UNIVERSITY AVENUE  
TORONTO, CANADA. M5G 2G1

July 22, 1988.

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 John:

Re: Workshop on the Role of the Local Crown  
Prosecutor - Thursday, June 23, 1988.

Enclosed is my written commentary in response to Professor Archibald's draft report. I shall send you a statement of my expenses in travelling to Halifax, on Monday.

Yours truly,

Ken Chasse,  
Director of Research

MURRANT BROWN

Barristers & Solicitors

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

GAVIN GILES

TELEPHONE (902) 421-2121

XEROX-FAX (902) 421-2125

21 July, 1988

George W. MacDonald, Q.C.  
McINNES COOPER & ROBERTSON  
Barristers and Solicitors  
P.O. Box 730  
**HALIFAX**, Nova Scotia  
B3J 2V1

and

Wiley W. Spicer, Esq.  
McINNES COOPER & ROBERTSON  
Barristers and Solicitors  
P.O. Box 730  
**HALIFAX**, Nova Scotia  
B3J 2V1

Gentlemen:


**RE: Michael Harris v. The Honourable T. Alexander Hickman,  
et al.**

---

I have received confirmation from the Crier's Office that the above-noted Application has been scheduled to be heard before Chief Justice Clube on Thursday, September 8, 1988, at 9:30 a.m.

Our Notice with respect to the Application have been served on Ms. Ashley.

Yours very truly,

  
Gavin Giles

SS

JUL 26 1988

365 Wright Street  
Fredericton, New Brunswick  
E3B 2E3  
July 22, 1988

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

Dear Mr. Briggs:

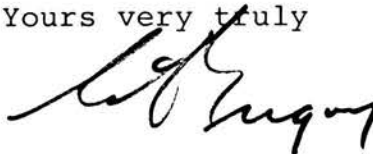
**Re: Prof. Archibald's Study - Prosecuting Officers and the  
Administration of Criminal Justice in Nova Scotia**

Thank you for your recent letter regarding the Prosecuting Officers' Workshop of June 23, 1988. I thoroughly enjoyed the discussions.

I confirm my availability for the workshop scheduled for September 29, 1988, relating to Prof. Edwards' opinion papers. Just contact me in due course with the details and any materials to be discussed which have not already been forwarded.

I do not know if the following is of interest to you or Bruce Archibald, but I furnish it in the interest of accuracy. The latest statistical information to June 20, 1988, requires revisions on page 6 of my commentary. In the third paragraph, guilty pleas should read "eight-five per cent", and findings of guilt in "sixty-two per cent of trials". I confirm the figure relating to withdrawals at twelve per cent.

Yours very truly



Gordon F. Gregory

# 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

July 25, 1988

Mr. George MacDonald, Q.C.  
Royal Commission  
Suite 1026  
Maritime Centre  
1505 Barrington St.  
Halifax, Nova Scotia

Dear Mr. MacDonald:

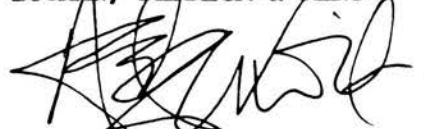
RE: Donald Marshall, Jr. v. MacKeigan  
et al. and the Attorney General of Nova Scotia

Further to my letter of July 21, 1988, concerning the setting down of the above appeal before the Nova Scotia Court of Appeal, I am writing to confirm that I have discussed the tentative hearing date of November 18, 1988 with Mr. Ruby who is intending to argue this appeal, and he advises me that he is available for that entire date. Unless one of you has a problem with this date, we will be able to advise the court on August 4 that November 18th is acceptable. We can also then set down dates for filing the appeal book and all respective factums.

We will need to agree on the order in which factums are to be filed. Obviously, we would file our factums first, and perhaps it would then be appropriate for Mr. Downie to file his factum after which Mr. Saunders would file his on behalf of the Attorney General. I appreciate that Commission counsel are not party to this appeal at this point, having not yet filed a Notice of Appeal in the Court of Appeal against Chief Justice Glube's decision, but I am keeping Commission counsel informed of this matter out of courtesy.

Yours sincerely,

BUCHAN, DERRICK & RING



Anne S. Derrick

ASD/arm  
Marshall/Downie  
ASD#5

c.c. Mr. J. Saunders  
c.c. Mr. R.J. Downie, Q.C.

# 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

July 25, 1988

Mr. Ronald Downie, Q.C.  
Cox, Downie & Goodfellow  
1100 Purdy's Wharf Tower  
1959 Upper Water Street  
Halifax, Nova Scotia

Dear Mr. Downie:

RE: MacKeigan et al. v. Hickman et al.

Thank you for your correspondence dated July 5 and, most recently, July 20. I am writing to advise you that I concur with the comments of Mr. MacDonald in his letter to you dated July 12, 1988, concerning the substituting of different words for the words "relating to the performance of their judicial duties". I agree with his suggested phrasing. Other than that, the Order would appear to be acceptable.

I look forward to hearing from you further concerning htis.

Yours sincerely,

BUCHAN, DERRICK & RING

Anne S. Derrick

ASD/arm  
Marshall/Downie  
ASD#5

cc. George MacDonald  
Jamie Saunders

JUL 25 1988



# University College of Cape Breton

P. O. BOX 5300  
SYDNEY, NOVA SCOTIA  
CANADA  
B1P 6L2  
(902) 539-5300

July 22, 1988

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,

Thank you for your prompt and encouraging reply of July 14.

I am particularly interested in two issues, at this time. These are witnesses' perceptions of the Inquiry process and witnesses' and counsel's understandings about racism.

In terms of my own schedule, it would be most convenient for me if I could examine office copies of transcripts between August 15th and 30th. If this is convenient for you, as well, please let me know. Also, it would be helpful if you could indicate to whom I might speak upon arriving at your offices.

Your assistance has been greatly appreciated.

*file  
where?*

Sincerely,

  
Dr. J.A. Mannette

JUL 25 1988



# University College of Cape Breton

P. O. BOX 5300  
SYDNEY, NOVA SCOTIA  
CANADA  
B1P 6L2  
(902) 539-5300

July 22, 1988

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,

Thank you for your prompt and encouraging reply of July 14.

I am particularly interested in two issues, at this time. These are witnesses' perceptions of the Inquiry process and witnesses' and counsel's understandings about racism.

In terms of my own schedule, it would be most convenient for me if I could examine office copies of transcripts between August 15th and 30th. If this is convenient for you, as well, please let me know. Also, it would be helpful if you could indicate to whom I might speak upon arriving at your offices.

Your assistance has been greatly appreciated.

Sincerely,

  
Dr. J.A. Mannette



# Civil Consultants

Limited  
1586 Queen Street  
Halifax  
Nova Scotia  
Canada  
B3J 2J1

902 422-1343  
FAX 902 423-6629

21 July 1988

Ms. Mary Dempster  
Sales and Catering  
Halifax Sheraton  
1919 Upper Water St.  
Halifax, N.S.  
B3J 3J5

Mary,

I was pleased to confirm the available space with you for the Royal Commission on the Donald Marshall Jr. Prover... As a follow-up to our conversation and a preliminary to... on Wednesday, July 27 at 9 A.M., I want to list out... for the November conference. They are as follows:

1. Thursday, Nov. 24 - Reception for 100 people

Friday, Nov. 25 - Meeting space - Civil Consultants  
100 plus approximately 20

At this point the agenda is plenary.

- Catering - coffee at 8:30 A.M.
- coffee break at 10:00 A.M.
- coffee break at 1:00 P.M.
- evening banquet

Saturday, Nov. 26 - as above excluding...  
- conference room...  
5 P.M.

2. Bedrooms - approximately 5-10...  
on the nights of... 24-26

3. Conference Centre

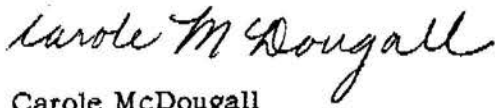
4. Meeting room - approximately 10 with...  
tables and chairs, I.V. system, recording...  
in the conference room.

Other technical arrangements are to be determined as is the possibility of small group discussion within the plenary session. These questions, as well as catering and other logistics, can be discussed on Wednesday.

Susan Ashley, the Executive Secretary of the Royal Commission, will accompany me on Wednesday.

I look forward to meeting with you next week.

Yours truly,



Carole McDougall  
Media Coordinator - Royal Commission on  
the Donald Marshall Jr. Prosecution

CM:bd

Susan Ashley  
Executive Secretary  
The Royal Commission on the  
Donald Marshall Jr. Prosecution

JUL 22 1988

# BUCHAN, DE. RICK & 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

July 21, 1988

Mr. George MacDonald, Q.C.  
Solicitor for Justices Hickman,  
Poitras and Evans  
Royal Commission  
Suite 1026  
Maritime Centre  
1505 Barrington Street  
Halifax, Nova Scotia

Mr. Jamie Saunders  
Solicitor for the Attorney General  
Patterson, Kitz  
10th Floor  
5151 George Street  
Halifax, Nova Scotia

Dear George & Jamie:

RE: Donald Marshall Jr. v. MacKeigan et al

I am writing to you with respect to a Notice of Appeal which I filed this week on behalf of Mr. Marshall against Chief Justice Glube's decision on June 22, 1988 quashing the Orders to Attend. Pursuant to the filing of this Notice, I appeared in Appeal Court Chambers this morning for the setting down of this Appeal. I noted that neither of you were present in Chambers and if the reason for this was insufficient notice with respect to the Chambers date then I apologize. Mr. Downie appeared on behalf of Justices MacKeigan et. al. and we agreed to proceed with obtaining a tentative date for the hearing of the Appeal before all dates in the next session of the Appeal Division were gone.

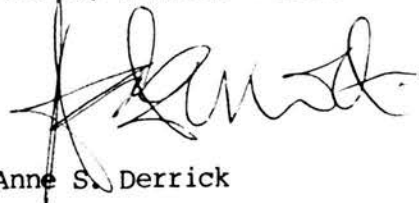
In your absence, His Lordship Justice Matthews provided us with a tentative hearing date of November 18, 1988. No dates were set for the filing of the Appeal Book or Factums as it was agreed that all counsel should get together to discuss the contents of the Appeal Book and agree on dates for the filing of Factums. The four parties in this matter (yourselves, Mr. Downie and us) are to return to Appeal Court Chambers on Thursday, August 4th at 10:00 a.m. to discuss the content of the Appeal Book, dates for filing of the Appeal Book, and Factums and to finally set a hearing date for the Appeal which, if agreeable to all, will be November 18th for the whole day.

The hearing of this Appeal may of course become academic if consents are obtained from the five Justices and the Attorney General of Nova Scotia to have an Appeal of Chief Justice Glube's decision heard directly by the Supreme Court of Canada. Mr. Ruby intends to argue the Supreme Court of Canada Appeal or the Appeal before the Nova Scotia Court of Appeal. Mr. Ruby is in fact apparently not available on November 18th and I advised Mr. Justice Matthews of this today. I did however wish to get as early an Appeal date as possible and before our next appearance on August 4th I will have obtained some further direction from Mr. Ruby concerning his schedule.

Finally, in light of the fact that there were a couple of inadvertant errors in the original Notice of Appeal, I am filing an Amended Notice of Appeal in the form as enclosed.

Yours sincerely,

BUCHAN, DERRICK & RING

A handwritten signature in black ink, appearing to read "Anne S. Derrick", written over a vertical line.

Anne S. Derrick

ASD:tem  
Enclosure  
cc: Ronald Downie

Marshall/MacDonald  
ASD#5

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

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

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

July 20, 1988

BY HAND

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

Dear Mr. MacDonald:

Marshall Inquiry  
Our File 9201/1

Further to yours of July 11th and our previous reply to that letter, I am enclosing copies of those materials which the Department of the Attorney General had in its possession regarding Douglas Mark Rhodenizer. I am advised this material relates back to 1974 and only came into the Department's possession when the matter was raised in 1980.

As previously advised, all this material was in the RCMP's file which you have already seen.

Yours truly,



Darrel I. Pink

DIP/gmm

Encs.

c.c. R. Gerald Conrad, Q.C.  
c.c. Bill MacDonald, Deputy A.G.  
c.c. Attorney General T. Donahoe

8 Brightwood Avenue  
Dartmouth, N.S.  
B3A 2X2

July 18, 1988

The Royal Commission  
1505 Barrington St.  
Suite 1026  
Halifax, N.S.  
B3J 3K5

Dear Sirs:

I would like to seek your guidance, or advice on a legal matter which, so far, I have been unable to resolve.

In October of 1983, some other people and myself set out to collect signatures on a petition to save what is left of the Dartmouth Common from further encroachment. What had been 150 acres of land is now reduced to less than 16 acres.

We, the people who signed this petition, raised over 2,600 signatures, and presented the petition to Dartmouth City Council.

This was in December and the first week of January, 1984, it was brought before City Council. This Council then referred the petition to their Heritage Advisory Board. This Board passed a motion, unanimously accepting the petition, but it has never been brought back to City Council.

According to the by-laws of the Dartmouth City Charter, it is acceptable to present a petition of at least 500 signatures or 2% of the population.

This would then entail a public hearing and a vote by Council. This petition and its recommendation by the Heritage Advisory Board was never allowed to come to Council for a public hearing or a vote by Council.

To avoid this procedure, the City Council held a public meeting, not on a night when City Council met. In six months time the City Administrator presented a recommendation to City Council and it would further allow for more encroachment.

...../2

Since the petition was submitted, a further loss of common land occurred with the building of a commercial office tower and an additional parking lot to a commercial enterprise called the Sportsplex.

With pressure on our Provincial representatives, a bill, called Bill 104 was passed in 1986 to preserve, what we thought, to save the rest of the Dartmouth Common. Now we understand that this Bill will be amended.

We have tried to seek help from both Federal and Provincial cabinet ministers but they ignored our request for guidance. The only source to offer any help was the Provincial Ombudsman. He repeatedly warned us to be prepared to have legal counsel, but who can afford such a luxury. I retained legal counsel in 1984 to stop the enlargement of the Tourist Bureau on the Dartmouth Common, as it was on land zoned parkland and non-commercial. This was very costly to me personally and I can't afford to hire legal counsel to stop the encroachment on the rest of the Dartmouth Common.

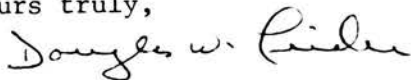
It seems to me that a Petition of Right was a parliamentary declaration of rights and liberties of the people assented to by Charles I in 1628. If this is so, doesn't it mean that people have a right to collect a petition and then have it heard by the appropriate authority? Is there any provision in the Canadian Charter of Rights that will allow people to present petitions?

Throughout the history of common lands in Nova Scotia since 1770, petitions were presented to the House of Assembly and acted on accordingly. If we cannot get the petition heard in either the City Council or the House of Assembly, the common lands will gradually disappear. This will deprive present and future generations of their heritage and land that is becoming necessary for the integrity and the quality of our environment.

If you could give us some advice on this matter, it would benefit both present and future generations. I am sorry to make this request, in light of all your work and the ominous task on hand, but we really have no alternative.

Once again, I apologize for any inconvenience.

Yours truly,



Douglas W. Trider  
Chairman of the Friends  
of the Dartmouth Common

DW/mb

JUL 21 1988

TEL.: 477-2182 (RESIDENCE)  
424-3531 (DALHOUSIE LAW SCHOOL)

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

33 WALTON DRIVE  
HALIFAX, NOVA SCOTIA  
B3N 1X6

July 18, 1988

Dr. Scott Clark  
G.S. Clark and Associates Ltd.  
Suite 712  
151 Slater Street  
Ottawa, Ontario  
K1P 5H3

Dear Scott:

As I indicated after our Workshop with the Chiefs last week, there are some ideas/suggestions I thought you might take into account, and I am now writing to convey these to you. Both Workshops on your Report have been useful, and while I have made comments at both, I did not feel it appropriate for me to take up too much of the "air time".

I also wish to emphasize that I have not sought the concurrence of the UNSI or the Chiefs for these views. They are put forward in an effort to assist in your work, and to improve your Report rather than to state the UNSI's position.

You have heard me say that I thought you have been asked to do two things, essentially, in one Report, and that each is a formidable burden. One is to identify adverse effects on Micmacs and make out the case for discrimination. This is to demonstrate that something must be done. The second task is to recommend what ought to be done to eliminate discrimination and alleviate the adverse effects. You have also heard me say that the discharge of the first burden is the more important to us now because getting the government(s) to act is contingent on it, and in any event no future improvements/reforms are likely without further input and concurrence from the Indian community.

On the issue of discrimination, two other points that you might address are:

1. The root causes of discrimination, for example, the concepts of social distance and stereotyping, and their relationship to the criminal justice system.



2. Whether it is realistic to think that biases and prejudices held by a person can be divorced from his or her professional activities, e.g. by a prosecutor or judge. Similarly, whether racial bias or prejudice in a community will be reflected by a jury in its deliberations. [I believe you were going to expand your consideration of juries.]

The balance of my comments are on the issue of recommendations. Here my main concern is on approach/process.

You have verbally emphasized that solutions must be designed from the Indian community up and likewise based in respect of their implementation in the Indian community. This suggests three important components:

1. Financing
2. Information
3. Consultation

On the issue of information, I have in mind the statistics and data kept by governments on the criminal justice system. The problem is determining Indian involvement in the various components. You mention this, but don't say what kind of information should be kept. What data on Indians in the justice system should be kept?

Financing and consultation have a number of interlocking sub-issues. How much? Who controls? Should funding be on a global, envelope basis, or on a program-by-program basis? What should the proportion be between the provincial and federal governments? My personal thinking on this is that a specific amount should be committed to the problem, with ultimate control over how money is expended in Micmac hands. An advisory and consultative body is probably needed, with likely two types of functions that should be separated: a technical working role and a political one. The latter is important to ensure acceptability and band support within the Indian community.

Turning now from these three general points to more specific suggestions, I think you are right to think of shorter term, more immediate actions (in relation to which you can be more precise), and longer term ideas (in relation to which you must leave room for consultation, advice and experience in the Indian community to act).

One of the short term ideas that came up, in addition to justice workers, is having provincial judges physically holding court on reserves. This idea seemed popular with the Chiefs, and would serve a considerable educational function in exposing the judicial system to the Indian community and vice versa.

Another allied notion is the provision of input and advice from the reserve community to the court. Here I have in mind something like a group of elders to assist a judge on appropriate disposition. Thus, in dealing with an on-reserve offence against a reserve resident, the elders can sensitize the judge as to the seriousness with which the offence is regarded by the community and how the perpetrator could help resolve the problem he or she created.

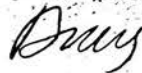
A more innovative suggestion is to divert cases away from the criminal justice system to community mediation, with everyone's consent. Thus charges might be delayed or stayed to see if a minor criminal problem can be resolved in a way more in keeping with Indian tradition. This can be viewed in the longer term, but shouldn't be difficult to set up in the short term.

On the longer term, ideas like a tribal justice system with tribal courts, tribal law and tribal peace keepers merit serious consideration. You probably cannot get into these in detail. But it is important for you to point out the significance of self-government, the contribution of an Indian justice system to this end and that such notions are within the field of serious options for longer term consideration.

You might also make the point that programs/solutions for Indians need not be the same for non-Indians. That is, the situation of Indians is unique, and therefore what is suggested for Indians need not be duplicated for blacks and other minorities.

You have done a good piece of work. I trust you will consider these comments in this context, and in the spirit of an attempt on my part to be helpful. I am confident that your work will have (and indeed already has had) a profound impact on the Commission, and on the future treatment of Indians in Canada's criminal justice system.

Yours faithfully,



Bruce H. Wildsmith  
Counsel for UNSI

BHW/hmp

cc: John Briggs ✓  
Alex Christmas

JUL 21 1988

# BLACK UNITED FRONT

OF  
NOVA SCOTIA

2006 GOTTINGEN STREET, HALIFAX, N.S. B3K 3A9  
PHONE: (902) 420-0381

July 20, 1988

**ROYAL COMMISSION OF  
DONALD MARSHALL, JR. PROSECUTION**

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

Attn: Susan M. Ashley (Ms) - Commission Executive Secretary

Dear Ms. Ashley:

Re: Black United Front - Witnesses at Hearing

Consistent with your letter of July 18, 1988 (page 2, paragraph 2), we would like to advise that we proposed calling the following as witnesses:

- Burnley A. Jones;
- Kenneth D. Crawford;
- David Sparks;
- Project Coordinator (name to be advanced).

The Coordinator of research will speak to his (her) personal experiences whilst conducting of the interviews and the facts which came to light during this mini-study and further, the general attitudes of the interviewees to the whole concept of a review of the justice system in the Province of Nova Scotia and the general impact of the justice system with respect to both Black and White people as interviewed.

Mr. Sparks is in the process of preparing a written position which will be advanced to the Commission, and he will speak of his own experiences as a religious leader and how also as a youth leader. It must be recognized that the Church has been the historical center (and rallying point) of Black people, and as such, Mr. Sparks will be in a position to provide a real connection between the research being done and the actual experiences of Black people.

Kenneth Crawford is a practicing barrister in the Province of Nova Scotia, and by way of background, he came from the same social circle as Sandy Seale. He grew up and was educated in the same City in which Sandy Seale was killed. This gentleman has first hand knowledge of institutional and other types of racism predominant in Sydney in the 1960's and the 1970's and now as a practicing barrister,

Susan Ashley  
Page 2  
July 20, 1988

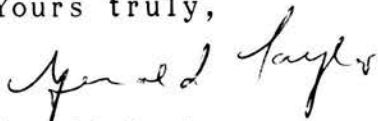
can bring valuable information before the Commission.

Burnley Jones will conceptualize institutional racism from a historical perspective and will trace the affects of institutional racism on the Black Nova Scotia Society in general over the years and specifically identify policing and the administration of justice as one of the key social instruments which has systematically excluded input from Black society and has been particularly consistent in perpetuating stereo-typical treatment of Blacks in the justice system.

The Black United Front considers it to be absolutely important that there be a Black presence in the taking of evidence before this Commission of Inquiry, and that extensive cross-examination be of the view that all submissions from these witnesses could be completed in one and one half days at the outside.

We recognize your time constraints and will work with you toward achieving our joint objective.

Yours truly,



Gerald Taylor  
Executive Director

GT/mr

cc: Yvonne Atwell

**BLACK UNITED FRONT**

JUL 21 1988

OF  
**NOVA SCOTIA**

2006 GOTTINGEN STREET, HALIFAX, N.S. B3K 3A9  
PHONE: (902) 420-0381

July 20, 1988

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

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

Attn: Susan Ashley (Ms.)

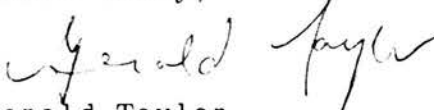
Re: BUF Submission/Secretary of State

Consistent with your telephone conference of Monday, July 18, 1988, with Burnley Jones, we are enclosing herewith a photocopy of the letter of July 13, 1988, from the Department of Secretary of State together with a photocopy of the proposal which was subsequently delivered to the same department. We are also enclosing a photocopy of our letter of even date to the Department of Secretary of State which is intended to cover both their letter of July 13, 1988, and our submission.

Finally, we are enclosing a photocopy of the letter of July, 14, 1988, from John Briggs to our solicitor, and with respect to the last paragraph of Mr. Briggs' letter, we would appreciate it if you would be good enough to write to the Department of Secretary of State and confirm that this project is not in conflict with the letter or the spirit of the terms of reference of the Marshal Inquiry.

Please be good enough to forward a copy of your letter to us.

Yours truly,

  
Gerald Taylor  
Executive Director

GT/mr

cc: Yvonne Atwell (President)

Enclosure



Department of Justice  
Canada

Ministère de la Justice  
Canada

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

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

JUL 20 1988

Our file      AR-21,613  
Notre dossier

HAND DELIVERED

Your file  
Votre dossier

426-7592

July 20, 1988

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

Attention: George MacDonald, Commission Counsel

Dear Mr. MacDonald:

RE: Donald Marshall Inquiry

Thank you for your letter of June 30th, which came while I was on vacation. I wish to confirm that my clients have reviewed the proposed Agreement of Facts and documents identified by you relating to Roland Thornhill and consent to their use subject to the following:

1. that the Attorney General of Nova Scotia consents to their use;
2. that the material is not used to inquire into the practices, procedures, methods or internal management of the R.C.M.P., nor is our consent to the use of the material to be interpreted as a waiver of our right to object to the use of the material for any purpose outside the mandate and authority of the Commission; and
3. should Mr. Thornhill, the banks, or any party with standing tender other documents not yet identified by you at the Inquiry, we reserve the right to tender any other necessary documents or evidence to ensure that the Commissioners have all the material necessary to fairly assess the evidence.

I have a copy of Mr. Saunders letter to you of July 14th concerning this matter. I share his views concerning a

... \2

Canada

Page 2  
Royal Commission on the Donald  
Marshall, Jr., Prosecution  
July 20, 1988

meeting to review evidence and procedure planned for the  
September hearings.

Yours very truly,



James D. Bissell  
General Counsel  
Director, Atlantic Region

JDB/vpc

c.c.      Inspector L.F.W. McKiel  
            Officer In Charge  
            Contract Policing Branch  
            R.C.M. Police  
            P. O. Box 2286  
            Halifax, Nova Scotia  
            B3J 3E1

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



Department of Justice  
Canada

Ministère de la Justice  
Canada

**JUL 20 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

HAND DELIVERED

Our file  
Notre dossier

AR-21,613

Your file  
Votre dossier

426-7592

July 20, 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: R.C.M.P. Witnesses

Thank you for your letter of July 19, 1988, addressed to Al Pringle. This will also confirm our telephone conversation of July 19th wherein I advised that the week of August 2nd is impossible for us. About the only available time is the week of August 8th and I would suggest that your interviews be conducted in Ottawa beginning on August 9th and running through to and including August 11th, if necessary.

In order that we may make the necessary arrangements in sufficient time to assure the availability of as many of the interviewees as possible, I have taken the liberty of asking the R.C.M.P. Headquarters in Ottawa to contact the necessary people to arrange for their travel to Ottawa during the week of August 8th.

As for retired Commissioner Simmonds, it seems impracticable to us to require him to travel twice from Austria. May I suggest that you prepare written interrogatories for him to answer. Perhaps then he could come to Halifax a day or so early when he testifies, if you still feel his evidence is necessary.

Canada



Page 2  
Mr. W. Wylie Spicer  
July 20, 1988

I look forward to hearing from you.

Yours very truly,



James D. Bissell  
General Counsel  
Director, Atlantic Region

JDB/vpc

c.c.     Inspector L.F.W. McKiel  
          Officer in Charge  
          Contract Policing Branch  
          R.C.M. Police  
          P. O. Box 2286  
          Halifax, Nova Scotia  
          B3J 3E1

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

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

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

July 18, 1988

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

Dear John:

Marshall Inquiry  
Our File 9201/1

I have yours of July 14th.

You have now heard from me regarding the information that the Attorney General's Department maintains on complaints about the R.C.M.P.. In addition I have requested that the Solicitor General's Department ask the R.C.M.P. for statistics regarding complaints.

Yours truly,



Darrel I. Pink

DIP/gmm

JUL 20 1988

# 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

July 19, 1988

Mr. George MacDonald, Q.C.  
Royal Commission  
Suite 1026  
Maritime Centre  
1505 Barrington St.  
Halifax, N.S.

Dear Mr. MacDonald:

RE: Donald Marshall, Jr. v. MacKeigan et. al.  
S.C.A. No. 01991

Please find enclosed Mr. Marshall's Notice of Appeal which was filed today with respect to Chief Justice Glube's decision of June 22, 1988.

Yours sincerely,

BUCHAN, DERRICK & RING



Anne S. Derrick

ASD/har

Enclosure

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

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

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

July 18, 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 9201/1

I am sorry we weren't able to arrange an earlier date for a meeting with Kit Waters but as you know, vacations are mandatory at this time of year. In consultation with Jan Cook I have set that meeting for August 2nd at 10:00 a.m. at the offices of the Solicitor General.

Yours truly,



Darrel I. Pink

DIP/gmm

cc: K. Waters, Sol. Gen. Office

JUL 19 1988

# COMMONWEALTH SECRETARIAT

CABLES: COMSEGEN LONDON SW1  
TELEX: 27678  
TELEPHONE: 01-839 3411 EXT:

MARLBOROUGH HOUSE  
PALL MALL  
LONDON, SW1Y 5HX

YOUR REF:  
OUR REF:

8 July 1988

*Dear Sir,*

Thank you so much for your letter of 20 June and for letting us have on a confidential basis, copies of the two opinion papers prepared by Professor John Edwards. These are greatly appreciated and we will read them with very great interest, and will certainly make any comments to you which we feel sufficiently brave to offer in the light of the opinions having issued from such an eminent corner.

*Yours sincerely  
John Pope*

JD Pope  
Director  
LEGAL DIVISION

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



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

Telephone (902) 426-7594  
Telecopier (902) 426-2329

Our file AR-21,613  
Notre dossier

Your file  
Votre dossier

July 15, 1988

**BY HAND**

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

Dear Mr. Spicer:


Re: R.C.M.P. Witnesses

Enclosed is a listing of the present residences for those R.C.M.P. members who attended the November 5, 1980, meeting in Ottawa.

Please let us know as soon as possible who you wish to interview in Ottawa and when. We require advance notice to attempt to get the members to Ottawa.

Please confirm that the Commission will pay all travel expenses for the members. I refer to my previous letters in this regard.

Yours very truly,

  
A. R. Pringle  
Senior Counsel  
Atlantic Region

ARP:wm

Enc.

Canada

1. Insp. Ken Blue (Retired)  
Valley Mills, Cape Breton Co., N.S.
2. Supt. Douglas Christen (Retired)  
Halifax, N.S.
3. S/Sgt. D.C. Dillabaugh  
Ottawa, Ontario
4. C/Supt. Hugh Feagan (Retired)  
Kelowna, B.C.
5. Cpl. Cyril House (ex-member)  
Dartmouth, N.S.
6. Insp. Carmen Jay  
Charlottetown, P.E.I.
7. Insp. Tony Kozij  
Ottawa, Ontario
8. C/Supt. John William Bryan McConnell  
Montreal, Quebec
9. Insp. Joop Plomp  
Ottawa, Ontario
10. S/Sgt. Frederick William Pratt  
Ottawa, Ontario
11. D/Commander Joseph Roland Raymond Quintal (Retired)  
Ottawa, Ontario (Believed to reside here)
12. A/Commander Joseph Albert Robert Roy (Retired)  
Ottawa, Ontario
13. D/Commander Thomas Stanley Venner (Retired)  
Toronto, Ontario



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

Telephone (902) 426-7594  
Telecopier (902) 426-2329

Our file AR-21,613  
Notre dossier

Your file  
Votre dossier

July 15, 1988

**BY HAND**

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

Dear Mr. Spicer:

Re: Donald Marshall, Jr., Inquiry

I understand pursuant to our telephone conversation of July 15, 1988, that with respect to the R.C.M.P. Commercial Crime file 85-114, you are primarily interested in looking at documentation concerning the Billy Joe MacLean investigation and process thereafter.

I understand that names of other persons can be deleted as necessary from any document you may require.

Yours very truly,

A. R. Pringle  
Senior Counsel  
Atlantic Region

ARP:wm

Canada



ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

CHIEF JUSTICE T. ALEXANDER HICKMAN  
CHAIRMAN

ASSOCIATE CHIEF JUSTICE LAWRENCE A. POITRAS  
COMMISSIONER

THE HONOURABLE  
MR. JUSTICE GREGORY THOMAS EVANS  
COMMISSIONER

July 14, 1988

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:

I enclose copy of program of a Conference convened by the Attorney General of Ontario on Access to Civil Justice Program which discussed, inter alia, access to civil justice for aboriginal people.

I enclose Executive Summary of the discussion dealing with aboriginal people which may be of interest to you or John Briggs.

Yours sincerely,

  
T. ALEX HICKMAN,  
Chief Justice

TAH:hdh  
Enclosures

P.S. If you wish a copy of the papers presented on the justice system as it applies to natives, I believe you can obtain same from Jeannie Thomas, Executive Secretary for the Canadian Judicial Council.

JUL 18 1988

# COX, DOWNIE & GOODFELLOW

BARRISTERS AND SOLICITORS

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

A WILLIAM COX, Q.C.  
W R E GOODFELLOW, Q.C.  
ROBERT G. MACKEIGAN, Q.C.  
JOHN ARNOLD  
DANIEL F. GALLIVAN  
THOMAS P. DONOVAN  
ANTHONY L. CHAPMAN  
J. CRAIG MCCREA  
JAMIE S. CAMPBELL  
LORRAINE P. LAFFERTY  
A. JAMES MUSGRAVE  
JOCELYN M. CAMPBELL  
BRIAN A. TABOR

RONALD J. DOWNIE, Q.C.  
DAVID MCD MANN, Q.C.  
MICHAEL S. RYAN, Q.C.  
GREGORY I. NORTH  
PETER W. GURNHAM  
FREDERICK P. CROOKS  
PAUL C. MARTIN  
LESLIE J. DELLAPINNA  
ROBERT W. CARMICHAEL  
JAN MCK. SILLIKER  
LES D. DOLL  
JONATHAN R. GALE

GEORGE M. MITCHELL, Q.C.  
JOHN M. BARKER, Q.C.  
DANIEL M. CAMPBELL  
DOUGLAS C. CAMPBELL  
WARREN K. ZIMMER  
TERRY L. ROANE  
MICHAEL E. DUNPHY  
BRIAN W. DOWNIE  
ALAN J. DICKSON  
D. KEVIN LATIMER  
K. MICHAEL TWEEL  
RONALD E. PIZZO

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

July 18, 1988

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

Dear George:

**RE: MacKeigan et al. v. Hickman et al.**

Thank you for your letter of July 12, 1988 concerning the form of the draft Order. I'll stand by to see what comments, if any, are received from other counsel and then we can go on from there.

Yours very truly,

  
R. J. Downie

RJD:cmg

cc. Mr. Jamie W.S. Saunders  
Ms. Anne Derrick

JUL 18 1988

John. S. Briggs  
Director of Research  
Royal Commission on the Donald  
Marshall, Jr. Prosecution

July 11, 1987

Dear John

In reply to your letter of July 5, I remain committed to act as a reviewer of the Police Study and to attend the workshop on August 31. Though my arrival date is in some doubt, due to real Real estate problems, I plan on being in Halifax by August 1st. At that I will be pleased to be able to give the report and the workshop my full attention.

So I look foreword to seeing both you and the report in Halifax early next month

Sincerely

  
Christopher Murphy

JUL 18 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  
RAYMOND F. LARKIN  
S. RAYMOND MORSE  
DARRELL 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, Q.C.  
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.  
DAVID R. HUBLEY, Q.C.  
GERALD J. MCCONNELL, Q.C.  
RONALD A. PINK  
LOGAN E. BARNHILL  
JOEL E. FICHAUD  
J. MARK MCCREA  
D. SUZAN FRAZER  
BRUCE A. MARCHAND  
RODNEY F. BURCAR  
JANICE A. STAIRS  
DENNIS J. JAMES

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

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

BY HAND

July 15, 1988

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

Dear John:

Marshall Inquiry  
Our File NO. 9201/1

This is further to my letter of July 5th which provided you with information for the police research project.

I am now advised that the Attorney General's Department does maintain in its filing system a category entitled "Complaints Against the R.C.M.P." These files are by year and simply filed A to Z unless it is a particularly lengthy matter in which case it is filed by the complainants name under the above category. I am further advised that files back to 1981 are currently available in the Attorney General's Department filing room and for earlier years at the Central Records.

If you wish to have access to these files, please advise and I shall make the necessary arrangements.

I apologize that this information was not provided in a cogent fashion earlier, but it was one of those matters requested by you which was not properly attended to by me.

Yours truly,



Darrel I. Pink

cc: Mr. R. Gerald Conrad, Q.C.  
Mr. D. William MacDonald

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

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

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

July 14, 1988

BY HAND

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

Dear George:

Marshall Inquiry/Roland Thornhill  
Our File No. 9201/1

This follows my letter dated July 7th. We are prepared to agree that the booklet of material as well as the Statement of Facts be used as evidence in any hearings involving Mr. Thornhill. However, we have grave concerns that his rights and interests be protected and that there may be additional information in the RCM Police files which he or his counsel would wish introduced on his behalf. If that were the case we would be in agreement and we also think it appropriate that Mr. Thornhill's counsel be given the opportunity to review the files held by the Attorney General's Department and the RCM Police well in advance of the September hearings.

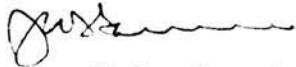
I trust you will be forwarding to Mr. Thornhill a copy of the evidence and the agreed Statement of Facts and advising us of the name of counsel engaged by Mr. Thornhill. I suggest it would then be appropriate for his lawyer, Commission Counsel, Messrs. Bissell, Pringle and ourselves to meet to review the evidence and procedures planned for the hearings in September.

Mr. George W. MacDonald  
July 14, 1988  
Page 2

Finally would you kindly indicate your intention concerning notification of the banks and what evidence you intend to present to them.

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

Yours truly,



Jamie W.S. Saunders

JWSS/cs  
c.c. Mr. James Bissell

P.S. The pages are not numbered in the booklet of materials you provided. The 4th and 6th pages from the front show illegible handwriting and before agreeing to the introduction of these pages I need to know who wrote them and what they say.

JWSS

JUL 14 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  
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, Q.C.  
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.  
DAVID R. HUBLEY, Q.C.  
GERALD J. MCCONNELL, Q.C.  
RONALD A. PINK  
LOGAN E. BARNHILL  
JOEL E. FICHAUD  
J. MARK MCCREA  
D. SUZAN FRAZER  
BRUCE A. MARCHAND  
RODNEY F. BURGAR  
JANICE A. STAIRS  
DENNIS J. JAMES

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

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

July 14, 1988

BY HAND

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

Dear George:

Marshall Inquiry  
Our File No. 9201/1

In reply to your letter dated July 11th we repeat our earlier advice that the Department does not have any file pertaining to the Douglas Mark Rhodenizer matter.

The only information we have ever seen was the documentation of the RCM Police provided by Jim Bissell.

I assume you are referring to the incident in 1974. Undoubtedly the Department has a file relating to the charge heard in 1980 where, according to your booklet of materials, a conditional discharge was granted. We have asked that a copy of the 1980 file be provided for our review.

Yours very truly,



Jamie W.S. Saunders

JWSS/cs

JUL 13 1988

Ruby & Edwardh  
*barristers*

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

July 7, 1988

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

Dear Mr. MacDonald:

Just prior to my departure for Toronto we met to discuss the issue of whether or not we, as Mr. Marshall's counsel, had any interest in appearing during the three-weeks set aside to examine the Thornhill and Billy Joe McLean cases. As you recall, it was your suggestion that I draft a letter outlining our position in this regard, in part to clarify that in your "taxing capacity" we would be ensured that counsel fees would be paid.

Our position might quite simply be summarized by stating the following points:

1. That as Mr. Marshall's counsel we take the view that if the Inquiry is entitled to examine into these issues we, having standing, are entitled to be present. This is obviously after all an Inquiry into the Donald Marshall, Jr., prosecution. Matters relevant to any aspect of Mr. Marshall's prosecution or his treatment within the administration of justice are matters in which we have an interest.

2. As part of our general mandate, the question surrounding the conduct of the Attorney General's office and the extent to which it is influenced for or against an individual by social class or ethnic background are matters in which we assert a real interest. This applies as well to the police, whether we are talking about the local police in Sydney or indeed the R.C.M.P.

3. I anticipate evidence given by Mr. Gordon Gayle or Mr. Gordon Coles in their treatment of this case may have a bearing upon their credibility and thus the answers given to their involvement with respect to Donald Marshall, Jr. Also, I would anticipate that their style of conducting themselves as disclosed

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.



# Ruby & Edwardh

in these other cases may be of some importance in assessing the conduct of the case as directed by them when it came to our client.

It is for these three simple reasons that we assert we are entitled to be present to ensure that all aspects of Mr. Marshall's interests are fully protected. I don't believe I can add to these reasons except by explicating them in greater detail. They seem obvious to us and we would ask that you give us your earliest reply.

May I thank you in advance for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "MEwardh/jp".

Marlys Edwardh

ME:jp

cc: Anne Derrick

JUL 13 1988



# University College of Cape Breton

P. O. BOX 5300  
SYDNEY, NOVA SCOTIA  
CANADA  
B1P 6L2  
(902) 539-5300

July 11, 1988

Susan Ashley  
Commission Secretary  
Royal Commission of Inquiry  
Into the Wrongful Prosecution  
of Donald Marshall, Jr.  
Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3A5

Dear Ms. Ashley,

I am a sociologist in the Department of Social Sciences at the University College of Cape Breton, Sydney, Nova Scotia. Based on media coverage, I have been doing research on the Inquiry. Also, when the Inquiry's venue was Sydney, I attended the hearings regularly.

At the Learned Societies meetings in Windsor, Ontario in June, I presented a paper, "The Donald Marshall Inquiry: Everyday Culture and State Intervention", based on findings to date. This paper will be published in the Canadian Ethnic Studies journal's forthcoming special issue on Atlantic Canada.

I would like to have the opportunity to examine transcripts of witness testimony. My schedule is flexible for the remainder of the summer. Could you let me know when it would be convenient for me to do this research.

I have been told by colleagues, and have read in the media, about the preliminary findings of research commissioned by the Inquiry. If I could be of assistance in this endeavour, please let me know. John Briggs and Don Clairmont are aware of the work which I have been doing.

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

Sincerely,



Dr. J. A. Mennette  
Dept. of Social Sciences

JUL 13 1988

MURRANT BROWN

Barristers & Solicitors

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

ROBERT MURRANT Q.C.

TELEPHONE (902) 421-2121

XEROX-FAX (902) 421-2125

July 12, 1988

Ms. Susan Ashley  
Executive Director  
The Royal Commission on the  
Donald Marshall, Jr., Prosecution  
8th Floor  
World Trade & Convention Centre  
HALIFAX, Nova Scotia

Dear Ms. Ashley:

**RE: Michael Harris, Applicant -**  
**Hickman, et al., Respondents**

I write to enclose the original and one copy of an Originating Notice (Application Inter Partes) with respect to Mr. Harris.

I would ask you to be kind enough to have Commission Counsel accept service and return the original to me.

It is the intention of the Applicant to appear on Thursday, September 8 for the purpose of setting a date, only.

Yours truly,



Robert Murrant

RM\*dm  
Enc.

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

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

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

July 11, 1988

BY HAND

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

Dear John:

Marshall Inquiry  
Our File 9201/1

This is further to my earlier correspondence regarding review of the files regarding Billy Joe MacLean at the office of the Speaker. Because of vacations, etc., I have taken the liberty of fixing a time for this meeting for July 29th at 10:00 a.m. at the Speaker's office in One Government Place. The Hon. T. Donahoe is away for most of the previous two weeks and therefore I have chosen that date.

I am assuming you are only interested in examining the files as they pertain to matters of interest to the Inquiry and you are not interested in reviewing the financial files in the Speaker's office regarding Mr. MacLean. These involve expense claim and material regarding reimbursement which I understand are not of specific interest to you. Could you kindly confirm.

Yours truly,



Darrel I. Pink

DIP/gmm

JUL 13 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  
RAYMOND F. LARKIN  
S. RAYMOND MORSE  
DARREL I. PINK  
JACK A. INNES, Q.C.  
DIANNE POTHIER  
JANET M. CHISHOLM  
PETER M. ROGERS

DONALD J. McDONALD, Q.C.  
PAUL M. MURPHY, Q.C.  
RICHARD N. RAFUSE, Q.C.  
J. RONALD CREIGHTON  
J. RONALD CULLEY, Q.C.  
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.  
DAVID R. HUBLEY, Q.C.  
GERALD J. MCCONNELL, Q.C.  
RONALD A. PINK  
LOGAN E. BARNHILL  
JOEL E. FICHAUD  
J. MARK MCCREA  
D. SUZAN FRAZER  
BRUCE A. MARCHAND  
RODNEY F. BURGAR  
JANICE A. STAIRS  
DENNIS J. JAMES

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

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

July 11, 1988

BY HAND

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

Dear John:

Marshall Inquiry  
Our File 9201/1

I left a message with your secretary regarding a meeting with Kit Waters. Unfortunately, the time originally scheduled is not convenient for all in light of vacations, etc.. Could we set that meeting for Thursday, July 28th at 10:00 a.m. at the Solicitor General's office. Unless I hear from you to the contrary, I will assume that that is satisfactory.

Yours truly,



Darrel I. Pink

DIP/gmm

cc: Kathleen Waters  
Solicitor General's Dept.

JUL 11 1988



**SANTE' MAWI'OMI wjit MIKMAQ**

ESKASONI INDIAN RESERVE  
NOVA SCOTIA, CANADA B0A 1J0

29 NIPNIKUS (JUNE) 1988

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

Dear Sirs and Madam:

The Sante' Mawi'omi wjit Mikmaq (Grand Council of the Mikmaq Nation) presents to you our commentary and recommendations pursuant to reading Dr. Clark's working paper on "The Mi'kmaq and Criminal Justice in Nova Scotia" and various oral reports of the confidential meeting of 15 June.

Our supplemental commentary and recommendations should be read concurrently with Dr. Clark research report. The document addresses some of the major areas of our aboriginal and treaty rights and the current jurisdictional conflict.

Since the beginning of the Commission, the Council has felt that one area which has been omitted was the federal Government's responsibility for protecting Donald Marshall, Jr., as a status Indian charged with homicide. In almost all other aspects of his life, the Department of Indian Affairs accepted financial responsibility for Junior Marshall. If I were part of the Commission, I would wonder why the federal Government fails to provide funds, either directly or through agreement with provincial legal aid societies, for defense attorney and investigators for status Indians at this dramatic time in their lives.

With the above question noted, the Council urge your consideration of the facts presented, and your good efforts in ensuring implementation of the recommendations made.

Respectfully yours,

  
Alexander Denny  
Grand Captain

*John Briggs  
has attached  
material*

JUL 11 1988

# MANITOBA METIS FEDERATION INC.



620-504 MAIN STREET  
WINNIPEG, MANITOBA  
R3B 1B8

TELEPHONE 942-8304

President  
W. YVON DUMONT

July 7, 1988

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

Dear Sir/Madam

RE: TERMS OF REFERENCE  
DONALD MARSHALL INQUIRY

---

Could you please forward to the Manitoba Metis Federation Inc.  
the following information;

- a) Terms of Reference
- b) Related Correspondence

Thank-you

*Audreen Hourie*

*for*  
Ron Richard  
Chairperson of Justice Committee  
Manitoba Metis Federation Inc.

AH/dp



JUL 11 1988



YORK  
UNIVERSITY

OSGOODE HALL LAW SCHOOL

4700 KEELE STREET, DOWNSVIEW, ONTARIO M3J 2R5

July 6, 1988

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

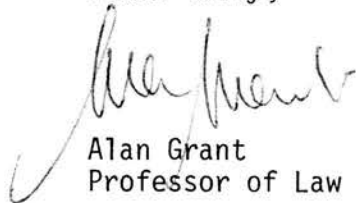
Re: Police Study Workshop

Dear John,

Thank you for your letter of July 5, 1988 the content of which I read with interest.

Confirming my continued availability, as arranged, I remain

Yours truly,



Alan Grant  
Professor of Law

/lg

JUL 11 1988



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

Telephone (902) 426-7594

Telecopier (902) 426-2329

Our file AR-21,613  
Notre dossier

Your file  
Votre dossier

July 8, 1988

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

Dear Mr. MacDonald:

Re: R.C.M.P. Witnesses

I acknowledge receipt of your letter dated July 4, 1988.

We understood that you wished to interview four persons while in Ottawa; that is, four of the six witnesses identified from the Thornhill matter. If you are now asking for all those who attended the November meeting, it may be difficult and costly to get them to Ottawa for August 2.

Please confirm your request and confirm that the Commission will be paying for all travel costs for those persons who will be interviewed.

Yours very truly,

A. R. Pringle  
Senior Counsel  
Atlantic Region

ARP:wm

Canada

JUL 06 1988

ROYAL COMMISSION ON THE DONALD MARSHALL, JR., PROSECUTION

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

Dear Susan,

The attached is the list of areas which I have identified from the evidence as being the subject of factual dispute. As well, it includes those areas which you indicated in your memo titled 'FURTHER MATTERS'.

The first page is an index which is self-explanatory.

Throughout the remainder of the list, a name in CAPITAL letters indicates the person who offered the testimony before the Commission. Immediately following most of the capitalized names is the date on which the testimony was noted in my summary. Where a witness is cited whose appearance is one day or less, I have sometimes omitted the date of the testimony.

I trust this will be satisfactory and helpful to you and the Commission.

I will be back in Halifax on Tuesday July 12, and can be reached at 429-7962 should you have any questions or require additional information.

Sincerely,



Bob Wall

## INDEX

<b>SECTION I. ABOUT THE STABBING</b>	pp. 1-2
A. Who stabbed Sandy Seale?	p. 1
B. When did the stabbing take place	p. 1
C. Who was present?	p. 1
D. Was Marshall's wound self inflicted?	p. 1
E. Was a robbery in progress?	p. 1
<b>SECTION II. INVESTIGATION</b>	pp. 2-7
A. Was racism a factor?	p. 2
B. When was Marshall identified as <u>the</u> subject?	p. 3
C. Was pressure used by MacIntyre?	p. 3
D. Robbery Theory, effect on Investigation?	p. 4
E. Failure to look for 'two men', deliberate or negligent?	p. 4
F. Who was present at Chant statement in Louisbourg?	p. 4
G. Was Robert Patterson interviewed?	p. 4
H. Was Urquhart present Harriss #2 and Gushue?	p. 5
I. Did Harriss and O'Reilly communicate?	p. 5
J. Did Fratico/Butterworth conversation occur?	p. 5
K. MacIntyre asked to come out & discipline threatened?	p. 6
L. How did Fratico come to attention of Police?	p. 6
M. Was Marshall told knife found?	p. 6
N. Could Ebsary have been found?	p. 7
<b>SECTION III. TRIAL PREPARATION</b>	pp. 7-8
A. Did Crown get 1st. Fratico/Harriss/Chant from MacIntyre?	p. 7
B. Did Crown disclose 1st. Fratico/Chant/Harriss?	p. 7
C. Were defense aware " " " "	p. 7
D. What preparation/interviewing done by defense?	p. 7
E. What were disclosure practices in Sydney in 1971?	p. 8
F. Did absence of knowledge re robbery affect defense?	p. 8
G. Did MacNeil use threats to get testimony?	p. 8
H. When were Chant/Fratico taken to park & by whom?	p. 8
<b>SECTION IV. TRIAL</b>	
A. Did Judge Dubinsky err?	p. 9
<b>SECTION V. APPEAL</b>	
A. Should errors have been apparent to Appeal Court?	p. 9
<b>SECTION VI. '71 REINVESTIGATION</b>	pp. 9-10
A. What was mandate of Insp. Marshall?	p. 9
B. Was '71 reinvestigation common knowledge in Dept. of AG	p. 10
C. Was Rosenbloom aware J. MacNeil and reinvestigation?	p. 10
D. Was Crown obliged to disclose fresh evidence?	p. 10
<b>SECTION VII. '82 REINVESTIGATION</b>	
A. Did MacIntyre try to hide document?	p. 11
B. What was the document?	p. 11
C. When did the incident take place?	p. 11
<b>SECTION VIII. REFERENCE</b>	
A. What information before court?	p. 12
B. Why did Crown urge exoneration of the System?	p. 12
<b>SECTION IX. OTHER</b>	
A. Was defense told Fratico not at the scene?	p. 12
B. Were Sydney police aware of Fratico mental condition?	p. 12

FACTS IN DISPUTE

I. ABOUT THE STABBING

**A. Who stabbed Sandy Seale: MARSHALL, EBSARY, OTHER?**

1. Marshall:
  - a. Statements and trial testimony of CHANT and PRATICO
  - b. 1971 trial, conviction and denial of appeal.
2. Ebsary:
  - a. J. MacNEIL, Nov. '71, Ebsary trials and before Commission Sept. 11, '87
  - b. MARSHALL, Ebsary trials, & before Commission Jun.26, '88.
  - c. EBSARY, before Commission, Sept. 9, '87 (swipe).
  - d. CARROLL, Feb. 1, '88, based on taped admission by Ebsary.
  - e. EBSARY, in Ratchford video tape.
3. Other:

No evidence was lead before the Commission to suggest another person was responsible.

**B. When did the stabbing take place?**

1. The bulk of the evidence places the time of the stabbing not earlier than 11:40 p.m. and not later than midnight on May 28, 1971. Examples:
  - a. D. TIMMONS, who with S. MacKAY discovered the body, caught her bus home which left the terminal at mid-night.
  - b. MATTSON puts the time of hearing people in front of the house as ten minutes to midnight.
  - c. WALSH and Mroz were still at the station before the 12:00 to 8:00 a.m. shift.
  - d. H. DEAN testified he was in police car in parking lot of St. Joseph's in case of trouble when dance ended. He was also on a 12:00 to 8:00 a.m. shift and the dance had not ended yet.
  - e. MULLOWNEY, on duty at the dance testified it didn't end until midnight.
  - f. FLOYD and COTIE said they heard about a stabbing in the park before leaving the parking lot after the dance. Further that they walked part way down Argyle and did not see any lights or indication of police near the park.
  - g. Hospital records (NAQVI) indicate 12:15a.m. admission.

**C. Who was present and witnessed the stabbing?**

1. All evidence presented to the Commission put only MARSHALL, Seale, J. MacNEIL and EBSARY at the scene at the time of the stabbing.
2. CHANT and PRATICO denied '71 statements and testimony that they were present and witnessed the stabbing.

**D. Was Marshall's wound self inflicted?**

1. No evidence was offered before the Commission to suggest that Marshall's wound was self inflicted.
2. EBSARY and MARSHALL testified that Ebsary caused the wound.

I. ABOUT THE STABBING (cont)

**E. Was a robbery in progress at the time?**

1. J. MacNEIL,
  - a. Said arm was twisted behind back and he heard someone say, 'Dig man dig'.
  - b. Admitted drinking an unspecified amount of alcohol and using various drugs at the time. He later stated that his only certain recollection is that Ebsary stabbed Seale.
2. EBSARY,
  - a. Said MacNeil was grabbed around the neck and he was confronted by Seale who demanded everything in his pockets.
  - b. Said he gave his assailant everything (unspecified) from his pockets before he took a swipe at him with the knife and he ran off.
  - c. No evidence was offered that anything belonging to Ebsary was found in Seale's clothes at the hospital.
  - d. No report of a robbery was made by Ebsary or MacNeil.
3. MARSHALL,
  - a. Testified that a robbery was NOT in progress.
  - b. Testified that statement to Wheaton and later testimony implying that a robbery was in progress were FALSE.

II. INVESTIGATION

**A. Was racial prejudice a factor in the conduct of the investigation?**

1. Direct,
  - a. No evidence was offered to the Commission that the Sydney Police investigation was affected by the fact that the victim was a Black.
  - b. Testimony that the Sydney police and/or MacIntyre showed prejudice toward Indians was given by the following:
    - GUSHUE - Oct. 7, Indians got a harder time from police.
    - FLOYD - Oct. 26, hassled by police in park.
    - COTIE - Oct. 26, more Indians picked up by police for drinking than others. Hassled in the park.
    - CSERNYIK - Oct. 26, hassled while walking with Indians, parents told.
    - SOLTESZ - Oct. 27, Police told parents she hung out with Indians.
    - Mrs. CLEMENS - Oct. 27, believes MacIntyre trying to get something on Marshall.
    - GOULD - Oct. 29, received and forwarded complaints about police received from Indian youth on Reserve.
    - FRANCIS - Nov. 2, racist language and attitude.
    - CHRISTMAS - NOV. 3, he and others picked up and held at station for extended period re graveyard vandalism.
  - c. Police witnesses, A. MacDONALD, R. WALSH, H. DEAN, M.B. MacDONALD, MULLOWNEY, MacINTYRE and URQUART testified that they were not aware of any different treatment of Indians.
2. Opinion: a. KHATTAR, Nov. 9, 'suspicion Marshall being Indian had something to do with it'. (conviction)

**II. INVESTIGATION (cont)**

**B. When was Marshall identified as the subject?**

1. Notes of M. WOOD - Sept. 22, show conversations with MacIntyre and E. MacNEIL on May 29, '71 and with E. MacNEIL and W. YOUNG on May 30, '71 saying Marshall responsible.
2. RCMP Telex dated May 30, '71 gave Marshall as suspect.
3. No attempt to locate 'two men' after MacIntyre took control of case on morning of May 29.
4. E. MacNEIL, Oct. 7, and W. YOUNG, Oct. 9, had no recollection of conversation with Wood.
5. MacINTYRE said Marshall was not the subject until Wed. night June 3, when he visualized the crime in the park.
6. No warning given by MacIntyre and no 'pressure' on Marshall to tell other story at May 30, statement taking support that MacIntyre may still have been open.

**C. Were pressure or threats used by MacIntyre to obtain statements?**

1. The following claimed pressure or threats used:
  - a. MacKAY, Sept. 14, - 16 years old, 4 hours at station, not accompanied by adult, 'intimidated and fearful'.
  - b. CHANT, Sept. 15, age 14, not accompanied, 'fear of police, being on probation', in Louisbourg - MacIntyre 'standing over me, moving up and down length of table, voice loud, persistent and forceful'.
  - c. PRATICO, Sept. 23, MacIntyre - 'kind of roughish talking', didn't know what was expected of me by police and that made me frightened. Threaten with jail by MacIntyre if he didn't tell what happened.
  - d. GUSHUE, Oct. 7, generally afraid of police because they were asking hard questions and he had been drinking.
  - e. HARRISS, Oct. 7, length of time, Mother out of room, banging on table, refusal to accept statement, threat of perjury if she changed.
  - f. Mrs. HARRISS, Oct 8, refusal to accept P. Harriss' statement, P. Harriss crying, eyes swollen.
  - g. FLOYD, Oct. 26, MacIntyre insisted she had been in park and was seen by other witnesses, no statement taken.
  - h. Mrs. CLEMENS, MacIntyre threatened her daughter Joan with juvenile court in liquor charge against Marshall.
  - i. CHRISTMAS, Nov. 3, picked up and held by MacIntyre for extended period without charges, graveyard incident.
2. The following gave statements or were contacted by police and said no pressure was exerted upon them:
  - a. SANDY & GEORGE MacNEIL, Sept. 23.
  - b. POIRIER, Oct. 6, no recall of pressure to change or alter.
3. MacINTYRE, Dec. 7, and URQUHART, Mar. 7, denied using pressure or threats at any time to elicit a statement.
4. M.B. MacDONALD Sept. 21, had no recollection of threats ever used or pressure exerted.

**II. INVESTIGATION (cont)**

**D. Did failure to admit robbery effect course of Investigation?**

1. Question is moot if conclusion is that attempted robbery was not in progress.
2. While many witnesses gave their opinion that the investigation would have been different if Marshall had admitted attempted robbery, neither MacIntyre or Urquhart suggested that they would have done other than they did.
3. Statements of J. MacNeil and Ebsary in November '71, which suggested the robbery theory did not affect MacIntyre's belief in Marshall's guilt or cause him to reevaluate his investigation.

**E. Was failure to seek the 'two men' negligent or deliberate on the part of MacIntyre and Sydney police?**

1. Some attempt to locate 'two men' was made on the night of the stabbing, (A. MacDonald and Walsh)
2. No attempt to locate noted after MacIntyre took over case on morning of May 29 or thereafter.
3. MacINTYRE, Dec. 8, no recollection if he attached any importance to description of two men provided by George and Sandy MacNeil which resembled Marshall's description.

**F. Who was present at Louisbourg statement of Chant and how long?**

1. CHANT, Sept. 15, said He, MacIntyre, another policeman, Magee, Burke and mother present. Mother asked to leave and did.
2. Mrs. CHANT, OCT. 28, said She, Chant, Magee, MacIntyre, other policeman. Asked to leave by MacIntyre, did.
3. BURKE, Oct. 28, said not present would remember if he were. Was at courthouse, was asked to attend but did not after getting advice of Judge Edwards.
4. MAGEE, Oct. 28, said Chant, Mrs. Chant, He, MacIntyre, Urquhart and Burke all present throughout.
5. MacINTYRE, said He, Urquhart, Magee, Burke, Chant, and Mrs. Chant (denied asking her to leave), all present.
6. URQUHART, Mar. 7, clear recollection that He, Chant, Mrs. Chant, MacIntyre, Magee and Burke all present throughout.
7. WHEATON, Jan. 25 formed opinion Magee not present based on his recollection that Mrs. Chant could not recall Magee was there.
8. CARROLL, Feb. 1, believes Magee mistaken when he says he was there, said Mrs. Chant told him she was not there in the room.

**G. Was Robert Patterson interviewed?**

1. PATTERSON, Mar. 14, said picked up at home, taken to detective office, questioned by MacIntyre and Urquhart, refused to sign statement presented by Urquhart, physically abused, released.
2. MARSHALL, June 28, said he talked with Patterson in jail and was told police questioned him.
3. MacINTYRE, Dec. 8, Patterson looked for never located, not interviewed, never spoke to him.
4. URQUHART, Mar. 7, Known from previous arrests, don't recall locating, best of my knowledge positive I didn't interview, denies other allegations of Patterson.



**II. INVESTIGATION (cont)**

**H. Was Urquhart present at Harriss #2 and Gushue statements?**

1. URQUHART Mar. 7, 'always' signed name to bottom of statement if he was a witness. 'I don't believe I was there'. No explanation why signature appeared on typed version.
2. URQUHART Affidavit, '1:20 am I took second written statement from Patricia Harriss in the presence of J.F. MacIntyre.
3. HARRISS, Oct. 8, Knew Urquhart because she was picked up by him one time, 'certain' MacIntyre was other policeman who questioned her.
4. Mrs. HARRISS Oct. 8, said she knew both MacIntyre and Urquhart, said Urquhart sitting writing, MacIntyre standing, left room at request of MacIntyre.
5. GUSHUE Oct 7, said both MacIntyre and Urquhart present at his statement (taken between 1st and 2nd. Harriss statements.)
6. MacIntyre Dec. 9, no recollection anyone tearing up Harriss statements (Harriss and Mrs. Harriss), Asking Mrs. Harriss to leave interview room.
7. MacIntyre Dec. 9, no recollection of assertion in Urquhart affidavit that he (Urquhart) took second Harriss.
8. MacIntyre Dec. 9, said Urquhart was with him for Gushue statement, taken immediately before 2nd Harriss, Urquhart name not on Gushue written statement or Harriss #2 but appears on typed version of both.
9. O'Handley, Nov. 17, did typing at request of detectives.
10. URQUHART, Mar. 9, Right hand man of MacIntyre in Marshall investigation.

**I. Did Harriss and O'Reilly communicate?**

1. MARY (O'REILLY) CSERNYIK, Oct. 26, says did not discuss case with Harriss, Confirmed her signature on statement given to police in June but denies that she told police she had conversation described in statement or discussed case with Harriss.
2. KATHERINE (O'REILLY) SOLTESZ, Oct. 27, said did not discuss Marshall or stabbing with Harriss.
3. HARRISS, Oct. 7, said did not discuss case with Mary O'Reilly.
4. Harriss, Oct. 8, No recollection of discussion with Mary or Margaret O'Reilly about telling 'story of grey haired man'.
5. MacINTYRE, Dec. 9, no recollection about his hand written note concerning O'Reilly twins, denied that O'Reillys did not say things written in their statements. But, said he did not believe 1st Harriss statement because he had information that O'Reilly girl would say Harriss got description of the two men from Marshall.

**J. Did Pratico/Butterworth conversation occur?**

1. BUTTERWORTH, Sept. 23, said with Woodburn when Pratico told, but, no report made to detectives.
2. PRATICO, Sept. 24, recalls talking to Butterworth.
3. WOODBURN, Oct. 28, said not present at any such conversation.
4. MacINTYRE, Dec. 8, no recollection.

**II. INVESTIGATION (cont)**

**K. Was MacIntyre asked to come out on May 28/29, '71.**

**Did Chief MacLeod threaten to discipline MacIntyre?**

1. MacINTYRE, DEC. 7, said called by M.B. MacDonald and gave instructions to call back if any trouble, did not speak with Chief, Deputy or Sgt. MacGillvary.
2. M.B. MacDONALD Sept. 22,:
  - a. said MacGillvary called MacIntyre and MacIntyre did not come out.
  - b. said MacGillvary called Chief MacLeod.
  - c. said he visited Chief MacLeod later at his home to brief, but can't recall talking about MacIntyre not coming out.
3. MacASKILL, Oct. 9, deputy Chief of Police:
  - a. said first knowledge of allegation MacIntyre refused to come out and Chief threatened discipline came from a conversation with MacIntyre in 1982.
4. WHEATON, Jan. 20,:
  - a. said told by M.B. MacDonald that MacIntyre was under pressure from MacLeod and threatened to fire.
  - b. said not in report because told in confidence by MacDonald but reported orally to Scott and Edwards.
  - c. No indication in my notes that Scott or Edwards were asked about this matter.
5. URQUHART, Mar. 7,:
  - a. Never told by MacLeod or MacDonald that MacIntyre refused to come out.
  - b. Never heard that Chief mad enough to fire MacIntyre.
6. WHALLEY, Mar. 24,:
  - a. Never heard MacLeod say he would fire MacIntyre.
  - b. 'undoubtedly' would have discussed with Whalley if contemplated.

**L. How did Pratico come to attention of Sydney Police?**

1. PRATICO, Sept. 23, didn't know why police came for him.
2. POIRIER, Oct. 6, said he did not give Pratico name to police.
3. MacINTYRE, Dec. 8, no recollection why Pratico sent for.
4. Pratico known to Police, e.g. WALSH, Sept. 19, & DEAN, SEPT 21.
5. MARSHALL, Jun. 28, said Pratico had some connection with Mickey Flynn who was in Police lineup morning of May 30.
6. PRATICO, Sept. 24, hung out with Indians at the park. Picked up by police for drinking a number of times.

**M. Was Marshall told knife found?**

1. MARSHALL, Jun. 28, said told by Francis about knife.
2. FRANCIS, Nov. 2,:
  - a. believes Gould told him that knife found on top of drug store about a year after conviction.
  - b. talked with some one at PD who said knife found.
  - c. notified Marshall by letter.
  - d. received angry denial letter from Marshall in return.
3. GOULD, Oct. 29, no recollection of telling Francis knife found.

**II. INVESTIGATION (cont)**

**N. Could Ebsary have been found?**

1. Opinion, e.g. CARROLL, WHEATON & SCOTT, yes.
2. No problem to locate in November '71 after J. MacNeil.
3. No attempt made in May/June so, moot.

**III. TRIAL PREPARATION**

**A. Were 1st statements of Pratico, Chant and Harriss given to Crown by MacIntyre?**

1. MacINTYRE, Dec. 8, :
  - a. no recollection if he took entire file or just last statements of Chant & Pratico when he went to MacNeil.
  - b. no recollection if one or many conversations with MacNeil.
  - c. no recollection if he discussed differences between first and second statements with MacNeil.
  - d. "I kept nothing away from the Prosecutor."
2. MacINTYRE, Dec. 9, gave complete file to MacNeil.
3. MATHESON, Nov. 9, said he believed it was possible that Chant and Pratico might change their stories again. (said in response to question of whether perjury might be discussed with a witness)
4. MATHESON, Nov. 10, said knew 1st Harriss contained description consistent with that given by Marshall.

**B. Were 1st. statements of Pratico, Chant, Harriss disclosed by Crown?**

1. KHATTAR, Nov. 5, said did not ask for or receive statements of crown witnesses.
2. MATHESON, Nov. 9, :
  - a. Policy was full disclosure if asked by defense.
  - b. His experience was that Khattar & Rosenbloom sought disclosure in cases they handled.
  - c. would be surprised to learn not done in Marshall case.

**C. Were defense aware of 1st statements Pratico/Chant/Harriss?**

1. WHEATON, Jan. 18, said Rosenbloom told him he did not know about 1st Chant/Pratico.

**D. What preparation/interviewing done by defense counsel?**

1. MARSHALL, Jun. 28, recalls two meetings with Rosenbloom and Khattar together prior to preliminary.
2. KHATTAR, Nov. 5, recalls one meeting after he was retained and before Rosenbloom retained, 'feels' he had many conversations with Marshall.
3. KHATTAR, Nov. 9, :
  - a. No independent investigation, may have talked with one friend of Marshall and one person on Crescent st.
  - b. Did not ask for list of witnesses or statements
  - c. Did not interview any crown witnesses.
  - d. Did not ask police about statements or investigation.
  - e. Rosenbloom handled preparation of Marshall for trial.

**III. TRIAL PREPARATION**

**E. What were disclosure practices in Sydney in 1971?**

1. KHATTAR, Nov. 5, Full disclosure not the practice, Defense did not approach Crown, waited until the preliminary.
2. MATHESON, Nov. 9, full disclosure if requested by defense, as per directive of AG office.
3. HOW, Mar. 22, disclosure 'unheard of' at that time.
4. WHALLEY, Mar. 24, D.C. MacNeil would show what he had if lawyer went and asked, also gave copies if asked.
5. FACE, Jun. 1, Believed in obligation of Crown to disclose when requested.
6. GALE, June 8, crown exercised discretion, disclosure varied depending on relationship between Crown and defense.
7. MOLLON, Nov. 17, crown provided all information requested including witness statements, Defense advised if new information received.
8. INNIS MacLEOD, Jan. 13, not aware of any policy of the AG's department with respect to disclosure to defense.
9. COLES, Jun. 9, does not know if there was an obligation to disclose in '71

**F. Did absence of knowledge re robbery affect defense?**

1. Moot if conclusion no robbery attempted.
2. KHATTAR, Nov. 5, doubted Marshall's story, did no independent investigation or interview with alleged eye witnesses, said defense strategy was to break stories on cross examination.
3. VENIOT, Jan. 12, talked with Rosenbloom during appeal and had 'very clear impression Rosenbloom believed Marshall guilty'.
4. No opinion offered by Khattar as to what defense could have done differently given need to discredit 'eye witnesses'.

**G. Did MacNeil use threats or other means to compel testimony?**

1. CHANT, Sept 16, uncertain whether MacNeil, MacIntyre or some other person threatened perjury if he changed story.
2. PRATICO, Sept. 24, said Prosecutor MacNeil 'did not frighten him but helped him to get his story right.
3. HARRISS, Oct. 8, no recollection of conversation with Crown.

**H. When were Chant/Pratico taken to park and by whom?**

1. CHANT, Sept. 15, remembers being taken to park and assisted by police and plain clothes people to clarify his statement, recalls seeing Pratico in park.
2. PRATICO, Sept 24, sometime between statement and preliminary being in the park with MacIntyre and MacNeil going around pointing out where bushes, where body, where Marshall.
3. MacINTYRE, Dec. 8, no recollection of taking Pratico/Chant to the park, 'must have but can't recall'.
4. MATHESON, Nov 9, visited park twice to check story of witnesses, no recollection of being involved in visit with Chant/Pratico, MacIntyre or MacNeil.

#### IV. TRIAL

##### A. Did Judge Dubinsky err re hearsay and in instructing jury?

###### A. ARCHIBALD, Nov. 18,:

1. Rulings about admissibility of hearsay evidence and limitations on cross examination of key witnesses, wrong.
2. Judge did not direct the jury properly about some evidence harmful to the defense which was admitted.

#### V. APPEAL

##### A. Should errors of trial judge been apparent to Appeal court?

1. ARCHIBALD, Nov 18, errors at trial substantial enough that they should have been apparent to Appeal court even though not raised by either defense or crown.

#### VI. '71 REINVESTIGATION

##### A. What was the mandate of Insp. Marshall?

1. MacINTYRE, Dec 9,
  - a. asked for another police force to investigate the allegation of J. MacNeil against Ebsary.
  - b. gave entire file to Insp. Marshall.
  - c. may have told Marshall that j. MacNeil story 'cock and bull'.
  - d. did not see Insp. Marshall's report, did not request it from Halifax, can't recall if interested in what happened.
2. MATHESON, Nov. 16,
  - a. called Anderson at home at night to request investigation.
  - b. expected RCMP investigation to go beyond MacNeil and Ebsary.
  - c. aware of polygraph results, not Insp. Marshall's report.
3. ANDERSON, Feb. 3,
  - a. recalls receiving call believed from D.C. MacNeil that someone confessed after someone else convicted.
  - b. next recollection, word from Sydney that J. MacNeil unstable and not telling truth.
4. Insp. MARSHALL, Nov. 18,
  - a. mandate to determine if any substance to MacNeil's statement.
  - b. No complaint ever made about adequacy of his job or the report he submitted.
4. SMITH, Jan. 11,
  - a. request for polygraph was unusual because post charge.
  - b. role just to do polygraph examination on MacNeil and Ebsary, suggested also do Marshall, told he wouldn't.
5. WARDROP, Jan 11,
  - a. received word from AG's department that 'MacNeil fingering Ebsary'.
  - b. told Marshall 'take all the time you need & look into it.
  - c. left details to Marshall because competent officer.

**VI. '71 REINVESTIGATION (cont)**

**B. Was fact of '71 reinvestigation common knowledge in AG's department?**

1. ANDERSON, Feb. 3,
  - a. No recollection but likely Marshall case subject of daily meetings because request for polygraph unusual.
  - b. No recollection but likely discussed with Deputy AG and/or AG if they were there.
2. VENIOT, Jan 12,
  - a. Did not know of Insp. Marshall report.
  - b. Believes he would have been made aware if AG department had the report.
  - c. May have discussed Marshall case with other lawyers in preparing factum for Appeal.
3. FACE, Jun. 1,
  - a. Absolutely no recollection of Marshall case or any of the investigations of it.
  - b. But, 'as a fact I know it was not brought to my attention' (J. MacNeil naming Ebsary).
  - c. D.C. MacNeil did not call me after polygraph examinations, 'I am saying it didn't happen'.
  - d. Calling in RCMP to assist did not require my attention, Anderson would handle.
4. GALE, Jun. 7, No briefing by Anderson, not aware of J. MacNeil's allegation, request for reinvestigation or Marshall case at all.
5. COLES, Jun. 9, No recall of Marshall case prior to 1982.
6. WARDROP, Jan. 11,
  - a. Best recollection he carried Insp. Marshall's report to AG's department at one regular weekly meeting.
  - b. No recall but 'very unusual if I didn't' discuss Marshall case and reinvestigation at weekly meeting.
7. MacLEOD, Jan 13,
  - a. No recollection but information about MacNeil accusing Ebsary should have been the type to be reported to him and by him to the Attorney General
  - b. Almost sure it was not talked about at morning coffee meetings.
  - c. "No recollection at all of that period of time."

**C. Was Rosenbloom aware of J. MacNeil's accusation and reinvestigation?**

1. KHATTAR, Nov. 9, no knowledge polygraph or investigation.
2. MATHESON, Nov. 10, not aware information on MacNeil/Ebsary never received by defense counsel.
3. VENIOT, Jan. 12, no knowledge.
4. ANDERSON, Feb. 3, no recollection, but unlikely defense would have been advised by his office because assumed that MacNeil would previously have passed on the information.

**D. Was Crown obliged to disclose fresh evidence, i.e. MacNeil.**

1. ALL, witnesses questioned on this replied that the information should have been disclosed, except:
2. COLES, Jun. 9, 'don't know if there was a duty to disclose then'.

**VII. '82 REINVESTIGATION**

**A. Did MacIntyre attempt to hide a document from Wheaton?**

1. MacINTYRE, Dec. 9, denied that he ever slipped anything on the floor behind my desk as described by Herb Davies.
2. MacINTYRE, Dec. 10, 'I didn't hide anything from anybody'.
3. DAVIES, Jan. 28, while at MacIntyre's office with Wheaton observed MacIntyre slip document on floor, informed Wheaton who then confronted MacIntyre and received it.
4. WHEATON, Jan 19, said Davies told him MacIntyre slipped document, he confronted MacIntyre and got it.
5. CARROLL, Feb. 2, knew about incident, not sure now what document or when.
6. SCOTT, Feb. 3, recalls Wheaton relating incident of document on floor and showing Harriss statement, can't recall date.
7. EDWARDS, May 19, definite and notes reflect Wheaton told of his visit with Davies to MacIntyre's office and document on floor.
8. WHEATON, Jan. 19, Incident considered serious but not contained in any written report because told Edwards and Scott orally and believed they had passed up the line to superiors.

**B. What was the document? (if any).**

1. MacINTYRE, Dec. 9, denied the incident took place.
2. WHEATON, Jan 19, said Harriss 1st statement partially completed not signed hand written by Urquhart.
3. DAVIES, Jan 28, recalls Wheaton mentioning name Harriss.
4. CARROLL, Feb. 2, not sure what document, saw Harriss about that time.
5. SCOTT, Feb. 3, recalls Wheaton relating incident of document and showing Harriss statement.
6. EDWARDS, May 19, certain and notes reflect document related to Tom Christmas.

**C. When did the incident take place? (if it did).**

1. EDWARDS, May 19, notes compiled on April 19, say that Wheaton related the incident to him as happening on April 16th.
2. WHEATON, Jan. 19, notes show April 16, Wheaton believes should be April 26, because certain it happened after letter to MacIntyre from How to turn over documents. (April 20.)
3. DAVIES, Jan. 28, refreshed recollection by reading transcript and talking with Wheaton believes April 26 because of date on inventory of documents given by MacIntyre and recall being shown letter from How.
4. WHEATON interview with Greg and Mary Ebsary dated April 17(?) says he showed them their '71 statements, which were not known to Wheaton until he received complete file from MacIntyre which he says was April 26.
5. EDWARDS, May 19, recalls Wheaton arriving at his office on Apr. 19 with Harriss statement and '71 Ebsary statements.

**VIII. REFERENCE**

**A. What information was before the court?**

1. I can not from my notes make a clear statement of precisely what was before the court because:
  - a. I don't know if before the court includes all information available to them or only testimony and argument.
  - b. If before court means written information I don't know from testimony what if any of the written information was actually seen or read by any or all of the panel.
  - c. My summaries of Edwards and Aronson did not have information on that point because I deemed it part of the written record before the Commission and didn't detail which of the witnesses and affidavits were presented.

**B. Why did Crown urge exoneration of the system?**

1. EDWARDS, May 25, believed that judges would not acquit unless they could blame Marshall and exonerate the system.
2. Fear that court would order a new trial if he pressed for acquittal on basis of miscarriage of justice.
3. COLES, Jun. 20, not considered a factor in compensation at the time.
4. COLES, Jun 20, there was no fault in the system, miscarriage was caused by witnesses lying.

**IX. OTHER**

**A. Was defense told Pratico was not at the scene?**

1. FLOYD, Oct. 26, said she called Rosenbloom's office and told an unidentified male this information shortly after trial.
2. COTIE, Oct. 26, said she was present and heard Floyd making the call.
3. KHATTAR, Nov. 5, no knowledge of alleged call, he was not retained beyond trial.

**B. Were Sydney Police aware of Pratico's mental problem?**

1. Mrs. PRATICO, Sept. 25, said policeman in plain car drove Pratico to N.S. Hospital summer of 71.
2. PRATICO, Sept. 25, believes M.B. MacDonald drove him with mother and sister to N. S. Hospital.
3. MacDONALD, Sept. 21, not asked about this issue.
4. URQUHART, Feb. 9, No recollection of driving Pratico to N.S. Hospital after trial but no doubt about hospital record which shows he did.
5. MacINTYRE, Dec. 10, no recollection of Pratico going to N.S. hospital.
6. MATHESON, Nov. 9, aware that Pratico was taken to N.S. Hospital thought because of anxiety about alleged threats.



JUL 08 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  
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, Q.C.  
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.  
DAVID R. HUBLEY, Q.C.  
GERALD J. MCCONNELL, Q.C.  
RONALD A. PINK  
LOGAN E. BARNHILL  
JOEL E. FICHAUD  
J. MARK MCCREA  
D. SUZAN FRAZER  
BRUCE A. MARCHAND  
RODNEY F. BURGAR  
JANICE A. STAIRS  
DENNIS J. JAMES

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

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

July 7, 1988

BY HAND

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

Dear George:

Marshall Inquiry  
Our File No. 9201/1

Thank you for your letter dated June 30th. Darrel or I will be back to you by Friday, July 15th regarding the proposed agreed Statement of Facts and booklet of documents relating to the Roland Thornhill case.

Your very truly,



Jamie W.S. Saunders

JWSS/cs

**PATTERSON & KITZ**  
BARRISTERS & SOLICITORS

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

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

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

BY HAND

July 5, 1988

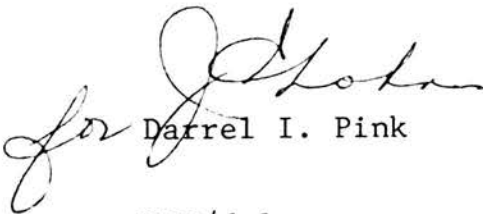
Mr. W. Wylie Spicer  
McInnes, Cooper & Robertson  
Barristers & Solicitors  
1673 Bedford Row  
Halifax, Nova Scotia

Dear Mr. Spicer:

Marshall Inquiry  
Our File No. 9201/1

This will confirm that a meeting with Attorney General Donahoe has been scheduled for Wednesday, July 6th at his office at 11:15 a.m. I believe an hour should be sufficient for this meeting.

Yours truly,

  
Darrel I. Pink

DIP/dal

cc: The Honourable Terence R. Donahoe, Q.C.  
Mr. D. William MacDonald  
Mr. R. Gerald Conrad, Q.C.

JUL 08 1988

# COX, DOWNIE & GOODFELLOW

BARRISTERS AND SOLICITORS

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

A. WILLIAM COX, Q.C.  
W. R. E. GOODFELLOW, Q.C.  
ROBERT G. MACKEIGAN, Q.C.  
JOHN ARNOLD  
DANIEL F. GALLIVAN  
THOMAS P. DONOVAN  
ANTHONY L. CHAPMAN  
J. CRAIG MCCREA  
JAMIE S. CAMPBELL  
LORRAINE P. LAFFERTY  
A. JAMES MUSGRAVE  
JOCELYN M. CAMPBELL  
BRIAN A. TABOR

RONALD J. DOWNIE, Q.C.  
DAVID McD MANN, Q.C.  
MICHAEL S. RYAN, Q.C.  
GREGORY I. NORTH  
PETER W. GURNHAM  
FREDERICK P. CROOKS  
PAUL C. MARTIN  
LESLIE J. DELLAPINNA  
ROBERT W. CARMICHAEL  
JAN MCK. SILLIKER  
LES D. DOLL  
JONATHAN R. GALE

GEORGE M. MITCHELL, Q.C.  
JOHN M. BARKER, Q.C.  
DANIEL M. CAMPBELL  
DOUGLAS C. CAMPBELL  
WARREN K. ZIMMER  
TERRY L. ROANE  
MICHAEL E. DUNPHY  
BRIAN W. DOWNIE  
ALAN J. DICKSON  
D. KEVIN LATIMER  
K. MICHAEL TWEL  
RONALD E. PIZZO

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

July 5, 1988

Mr. George W. MacDonald, Q.C.  
McInnes, Cooper & Robertson  
Barristers & Solicitors  
Cornwallis Place  
1601 Lower Water Street  
HALIFAX, N.S.

Dear George:

**RE: MacKeigan et al. v. Hickman et al.**

I enclose herewith top copy and one additional copy of draft Order. Copies of this letter and of the draft Order are going to Mr. Jamie Saunders and to Ms. Anne Derrick. I was not sure which counsel (on behalf of the Commission and Mr. Marshall) would be consenting to the Order; therefore, I have left space for the proper name to be typed on in these two cases.

I would invite all counsel to consider the form and let me know if you think it should be changed in any particular. If George hears nothing further from me, say within a week, this will mean that all are happy with the draft. I would ask him to then sign his consent to the top copy and send it on to Jamie who could then do the same and send it on to Anne for eventual return to me.

Yours very truly,

  
R. J. Downie

RJD:cmg  
Enclosures  
cc. Mr. Jamie W. S. Saunders  
Ms. Anne Derrick

IN THE SUPREME COURT OF NOVA SCOTIA

TRIAL DIVISION

**BETWEEN:**

Ian M. MacKeigan, Gordon L.S. Hart,  
Malachi C. Jones, Angus L. MacDonald  
and Leonard L. Pace

**PLAINTIFFS**

- and -

T. Alexander Hickman, Lawrence A.  
Poitras and Gregory Thomas Evans

**DEFENDANTS**

- and -

The Attorney General of Nova Scotia

**INTERVENOR**

- and -

Donald Marshall Jr.

**INTERVENOR**

ORDER

**BEFORE:** Constance R. Glube, C.J.T.D.

WHEREAS by Originating Notice (Application Inter  
Partes) dated and issued January 25, 1988, the Plaintiffs  
applied to this Honourable Court for relief with respect  
to certain Orders of the Defendants dated January 13,

1988, (the "Orders to Attend") which Orders required the Plaintiffs to attend before the Defendants for the purpose of giving evidence relating to the performance of their judicial duties;

**AND WHEREAS** evidence was adduced in support of the Application by way of the affidavit of R.J. Downie, Q.C., sworn and filed with this Honourable Court on January 25, 1988, with evidence being adduced on behalf of the Defendants by way of the affidavit of David B. Orsborn sworn and filed on April 21, 1988;

**AND WHEREAS** written Memoranda of Argument were filed with the Court on behalf of each of the Parties;

**AND WHEREAS** the Application came on for hearing on May 24 and 25, 1988 with oral argument being heard from counsel for each of the Parties;

**AND WHEREAS** at the conclusion of oral argument, her Ladyship was pleased to reserve her Decision;

**AND WHEREAS** her Ladyship did subsequently file a written Decision dated June 22, 1988 (the "Decision") wherein she found that the Plaintiffs are entitled to total judicial immunity and that they are neither competent nor compellable to testify on matters which came before them in their judicial capacity, specifically the Reference 1982/83. She further found that the Orders to Attend were ultra vires and beyond the authority of the Commission

and the Commissioners (the Defendants);

NOW UPON MOTION of R. J. Downie, Q.C., counsel to the Plaintiffs with counsel to the Defendants, counsel to the Intervenor the Attorney General of Nova Scotia, and counsel to the Intervenor Donald Marshall, Jr. consenting hereto as to form;

IT IS ORDERED, ADJUDGED AND DECLARED that:

1. The Plaintiffs are neither competent nor compellable to appear before the Defendants to testify concerning matters which had come before them in their capacity as Judges of the Appeal Division of the Supreme Court of Nova Scotia and specifically, matters which came before them respecting the Section 617(b) Criminal Code Reference relating to Donald Marshall, Jr. all for the reasons and to the extent set forth in the Decision.
2. The Orders to Appear are ultra vires the Defendants and unenforceable, and they are hereby quashed and set aside.

DATED this                      day of July, 1988.

---

PROTHONOTARY

CONSENTED TO AS TO FORM:

---

Solicitor for the Defendants

---

Jamie W.S. Saunders  
Solicitor for the Intervenor, the  
Attorney General of Nova Scotia

---

Solicitor for the Intervenor,  
Donald Marshall, Jr.

1988

S.H. No. 63241

**IN THE SUPREME COURT OF NOVA SCOTIA  
TRIAL DIVISION**

**BETWEEN :**

Ian M. MacKeigan, Gordon L.S. Hart,  
Malachi C. Jones, Angus L. Macdonald  
and Leonard L. Pace

**PLAINTIFFS**

- and -

T. Alexander Hickman, Lawrence A.  
Poitras and Gregory Thomas Evans

**DEPENDANTS**

- and -

The Attorney General of Nova Scotia

**INTERVENOR**

- and -

Donald Marshall Jr.

**INTERVENOR**

**ORDER**

-----  
Cox, Downie & Goodfellow  
Suite 1100, Purdy's Wharf  
1959 Upper Water Street



Ruby & Edwardh  
barristers

JUL 08 1988

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

July 4, 1988

George MacDonald  
McInnes, Cooper & Robertson  
1602 Lower Water Street  
P.O. Box 730  
Halifax, Nova Scotia  
B3J 2V1

FAX (902) 425-6386  
FAX (902) 425-6350

Dear Mr. MacDonald:


Re: MacKeigan et al v. Hickman et al.

I agree with your proposal for a per saltum appeal to the Supreme Court of Canada.

It is also the intention of Donald Marshall, Jr. to appeal that judgment, and would seem that that application for leave to appeal should be heard at the same time as your own.

Accordingly, my consent will be conditioned upon obtaining the consent of all the other parties to Mr. Marshall's per saltum appeal which I hope will be forthcoming.

Yours very truly,

  
Clayton C. Ruby

/ms

cc Ronald J. Downie, Esq.  
COX, Downie & Goodfellow  
Barristers  
P.O. Box 2380  
Station M  
Halifax, Nova Scotia  
B3J 3E5

FAX (902) 421-3130

Clayton Ruby, B.A., LL.B., LL.M.  
Michael Code, B.A., LL.B.

Melvyn Green, B.A., LL.B.

Marlys Edwardh, B.A., LL.B., LL.M.  
Marcia Matsui, LL.B.

Ruby & Edwardh

cc Jamie W.S. Saunders, Esq.  
Patterson, Kitz  
Bank of Montreal Tower  
Suite 1600  
5151 George St.  
P.O. Box 247  
Halifax, Nova Scotia  
B3J 2N9  
Truro, Nova Scotia  
B2N 5V9

FAX (902) 429-5215

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

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

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

July 5, 1988

BY HAND

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

Dear Mr. Briggs:

Marshall Inquiry  
Our File No. 9201/1

Further to yours of June 21st, I believe I am now in a position to deal with most of the outstanding matters required for completion of our input into Dr. Stenning's report. I shall adopt the numbering from your June 21st letter.

1. Details of statistics of public complaints and internal disciplinary matters - I am advised that the practice of the Police Commission has been to consolidate the forms provided by the municipal police force for inclusion in annual reports. The forms are then destroyed. The specific requested information is not available for past years.
2. See number 5 below.
3. I do not have this document, but have made a request for it. I shall advise upon receipt.

2 . . .

Mr. John E.S. Briggs  
Page 2  
July 5, 1988

4. It is my belief that there are no written policies from the Attorney General concerning policing by the R.C.M.P. in Nova Scotia other than those which are contained in documents already provided, namely, the directive on the investigation of serious criminal offences, various memoranda to the R.C.M.P. and municipal police forces contained in the advice to prosecutors binder, the contract between the province and the R.C.M.P. and the R.C.M.P.'s operational manual as it reflects oral instructions/directives/requests from the Attorney General's department.
  
5. (1) Department of the Solicitor General

The reference in the 1988-89 estimates to "other policing services" is to provide aircraft surveillance to expedite the response to provincial emergency measures organization requests and to provide fast response time in searching for lost persons. Monies are also used to supply various forms to police agencies throughout the province.

When the 4.2 funded staff were allocated to this item in the Attorney General's department, it included the senior legal counsel and other support staff who, along with their other duties, had partial responsibility for policing within the province. This responsibility is now part of the Solicitor General's department. The solicitor for the department and other support staff will now carry out these duties.

The breakdown of the 8.8 staff positions and the budget under "Office of the Minister and Deputy Minister" is as follows:

3 . . .

Salaries, Wages, Benefits and Travel	\$ 426,000
Supplies	32,500
Consultants, committees and task force fees and expenses	25,000
Other	<u>51,800</u>
	<u>\$ 535,300</u>

The 8.8 positions are:

Deputy Minister  
Executive Secretary II  
Auditor  
Solicitor  
Executive Secretary I  
Deputy Inspector  
Executive Assistant  
Secretary II  
Casual Assistant

The breakdown of budget and staff for the  
police commission are as follows:

(a) Administration	\$ 221,000
Staff, Director of Police Research, Secretary III	
Director of Personnel Development	
(b) Police Review Board	112,000
Staff One Professional-new position One clerical-new position	

Mr. John E.S. Briggs  
Page 4  
July 5, 1988

Along with the additional two staff positions, the Commission will reallocate duties of current staff to assist with the additional workload created by the establishment of the police review board. Members of the police review board will be paid from this budget on a per-diem basis.

(c) Security services 89,700

Staff  
Director-Inspector of  
Security Services  
Secretary II

(d) Agreements 377,300

Atlantic Police Academy

(2) The Standard Police Training Plan

Documents are available for review by you at the office of the Solicitor General. Please advise when you wish to review them and I shall make the necessary arrangements. This responds to item #2 in your letter of June 21st.

5 . . .

Mr. John E.S. Briggs  
Page 5  
July 5, 1988

- (3) It is my belief that the province does not maintain information or statistics regarding complaints lodged against the R.C.M.P. while carrying out provincial policing functions. If I receive advice to the contrary, I shall advise.

Yours truly,



Darrel I. Pink

DIP/dal

cc: Mr. D. William MacDonald  
Ms. Nadine Cooper Mont

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, Q.C.  
NANCY J. BATEMAN  
R. MALCOLM MACLEOD  
ALAN C. MACLEAN  
DENNIS ASHWORTH  
WENDY J. JOHNSTON  
ROBERT K. DICKSON  
FERN M. GREENING

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

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

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

July 5, 1988

BY HAND

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

Dear George:

Our File No. 9201/1

Further to Tony Ross' request, for more information regarding the Nova Scotia Communications Project on Criminal Law, I now have better information regarding what that project produced.

Mr. Crane does not recall that a final report was produced. However, there is a document entitled "Recommendations" which takes the form a report. As well a critique of the project was prepared by Dr. Hans Bremar, a former staff member of the project. Copies of these are enclosed. I note editorially that many of the recommendations made by the project have, in fact, been implemented by the Department since 1979.

As well as these two documents and the one previously provided "Attitudes of Minorities to Criminal Justice Services in Nova Scotia", the following documents are available:



Mr. George MacDonald, Q.C.  
July 5, 1988  
Page 2

1. A Survey of Public and Professional Attitudes Relevant to Criminal Justice in Nova Scotia;
2. "What If?" - A Look at the Operation of the Legal System;
3. The Economics of Crime and Crime Control;
4. Provincial Temporary Absence Programs;
5. Seminars, Symposiums and the Support Group;
6. The Administration of Correctional Institutions in Nova Scotia: Problems and Options;
7. The Public Inebriate Population within the Correctional Institutions in Nova Scotia;
8. The Mentally Ill Offender in Nova Scotia.

I trust these will be of some assistance.

Yours truly,



Darrel I. Pink

DIP/jl  
Enc.

c.c. Mr. D. William MacDonald, Q.C.  
Ms. Nadine Cooper-Mont  
Mr. James Crane



JUL 06 1988

130 Albert St.  
Ottawa, Canada  
K1A 0L6

130, rue Albert  
Ottawa, Canada  
K1A 0L6

Your file    Votre référence

Our file    Notre référence

July 4th, 1988

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 John,

Herewith are receipts concerning travel expenses relative to my recent trip to Halifax on Marshall Commission business.

June 22 - taxi to Airport (Ottawa)	\$ 16.00	
- taxi to Hotel (Halifax)	29.00	
June 23 - taxi to Meeting (Halifax)	5.00	(Lost Receipt)
- taxi to Airport (Halifax)	24.00	
- taxi to Residence (Ottawa)	15.15	
Total	\$ 89.15	

I thoroughly enjoyed myself at the consultation and would be more than pleased to assist in any way I can at any others. I will endeavour to put my comments on paper concerning Bruce's paper sometime late this week.

I am enclosing a copy of our Draft Working Paper on Plea Discussions for your information. I would appreciate receiving copies of your other studies whenever you feel it appropriate to release them.

Yours sincerely,

Stanley A. Cohen  
Coordinator  
Criminal Procedure Project

Enclosure

Canada

John Briggs  
has material  
referred to.

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

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

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 019-228993

ALSO OFFICES AT  
TRURO, NOVA SCOTIA  
BEDFORD, NOVA SCOTIA

June 27, 1988

VIA COURIER

Mr. W. Wylie Spicer  
McInnes, Cooper & Robertson  
Barristers & Solicitors  
Cornwallis Place  
1601 Lower Water Street  
Halifax, Nova Scotia

Dear Wylie:

Marshall Inquiry  
Our File No. 9201/1

Thank you for your letter dated June 24th.

Our Notice of Appeal is restricted to questioning Cabinet Ministers on matters discussed at meetings of Executive Council. It is our contention that the Commission and/or Chief Justice Glube erred by interpreting its mandate so broadly as to include a revelation of matters considered by the Executive Council.

You should not interpret our Notice of Appeal as an objection by my client to the Commission's review of "other matters" at some later date if the Commission considers such an examination necessary.

What we have not yet agreed to is the manner in which such an examination will be conducted.

Once this phase of the Inquiry concludes we will have an opportunity to review with you our proposals.

Yours very truly,



Jamie W.S. Saunders  
JWSS/cs

**PATTERSON KITZ**  
BARRISTERS & SOLICITORS

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

10 CHURCH STREET  
P.O. BOX 1068  
TRURO NOVA SCOTIA  
B2N 5B9  
TELEPHONE (902) 895-1633  
FROM HALIFAX 429-7741

COPY

June 27, 1988

BY HAND

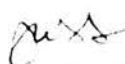
Mr. Justice Kenneth M. Matthews  
Supreme Court of Nova Scotia  
The Law Court  
1815 Upper Water Street  
Halifax, Nova Scotia

My Lord:

Her Majesty the Queen v.  
The Royal Commission into the  
Donald Marshall, Jr. Prosecution and  
Donald Marshall, Jr. - S.C.A. 01908  
Our File No. 9201/1

Thank you very much for your letter to counsel dated June  
24th.

Yours respectfully,

  
Jamie W.S. Saunders

JWSS/cs  
c.c. Mr. W. Wylie Spicer  
Ms. Anne S. Derrick

SUPREME COURT OF NOVA SCOTIA  
MR. JUSTICE MATTHEWS  
APPEAL DIVISION



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

June 24, 1988

Mr. Jamie W. S. Saunders,  
Patterson Kitz,  
P.O. Box 1068,  
Truro, Nova Scotia. B2N 5B9

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

Ms. Anne S. Derrick,  
Buchan, Derrick & Ring,  
Sovereign Building,  
205-5516 Spring Garden Road,  
Halifax, Nova Scotia. B3J 1G6

Dear Counsel:

RE: HER MAJESTY THE QUEEN v. THE ROYAL COMMISSION  
INTO THE DONALD MARSHALL, JR., PROSECUTION and  
DONALD MARSHALL, JR. - S.C.A. 01908

Further to the representations made to me in Chambers on June 23, 1988, in my opinion the issues placed before me at that time should be heard by the Panel on September 14, 1988, and not before a Chambers Judge or a Panel prior to that time.

Yours very truly,

A handwritten signature in cursive script, appearing to read 'K. M. Matthews'.

Kenneth M. Matthews,  
Justice

THE SUPREME COURT OF NOVA SCOTIA

APPEAL DIVISION

TO: Jamie W.S. Saunders, Esq. (Counsel for Appellant).  
Patterson Kitz  
P.O. Box 1068  
Truro, Nova Scotia B2N 5B9

AND: W. Wylie Spicer, Esq. (Counsel for Respondent)  
McInnes, Cooper & Robertson  
P.O. Box 730  
Halifax, Nova Scotia B3J 2V1

Ms. Anne S. Derrick  
Buchan, Derrick & Ring  
205-5516 Spring Garden Road  
Halifax, Nova Scotia B3J 1G6

RE: S.C.C. No. 01908 - Her Majesty The Queen v. The Royal Commission  
Into The Donald Marshall, Jr., Prosecution and  
Donald Marshall, Jr.

Please take notice that the above appeal will be heard  
by the Appeal Division at the Law Courts, Halifax, on:  
Wednesday - September 14, 1988 at 10 a.m. ALL DAY

Yours faithfully,

*A. Martin Smith*  
A. Martin Smith, Q.C.  
Registrar, Appeal Division

Notice Mailed: June 24, 1988

Note: Appellant's Factum to be filed by July 29, 1988

First Respondent's Factum to be filed by August 9, 1988

Second Respondent's Factum to be filed by August 16, 1988

JUL 04 1988

(902) 422-9120  
895-6385



# The Confederacy of Mainland Micmacs

## Member First Nations

Afton—Bear River—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

June 23, 1988

Our File No. 5015-47

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

Dear Mr. Briggs:

Re: Dr. Scott Clark's Report  
"The Mi'kmaq and Criminal  
Justice in Nova Scotia

In consultation with Chief John Knockwood of the Shubenacadie Band, we wish to take issue with several statements in the above mentioned document namely:

Page 29 Paragraph 2

"The Indian Affairs Department, recognizing the failure of its centralization policy, moved to divide the "Micmac Band of Nova Scotia" into separate bands so that the Micmacs could vote more easily on the disposal of reserve land and trust funds held by the Department.

The statement alluding to only one Micmac Band in Nova Scotia is not supportable by facts, as a matter of fact, just the opposite is well documented. We have taken the liberty of enclosing for your information a list of past Chief and Councillors for the separate Bands that inhabited Nova Scotia prior to 1958.

. . . /2

*In unity there is strength and in strength there is power, justice and equality for all.*

Mr. John E. S. Briggs  
June 23, 1988

- 2 -

Please note that the Chiefs and Councillors located at Eskasoni were recognized as the Band Council of the Cape Breton Band; while the Chief and Councillors located at Shubenacadie were considered the Council of the Mainland Band.

We also have on file numerous documents showing where such present day Band's as Afton, Bear River, Millbrook and Pictou Landing had separate Band Councils of their own, which can and will be produced should the need arise.

Page 37, Paragraph 3

This statement colors all the surrounding communities and their residents as being out and out racists, by stating erroneously that only one Indian has ever been employed in the town of Shubenacadie.

The true fact is that although the town of Shubenacadie has had and still has more than its fair share of bigots and racists there was and still is many, perhaps the majority, who do not practice racism.

Such individuals as my father, William G. Paul, and Clarence Sack, built many of the homes in the town. They were given contracts in preference to local non-Indian competitors.

Other individuals who were experts in their fields, such as Louis Sack, Joe Paul, Andrew Paul and many others, were hired over their local non-Indian competition.

I would venture to guess that the reason no Indians are now employed in the Town, if in fact this statement is true, is quite simply that there are very little, if any, employment opportunities available for even the local population.

The vast majority of the residents of the Communities commute to either the Halifax/Metro area or Truro for employment purposes.

These are the two main areas that we take exception to; however, there is one other observation that we wish to make, which is our Bands make up 38% of the Registered Indian population in Nova Scotia; yet we were not consulted in formulating the report, nor were we invited to participate in the workshop held on June 16, 1988.

. . . /3



Mr. John E. S. Briggs  
June 23, 1988

- 2 -

Should you have the need for further information,  
please advise.

Yours in Recognition  
of Treaty Rights,

A handwritten signature in black ink, appearing to read "D. N. Paul". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Daniel N. Paul  
Executive Director

c.c. E. Anthony Ross  
DNP/vm

AUG 14 1972

010852

P.A.  
D

Mr. Donald Julien,  
Research Worker,  
Lands & Treaties,  
Union of Nova Scotia Indians,  
P.O. Box 933,  
Truro, Nova Scotia.

Ottawa, Ontario. K1A 0H4  
August 9, 1972.

274/3-5;  
1/1-15; 1/24-2-42(PF 25)

Dear Mr. Julien:

5012-15

Names of Chiefs, Past and Present, of all Reserves in Nova Scotia

We are in receipt of your letter of July 5, requesting the names of the chiefs, past and present, of thirty-one reserves in Nova Scotia.

Our main sources of information in this office are the treaty paylists. These paylists show the name of the chief of a band upon receipt of treaty payment. Unfortunately, we do not have paylists for the Indians of Nova Scotia, since they did not receive treaty payments.

However, we are attaching a report on the chiefs of the bands which include the reserves that you listed.

You will note that, with the exception of Eskasoni and Shubenacadie Bands, our earliest record is 1958 and 1959, the year in which each of the bands held elections authorized by the Department,

In regard to Malagawatch Reserve, it is held jointly by Chapel Island, Eskasoni, Middle River, Sydney and Whycomomagh Bands.

We regret that we do not have a list of the chiefs of all of the reserves.

Yours sincerely,

Original Signed by  
P. F. O'DONNELL

E. P. Nigra,  
Program Financial and Management Adviser,  
Indian and Eskimo Affairs.  
SUMERS/

c.c. District Supervisor, Nova Scotia District

ACADIA BAND (Includes Gold River, Wild Cat, Medway River, Ponhook Lake, and Yarmouth Reserves)

Charles Labrador was elected chief on July 13, 1971, for an indefinite term.

This is the first election shown for the Acadia Band, which was constituted as a band on June 8, 1965.

AFTON BAND (Includes Franklin Manor, and Pomquet and Afton Reserves)

<u>Name of Chief</u>	<u>Term of Office</u>	<u>Effective Date</u>
Frank Simon	two years	June 25, 1959
Wilfred J. Prosper	"	July 20, 1961
" "	"	November 20, 1963
" "	"	November 25, 1965
Noel Lafford	"	November 27, 1967
Peter Perro	"	November 27, 1969
" "	"	November 27, 1971

May 29, 1959 - An Order by the Minister, declaring that on and after June 1, 1959, the chiefs and councillors of the Afton Band shall be selected by an election.

ANNAPOLIS VALLEY BAND (Includes Cambridge, Horton, and St. Croix Reserves)

<u>Name of Chief</u>	<u>Term of Office</u>	<u>Effective Date</u>
Michael Francis	two years	October 8, 1959
Charles Phillips	"	October 25, 1961
" "	"	November 26, 1963
John Abraham Smith	"	November 30, 1965
" " "	"	November 30, 1967
Marshall J. Smith	"	November 30, 1969
Mrs. Rita Maude Smith (remainder of term)		September 29, 1970
" " " " "		December 21, 1971

(The election of Marshall J. Smith, effective as of November 30, 1969, was set aside by Order in Council P.C. 1970-1169, dated June 30, 1970, due to the fact that one person who voted in the election was not a member of the band at that time.)

September 4, 1959 - An Order by the Minister, declaring that on and after September 8, 1959, the chiefs and councillors of the Annapolis Valley Band shall be selected by an election.

BEAR RIVER ( Includes Bear River No. 6, and Bear River No. 6A Reserves )

<u>Name of Chief</u>	<u>Term of Office</u>	<u>Effective Date</u>
Louis Peters	2 years	October 7, 1959
" "	"	October 13, 1961
James Richard McEwan	"	November 4, 1963
" " "	"	November 4, 1965
" " "	"	November 14, 1967
" " "	"	November 14, 1969
" " "	"	November 17, 1971

September 4, 1959 - An Order by the Minister declaring that on and after September 8, 1959, the chiefs and councillors of the Bear River Band shall be selected by an election.

There is no chief shown previous to the election of October 7, 1959.

CHAPEL ISLAND BAND (Includes Chapel Island No. 5, and Malagawatch No. 4 Reserves. Malagawatch No. 4 Reserve is held jointly by Chapel Island, Eskasoni, Middle River, Sydney and Whycocomagh Bands.)

<u>Name of Chief</u>	<u>Term of Office</u>	<u>Effective Date</u>
John Basque	2 years	June 27, 1958
Thomas Marshall	"	June 27, 1960
" "	"	June 27, 1962
" "	"(remained in office until June 24, 1968)	June 26, 1964
Arthur Johnson	"	June 24, 1968
Thomas Marshall	"	August 05, 1970

May, 1958 - Declaration of Chapel Island as a band, by E.D. Fulton, Acting Minister of Citizenship and Immigration.

There is no chief shown previous to the election of June 7, 1958.

Chapel Island Reserve was previously included in the chiefs and councillors of Eskasoni Reserve, although the Indians of the Chapel Island Reserve were not allowed to vote until 1958.

ESKASONI BAND ( Includes Eskasoni No. 3, Eskasoni No. 3A, and Malagawatch No. 4 Reserves)

<u>Name of Chief</u>	<u>Term of Office</u>	<u>Effective Date</u>
Gabriel Sylliboy (Grand Chief of the Micmacs, including Nova Scotia mainland)	(Still shown in office in 1955) while in his eighties. Elected for life.	Not shown when he was elected.
Francis Gould (elected Captain)	(Still shown in 1933)	1908 (no election shown between 1908 and 1936)
Simon Denny (elected Captain)	(Still shown in 1944)	1936
Joseph F. Gould	three years	November 26, 1947  (no election held in 1950)
John Julian	three years	May 23, 1951
John G. Sylliboy	two years	June 28, 1954
Wilfred Prosper	two years	June 28, 1956
Wilfred Prosper	two years	June 25, 1958
Charles Francis	two years	June 25, 1960  (no election shown between 1960 and 1966)
Charles Francis	two years	November 9, 1966
Dan K. Stevens	two years	November 20, 1968
Dan K. Stevens	two years	November 25, 1970

September 4, 1946 - a captain elected triennially to represent that particular band.

November 20, 1951 - Eskasoni and Shubenacadie are the only agencies recognized in Nova Scotia.

Chapel Island, Middle River, Sydney and Wycocomagh Reserves are all included in Eskasoni's chief and councillors, but are not allowed to vote.

Elections held on Eskasoni Reserve only, since 1947.

May, 1958 - Eskasoni declared a band by E.D. Fulton, Acting Minister of Citizenship and Immigration.

MIDDLE RIVER BAND (Includes Malagawatch No. 4, Margaree No. 25, and Middle River No. 1 Reserves)

<u>Name of Chief</u>	<u>Term of Office</u>	<u>Effective Date</u>
Frank Bernard	two years	June 24, 1958
Ronald Stevens	"	June 24, 1960
Mrs. Mary Pierro	"	July 05, 1962
Frank Bernard	"	June 29, 1964
Frank L. Bernard (died April 23, 1967)	"	July 05, 1966
Francis Pierro	Remainder of term	May 23, 1967
Francis Pierro	two years	July 05, 1968
Francis Pierro	"	July 30, 1970
Benedict Pierro	"	July 30, 1972

November 20, 1951 - Middle River Reserve included in Eskasoni's chief and councillors, but not allowed to vote.

No elections held by Middle River Band previous to June 24, 1958.

May, 1958 - Declaration of Middle River as a Band, by E.D. Fulton, Acting Minister of Citizenship and Immigration.

PICTOU LANDING BAND (Includes Boat Harbour West No. 37, Fishers Grant No. 24, Fishers Grant No. 24G, Franklin Manor No. 22, and Merigomish Harbour No. 31 Reserves)

<u>Name of Chief</u>	<u>Term of Office</u>	<u>Effective Date</u>
Louis J. Francis	two years	June 24, 1959
"	"	July 19, 1961
"	"	November 8, 1963
"	"	November 24, 1965
Raymond Francis	"	November 30, 1967
"	"	November 30, 1969
"	"	November 30, 1971

May 29, 1959 - An Order of the Minister, declaring that on and after June 1, 1959, the chiefs and councillors of the Pictou Landing Band shall be selected by an election.

The first election by the band is shown as June 24, 1959.

SHUBENACADIE BAND (Includes New Ross No. 20, Pennal No. 19, and Shubenacadie Nos. 13 and 14 Reserves)

<u>Name of Chief</u>	<u>Term of Office</u>	<u>Effective Date</u>
James Paul <sup>*</sup> (died in January, 1895)	Elected for life	September 15, 1856
Stephen Maloney <sup>(1)</sup>	Election not authorized by the Department	Summer of 1895
(There was no election in 1896.)		
John Noel (Newil) (Newell) (died approximately May 20, 1911)	Three years	July 1, 1897
Newell McDonald	One year	July 26, 1911
Joseph Jereias <sup>(2)</sup>	Temporarily appointed for Elmsdale	August 28, 1911
Peter Paul <sup>(3)</sup>	Election not recognized by the Department	July 26, 1912
Simon Eastt	Three years	July 28, 1913
Isaac Sack	Three years	September 29, 1916 (ended on September 29, 1919)
(There was no election shown between 1919 and 1921)		
William Paul <sup>(4)</sup>	Three years	June 29, 1921
(There was no election shown between 1921 and 1933)		
William Paul shown as chief in a letter of Oct. 20, 1932)		
John Maloney	Three years	August 28, 1933
William Paul Sr.	Three years	December 28, 1936
John Marr <sup>(5)</sup> (deposed June 13, 1944)	Three years	February 9, 1942

\* "James Paul, having been duly elected to be chief of the Indians of the Western Counties of the province, according to the usages and customs of the Micmac tribe of Indians, received his appointment, in writing, September the 15th, 1856, from Sir John Caspard Le Marchant, Commander in Chief and Lieutenant Governor of Nova Scotia." Excerpt from a letter, dated June 1, 1895, from James Cass, Indian Agent, Shubenacadie.

SHUBENACADIE BAND (Continued)

<u>Name of Chief</u>	<u>Term of Office</u>	<u>Effective Date</u>
Stephen Knockwood	Three years	March 28, 1945
Stephen Knockwood(6)	"	March 30, 1948
John Bernard	"	March 27, 1951
"	Resigned	December 10, 1952
Stephen Knockwood	Remainder of term	March 2, 1953
"	Two years	April 07, 1954
John A. Bernard	"	April 23, 1956
Ivan Knockwood	"	April 21, 1958
"	"	April 21, 1960
John Stephen Knockwood	"	April 23, 1962
Simon Nevin	"	April 24, 1964
Simon Nevin (Remained in office till April 26, 1970)	"	April 25, 1966
John Knockwood	Two years	April 26, 1970
John Knockwood	"	April 26, 1972

- (1) Stephen Maloney was elected chief in the summer of 1895. The election was held without first receiving the sanction of the Department, therefore Stephen Maloney was not recognized as chief.
- (2) The appointment of Joseph Jerome was not recognized by the Department, since the Indians residing at Elmsdale had not yet been provided a reserve, at the time of the appointment on August 28, 1911.
- (3) Peter Paul was elected chief for the Counties of Halifax, Hants, Kings, Lunenburg, Colchester and Cumberland, on July 26, 1912. This election was not recognized by the Department because four of the counties were regarded as separate bands and were in the habit of electing a chief for each band.
- (4) William Paul may have remained in office from 1921 to 1933. We have no correspondence on file during that period. This correspondence may have been destroyed in a flood which ruined many of our files a few years ago.
- (5) John Marr was deposed as chief by Order in Council P.C. 4483, June 13, 1944, as he was not considered suitable for the position of chief.
- (6) Stephen Knockwood was the only recognized chief in Shubenacadie Agency on September 3, 1946.



SYDNEY BAND (Includes Caribou Marsh No. 29, Malagawatch No. 4, and Sydney Nos. 28A and 28B Reserves)

<u>Name of Chief</u>	<u>Term of Office</u>	<u>Effective Date</u>
Ben. E. Christmas	Two years	June 26, 1958
"	"	June 28, 1960
"	"	June 28, 1962
(Still shown in office in 1966; died March 28, 1966)		
Lawrence Paul	Two years	June 27, 1966
Roy Gould	"	June 27, 1968
"	"	June 27, 1970
(Resigned June 30, 1971)		
Gordon MacDonald	Remainder of Term	July 21, 1971
John Ginnish	Two years	June 27, 1972

May, 1958 - Declaration of Sydney as a band, by E.D. Fulton, Acting Minister of Citizenship and Immigration.

There was no election held previous to June 26, 1958.

TRURO BAND (Includes Beaver Lake No. 17, Cole Harbour No. 30, Millbrook No. 27, Sheet Harbour No. 36, and Truro Nos. 27A, 27B and 27C Reserves)

<u>Name of Chief</u>	<u>Term of Office</u>	<u>Effective Date</u>
Gerald Gloade	Two years	June 23, 1959
"	"	July 28, 1961
"	"	November 14, 1963
"	(By-election; elected for the remainder of his term)	March 25, 1965
"	"	December 3, 1965.
"	"	December 18, 1967
Mrs. Rachael Mary Marshall	Two years	December 18, 1969
Gerald Gloade	Two years	December 18, 1971

May 29, 1959 - An Order of the Minister, declaring that on and after June 1, 1959, the chiefs and councillors of the Truro Band shall be selected by an election.

WHYCOCOMAGH BAND (Includes Malagawatch No. 4, Port Hood No. 26, and Whycomomagh No. 2 Reserves)

<u>Name of Band</u>	<u>Term of Office</u>	<u>Effective Date</u>
Andrew Phillips	Two years	June 24, 1958
Joseph Prosper	"	June 24, 1960
Charles Bernard	"	June 28, 1962
Joseph Prosper	"	June 28, 1964
Simon CooCoo	"	June 28, 1966
"	"	June 28, 1968
"	"	November 1, 1968
Noel J. Bernard	"	November 1, 1970

May, 1958 - Declaration of Whycomomagh as a band, by E.D. Fulton, Acting Minister of Citizenship and Immigration.

Previous to 1958, Whycomomagh Reserve was included in Eskasoni's chief and councillors, but the members of the Whycomomagh Reserve were not allowed to vote.

There were no elections held for the Whycomomagh Band previous to that of June 24, 1958.

The election held in June, 1968, was set aside by Order in Council P.C. 1968-1830, dated September 24, 1968, due to the fact that two persons were given leave to vote who were not eligible to vote, in that they were not members of the band.

KEDGEMAKOOGA BAND (FAIRY LAKE BAND) - (Includes Kedgemakooga Reserve Nos. 7 and 9)

In 1908, when land on the reserve was surrendered for lease, Chief Sylvi Pictou signed the surrender.

In 1917, when land on the reserve was surrendered for timber, Chief, Sylvi Pictou signed the surrender.

In 1918, when the land was surrendered for sale, Chief Benjamin Pictou signed the surrender.

Lots 2, 4 and 5, in Annapolis County, are all that remain unsold at the present time.

We have no record of the band holding elections for chiefs and councillors.

Ottawa, August 9, 1972.

SUMMERS/

JUL 04 1988

June 7, 1988

The Honourable Chief Justice Lorne O. Clark  
Chief Justice for the Province of Nova Scotia  
The Law Courts  
1815 Upper Water Street  
Halifax, N.S.

Dear Chief Justice:

RE: Appeal by the Attorney General of Nova Scotia from Chief Justice  
Glube's Decision re:Cabinet Confidentiality - S.H. Nos. 64097 and 641118

I act for Donald Marshall, Jr. who will be a Respondent with respect to the above Appeal. I am writing to Your Lordship concerning the issue of this Appeal being heard by Justices of the Trial Division rather than Justices of the Appeal Division. I am concerned that there be no suggestion of the appearance of bias by the Appeal being heard by Appeal Division Justices in light of the fact that the entire Appeal Division of the Nova Scotia Supreme Court has retained Mr. Ronald Downie, Q.C. with respect to the case between the Justices of the Appeal Division and the Royal Commission. I do not feel in these circumstances that any of the Justices of the Court of Appeal can properly hear the Attorney General's Appeal in the above noted matter.

Correspondence on file between Mr. Downie and David Osborne refers to his representation of the Appeal Division of the Nova Scotia Supreme Court, including, but not limited to the Justices named in the Application between the Justices and the Royal Commission.

I am, therefore, respectfully writing to Your Lordship to ask that arrangements be made for the Attorney General's Appeal to be heard by a panel of Judges not from the Appeal Division who are appointed ad hoc for the purpose of hearing the Appeal. This was done in the Appeal by Donald Marshall, Jr. from Chief Justice Glube's decision not to grant him Intervenor status in the main proceeding involving the Justices of the Appeal Division. Despite the fact that this present Appeal does not bear directly on the Justices' case I do not think that any Judge involved in proceedings against the Royal Commission can take part in the hearing of this Appeal. It is worth noting as well that the issues

in both cases are inter-related in that both the Justices' Application and the present Appeal involve issues of immunity from testifying and the extent to which Judges or Cabinet Members can be questioned before the Royal Commission.

I would appreciate hearing from Your Lordship in this matter.

Yours sincerely,

EUCIAN, DERRICK & RING

Anne S. Derrick

ASD/mar  
Marshall  
ASD 7A

c.c. Mr. Jamie Saunders  
c.c. Mr. Jim MacPherson  
c/c The Royal Commission

JUL 04 1988

# COX, DOWNIE & GOODFELLOW

BARRISTERS AND SOLICITORS

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

A. WILLIAM COX, Q.C.  
W. R. E. GOODFELLOW, Q.C.  
ROBERT G. MACKEIGAN, Q.C.  
JOHN ARNOLD  
DANIEL F. GALLIVAN  
THOMAS P. DONOVAN  
ANTHONY L. CHAPMAN  
J. CRAIG MCCREA  
JAMIE S. CAMPBELL  
LORRAINE P. LAFFERTY  
A. JAMES MUSGRAVE  
JOCELYN M. CAMPBELL  
BRIAN A. TABOR

RONALD J. DOWNIE, Q.C.  
DAVID McD. MANN, Q.C.  
MICHAEL S. RYAN, Q.C.  
GREGORY I. NORTH  
PETER W. GURNHAM  
FREDERICK P. CROOKS  
PAUL C. MARTIN  
LESLIE J. DELLAPINNA  
ROBERT W. CARMICHAEL  
JAN MCK. SILLIKER  
LES D. DOLL  
JONATHAN R. GALE

GEORGE M. MITCHELL, Q.C.  
JOHN M. BARKER, Q.C.  
DANIEL M. CAMPBELL  
DOUGLAS C. CAMPBELL  
WARREN K. ZIMMER  
TERRY L. ROANE  
MICHAEL E. DUNPHY  
BRIAN W. DOWNIE  
ALAN J. DICKSON  
D. KEVIN LATIMER  
K. MICHAEL TWEEL  
RONALD E. PIZZO

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

July 4, 1988

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

Dear Mr. MacDonald:

**RE: MacKeigan et al. v. Hickman et al.**

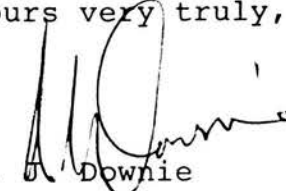
Thank you for your letter of June 29, 1988 wherein you inquire whether the Plaintiffs in this Proceeding would agree to the request by the Defendants that leave be sought to appeal the recent Decision of Glube, J. directly to the Supreme Court of Canada without following the normal appeal route.

Your letter makes several observations and raises a number of issues - all of which will have to be carefully considered by my clients.

I will, of course, be reporting forthwith. In the normal way, I will have to meet with the Plaintiffs to discuss the observations and issues referred to. I am confident that, when the necessary meetings have been held, I will receive instructions which will allow me to respond definitively to you.

I'll be back to you in due course.

Yours very truly,



R. D. Downie

RJD:cmg



Department of Justice  
Canada

Ministère de la Justice  
Canada

JUL 04 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

Telephone No.  
(902) 426-7594  
Telecopier No.  
(902) 426-2329

Our file AR-21,613  
Notre dossier Vol. VI  
Your file  
Votre dossier

June 30, 1988

**BY COURIER**

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

Dear Mr. Briggs:

**Re: The Marshall Inquiry**

I confirm that Archie Walsh will be in Halifax on Monday,  
July 11, 1988 for the interview with Dr. Clark.

We will attend at your office at 1:00 pm.

Yours very truly,

A.R. Pringle  
Senior Counsel  
Atlantic Regional Office

ARP:am

# BUCHAN, DERRICK & RING

BARRISTERS · SOLICITORS

JUL 04 1988

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

June 29, 1988

Mr. Wylie Spicer  
c/o Royal Commission for the  
Donald Marshall Jr. Prosecution  
Maritime Centre, Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Wylie:

RE: Application Concerning Television Cameras

Further to the above application made on behalf of Mr. Marshall and supported by Commission Counsel, please find enclosed the Statement of Account from Dr. Marinic with respect to the preparation of his opinion. I understood from discussions with you that this account would be paid by the Commission, but Dr. Marinic made the account out to me as he did not know who to send it to at the Commission.

If you have any questions concerning this please do not hesitate to call me.

Yours sincerely,

BUCHAN, DERRICK & RING



Anne S. Derrick

ASD/har  
Spicer  
ASD 5A

JUL 04 1988



Dalhousie University

Dalhousie Law School  
6061 University Avenue  
Halifax, Nova Scotia  
Canada B3H 4H9

CONFIDENTIAL

June 28, 1988

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

Dear John:

RE: The Mandate of The Royal Commission and  
Compensation for the Wrongfully Convicted

I was somewhat surprised to hear in the news media last week that the Government of Nova Scotia alleged in a related proceeding in the Court of Appeal that the Commission was going beyond its terms of reference in dealing with compensation, among other issues. Obviously, I believe that compensation is part of the appropriate agenda in the Marshall case and I am also keenly interested in seeing the Commission make broader recommendations on this issue. I had thought that the Attorney-General was of the same mind.

I say this because Mr. Donahoe visited the Law School on April 9, 1987, as part of our Law Hour series of lectures. At that time, the Minister gave a short statement of what he thought were some of the major issues which he was facing as a new Attorney-General. He listed ten in all as part of his introduction and proportionately made extensive mention of the Marshall Commission, seeing it as inquiring into the "form, shape and substance" of the administration of justice in Nova Scotia. At the end of his opening remarks, he answered questions. Because I had a strong interest in the matter, I put several queries to him concerning compensation. His answers left me in no doubt of the essential aspects of the position of the Attorney-General on the issue. Certainly, he seemed to agree that it was within the terms of reference of the Commission. I have retained my notes on the presentation of the Attorney-General and relate their contents to you now. My questions are repeated in exactly the manner they were put to Mr.

.../2



Donahoe, as I had written them in advance. His answers are based on my notes and recollection.

1. Q. Do you consider that the principles involved in compensating the wrongfully convicted and the manner of assessment of awards are within the terms of reference of the Marshall Commission of Inquiry?

A. The terms of reference do not include this issue in their exact words, but I expect the Commission to look at the issue anyway. I will not oppose this.

2. Q. Do you consider that the quantum of the Marshall payment can be appropriately re-examined by the Commission?

A. The Commission may well choose to comment on the quantum.

3. Q. Are you and/or the Government of Nova Scotia open to the prospect of increasing his compensation?

A. We are likely not open to increasing Mr. Marshall's compensation as things stand now.

4. Q. If the answer to my first question is NO, when and by whom will the question of the general principles on compensating the wrongfully convicted be addressed by the Government of Nova Scotia?

A. I did not answer your first question in the negative, but it does seem to me that such issues could ultimately be appropriately addressed before a redesigned Compensation for Victims of Crime Board or by a completely new Commission.

I believe that the above represents a faithful account of our exchange on compensation of the wrongfully convicted. About

Mr. John E. S. Briggs  
June 28, 1988  
Page 3

forty to fifty people were also in attendance, so it was by all means a public forum. You can therefore understand my surprise at seeing a different position apparently being taken now, I assume by someone other than Mr. Donahoe.

I do not know if this information will be of much interest to you, but I pass it along anyway out of my concern that the Commission should be able to do its job well on such vital issues as compensation of the wrongfully convicted.

Yours sincerely,



H. Archibald Kaiser  
Associate Professor of Law

HAK/m

JUL 04 1988

# 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

June 29, 1988

Ms. Susan Ashley  
Ms. Carol MacDougall  
Mr. Fred Horne  
c/o Royal Commission for the  
Donald Marshall Jr. Prosecution  
Maritime Centre, Suite 1026  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Susan, Carol & Fred:

I just wanted to write to you all to thank you for your assistance and sensitivity in dealing with Mr. Marshall yesterday when he was giving his evidence. The help you provided in preparing for his testimony with respect to security arrangements, accomodation during breaks, etc. were very significant in the day going so smoothly. I personally appreciate the concern you showed for Mr. Marshall's comfort, and I know he was tremendously assisted by your efforts.

Yours sincerely,

BUCHAN, DERRICK & RING



Anne S. Derrick

ASD/har  
Commission  
ASD 5A

JUN 27 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  
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, Q.C.  
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.  
DAVID R. HUBLEY, Q.C.  
GERALD J. McCONNELL, Q.C.  
RONALD A. PINK  
LOGAN E. BARNHILL  
JOEL E. FICHAUD  
J. MARK McCREA  
D. SUZAN FRAZER  
BRUCE A. MARCHAND  
RODNEY F. BURGAR  
JANICE A. STAIRS  
DENNIS J. JAMES

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

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 089-22893

ALSO OFFICES AT  
TRURO, NOVA SCOTIA  
BEDFORD, NOVA SCOTIA

June 27, 1988

VIA COURIER

Mr. W. Wylie Spicer  
McInnes, Cooper & Robertson  
Barristers & Solicitors  
Cornwallis Place  
1601 Lower Water Street  
Halifax, Nova Scotia

Dear Wylie:

Marshall Inquiry  
Our File No. 9201/1

Thank you for your letter dated June 24th.


Our Notice of Appeal is restricted to questioning Cabinet Ministers on matters discussed at meetings of Executive Council. It is our contention that the Commission and/or Chief Justice Glube erred by interpreting its mandate so broadly as to include a revelation of matters considered by the Executive Council.

You should not interpret our Notice of Appeal as an objection by my client to the Commission's review of "other matters" at some later date if the Commission considers such an examination necessary.

What we have not yet agreed to is the manner in which such an examination will be conducted.

Once this phase of the Inquiry concludes we will have an opportunity to review with you our proposals.

Yours very truly,

  
Jamie W.S. Saunders  
JWSS/cs

JUN 30 '88 13:51 CPC SYDNEY N.S. CDA AVA

P.2

**Union of Nova Scotia Indians**

P.O. Box 961  
 Sydney, N.S. B1P 6J4  
 Tel. 539-4107 & 539-2808  
 Envoy User Code: UNSI.

Micmac Post Office  
 Hants Co. N.S.  
 B0N 1W0  
 Telephone 758-2346

June 30, 1988

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

Attn.: Mr. John Briggs

Dear Mr. Briggs,

Re: Proposed Nova Scotia Chiefs Meeting

Further to recent discussions, we wish to propose a one day meeting with all Nova Scotia Chiefs to review the draft report on natives and the criminal justice system. We believe that the direct input by our Chiefs on this report will assist the Commission and its researchers immensely in developing a deeper understanding of the issues involved.

We would recommend that the meeting involve all thirteen (13) Nova Scotia Chiefs, members of the UNSI executive, UNSI legal counsel and Commission researchers. We propose that the meeting be held in Halifax on Tuesday, July 12, 1988.

We estimate that the meeting will cost approximately \$5,500.00 to cover travel and honorarium expenses of the Chiefs. It is common practice within our community to provide our Chiefs with a per diem honorarium of \$150.00 (which also covers accomodation and meal expenses). Travel is also usually provided in the form of mileage at the rate of \$.25 per kilometre.

Please advise at your earliest convenience whether this one day meeting is acceptable.

Yours in recognition  
 of Aboriginal Title,

Alexander Christmas  
 President

AC/djc

JUN 30 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  
RAYMOND F. LARKIN  
S. RAYMOND MORSE  
DARRYL 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, Q.C.  
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.  
DAVID R. HUBLEY, Q.C.  
GERALD J. MCCONNELL, Q.C.  
RONALD A. PINK  
LOGAN E. BARNHILL  
JOEL E. FICHAUD  
J. MARK MCCREA  
D. SUZAN FRAZER  
BRUCE A. MARCHAND  
RODNEY F. BURGAR  
JANICE A. STAIRS  
DENNIS J. JAMES

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

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

June 28, 1988

Mr. Scott Clark  
G. S. Clark & Associates  
Suite 712  
151 Slater Street  
Ottawa, Ontario  
K1P 5H3

COPY

Dear Scott:

Marshall Inquiry  
Our File No. 9201/1

I had the opportunity last week to attend the program in Toronto where legal issues involving aboriginal peoples were canvassed in a far amount of detail. I thought the enclosed paper might be of some assistance to you, if you are choosing to expand upon native courts. I spoke with Sam Stevens, its author, and he had no difficulty in my sharing the report with you.

I am also enclosing a copy of a decision of a tribal court of the Kahnawake Reserve. This tribal court was established without any input by any officials so, in that respect, it is purely an informal court. However, it is my understanding the three accused persons have chosen to abide by the decision and at present, how the matter will be dealt with by the public courts is to be resolved. In that regard, a statement presented to the Court of Sessions is enclosed. I hope you will find this of some assistance.

Yours truly,



Darrel I. Pink

DIP/jl  
Enc.

✓ c. Mr. John Briggs

John Briggs  
has material  
referred to.

JUN 30 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  
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, Q.C.  
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.  
DAVID R. HUBLEY, Q.C.  
GERALD J. MCCONNELL, Q.C.  
RONALD A. PINK  
LOGAN E. BARNHILL  
JOEL E. FICHAUD  
J. MARK MCCREA  
D. SUZAN FRAZER  
BRUCE A. MARCHAND  
RODNEY F. BURGAR  
JANICE A. STAIRS  
DENNIS J. JAMES

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

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

June 28, 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

In Professor Archibald's report there are numerous references to a paper prepared for the Commission by Professor John Edwards. This was also referred to by the Peer Reviewers at Thursday's meeting. We would like to have an opportunity to see this document at any early time. I appreciate that there will be a further seminar to review the work of Professor Edwards, but I hope you will be able to share the referenced work with us sooner than that.

Yours truly,

  
Darrel I. Pink

DIP/jl

# JUSTICE

JUN 23 1988

(BRITISH SECTION OF THE INTERNATIONAL COMMISSION OF JURISTS)

95a CHANCERY LANE LONDON WC2A 1DT

COUNCIL:

HONORARY MEMBERS:

STANLEY CLINTON DAVIS	PERCY GRIEVE QC
ANTHONY CRIPPS DSO QC	SIR DESMOND HEAP
LORD ELWYN-JONES CH	MUIR HUNTER QC
LORD GARDINER CH	SIR JACK JACOB QC
PROF JACK GARNER	EDWARD LYONS QC
GEOFFREY GARRETT	LORD WIGODER QC

Telephone: 01-405 6018/9  
DX 323

CHAIRMAN OF COUNCIL:  
LORD FOOT

VICE-CHAIRMEN:  
PETER ARCHER, Q.C. M.P.  
LORD CARLISLE, Q.C.

CHAIRMAN OF EXECUTIVE COMMITTEE:  
PAUL SIEGHART

VICE-CHAIRMAN:  
WILLIAM GOODHART QC

HONORARY TREASURER:  
PHILIP ENGLISH

MEMBERS:

DAVID ASHBY MP	ANTHONY LESTER QC
PETER CARTER-RUCK	BLANCHE LUCAS
BERYL COOPER QC	SIR BRIAN MACKENNA
DIANA CORNFORTH	NORMAN MARSH CBE QC
PETER CRAWFORD QC	GAVIN MCKENZIE
PROF AUBREY DIAMOND	JOHN MORRIS QC MP
SIR DENIS DOBSON KCB OBE QC	AINSLIE NAIRN
MICHAEL ELLMAN	PENELOPE PEARCE
RICHARD FERNYHOUGH QC	ANTHONY PUGH-THOMAS
SIR EDWARD GARDNER QC	LORD RIPPON QC
PROF ROY GOODE OBE	TOM SARGANT OBE JP
DAVID GRAHAM QC	MICHAEL SHERRARD QC
STEPHANIE GRANT	LAURENCE SHURMAN
JOANNA GREENBERG	LORD SILKIN QC
JOE HARPER	CHARLES WEGG-PROSSER
GREVILLE JANNER QC MP	DAVID WIDDICOMBE QC
IVAN LAWRENCE QC MP	

DIRECTOR:  
LEAH LEVIN

LEGAL OFFICER:  
PETER ASHMAN

LEGAL ASSISTANT:  
MICHAEL ASPINALL

DIRECTOR OF RESEARCH:  
ALEC SAMUELS JP

PA/RC

17th June 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  
CANADA

Dear Mr. Spicer

Re: Marshall Enquiry

Thank you for your letter of 8th June and thank you also for your kindness in sending me a copy of the Federal-Provincial Taskforce report on compensating wrongly convicted and imprisoned persons. This is most interesting and will be useful to us when arguing with our own authorities about establishing a statutory scheme.

Further work on the draft of our Miscarriages of Justice report is under way, including filling the gaps in the statistics. I will let you have a copy of the final version when it has been approved by the committee.

Yours sincerely

*Rachel Cozmi*

PP Peter Ashman



JUN 29 1988

# MARGARET E. GRAHAM DISCOVERY SERVICE

298 Portland Street, Dartmouth, N.S. B2Y 1K4

(902) 469-5734

Branch Office: P.O. Box 7095, Stn. A  
Saint John, N. B.  
E2L 4S5  
(506) 657-7249

June 29, 1988

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

Dear Susan:

As I mentioned today, I am trying to expand my business into other areas of Canada. In order to attract customers, I felt it would be important to obtain testimonials from customers we have served over the years.

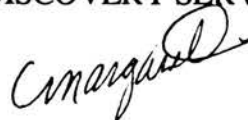
I feel that it is in your best interests as well to help me in this expansion. Opening offices in other areas will mean (1) you will be assured of the same quality of service in those areas as you are here; (2) you would be able to book locally if you wish; (3) you would have some continuity on cases in which witnesses are examined in various areas; (4) you would, in many instances, be paying rates lower than those already existing in other provinces.

It would be helpful if you would send back a short testimonial. Enclosed is a self-addressed envelope for this purpose. Because I will be visiting various areas in July, it would be most helpful if I could have the testimonials back as soon as possible.

Thank you for your help in this regard.

Yours very truly,

MARGARET E. GRAHAM  
DISCOVERY SERVICE



Margaret E. Graham

JUN 28 1988

# Raymond F. Wagner & Associates

BARRISTERS & SOLICITORS

Raymond F. Wagner, LL.B.  
Anna Marie Butler, LL.B.

2nd Floor  
Pontac House  
Historic Properties  
1869 Upper Water St.  
Halifax, Nova Scotia  
B3J 1S9  
Phone (902) 425-7330

June 10, 1988

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

Dear Mr. MacDonald:

Re: Joseph Gaudet - Billy Joe MacLean  
RCMP Investigation

Further to Constable Gaudet's appearance on the 25th of May, 1988 and our conversation with you on that day, I have the following comments.

Cst. Gaudet is not prepared to agree to a statement of facts in relation to Staff Sgt. Wheaton's testimony. We are concerned that any statement or confirmation of facts would tend to further confuse the issue. Such a document, in light of the loose ends left by Staff Sgt. Weaton's testimony could lead to misunderstanding of what is or is not confirmed and may cause certain reflection upon the character and credibility of Cst. Gaudet.

It is our belief that the matter of the Billy Joe MacLean file investigation is still outstanding in the minds of the public. The matter has been raised and should be dealt with so that it's reflection on the administration of justice can be canvassed.

As we had previously indicated, we have no intention to persecute Billy Joe MacLean through the hearings. However, the questions raised in the file as they impact upon the administration of justice in this province are most relevant.

Some of the concerns identified are as follows:

1. Billy Joe MacLean's knowledge and apparent perusal of the contents of the confidential RCMP file investigating the fire at his restaurant at an early stage in the investigation.
2. Involvement of the Fire Marshall's office in attempting to surpress the investigation as well as attempting to deflect the cause of the fire to improbable causes.
3. Ministry of Labour's Jack MacIsaac's involvement in the file.

Mr. George MacDonald  
June 10, 1988  
Page 2

4. Apparent about-face made by the prosecutor's office in Sydney about the strength of the evidence against Billy Joe MacLean.

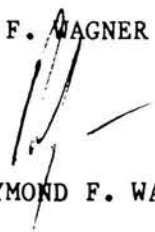
Other concerns of lesser significance also arise out of this apparently politically sensitive investigation.

As you are aware, Cst. Gaudet will speak frankly about his knowledge of the political interference in this investigation. Cst. Gaudet is not attempting any grand standing but rather his interests are to ensure that the RCMP not be restricted in their ability to proceed with criminal investigations because of political consideration. This appears to be the direction the commission is headed in the fall of 1988.

If any further comments are necessary to further clarify this matter, then kindly contact me at your convenience. If you intend not to call Cst. Gaudet or delve into this matter at the hearings, then kindly notify me so that I may advise my client

Yours very truly,

R. F. WAGNER & ASSOCIATES



RAYMOND F. WAGNER

RFW:dmm  
cc: client

*See  
Donahoe, McInnes  
file  
re Gaudet*

---

JUN 28 1988

McCARTHY & McCARTHY

BARRISTERS SOLICITORS

PATENT & TRADE MARK AGENTS

P. O. BOX 48  
TORONTO DOMINION BANK TOWER  
TORONTO-DOMINION CENTRE  
TORONTO, CANADA  
M5K 1E6

FACSIMILE NOS. (416) 868-0673  
(416) 362-1812  
TELEX 06-217813  
CABLE CARTAN, TORONTO

TELEPHONE (416) 362-1812

OUR REFERENCE:

June 23, 1988

Mr. George W. MacDonald, Q.C.,  
Commission Counsel,  
Royal Commission on the  
Donald Marshall Jr., Prosecution,  
Suite 1026,  
1505 Barrington Street,  
HALIFAX, Nova Scotia,  
E3J 3K5.

Dear Mr. MacDonald:

Re: Commission of Inquiry on  
Donald Marshall Jr. Prosecution

I would appreciate it very much if you could find time to send me a copy of Chief Justice Constance Glube's judgment in which she held that the Judges are entitled to "total immunity" from having to explain their decision.

Regards.

Yours sincerely,



John J. Robinette.

JJR:MR

JUN 24 1988

# 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

June 24, 1988

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

Dear George:

RE: Marshall Inquiry - Michael Harris

I have copies of correspondence which has been exchanged between yourself, Mr. Murrant, and various responses from other counsel concerning the possible attendance of Michael Harris before the Commission.

I wanted to write to you and set out the position of Donald Marshall, Jr. with respect to Mr. Harris. As you will recall from previous correspondence from Clayton Ruby, and our submissions on the issue to the Royal Commission, we have objected from the beginning to Mr. Harris being called as a witness. We are, however, prepared to agree, if all other counsel representing parties with standing provide assurances that questioning of Mr. Harris will be restricted to what is being referred to as the "St. Peter's shuffle" and matters relating to the disclosure and publication or non-publication of this information, that we will also confine our examination of him to these matters. If there is no such unanimous agreement from other counsel with respect to this, or if Mr. Harris attends voluntarily without such assurances, then we are not prepared to agree to so confining our examination.

As I am interested in knowing as soon as possible if Mr. Harris will be testifying on Monday, would you please call Marlys Edwardh at the Sheraton to advise.

Yours sincerely,

BUCHAN, DERRICK & RING



*for:* Anne S. Derrick

ASD/arm  
Marshall/  
MacDonald  
ASD #4

cc. Robert Murrant  
All Other Counsel

JUN 24 1988

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

Telephone: (902) 425-6000  
Telecopier: (902) 429-7343  
1568 Hollis Street  
Halifax, Nova Scotia

S. DAVID BRYSON, Q.C.  
ALAN J. STERN, Q.C.  
S. BRUCE OUTHOUSE, Q.C.  
JANE E. HOLMES  
MICHAEL B. SHERAR  
THOMAS M. MACDONALD  
PAMELA J. MACKEIGAN  
GLENN R. ANDERSON

FRANKLYN W. CORDON, Q.C.  
WILLARD STRUG, Q.C.  
LAWRENCE A. FREEMAN  
ROBERTA J. CLARKE  
GORDON R. KELLY  
COLIN D. BRYSON  
KAY L. RHODENIZER  
ANNE E. TUTTY

CORRESPONDENCE:  
P.O. Box 2147  
Halifax, Nova Scotia  
B3J 3B7

OUR FILE REFERENCE:

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

VIA FAX

June 24, 1988

Robert Murrant, Q.C.  
**MURRANT, BROWN**  
Barristers & Solicitors  
Suite 404, Purdy's Wharf  
P.O. Box 2626  
Halifax, Nova Scotia  
B3J 3P7

Dear Mr. Murrant:


RE: The Donald Marshall Inquiry -  
Michael Harris

This is further to your fax of June 22nd, 1988 relating to Mr. Harris' attendance before the Inquiry and to our telephone conversation earlier today.

Assuming that the "St. Peter's Shuffle" relates to events transpiring in Chief MacIntyre's office in the presence of Staff Sergeant Wheaton and Corporal Davies, we confirm that in the event that Mr. Harris attends, we are prepared to agree to confine our examination to the scope more fully outlined in your letter to Commission Counsel dated June 22nd, 1988.

Yours very truly,

**BLOIS, NICKERSON, PALMETER & BRYSON**

  
THOMAS M. MACDONALD.

TMM/dlp  
cc George W. MacDonald, Q.C.  
cc Ronald N. Pugsley, Q.C.  
cc A.R. Pringle

JUN 24 1988

TELEPHONE:

895-1523

895-1524

TELEX:

019-34503



# NATIVE COUNCIL OF NOVA SCOTIA

P.O. BOX 1320 • TRURO • NOVA SCOTIA • B2N 5N2

June 22, 1988

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 letter of June 8, 1988, my review of Dr. Scott Clark's Report - "The MI'KMAQ and Criminal Justice in Nova Scotia, and my participation at the June 16, Workshop on "The MI'KMAQ and Criminal Justice in Nova Scotia, I wish to formally in writing state the issues which the Native Council of Nova Scotia, the representative organization of the off-reserve Micmac in Nova Scotia consider important for consideration.

Although I understand that the report is preliminary, for all intents and purposes it concentrated on on-reserve Micmac and recommendations which on preliminary review would not be accessible to the larger proportion of off-reservation Micmac.

Without impinging on the efforts of the Commission in dealing with it's central objective, nor to colour ancilliary findings as to whether or not native people are at a marked disadvantage when brought before the law as administered in Nova Scotia, I believe that the following must be carefully considered and noted.

First are citizens of Nova Scotia prepared to accept today in 1988 that there exist two distinct societies of people in Nova Scotia. The original People - the Micmac who occupied these lands for well over ten thousand years as a distinct society of peoples, and other Nova Scotians who came to these lands from foreign parts of the world within the last four hundred years to form the other distinct society of peoples - non-aboriginal Nova Scotians.

Second, are citizens of Nova Scotia prepared to renounce the past practices of assimilation, and belief that the Micmac people were and are inferior to the majority society because the Micmac are a people of a different society, with different language, customs, understanding, outlook on life. The difference as characterized between the non-aboriginal homo-centric worldview society and the Aboriginal eco-centric worldview society.



Third, are citizens of Nova Scotia prepared to acknowledge that in the early seventeenth century the forefathers of both societies agreed to live in peace and respect the rights of both societies, and in the event of dispute whatsoever may happen to arise between them, that they shall be tried in His Majesty's Courts of Civil Judicature, where the Indians shall have the same benefits, advantages and privileges as any others of His Majesty's Subjects.

Fourth, are the citizens of Nova Scotia prepared to acknowledge now without waiting for the findings of the Royal Commission, but based on common knowledge of circumstances as indicated by countless Micmac over time, that indeed Indians do not have the benefits, advantages and privileges as any others before the law as administered in Nova Scotia, for many reasons: language barriers, ignorance of the system, poverty, fear, mistrust developed over years of persecution et cetera.

Fifth, are the citizens of Nova Scotia prepared to accept the fact that regardless of their countries highest Court's judgement that indeed the Micmac of Nova Scotia have special rights over and above those enjoyed by other Nova Scotians, as acknowledged in valid treaties, and to date, that their elected Government in Nova Scotia continues to ignore that fact and Court decision by hindering the Micmac from exercising those rights.

Sixth, are the citizens of Nova Scotia prepared accept the Constitution of Canada, which guarantees and protects the rights of the Aboriginal People's of Canada of whom the Micmac are one of those peoples, and thus that Canada indeed is made up of disticnt societies of peoples.

Seventh, are the citizens of Nova Scotia, the Government of Nova Scotia, and the bureacracy of Nova Scotia prepared to renew with the Micmac a treaty of peace and friendship acknowledging and respecting the dual societies of Nova Scotia - The Aboriginal and Non-Aboriginal.

Eight, are the citizens of Nova Scotia, the Government of Nova Scotia, the bureacracy of Nova Scotia and the Micmac of Nova Scotia willing to co-operatively work together to build a just, equitable, and law abiding Nova Scotia where one does not put the other at a disadvantage before its law by ignoring the Canadian Constitution, and the treated rights of another society. Are the two societies willing to live within the cornerstone of democracy, the belief in God and the rule of law.

Nineth, are citizens of Nova Scotia and the Micmac themselves prepared to accept the fact that the Micmac people live in all parts of their land, and not just on Federal created reservations.

Tenth, can Nova Scotians and the Micmac ever hope to see an end to bigotry, racism, and intolerance in Nova Scotia, and teach their young about both societies and their past arrangements to live together in Nova Scotia.

June 22, 1988

- 3 -

John E. S. Briggs

Those are some of the fundamental issues which must be first understood, and then openly and co-operatively accepted by the two societies before any meaningful resolution could be achieved.

In my fifteen years as an ardent advocate for my people, I can advise the Commission that to date for each of the ten issues identified there has been "NO ACCEPTANCE" of them by Nova Scotians as represented by their Government.

So, how do we begin to get some YES's. For my part, and obviously I am biased, the Micmac through their many organizations, societies, and personal initiatives have proposed and proposed literally hundreds of initiatives which if supported by the citizens of Nova Scotia through their elected Government would have by now demonstrated that yes, the two societies in Nova Scotia are living in peace, and do have respect for each other.

Let me now turn to the issue of the report and the law. Let us assume that the time is right today or next year or in five years time to take issue number three and develop, and implement a process whereby Indians shall have the same benefits, advantages and privileges before the Courts of Civil Judicature in Nova Scotia as any others of His Majesty's subjects/Nova Scotians.

Let us assume that the findings of the Commission simply state that indeed in this instance an Indian did not have the benefits, advantages and privileges before the Courts because of a early ideological belief by some members of one society that Indians always get into trouble and what's the difference which one it is, and the Indian's ideological belief based on other Indians experience that no matter what I say or do, I am alone in this sea of another societies administration of it's law.

Let us assume that one day both societies want that changed, and indeed want to demonstrate as two distinct societies of peoples living in a democracy that indeed THE MICMAC SOCIETY OF PEOPLE DO HAVE THE SAME BENEFITS, ADVANTAGES AND PRIVILEGES BEFORE THE COURTS of Civil Judicature in Nova Scotia to resolve whatsoever their disputes be they civil, and even to take it another step further criminal.

What would the majority of Nova Scotians, the Government of Nova Scotia, the bureacracy of Nova Scotia and the Micmac be prepared to propose to achieve that sixteen word phrase.

Well for a start certainly not by ignoring that there are Micmac living off the reserve.

Certainly not by the Government of Nova Scotia refusing to co-sponsor at the least a Court Workers Program or similarly developed assistance to Indians before the Courts.

Certainly not by the Government of Nova Scotia itself ignoring Canada's highest Court decision that Micmac do have rights different from other Nova Scotians.

Certainly not by ignoring the modern reality that it is not enough to just politic about an issue, rather, once the issue has been thoroughly politicked, the next step is to govern under the principles of a democracy within a democratic country that under it's constitution recognizes the existence of distinct societies of people within it who must also be allowed to flourish and prosper by exercising their special rights and privileges unique to their distinct societies.

Certainly not by using a Royal Commission to simply become a safety valve to release the building pressure of a society for change in th administration of justice for Indian people in Nova Scotia.

For my part, let us assume that I want to make the YES happen to that sixteen word phrase, and offered several considerations in the development of a process to achieve that goal.

Would it be considered possible for the Micmac peoples to establish with the financial assistance of both the Provincial and Federal Government a "Micmac And The Law Foundation" composed of Micmac representative of all Micmac, with the objective to ensure that all Micmac regardless of residency, who come before the Courts shall have the same benefits, advantages and privileges as any others who come before the same courts.

Would it be considered possible that the the Provincial Legislature would create by an Act of the Legislature "The Micmac and the Law Foundation Act" codifying the process and procedures agreed by the two societies.

Would it be considered possible that the Foundation would propose to effect the recommendations contained in the preliminary report as well as others, and be accepted as a matter of law within the power of "The Micmac and the Law Foundation Act" by future legislatures.

Would it be considered possible that translation services, education about the legal system, legal aid, native court workers et cetera which would require hundreds of thousands of dollars to effect, and maintain could be secured from existing Provincial and Federal revenue and funds designated to the administration of justice.

Would it be considered possible to have pronounced and included in every existing job description of persons involved with the administration of justice a Government Policy directive which ensures that at any time when an Indian comes before the Courts, everyone is satisfied that "The Micmac does have the same benefits, advantages and privileges before the Court" as any other.

Would it be considered possible that sometime in the future when more Micmac enter the legal system as lawyers, that based on current appointment criteria and in furtherance of the sixteen word phrase, that a Micmac could one day be considered and appointed as a Judge.

These and much more could be considered possible, and I would gladly share and politic with everyone dedicated to bring about a YES for issue three, and reality to the sixteen word phrase "THE MICMAC SOCIETY OF PEOPLE DO HAVE THE SAME BENEFITS, ADVANTAGES AND PRIVILEGES BEFORE THE COURTS", however, as a Micmac living in Nova Scotia, advocating for my people, all my life, and meeting constant resistance, and indeed on following the reportings of the Commission, I remain to be convinced that Nova Scotia is ready for change and accept the Micmac as a distinct society of people within Nova Scotia, and accordingly begin to witness governing in that regard.

As learned and respected and indeed the single most important element of the foundation of a democratic society - The Judiciary, after hearing countless days of testimony in this inquiry alone from countless witnesses, are you convinced that Nova Scotians through their Government of Nova Scotia are ready to just consider the possibilities that I have proposed, not even looking at the many others from other Micmac; let alone govern so as to make issue number three and the sixteen word phrase a reality?

In summary, all problems of any society are resolveable, however we must first be willing to explore the possibilities, and then effect the necessary actions in stages or globally to resolve the problem. If we can't even begin to look at possibilities, or if we simple accept narrow views or recommendations which do not include all the Micmac people regardless of where they reside in Nova Scotia, we then simply prolong the problem.

I do not accept the comments made last Thursday that when the Commission has concluded their work, and report that we simply wait. Indeed, I feel that the Royal Commission regardless of whether its findings support the Micmac contention that Micmac Indians have and continue to be disadvantaged before the Courts, or the Government's contention that this one prosecution could not be used as a basis to demonstrate that Indians are disadvantaged before the Courts. The Royal Commission is making history, because since the time of the early treaties, and despite the countless complaints of the Micmac, the Royal Commission is the door opened for both societies to enter through co-operatively. And we must now step through the door and see what new arrangements are required to accommodate both societies living in one house, to at least assure ourselves "The Micmac will have the same benefits, advantages and privileges as any others before Her Majesty's Courts of Civil and Criminal judicature."

Going Forward To  
A Better Future



Viola M. Robinson  
President

VMR:rjh

CC: Chief Justice T. Alexander Hickman  
Associate Chief Justice Lawrence A. Poitras  
The Honourable Mr. Justice Gregory Thomas Evans

JUN 23 1988

**STEWART MacKEEN & COVERT**  
BARRISTERS AND SOLICITORS

PURDY'S WHARF TOWER ONE  
1080 UPPER WATER STREET  
**HALIFAX, CANADA**

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

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

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

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

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

DIRECT DIAL (902) 420-

OUR FILE REFERENCE:

DONALD A. KERR, O.C.

COUNSEL  
BRIAN FLEMING, O.C.

HUGH K. SMITH, O.C.

RNP:2076-2  
June 23, 1988

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

Dear Mr. MacDonald:

Marshall Inquiry

While I was not present at the meeting of Counsel held on Wednesday, June 22, I understand that a position was advanced by Commission Counsel that in addition to making submissions on the various issues to the Commission itself, that Commission Counsel will be involved in some way with respect to the ultimate report filed by the Commissioners.

I would appreciate it if you would clarify what you consider to be appropriate assistance to be rendered by Commission Counsel to the Commissioners with respect to their ultimate report. I may wish to ask for leave from the Commissioners to make oral representations to them with respect to the assistance that it is appropriate Commission Counsel should render. Before making this decision, however, I would like to have an outline from you as to the scope of the assistance and involvement you feel Commission Counsel should take.

Yours very truly,

Ronald N. Pugsley

RNP:dk  
c: To All Other Counsel  
N0182843

JUN 23 1988



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

(902) 426-7594  
Telecopier #426-2329

Our file / Notre dossier: AR-21,613

Your file / Votre dossier

June 23, 1988

Mr. Robert Murrant  
Murrant Brown  
Barristers & Solicitors  
P. O. Box 2626  
Halifax, Nova Scotia  
B3J 3P7

Dear Mr. Murrant:

Re: The Marshall Inquiry - Michael Harris

I acknowledge receipt of your fax of June 22, 1988.

Assuming "St. Peter's shuffle" refers to the issue of whether a document (or documents) was placed or put on the floor, we have no problem with agreeing with your proposed confinement of examination.

Yours very truly,

A. R. Pringle  
Senior Counsel  
Atlantic Region

ARP:wm

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

JUN 23 1988

# STEWART MACKEN & COVERT

BARRISTERS AND SOLICITORS

PURDY'S WHARF TOWER ONE  
195B UPPER WATER STREET  
HALIFAX, CANADA

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

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

RONALD N. PUGSLEY, O.C.  
GEORGE A. GAINES, O.C.  
JAMES S. COWAN, O.C.  
JOEL E. PINK, O.C.  
RICHARD K. JONES, O.C.  
DOUGLAS J. MATHEWS  
JONATHAN G. K. STOBIE  
BARBARA S. PENICK  
MARK E. McDONALD  
GLEN V. DEXTER  
ELIZABETH M. HALDANE  
ERIC L. BURTON  
LAWRENCE J. STORDY  
R. BLOIS COLPITTS  
PAUL W. FEBTERYGA

CORRESPONDENCE  
P.O. BOX 987  
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.

RNP  
2076-2

June 23, 1988

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

Dear Mr. MacDonald:

Michael Harris

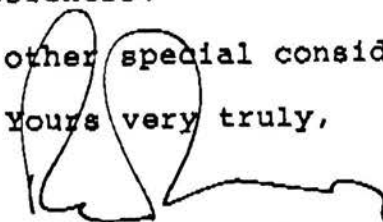
I have Mr. Murrant's letter of June 22 addressed to you.

I am not prepared to give Mr. Murrant or to Mr. Harris confirmation of anything.

I propose addressing questions to Mr. Harris consistent with the guidelines set forth by the Commissioners.

Mr. Harris is not entitled to any other special consideration.

Yours very truly,



Ronald N. Pugsley

RNP:dk

c: To All Other Counsel

N0182841

JUN 23 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  
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, Q.C.  
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.  
DAVID R. HUBLEY, Q.C.  
GERALD J. MCCONNELL, Q.C.  
RONALD A. PINK  
LOGAN E. BARNHILL  
JOEL E. FICHAUD  
J. MARK MCCREA  
D. SUZAN FRAZER  
BRUCE A. MARCHAND  
RODNEY F. BURGAR  
JANICE A. STAIRS  
DENNIS J. JAMES

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

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

June 23, 1988

VIA TELECOPIER

Mr. Robert Murrant  
Murrant Brown  
Barristers & Solicitors  
Suite 404  
Purdy's Wharf  
Halifax, Nova Scotia

Dear Mr. Murrant:

Marshall Inquiry  
Michael Harris  
Our File No. 9201/1

I received a faxed copy of your letter to George MacDonald dated June 22nd at 9:15 a.m.

I don't know what you mean when you say that ". . . other counsel have not" . . . "been forthcoming. . .". Yesterday was the first occasion when I heard it mentioned that Michael Harris might be a witness on Monday, June 27th.

I don't have a copy of George MacDonald's letter of June 21st and so I am at a disadvantage regarding his suggestion which you describe as "most helpful". Would you see that a copy of that letter is delivered to me?

When I have this missing information I will be as forthcoming as I can.

Yours very truly,

Jamie W.S. Saunders

JWSS/cs  
c.c. All Counsel



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

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

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

June 23, 1988

VIA COURIER

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

Dear George:

Marshall Inquiry  
Our File No. 9201/1

I write to express my concern about one matter raised during the meeting of counsel at noon hour yesterday.

I believe you said that after final argument by all counsel in Sydney you "anticipated being involved in the process in some way".

I haven't looked at procedures employed in other commissions of inquiry but I recall certain speakers at the Conference on Royal Commissions convened at Dalhousie University in February who suggested that this was not appropriate. It has always been my feeling that at the conclusion of argument the Commissioner(s) retires to write his/their decision and all communication between the Commissioner(s) and any other counsel ceases.

If I am wrong in this or if there is precedent to the contrary from other jurisdictions I would like to be advised.

Mr. George W. MacDonald, Q.C.  
June 23, 1988  
Page 2

I believe this is something all counsel should think about  
and address at a subsequent meeting.

Yours very truly,

*C. Skatford*

*for:* Jamie W.S. Saunders

JWSS/cs

c.c. Ms. Anne Derrick  
Mr. Ronald N. Pugsley, Q.C.  
Mr. Donald C. Murray  
Mr. Frank L. Elman, Q.C.  
Mr. James D. Bissell  
Mr. William L. Ryan, Q.C.  
Mr. Charles Broderick  
Mr. S. Bruce Outhouse  
Mr. Bruce H. Wildsmith  
Mr. E. Anthony Ross



JUN 30 1988

**MURRANT BROWN**

Barristers & Solicitors

SUITE 404  
FURDY'S WHARF  
P.O. BOX 2626  
HALIFAX, CANADA  
B3J 8P7

ROBERT MURRANT Q.C.

TELEPHONE (902) 421-2121  
XEROX-FAX (902) 421-2121

June 22, 1988

George W. MacDonald, Q.C.  
McINNES COOPER & ROBERTSON  
Barristers and Solicitors  
P. O. Box 730  
HALIFAX, Nova Scotia  
B3J 2V1

Dear Mr. MacDonald:

RE: Marshall Inquiry - Michael Harris

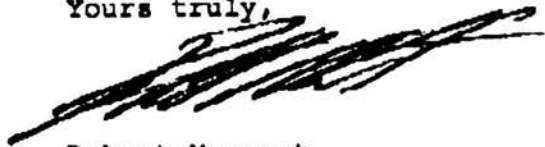
I have your letter of June 23 together with correspondence from Messrs. Pugsley, Pringle and Saunders.

The effective concern in having Mr. Harris appear voluntarily is the fear that he would be put on the rack for the benefit of all counsel having interest in the Inquiry. If all counsel were to agree to confine their questioning to the "shuffle" and matters pertaining to it - as has Mr. Pringle - then there would be no adverse consequence in the appearance of Mr. Harris.

This amounts to all concerned following the guidelines set forward by the Commission and giving their commitment that the questioning would not be expanded.

This, to me, would appear to be a simple solution.

Yours truly,



Robert Murrant

RM\*dm  
cc. All Commission Counsel

JUN 30 1988

**MURRANT BROWN**

Barristers &amp; Solicitors

SUITE 404  
MURDY'S WHARF  
P.O. BOX 1886  
HALIFAX, CANADA  
B3J 3P7

ROBERT MURRANT Q.C.

TELEPHONE (902) 421-3121

XEROX-FAX (902) 421-3121

June 22, 1988

George W. MacDonald, Q.C.  
Commission Counsel  
Royal Commission on the  
Donald Marshall, Jr., Prosecution  
8th Floor  
World Trade & Convention Centre  
HALIFAX, Nova Scotia

Dear Mr. MacDonald:

**RE: The Marshall Inquiry - Michael Harris**

I have your letter of June 21.

Your suggestions are most helpful.

The effective problem lies with the potential for abuse should Mr. Harris volunteer to attend. You will appreciate that any involvement of his at this stage, is entirely voluntary. In participating, significant legal rights and remedies would be waived, once and for all.

Mr. Harris would not be prepared to waive these rights and remedies in the absence of a clear understanding as to the scope of any examination that would occur. Unfortunately, while you have been forthcoming as Commission Counsel, other counsel have not.

Mr. Harris will not consider this matter further until such time as we have received, from all parties, confirmation to the effect that they agree to confine their examination to the "St. Peter's shuffle" and matters relating to the disclosure and publication or non-publication of this information.

A copy of this letter is going forward to all concerned inviting

...../2

MURRANT BROWN

- 2 -

them to reply immediately, as it is important to know whether any overreaching is intended should Mr. Harris elect to participate.

Yours truly,

A large, dark, scribbled-out signature, likely of Robert Murrant, covering the space where the signature would normally be.

Robert Murrant

RM\*dm

# JUSTICE

JUN 23 1988

(BRITISH SECTION OF THE INTERNATIONAL COMMISSION OF JURISTS)  
95a CHANCERY LANE LONDON WC2A 1DT

COUNCIL:

HONORARY MEMBERS:

STANLEY CLINTON DAVIS	PERCY GRIEVE QC
ANTHONY CRIPPS DSO QC	SIR DESMOND HEAP
LORD ELWYN-JONES CH	MUIR HUNTER QC
LORD GARDINER CH	SIR JACK JACOB QC
PROF JACK GARNER	EDWARD LYONS QC
GEOFFREY GARRETT	LORD WIGODER QC

Telephone: 01-405 6018/9  
DX 323

CHAIRMAN OF COUNCIL:  
LORD FOOT

VICE-CHAIRMEN:  
PETER ARCHER, Q.C. M.P.  
LORD CARLISLE, Q.C.

CHAIRMAN OF EXECUTIVE COMMITTEE:  
PAUL SIEGHART

VICE-CHAIRMAN:  
WILLIAM GOODHART QC

HONORARY TREASURER:  
PHILIP ENGLISH

MEMBERS:

DAVID ASHBY MP	ANTHONY LESTER QC
PETER CARTER-RUCK	BLANCHE LUCAS
BERYL COOPER QC	SIR BRIAN MACKENNA
DIANA CORNFORTH	NORMAN MARSH CBE QC
PETER CRAWFORD QC	GAVIN MCKENZIE
PROF AUBREY DIAMOND	JOHN MORRIS QC MP
SIR DENIS DOBSON KCB OBE QC	AINSLIE NAIRN
MICHAEL ELLMAN	PENELOPE PEARCE
RICHARD FERNYHOUGH QC	ANTHONY PUGH-THOMAS
SIR EDWARD GARDNER QC	LORD RIPPON QC
PROF ROY GOODE OBE	TOM SARGANT OBE JP
DAVID GRAHAM QC	MICHAEL SHERRARD QC
STEPHANIE GRANT	LAURENCE SHURMAN
JOANNA GREENBERG	LORD SILKIN QC
JOE HARPER	CHARLES WEGG-PROSSER
GREVILLE JANNER QC MP	DAVID WIDDICOMBE QC
IVAN LAWRENCE QC MP	

DIRECTOR:  
LEAH LEVIN

LEGAL OFFICER:  
PETER ASHMAN

LEGAL ASSISTANT:  
MICHAEL ASPINALL

DIRECTOR OF RESEARCH:  
ALEC SAMUELS JP

PA/RC

17th June 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  
CANADA

Dear Mr. Spicer

Re: Marshall Enquiry

Thank you for your letter of 8th June and thank you also for your kindness in sending me a copy of the Federal-Provincial Taskforce report on compensating wrongly convicted and imprisoned persons. This is most interesting and will be useful to us when arguing with our own authorities about establishing a statutory scheme.

Further work on the draft of our Miscarriages of Justice report is under way, including filling the gaps in the statistics. I will let you have a copy of the final version when it has been approved by the committee.

Yours sincerely

*Rachel Cozui*

*pe* Peter Ashman

JUN 22 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  
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, Q.C.  
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.  
DAVID R. HUBLEY, Q.C.  
GERALD J. MCCONNELL, Q.C.  
RONALD A. PINK  
LOGAN E. BARNHILL  
JOEL E. FICHAUD  
J. MARK MCCREA  
D. SUZAN FRAZER  
BRUCE A. MARCHAND  
RODNEY F. BURGAR  
JANICE A. STAIRS  
DENNIS J. JAMES

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

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

June 22, 1988

BY HAND

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

- and -

Ms. Anne Derrick  
Buchan, Derrick & Ring  
Barristers & Solicitors  
5516 Spring Garden Road  
Suite 205  
Halifax, Nova Scotia

- and -

Mr. R.N. Pugsley, Q.C.  
Stewart, MacKeen & Covert  
Barristers & Solicitors  
900-1959 Upper Water Street  
Halifax, Nova Scotia

Dear Mr. Spicer, Mr. Pugsley & Ms. Derrick:

Marshall Inquiry  
Our File No. 9201/

I enclose for your use copies of the appeal book which has  
been filed with the Prothonotary on this date.

Yours truly,

*Catherine M. Hicks*  
Catherine M. Hicks,  
Legal Assistant to  
Jamie W.S. Saunders

CMH/cs  
encl:



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

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

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

June 22, 1988

BY HAND

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

Dear Mr. Spicer:

Marshall Inquiry  
Our File No. 9201/1

I forward to you a box of materials related to the Mombourquette case. This box contains the file materials of both Frank Edwards and Bob Lutes. I provide these to you further to your request and discussion with Jamie Saunders on June 21, 1988. Please return these files to this office by the afternoon of June 23, 1988 or as soon thereafter as possible.

Yours truly,



Catherine M. Hicks,  
Legal Assistant to  
Jamie W.S. Saunders

CMH/cs  
encl:

MURRANT BROWN

Barristers & Solicitors

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

ROBERT MURRANT Q.C.

TELEPHONE (902) 421-2121

XEROX-FAX (902) 421-2125

June 16, 1988

WITHOUT PREJUDICE

Mr. Donald C. Murray  
STEWART MacKEEN & COVERT  
Barristers and Solicitors  
900 - 1959 Upper Water Street  
HALIFAX, Nova Scotia

Dear Mr. Murray:

RE: Marshall Inquiry - Michael Harris

Further to your recent correspondence and my telephone conversation with Mr. Orsborn, I wish to bring Mr. Harris' position up to date so that there will be no misunderstanding.

Nowhere in its decision does the Commission indicate the need for Mr. Harris to appear and give viva voce evidence. Indeed, the contemplation of the Commissioners is just the opposite.

The matter should be handled in the same fashion as Alan Story - this presumes a dialogue in exchange of information including the questions to be posed. This you, for some reason, refuse to do.

Given Mr. Harris' intended affirmative answer, certain supplementary questions may arise. Obviously, you are going to have to do your preparation sooner or later and you are going to have to identify what questions will be put forward. How you prepare is of course entirely up to yourself.

The matter of preparation is of course important from Mr. Harris' perspective. He would like to know exactly what will be required of him should he volunteer the evidence. The fact that you refuse to identify the questions to be asked is of concern, as the failure to do this leaves us in serious doubt as to the scope of the questioning and the fact that the questioning will be confined to the one topic permitted by the Inquiry.

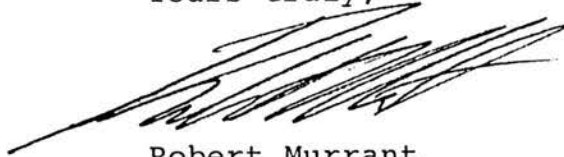
...../2

MURRANT BROWN

- 2 -

We trust our position on this matter is now clear.

Yours truly,

A handwritten signature in dark ink, appearing to be 'Robert Murrant', written in a cursive style with a long horizontal flourish extending to the left.

Robert Murrant

RM\*dm

cc. Mr. David B. Orsborn

# 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

JUN 22 1988

June 17, 1988

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

Dear John:

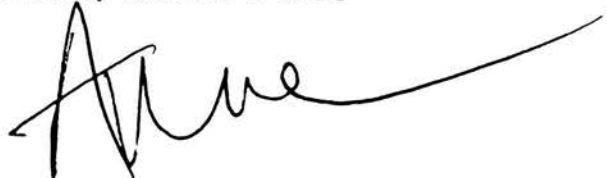
RE: Research on MicMacs and the Criminal Justice System

I am enclosing the cards of Samuel D. Stevens, Director of the Native Law Program at the University of British Columbia. I met Mr. Stevens today at a conference on Native Law. Although I only had the opportunity for a brief discussion with Mr. Stevens, he seems very knowledgeable with respect to issues of Tribal Justice, Tribal Courts, Customary Laws, etc. In fact he is on his way to attend a conference on accessibility to Civil Justice for Native people soon to be held in Toronto.

I thought Scott Clark and yourself might be interested in making contact with Mr. Stevens if you are not aware of him already, and I wanted to pass this information along.

Yours sincerely,

BUCHAN, DERRICK & RING



Anne S. Derrick

ASD/har  
Briggs  
ASD 5A

Enclosure

JUN 21 1988

*Greenspan, Rosenberg  
Barristers*

*Telephone (416) 366-3961  
Telefax (416) 366-7994*

*Edward Leonard Greenspan, D.C.  
Marc Rosenberg, B.A., L.L.B.  
Chris V. Buhr, M.Sc., L.L.B.  
Arthur Fish, L.L.B., B.C.L. (Hon.)*

*The Simpson Tower, 32nd Floor  
401 Bay Street, Box 52  
Toronto, Canada  
M5H 2Y4*

June 20, 1988

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 Sir:

Re: Workshop on the Role of the Local Crown Prosecutor - June 23, 1988

As you requested, the following is my written critique of Professor Archibald's study of the Prosecuting Officers and the Administration of Justice in Nova Scotia. For your assistance I have also enclosed copies of certain materials which you may find of assistance in considering this important topic. I expect to be in Halifax afternoon sometime after 5:00 and would therefore be available for a dinner meeting as you suggest in your letter of June 9th. I will be staying at the Delta Barrington if you wish to leave a message as to the time and location of the meeting.

Yours very truly,  
GREENSPAN, ROSENBERG



Marc Rosenberg

MR/pm  
Enc.

JUN 21 1988

To:

R.Apostle

Crime Stats

june 16,1988

In light of our discussions on monday and wednesday and following up on the comments made by Philip and myself on the initial draft,I have looked over statistics canada data on crime stats. Copious material is collected by statscan each month from all departments and detachments in Nova Scotia.The enclosed forms provide the detailed breakdown of offences for which data are available.There is a lag of roughly one year in the publication of uniform crime reports but quarterly data are available for a quartet of N.S.units (Halifax,Dartmouth,Sydney and Truro) on a more ready basis.It may also be possible to obtain raw monthly data virtually without delay.Also these data have been gathered for many years I understand so some analysis could be made of the patterns over time - perhaps even a comparison of the period of the original Marshall incident with the current period.I see no problem at all in obtaining this information.

The section of statscan to contact is **Canadian Centre for Justice Statistics** (19th floor,Coats Building,Ottawa,k1a,0t6) and the key person is **Robert Grainger**,senior advisor,law enforcement program.

Turning to the offences themselves they of course can be broken down or grouped in a variety of ways.How this might be done might depend on how(and how fast) Grainger is prepared to make the data available.The common categories are nonsexual assault,sexual assault,robbery,break and enter,theft,fraud,theft motor vehicles and traffic.You could ask for offences grouped by **crimes of violence** (homicide,attempted murder,sexual assault,nonsexual assault,abduction and robbery -these subcategories are themselves groupings of offences),**crimes of property** (b and e,theft,fraud) and **total criminal code**.These three broad categories are analytically valuable but you can always generate them yourself if you have the complete listing of categories.For each of whatever categories one selects,one can also get the breakdown on **reported/actual number,% cleared and persons charged**.Again on this latter dimension set even finer breakdowns are possible (eg,adult vs young offenders,cleared by charge or cleared otherwise).Finally it would be possible to have all this info by designated grouped areas compatible with the investigative resources map,provided departments and detachments are specified.

don c

c.c.phil stening  
john briggs



SUPPLEMENTARY FORM "C" - CRIME STATISTICS

Complete and return this copy to Statistics Canada in the enclosed envelope on or before the 15th of the month.

Date submitted: Day, Month, Year. Signature of head of department.

Table with columns: OFFENCES (1), Reported or known to police (2), Unfounded (3), Actual number (4), OFFENCES CLEARED (By Charge (5), Otherwise (6)), PERSONS DATA (Adults Charged (Male (7), Fem. (8)), Young offenders Charged (Male (9), Fem. (10)), Not Charged (11)). Rows include Assault - Total (201), Aggravated Sexual Assault (202), Sexual Assault with Weapon (203), Sexual Assault (204), Assault Level (1) (205), Assault with Weapon or Causing Bodily Harm Level (2) (206), Aggravated Assault Level (3) (207), Unlawfully Causing Bodily Harm (208), Discharge Firearm with Intent (209), Police (210), Other Peace-Public Officers (211), Other Assaults (212), OTHER SEXUAL OFFENCES TOTAL (213), ABDUCTION - TOTAL (214), Abduction of person under 14 (215), Abduction of person under 16 (216), Abduction Contravening Custody Order (217), Abduction No Custody Order (218).



FORM "C" - CRIME STATISTICS

Complete and return this copy to Statistics Canada in the enclosed envelope on or before the 15th of the month.

Date submitted

Day

Month

Y.

Signature of head of department

OFFENCES 1	Reported or known to police 2	Un-founded 3	Actual number 4	OFFENCES CLEARED		PERSONS DATA			
				By charge 5	Otherwise 6	Adults		Young offenders	
						Charged		Charged	
						Male 7	Fem. 8	Male 9	Fem. 10
HOMICIDE* TOTAL ..... 001									
Murder, First degree ..... 002									
Murder, Second degree ..... 003									
Manslaughter ..... 004									
Infanticide ..... 005									
ATTEMPTED MURDER - TOTAL ..... 006									
SEXUAL OFFENCES TOTAL .....									
Rape .....									
Indecent Assault - Female .....									
Indecent Assault - Male .....									
Other Sexual Offences .....									
ASSAULTS (not indecent) TOTAL .....									
Wounding .....									
Bodily Harm .....									
Police .....									
Other peace-public officers .....									
Other Assaults .....									
ROBBERY TOTAL ..... 018									
Firearms ..... 019									
Other offensive weapons 020									
Other Robbery ..... 021									

**DUE TO LEGISLATIVE CHANGES OFFENCES NO LONGER VALID - REFER TO SUPPLEMENTARY FORM "C"**



OFFENCES  1	Reported or known to police  2	Un- founded  3	Actual number  4	OFFENCES CLEARED		PERSONS DATA				
				By charge  5	Otherwise  6	Adults		Young offenders		
						Charged		Charged		
						Male 7	Fem. 8	Male 9	Fem. 10	Ch 11
<b>BREAKING AND ENTERING TOTAL</b> ..... 022										
Business premises ..... 023										
Residence ..... 024										
Other Break and Enter ..... 025										
<b>THEFT - MOTOR VEHICLE TOTAL</b> ..... 026										
Automobiles ..... 027										
Trucks ..... 028										
Motorcycles ..... 029										
Other Motor Vehicles ..... 030										
<b>THEFT OVER \$1,000 TOTAL</b> ..... 031										
Bicycles ..... 032										
From motor vehicles ..... 033										
Shoplifting ..... 034										
Other thefts over \$1,000 ..... 035										
<b>THEFT \$1,000 AND UNDER TOTAL</b> ..... 036										
Bicycles ..... 037										
From motor vehicles ..... 038										
Shoplifting ..... 039										
Other thefts \$1,000 and under ..... 040										
<b>HAVE STOLEN GOODS</b> ..... 041										
<b>FRAUDS TOTAL</b> ..... 042										
Cheques ..... 043										
Credit Cards ..... 044										
Other frauds ..... 045										
<b>PROSTITUTION TOTAL</b> ..... 046										
Bawdy house ..... 047										
Procuring ..... 048										
Other prostitution ..... 049										

JUN 20 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  
RAYMOND F. LARKIN  
S. RAYMOND MORSE  
DARRELL I. PINK  
JACKA. 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, Q.C.  
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.  
DAVID R. HUBLEY, Q.C.  
GERALD J. MCCONNELL, Q.C.  
RONALD A. PINK  
LOGAN E. BARNHILL  
JOEL E. FICHAUD  
J. MARK MCCREA  
D. SUZAN FRAZER  
BRUCE A. MARCHAND  
RODNEY F. BURGAR  
JANICE A. STAIRS  
DENNIS J. JAMES

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

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

June 20, 1988

BY HAND

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

Dear John:

Marshall Inquiry  
Our File No. 9201/1

You will recall that in earlier correspondence you asked that we confirm whether or not there were files, documents or other materials in the Office of the Speaker relating to either the Roland Thornhill or Billy Joe MacLean cases.

Darrel and I met with the Speaker recently and we have been advised and I can now inform you that there are no materials in the Speaker's Office dealing with the Roland Thornhill case. I further confirm that the only file in the Speaker's Office relating to the Billy Joe MacLean case consists of the correspondence and MLA expense vouchers which I believe you have already seen. So far as we are concerned there is nothing new or different.

I trust this is the confirmation you were seeking and I will look forward to your acknowledgement.

Yours very truly,

*C. Shatford*  
for: Jamie W.S. Saunders

JWSS/cs

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

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

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

June 17, 1988

BY HAND

Mr. W. Wylie Spicer  
McInnes, Cooper & Robertson  
Barristers & Solicitors  
Cornwallis Place  
1601 Lower Water Street  
Halifax, Nova Scotia

Dear Wylie:

Her Majesty the Queen vs.  
The Royal Commission into the Donald Marshall, Jr.  
Prosecution and Donald Marshall, Jr.  
Our File No. 9201/1

I enclose a certified copy of our Interlocutory Notice  
(Application Inter Partes) and Notice of Appeal filed this  
afternoon.

Kindly acknowledge receipt.

Yours very truly,



Jamie W.S. Saunders

JWSS/cs  
encl:



JUN 15 1988

Offices of the  
Attorney General

June 10, 1988

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

Dear John:

Attached please find a copy of my review of Dr. Scott Clark's report, The M'KMAQ and Criminal Justice in Nova Scotia.

I'm afraid that the time was rather short to do a more comprehensive review but I hope you will find what I have done useful. I was anxious to send it to you as I know you want material available prior to the workshop and I leave Ottawa this Friday.

Looking forward to seeing you June 16th.

Sincerely,

Carol LaPrairie  
Policy Development Section  
Programs and Policy Directorate

Att.

JUN 16 1988



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

Telephone (902) 426-7594

Telecopier (902) 426-2329

Our file  
Notre dossier AR-21,613

Your file  
Votre dossier

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

June 16, 1988

Dear Mr. Orsborne:

Re: Donald Marshall Inquiry

Further to our telephone conversation of June 14, 1988, I understand that you will consult with George MacDonald and let us know as soon as possible which RCM Police members and former members you wish to interview for the Thornhill aspect of the inquiry.

We have suggested that the interviews take place in Ottawa as two of the persons identified reside in the Ottawa area (i.e. Superintendent Roy and Deputy Commissioner Quintal) and you may wish to have retired Chief Superintendent Feagan and Assistant Commissioner Venner come in from British Columbia at the same time. If so, would you please confirm that the Commission will pay travelling expenses for those former members. We have discussed this matter with RCM Police General Counsel in Ottawa and have tentatively suggested the week of July 25th for such interviews.

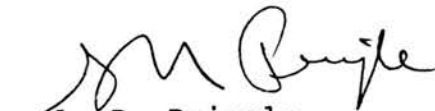
Would you kindly let us know as soon as conveniently possible who you wish to interview, whether the week of July 25th is convenient and, if not, suggest alternative dates which we can look to.

.../2

Canada

With respect to former Commissioner Simmonds, we would appreciate learning how you intend to conduct the interview.

Yours very truly,

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

A. R. Pringle  
Senior Counsel  
Atlantic Region

ARP:mm

JUN 16 1988



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

(902) 426-7592  
Telecopier #426-2329

Our file: 147-15  
Notre dossier

Your file:  
Votre dossier

June 15, 1988

**HAND DELIVERED**

The Honourable Mr. Justice Gregory Evans  
c/o The Royal Commission on the  
Donald Marshall, Jr., Inquiry  
Suite 1026, Maritime Centre  
1505 Barrington Street  
Halifax, Nova Scotia  
B3J 3K5

Dear Sir:

Re: Annual Dinner - Federal Prosecutors  
Mount Saint Vincent University  
Rosaria Centre Dining Room - June 29, 1988 at 7:00 p.m.

This will confirm that the Federal Prosecutors Annual Dinner is scheduled for June 29, 1988, at 7:00 o'clock p.m., at the above noted location. We are looking forward to your address on that occasion.

Invited guests at the Annual Dinner will include the Chief Justice of Nova Scotia, Lorne Clarke; the Chief Justice of the Trial Division of the Nova Scotia Supreme Court, Constance Glube, and some members of the local Bar. I expect there will also be a number of faces familiar to you from our Headquarters and from our Toronto Regional Office including Doug Rutherford, Julius Isaac, and Michael Dambrot.

We are very happy that you have agreed to speak to us on this occasion. Please feel free to address us on any subject matter that is of particular interest to you. Naturally the group would be very interested in your observations on commissions of inquiry, as well as the roles and responsibilities of Crown and defence counsel.

.../2

Canada

The Honourable Mr. Justice Gregory Evans  
June 15, 1988  
Page 2

For your information, I enclose a copy of our agenda during the week. I realize that the Inquiry is sitting at this time, but hope that you would feel free to sit in on any of these sessions during the week if you do become available.

May I also take this opportunity to congratulate you on your retirement and wish you many happy and healthy years.

Yours very truly,

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

James D. Bissell  
General Counsel  
Director, Atlantic Region

JDB:wm

Enc.



JUN 15 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  
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.  
DAVID R. HUBLEY, Q.C.  
GERALD J. MacCONNELL, Q.C.  
RONALD A. PINK  
LOGAN E. BARNHILL  
JOEL E. FICHAUD  
J. MARK MacCREA  
D. SUZAN FRAZER  
BRUCE A. MARCHAND  
RODNEY F. BURGAR  
JANICE A. STAIRS  
DENNIS J. JAMES

JAMES C. LEEFE, Q.C.  
FRANK J. POWELL, Q.C.  
CLARENCE A. BECKETT, Q.C.  
GEORGE L. WHITE  
DAVID R. FEINDEL  
A. DOUGLAS TUPPER  
DORA L. GORDON  
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

June 15, 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

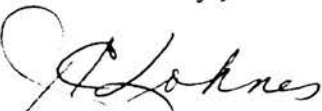
For a change, I would like to ask if you could arrange for certain information to be provided to me.

The Solicitor General has recently established a Minister's Task Force on Municipal Police Training with a mandate to "develop a comprehensive training and education plan for municipal law enforcement officers". To assist in its endeavours, the task force would like to have available to it as much current information as exists regarding the amount of training undertaken by municipal police officers in the province.

We are aware that Professor Apostle, as part of his research, has surveyed all police departments to determine the courses attended by individual officers over the last five years. This information would be very useful to the task force and I request that it be provided to us so we can avoid the need to duplicate the efforts already undertaken.

I look forward to your positive response to this request.

Yours truly,



*for* Darrel I. Pink

DIP/jl  
c.c. Ms. Kathleen M. Waters

JUN 14 1988

LEONARD A. KITZ, Q.C., D.C.L.  
JOHN D. McISAAC, 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. McDONALD, 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. McLEAN  
DENNIS ASHWORTH  
WENDY J. JOHNSTON  
ROBERT K. DICKSON  
FERN M. GREENING

FRED J. DICKSON, Q.C.  
DAVID R. HUBLEY, Q.C.  
GERALD J. McCONNELL, Q.C.  
RONALD A. PINK  
LOGAN E. BARNHILL  
JOEL E. FICHAUD  
J. MARK McCREA  
D. SUZAN FRAZER  
BRUCE A. MARCHAND  
ROONEY F. BURGAR  
JANICE A. STAIRS  
DENNIS J. JAMES

JAMES C. LEEFE, Q.C.  
FRANK J. POWELL, Q.C.  
CLARENCE A. BECKETT, Q.C.  
GEORGE L. WHITE  
DAVID R. FEINDEL  
A. DOUGLAS TUPPER  
DORA L. GORDON  
LORNE E. KOZOVSKY, 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

June 13, 1988

BY HAND

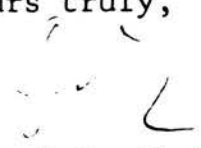
Mr. John Briggs  
Director of Research  
Royal Commission on the  
Donald Marshall, Jr. Prosecution  
1026 - 1505 Barrington Street  
Halifax, N.S.

Dear Mr. Briggs:

Our File No. 9201/1

Enclosed please find documents for insertion in the Advice  
to Prosecuting Officers booklets.

Yours truly,

  
Darrel I. Pink

DIP/jl  
Enc.

Nova Scotia



Attorney General

Memorandum

From **Martin E. Herschorn, Q.C.** *M. E. H* Our File Reference  
 Director (Prosecutions) **02-88-0058-10**

To **Prosecuting Officers and** Your File Reference  
**Assistant Prosecuting Officers**

Subject **Conference Attendance** Date **June 9, 1988**

The Department has instituted a new procedure to approve of attendance by staff members at conferences. A Conference Committee chaired by Gerry Conrad and composed of Gordon Gale, Bruce Davidson, Reinhold Endres, John Wade and myself, has been mandated to consider all requests for conference attendance. Any such request by a Prosecutor to attend a conference should be directed to my attention in the first instance in order that it might be raised with this Committee.

MEH:if

SECTION 8  
PROCEDURE (Continued)

Provincial Enactments	#
Assistance from Department - (See Charter of Rights - Assistance from the Department, Section 2)	
Motor Vehicle Act - Commission on Drug Dependency .....	8.122
Motor Vehicle Act - Section 31(2) .....	8.196
- Section 257 .....	8.196.1
Protection of Property Act .....	8.197
Retail Business Uniform Closing Day Act .....	8.206
Interpreters for the Deaf .....	8.214

SECTION 9  
PROSECUTING OFFICERS

Billing Procedures	
Per Diem Prosecuting Officers .....	9.1
Young Offenders Act .....	9.2
Conduct .....	9.3
Conference Attendance .....	9.38
Department Structure .....	9.29
Disclosure (See Policy Statements, Section 7)	
Media Relations (See Policy Statements, Section 7)	
Negotiations with Defence Counsel (See Policy Statements, Section 7)	
Remuneration - Per Diem Prosecuting Officers .....	9.31
Results Indicators .....	9.32

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.  
DAVID R. HUBLEY, Q.C.  
GERALD J. MacCONNELL, Q.C.  
RONALD A. PINK  
LOGAN E. BARNHILL  
JOEL E. FICHAUD  
J. MARK MacCREA  
D. SUZAN FRAZER  
BRUCE A. MARCHAND  
RODNEY F. BURGAR  
JANICE A. STAIRS  
DENNIS J. JAMES

JAMES C. LEEFE, Q.C.  
FRANK J. POWELL, Q.C.  
CLARENCE A. BECKETT, Q.C.  
GEORGE L. WHITE  
DAVID R. FEINDEL  
A. DOUGLAS TUPPER  
DORA L. GORDON  
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

June 13, 1988

BY HAND

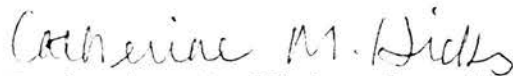
Mr. John Briggs  
Director of Research  
Royal Commission on the  
Donald Marshall, Jr. Prosecution  
Suite 1026  
1505 Barrington Street  
Halifax, NS

Dear Mr. Briggs:

Marshall Inquiry  
Our File No. 9201/1

I enclose a copy of biographical sketches on Jim Fanning and Allan Clark for your use at the research seminars.

Truly yours,



Catherine M. Hicks, Legal Assistant to  
Darrel I. Pink

CMH/sc  
encs.

BIOGRAPHICAL SKETCH

ALLAN ROY CLARK

1966- Bachelor of Physical Education and Recreation,  
University of New Brunswick.

May 1972, two summers - National Executive Development  
Program, University of Waterloo.

1988- Master in Urban and Rural Planning, Technical  
University of Nova Scotia.

Mr. Clark presently holds the position of co-ordinator  
of Indian Affairs at the Nova Scotia Department of Social  
Services.

JIM FANNING

Mr. Fanning graduated from Dal Law School in September, 1984 and was called to the Bar in November, 1984. He has been working with the Attorney General's Department as a solicitor since being called to the Bar.

JUN 30 1988

**MURRANT BROWN**

Barristers & Solicitors

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

ROBERT MURRANT Q.C.

TELEPHONE (902) 423-2121

XEROX-FAX (902) 423-2121

June 14, 1988

Mr. Donald C. Murray  
STEWART MacKEEN & COVERT  
Barristers and Solicitors  
900 - 1959 Upper Water Street  
HALIFAX, Nova Scotia

Dear Mr. Murray:

**RE: Marshall Inquiry - Michael Harris**

I have your letter of June 9.

The position set out by former Chief MacIntyre does not vary the considered position stated in our correspondence of June 8.

It may be necessary for us to meet in order to resolve this impasse, as I do not feel the present letter writing exercise is advancing the interests of any of the concerned parties.

Yours truly,



Robert Murrant

RM\*dm

cc. George W. MacDonald, Q.C.  
Commission Counsel

cc. Mr. Michael Harris



JUN 14 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  
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.  
DAVID R. HUBLEY, Q.C.  
GERALD J. MCCONNELL, Q.C.  
RONALD A. PINK  
LOGAN E. BARNHILL  
JOEL E. FICHAUD  
J. MARK MCCREA  
D. SUZAN FRAZER  
BRUCE A. MARCHAND  
RODNEY F. BURGAR  
JANICE A. STAIRS  
DENNIS J. JAMES

JAMES C. LEEFE, Q.C.  
FRANK J. POWELL, Q.C.  
CLARENCE A. BECKETT, Q.C.  
GEORGE L. WHITE  
DAVID R. FEINDEL  
A. DOUGLAS TUPPER  
DORA L. GORDON  
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

June 13, 1988

BY HAND

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

Dear Wylie:

Cabinet Confidentiality  
Our File No. 9201/1

I have yours of June 9, 1988.

I had hoped that our Notice of Appeal would be filed in order to make the application this Thursday for a date but I am not confident that that, in fact, will occur.

As to interviewing Cabinet Ministers, we are not prepared to allow this to occur until the matter has been dealt with before the Appeal Division.

Yours truly,



Darrel I. Pink

DIP/jl

JUN 14 1988

# 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

June 10, 1988

Mr. John 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 John:

RE: Research Workshop

Thank you for sending along the various draft reports to be discussed at the upcoming workshop. I am reading them with considerable interest. I did want to advise you that I also will be attending the workshop on The Role of the Local Crown Prosecutor scheduled for Thursday, June 23. Marlys and I advised Chief Justice Hickman of this when we met with him earlier this week. I noted that my name was not on the list of people to attend, and I just wanted to let you know that I will be there.

Yours sincerely,

BUCHAN, DERRICK & RING



Anne S. Derrick

ASD/arm  
Briggs  
ASD #4

JUN 13 1988

CORRINE E. SPARKS  
JUDGE



JUDGE'S CHAMBERS  
P. O. BOX 1192  
TRURO, NOVA SCOTIA  
B2N 5H1

TELEPHONE (902) 893-4422

June 10th, 1988

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

Dear Mr. Briggs:

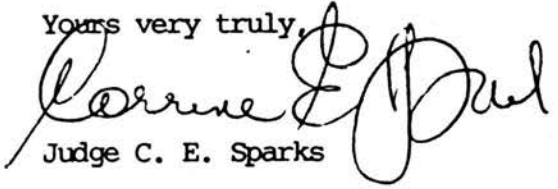
RE: Upcoming Seminar on Dr. Wilson Head's Study on Discrimination  
Against Blacks in Nova Scotia and our Criminal Justice System

Thank you for your correspondence of June 6th, enclosing the confidential report of Dr. W. Head. Regretfully, as I advised you on Tuesday, June 7th, my attendance at the Workshop will not be possible. My attendance at our Annual Family Court Judges' Meeting is required and will prevent my participation in the workshop.

I shall continue, with great interest, listening to the deliberations of the Commission. Thank you for releasing Dr. Head's report to me and for the invitation to submit written comments to the Commission. I would ask that you provide me with the final draft of Dr. Head's report, once it has been completed.

Please extend my sincere apologies to the Commissioners, Researchers and the invited Participants.

Yours very truly,

  
Judge C. E. Sparks

CES/cah

JUN 10 1988

LEONARD A. KITZ, Q.C., D.C.L.  
JOHN D. McISAAC, 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. McDONALD, 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. McLEAN  
DENNIS ASHWORTH  
WENDY J. JOHNSTON  
ROBERT K. DICKSON  
FERN M. GREENING

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

JAMES C. LEEFE, Q.C.  
FRANK J. POWELL, Q.C.  
CLARENCE A. BECKETT, Q.C.  
GEORGE L. WHITE  
DAVID R. FEINDEL  
A. DOUGLAS TUPPER  
DORA L. GORDON  
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

June 10, 1988

COPY

BY HAND

The Honourable Chief Justice  
Lorne O. Clarke  
Appeal Division  
Supreme Court of Nova Scotia  
The Law Courts  
1815 Upper Water Street  
Halifax, N.S.

Dear Chief Justice Clarke:


I have received a copy of Ms. Derrick's letter to you dated June 7, 1988.

I do not consider it appropriate for counsel to be suggesting the constitution of the coram or whether certain (or all) Justices are or ought to be precluded from sitting and fulfilling their judicial functions and duties.

My purpose in writing is merely to avoid the suggestion that silence on my part could be taken as acquiescence or acceptance of her views.

If you wish to hear representations from me and other counsel, I would be happy to attend at your request.

Yours respectfully,

  
Jamie W.S. Saunders

JWSS/jl

c.c. Ms. Anne S. Derrick  
Mr. James MacPherson ✓

cc. Wylie Spicer

JUN 10 1988

**THOMAS R. BERGER**

Barrister & Solicitor

Thomas R. Berger  
Gary A. Nelson

Suite 300 - 171 Water Street  
Vancouver, British Columbia V6B 1A7

Telephone: (604) 684-1311

June 7th, 1988

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

Dear Ms. Ashley:

Thanks for your letter of May 20th (which arrived on June 6th).

I think you have sent me enough information for now. I will read Harris' book and diarize the dates you have indicated. Please keep in touch.

Best wishes to Chief Justice Hickman.

Yours sincerely,



Thomas R. Berger

TRB:VC

JUN 10 1988



PROVINCE OF MANITOBA  
COURT OF QUEEN'S BENCH

THE HONOURABLE A. C. HAMILTON  
ASSOCIATE CHIEF JUSTICE  
FAMILY DIVISION

THE LAW COURTS  
WINNIPEG, MANITOBA, CANADA  
R3C 0V8

June 6, 1988

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

Dear Alex:

Thank you for your letter of May 30th and invitation to attend a workshop on June 16th. The secretary of our Inquiry received a similar invitation from your secretary and he would like to attend the workshop and spend some time with your staff.

Unfortunately, neither Chief Judge Sinclair nor I will be able to attend. Apart from other commitments, we are rather slow getting started in view of the change of government and the fact that the budget submitted by us has not yet been approved by government. Our ability to expend funds is also limited as a result.

I do thank you for your earlier agreement to permit our secretary to contact yours and to obtain advice, assistance and information as we start into our Inquiry.

Looking forward to seeing you at the end of August,  
I remain,

Sincerely,

A handwritten signature in cursive script, likely belonging to Tom McMahon.

cc - Chief Judge Sinclair  
- Tom McMahon

/ah

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

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

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

COPY

CORRESPONDENCE  
P O BOX 997  
HALIFAX, CANADA B3J 2X2

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

DIRECT DIAL (902) 420-

OUR FILE REFERENCE:

DONALD A. KERR, Q.C.

COUNSEL  
BRIAN FLEMMING, Q.C.

HUGH K. SMITH, Q.C.

June 9, 1988

DELIVERED

Mr. Robert Murrant,  
Murrant Brown,  
Suite 404, Purdy's Wharf Tower,  
P.O. Box 2626,  
Halifax, Nova Scotia

Dear Mr. Murrant:

RE: Marshall Inquiry - Michael Harris

Thank you for your letter of June 8th and the copy of your letter to George MacDonald of June 7, 1988, both of which I received yesterday. It remains our position that Michael Harris ought to give viva voce testimony and we will not be forwarding any written questions to you. By a copy of this letter to Mr. MacDonald, and direct advise to him, we have made the Commission aware of our position and assume that Mr. MacDonald and yourself will be making the necessary arrangements for the attendance of Mr. Harris.

Yours very truly,  
STEWART, MACKEN & COVERT  
Per:

Donald C. Murray

DCM/dmb  
c.c. Mr. George W. MacDonald, Q.C. ✓  
R.N. Pugsley, Q.C.  
N2061620

JUN 09 1988

# 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

June 7, 1988

**COPY**  
FOR YOUR INFORMATION ONLY

The Honourable Chief Justice Lorne O. Clark  
Chief Justice for the Province of Nova Scotia  
The Law Courts  
1815 Upper Water Street  
Halifax, N.S.

Dear Chief Justice:

RE: Appeal by the Attorney General of Nova Scotia from Chief Justice Glube's Decision re:Cabinet Confidentiality - S.H. Nos. 64097 and 64118

I act for Donald Marshall, Jr. who will be a Respondent with respect to the above Appeal. I am writing to Your Lordship concerning the issue of this Appeal being heard by Justices of the Trial Division rather than Justices of the Appeal Division. I am concerned that there be no suggestion of the appearance of bias by the Appeal being heard by Appeal Division Justices in light of the fact that the entire Appeal Division of the Nova Scotia Supreme Court has retained Mr. Ronald Downie, Q.C. with respect to the case between the Justices of the Appeal Division and the Royal Commission. I do not feel in these circumstances that any of the Justices of the Court of Appeal can properly hear the Attorney General's Appeal in the above noted matter.

Correspondence on file between Mr. Downie and David Osborne refers to his representation of the Appeal Division of the Nova Scotia Supreme Court, including, but not limited to the Justices named in the Application between the Justices and the Royal Commission.

I am, therefore, respectfully writing to Your Lordship to ask that arrangements be made for the Attorney General's Appeal to be heard by a panel of Judges not from the Appeal Division who are appointed ad hoc for the purpose of hearing the Appeal. This was done in the Appeal by Donald Marshall, Jr. from Chief Justice Glube's decision not to grant him Intervenor status in the main proceeding involving the Justices of the Appeal Division. Despite the fact that this present Appeal does not bear directly on the Justices' case I do not think that any Judge involved in proceedings against the Royal Commission can take part in the hearing of this Appeal. It is worth noting as well that the issues



in both cases are inter-related in that both the Justices' Application and the present Appeal involve issues of immunity from testifying and the extent to which Judges or Cabinet Members can be questioned before the Royal Commission.

I would appreciate hearing from Your Lordship in this matter.

Yours sincerely,

BUCHAN, DERRICK & RING



Anne S. Derrick

ASD/har  
Marshall  
ASD 7A

c.c. Mr. Jamie Saunders

c.c. Mr. Jim MacPherson

✓ c/o The Royal Commission

c.c. Wylie Spicer

LEONARD A. KITZ, Q.C. D.C.L.  
JOHN D. McISAAC, 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. McDONALD, 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. McLEAN  
DENNIS ASHWORTH  
WENDY J. JOHNSTON  
ROBERT K. DICKSON  
FERN M. GREENING

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

JAMES C. LEEFE, Q.C.  
FRANK J. POWELL, Q.C.  
CLARENCE A. BECKETT, Q.C.  
GEORGE L. WHITE  
DAVID R. FEINDEL  
A. DOUGLAS TUPPER  
DORA L. GORDON  
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

June 9, 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:

Marshall Inquiry  
Our File No. 9201/1

Thank you for yours of June 7, 1988, enclosing Dr. Head's study. I have distributed it to our participants.

I enclose for insertion to the Advice to Prosecutors, the following new pages: 7.16, 7.17 and index for Section 5.

Yours truly,

*for J. Haines*  
Darrel I. Pink

DIP/jl  
Enc.

Nova Scotia



Attorney General

Memorandum

From Hon. Terence R.B. Donahoe, Q.C.  
Attorney General

Our File Reference  
08-87-0017-00

To Prosecuting Officers and  
Assistant Prosecuting Officers

Your File Reference

Subject FAMILY DISTURBANCES  
AND ASSAULTS

Date May 24, 1988

The following instructions supersede any prior instructions regarding family disturbances and assaults:

1. The Solicitor General has issued instructions to the police that they are to respond to and fully investigate all complaints of family disturbances and assaults and that the police should arrest the apparent perpetrator of the assault where the situation warrants.
2. Where the police recommend prosecuting a charge under Section 245(a) or (b) (assault), 245.1 (assault with a weapon or causing bodily harm), 245.2 (aggravated assault), 245.3 (unlawfully causing bodily harm), 246.1 (sexual assault), 246.2 (sexual assault with a weapon, by threats or causing bodily harm), or 246.3 (aggravated sexual assault) of the Criminal Code and the Prosecutor is satisfied that sufficient evidence is available, the charge shall be prosecuted by the Crown regardless of the complainant's wishes.
3. It is not a prerequisite for the Crown proceeding with a prosecution under Section 245(b) of the Criminal Code that the accused has been previously convicted of assault or the victim has made a previous complaint to the police.

4. Charges initiated by the police under Section 245(b) of the Criminal Code may be laid in either the Provincial Court or the Family Court. The choice to proceed in one Court or the other depends upon which Court can deal with the matter more expeditiously in the local circumstances at the time.

By Order in Council No.84-1496, the Family Court has been granted concurrent jurisdiction with the Provincial Court over matters arising under Section 245(b) of the Criminal Code where the parties involved are husband and wife or parent and child. The definition of husband and wife in the Family Court Act includes persons living together as husband and wife for a period of at least one year.

5. It is important to establish and implement procedures to handle domestic violence cases as quickly as possible. Where necessary, please discuss such procedures with appropriate officials of the local Provincial Court and Family Court. The prompt service of a summons to an accused and the earliest possible court date are important steps to reduce the likelihood of a repeat offence.

*Terence R. B. Donahoe*

SECTION 5  
MISCELLANEOUS

	#
Premier's Task Force Against Drunk Drivers	
July 9, 1984 .....	5.1
August 2, 1984 .....	5.22

SECTION 6  
POLICE

Consular Relations .....	6.1
Immunity from Prosecution .....	6.3
Investigations - Sexual Assault, Murders in Towns .....	6.4
Investigations - Arson	
March 28, 1985 .....	6.5
May 14, 1985 .....	6.6

SECTION 7  
POLICY STATEMENTS

Assault - Simple .....	7.1
Disclosure .....	7.2
Enforcement of Probation Orders .....	7.3
Family Disturbances and Assaults .....	7.16
Media Contact .....	7.18
Negotiations with Defence Counsel Concerning Plea and Sentence (Plea Bargaining) .....	7.20
Police Reports	
November 21, 1984 .....	7.22
December 3, 1984 .....	7.23
Representations on Sentence - Child Sexual Abuse .....	7.25
Second and Subsequent Drinking and Driving Offences	
May 28, 1986 .....	7.24
December 8, 1987 .....	7.24A

Release Date  
May 24, 1988

JUN 09 1988

LEONARD A. KITZ, Q.C., D.C.L.  
JOHN D. McISAAC, 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. McDONALD, 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. McLEAN  
DENNIS ASHWORTH  
WENDY J. JOHNSTON  
ROBERT K. DICKSON  
FERN M. GREENING

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

JAMES C. LEEFE, Q.C.  
FRANK J. POWELL, Q.C.  
CLARENCE A. BECKETT, Q.C.  
GEORGE L. WHITE  
DAVID R. FEINDEL  
A. DOUGLAS TUPPER  
DORA L. GORDON  
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

June 9, 1988

BY HAND

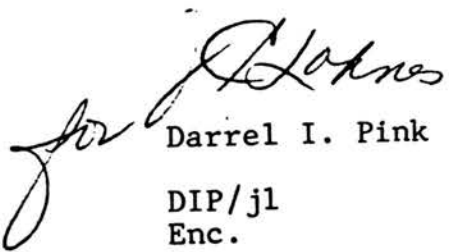
Mr. John Briggs  
Director of Research  
Royal Commission on the  
Donald Marshall, Jr. Prosecution  
Suite 1026  
1505 Barrington Street  
Halifax, N.S.

Dear Mr. Briggs:

Police Research  
Our File No. 9201/1

As promised, I have received further information from the Department of Municipal Affairs as it pertains to the financing of municipal police forces. I enclose a copy of a letter from Melissa Raymond which I trust will provide the information requested.

Yours truly,

  
Darrel I. Pink

DIP/jl  
Enc.