

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

November 6, 1987

Mr. John Newcomb
267 Dickey Drive
Lower Sackville, Nova Scotia
B4C 1T7

Dear Mr. Newcomb:

Thank you for your letter of October 27, 1987.

As you know, the mandate of the Royal Commission is to examine certain aspects of the criminal justice system of Nova Scotia and to report, with recommendations, to government. While it is useful to us to hear from individuals who perceive that the legal system has treated them unfairly, it is unlikely that we could interpret our mandate so broadly as to cover your situation.

We appreciate your taking the time to write, and your interest in the Royal Commission.

Yours very truly,

Susan M. Ashley,
Commission Executive
Counsel

SMA/ljb

CT 30 1987

OCT 27/87

267 Dick Drive
Lower Lockville
N. S.
B4C IT7

Dear Sir

I understand you have undertaken to examine the way the police forces of the province approach the handling of criminal complaints or investigations.

I realize my complaint is a very small one in comparison to many. However, I believe that because I am a relatively poor person, with a complaint against people in a higher level of society, I am unable to obtain natural justice.

The basic facts are these: I became involved in a land dispute. My neighbor, a cottage owner, hired a surveyor (whom I believe was a friend or acquaintance) who drew up a completely false or misleading plan of the existing evidence, as far as I can see it, and, contrary to all documentary evidence, put a boundary line through my property.

I hired a surveyor, after being warned by friends he would not embarrass a fellow surveyor by recording evidence that would do this.

at a cost of \$3300.00 I received a survey plan that ignored real evidence, greatly misplotted other, and in fact is a completely deceitful document, of no use at all.

I complained to the Association of Nova Scotia Land Surveyors, who said they would investigate. To the best of my knowledge their sole investigation consisted of queries to the surveyors complained against. My surveyor testified untruthfully as to existing evidence, and I suppose based on this they refused to make any real investigation, even though I then filed a sworn complaint alleging fabrication of evidence and testifying untruthfully to the Association. They refused to answer any of the specific charges, saying only there was no misconduct.

I complained to the RCMP, Windsor detachment, Staff Sgt. Thompson came down and looked at ^{the} ground, mentioned that he knew nothing of such matters, would have to consult Halifax (Headquarters or A.G. office, I don't know which). He mentioned that if my surveyor said there was evidence of a property line (where I claimed he did) he could be in trouble.

Eventually I was notified that they found no intent to deceive and would not proceed further.

I phoned Mr. Herschorn of the Attorney General's office. He claimed that recording of non-existent evidence was not proof of intent to deceive, and that my surveyor was not obliged to testify truthfully because he "likely was not under oath".

I consider this purely a whitewash of a crime by a professional, who should be required to obey the law as well as the rest of us.

I have pointed out at least six pieces of fake or misleading evidence recorded on the first survey plan, which constitutes all the evidence found on behalf of his client, as well as ignoring indisputable evidence consistent with all documents.

I claim this survey plan is a fraudulent document. I have stated that the surveyor working for me ignored indisputable evidence of occupancy ^{by} my predecessor, this supported by records from 1811 on, as well as survey records of 1929, and later evidence. Therefore his survey plan, on my behalf, is a fraudulent document. He also lied to the surveyors complaints committee.

I have been left with absolutely no protection against dishonest survey practices, as the surveyors association refuse to look at the evidence, or else don't consider it matters if it exists or not, and/or the attorney General and the RCMP say the evidence does not have to exist to be recorded and testified as to.

While it may not yet have been openly stated, I believe your inquiry must basically have to deal with the question of the right of the poor people to almost the same amount of justice as the better off people. This is a good example I think.

I would like an opportunity to lay my views before your commission.

yours Truly

John Newcomb

OCT 30 1987

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