



# OFFICE OF CITY PROSECUTOR

MUNICIPAL JUSTICE BLDG.  
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FILE No.

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June 19, 1974

Dr. Howard Adams  
1310 Louise Ave.  
Saskatoon, Sask.

Dear Sir:

Re: James Sinclair  
Saskatchewan Metis Society

As I advised you on the telephone the police investigation of the above noted matter has been completed and due to the circumstances of the case, I felt I should consult the Director of Public Prosecutions concerning this matter. I sent my report to Mr. Kujawa and we discussed the matter fully on May 30. Subsequently, I contacted Mr. Kujawa and he advised me a report had been sent to the Attorney General along with our recommendations. The report was also seen by the Deputy Attorney General. I personally contacted the Deputy Attorney General yesterday and was advised that he accepted the recommendation of myself and Mr. Kujawa.

It is our recommendation that there is not sufficient evidence upon which to proceed with a criminal charge against James Sinclair. The police investigation indicates that the trailer was never the property of James Sinclair and at all times was in the name of the Metis Society. Indeed even if the trailer was in the name of Sinclair, I have in the report a copy of a resolution of the Board of Directors agreeing to the purchase. This resolution was subsequent to the initial denial of the request by Mr. Sinclair.

Concerning the \$2,500 which evidently was used by Sinclair as a down payment on a house, it would seem that a majority of the Directors felt that Sinclair had this money coming to him. According to the minutes and according to the bookkeeper of the

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Society, the \$2,500 was owing to Sinclair for unpaid expenses, which were incurred while on Metis Society business. The fact that the expenses were not documented is of little consequence when looking for evidence for a criminal prosecution since it would seem that at no time was there accurate documentation of expenses. This loose practice was allowed to continue by the Board of Directors and also by the Department of the Secretary of State.

Concerning the trip to Mexico, it is true that the Board of Directors did not agree before the trip that any or all expenses should be paid by the Society, however after the bills were submitted, and it seems almost impossible to determine the amount that was finally charged to the Society, a majority of the Directors did agree that it was alright to pay the account on Sinclair's behalf. In addition, as I pointed out when we discussed the matter in my office all business of the Society can be operated by the officers in between Directors' meetings. According to the constitution there are 4 officers, one of whom of course is Sinclair and the other 3, who were appointed during Sinclair's tenure as President. According to the constitution these officers have the authority to pay the account submitted by Sinclair. Without going too deeply into the matter of law, I would like to point out that in order to get a criminal conviction the Crown would have to prove fraudulent intent and that Sinclair did not have a color of right to have these expenses paid. It would seem evident from the many months of sloppy practice that he could presume that he had a right to have such expenses paid. This right could be easily rationalized, thus taking away his criminal intent.

Please be assured that this matter as in all criminal complaints was thoroughly investigated, and the above is the Crown's decision based on facts and law.

Yours truly,



W.L. Meagher,  
City Prosecutor

WLM/cfs