

BEAMENT GREEN DUST

L A W Y E R S / A V O C A T S

William T. Green, Q.C.*	Bernard J. Manton	John H. Haydon, Q.C.	Stephen J. Grace	Colin D. McKinnon, Q.C.**	Terrill C. Jameson
Timothy D. Ray*	John M. Scott	William J. Devonish	Gerald A. Dust	John R. Read*	Michael S. Hebert
D. Bradley Evans	Derek G. Nicholson	Kenneth W. Johnson	James F. Leal	Warren L. Creates	Justin R. Fogarty
Brigitte L. Pilon	Monica L. Talaga	Neil R. Boyle	Sylvie M. Molgat	Sanjay Soni	

Retired / Retraite : G. E. Beament, Q.C., L.S.M., L.L.D. James W. York, Jr., Q.C.

*Certified by the Law Society as a Specialist in Civil Litigation ** Certified by the Law Society as a Specialist in Civil Litigation and Criminal Litigation.

October 18, 1994

Carson Chisholm, Esq.
R.R.#1
St. Andrews West
ST. ANDREWS, Ontario
K0C 2A0

Dear Mr. Chisholm:

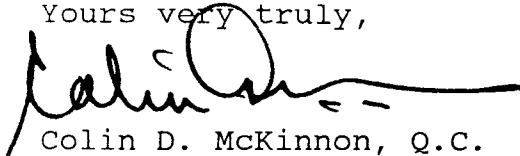
Re: Claude Shaver

You will find enclosed herewith a copy of a letter sent this day to the Seaway News which is self-explanatory.

The information which you gave to the Seaway News which was published by them on October 3, 1994 is false and defamatory and constitutes libel pursuant to the Libel and Slander Act, R.S.O. 1990.

The purpose of this letter is to immediately demand that you compose a letter of apology to former Chief Shaver for the defamation contained in the column dated October 3, 1994. Please ensure that the letter of apology is in my hands no later than Tuesday, October 25, 1994.

Yours very truly,



Colin D. McKinnon, Q.C.

CDM:mln

Encls.

cc: Claude Shaver, Esq.
R.N. Aubry, Esq.

1400-155 rue Queen Street, Ottawa, Ontario, Canada K1P 6L1 Tel: (613) 238-2229 Fax: (613) 238-2371

With Offices in Orleans • Bureaux à Orléans



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October 14, 1994

Via Mail & Facsimile - 1-613-933-0024

Seaway News
329 Second Street West
CORNWALL, Ontario
K6J 1G8

Attention: R. N. Aubry, Esq., Publisher

Dear Mr. Aubry:

Re: Claude Shaver

Please both be advised that in the Seaway News of Monday, October 3, 1994, a paragraph appearing at page 12 under the "Scuttlebutt" section of the newspaper contained language that constitutes libel pursuant to the Libel and Slander Act, R.S.O. 1990 which has defamed the reputation of Claude Shaver.

The paragraph reads as follows:

"Congratulations to Const. Perry Dunlop of the City Police for giving a copy of the sexual abuse complaint to the Children's Aid Society. Shame on management of the Police Force for trying to sweep it under the rug. We hope that no one from that management team would ever get on the School Board or similar position of trust."

It is well known in the Cornwall Community that the only member of the so-called "management team" who is running for a position on the School Board is former Police Chief Claude Shaver. The clear implication of the story and the only meaning that can be drawn from it is that Claude Shaver is a person of bad character who participated in "sweeping under the rug" sexual abuse allegations and that because he is a person prone to cover up such allegations, he should not be permitted to occupy a position of trust on a school board.

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What makes the libel particularly offensive and would increase damages awarded by a Court is the fact that in the edition of the Seaway News published on March 21, 1994, the publisher apologized to Chief Claude Shaver and the Children's Aid Society asserting that there had been no "cover-up" of the investigation in question. In other words, the publisher was aware that the suggestion of cover-up was false.

In addition, in a news release dated January 11, 1994, the Cornwall Police Services Board set out the true facts relating to the incident, which facts were in the possession of all news agencies in Cornwall.

Because of the earlier retraction dated March 21, 1994, the Seaway News has in fact "re-published" the libel, which has the legal effect of greatly increasing the damages which would be awarded by a Court.

The words quoted in the story are in fact the words of Carson Chisholm who happens to be the brother-in-law of Const. Perry Dunlop. If anything should put the Seaway News on notice is the fact that Mr. Chisholm is the brother-in-law of a person presently facing a public inquiry for misconduct contrary the Police Services Act. This added fact further exacerbates the damages flowing as a result of this particular libel.

The purpose of this letter is to immediately demand that the Seaway News compose a letter of apology to former Chief Shaver for the defamation contained in the column dated October 3. Such a letter of apology shall be subject to the approval of former Chief Claude Shaver and must be submitted to the writer no later than Tuesday, October 25, 1994.

In the law of libel, an apology merely mitigates the damages.

Failure to produce an apology in acceptable form will result in immediate action being taken against you, your publication and Mr. Chisholm in accordance with the Libel and Slander Act.

Yours very truly,



Colin D. McKinnon, Q.C.

CDM:mln

Encls.

cc: Claude Shaver, Esq.
Carson Chisholm, Esq.