

KEITH BEAVER, by Mr. MacDonald

1 INQUIRY RECONVENED: 2:08 p.m.

2 MR. MacDONALD:

3 Before we proceed with Inspector Marshall, yesterday Mr. Ross
4 requested that Keith Beaver be located and called to give
5 evidence and Mr. Beaver has been kind enough to come from, I
6 think, Liverpool, and he's here now. So I propose putting him
7 on and dealing with his evidence now. Mr. Beaver please.

8 KEITH BEAVER, being called and duly sworn, testified as follows:

9 BY MR. MacDONALD:

10 Q. Your name is Keith Beaver?

11 A. Known as Keith Beaver.

12 Q. And at the moment, Mr. Beaver, you're a member of the
13 R. C. M. P., are you?

14 A. That's correct.

15 Q. And stationed where, sir?

16 A. Liverpool, Queen's County, Nova Scotia.

17 Q. You were a resident of Sydney in 1971?

18 A. Yes, I was.

19 Q. How old were you then?

20 A. I was fifteen years old.

21 Q. And on the night of May 28th, 1971, were you at the dance
22 at St. Joseph's Hall?

23 A. Yes, I was.

24 Q. And that -- do you have any recollection of that dance at this
25 time?

KEITH BEAVER, by Mr. MacDonald

1 | A. I attended the dance up until about eleven thirty p.m. on
2 | that date. And at that time I left the dance with Alana
3 | Dixon and Karen MacDonald and we walked down through
4 | the Park and I walked home from there.

5 | Q. Did you have any contact on that evening with Sandy Seale?

6 | A. Yes, I spoke to Sandy at the dance several times throughout
7 | the night and just before we left, Sandy Seale left the
8 | dance and walked ahead of us and he was walking to catch
9 | the bus home.

10 | Q. Okay, did you have any conversation with Mr. Seale?

11 | A. I did at the dance and on the way home I asked him if he
12 | wanted to come up to my house for a while and he said that
13 | no, he wanted to catch the bus and he wanted to make sure
14 | that he did because it was the last one going to Westmount
15 | that night. And we split up at the Park and that's the last
16 | time I saw him.

17 | Q. Did you hear of -- of the stabbing of Mr. Seale?

18 | A. The next day.

19 | Q. Okay, and did you attend at the Sydney Police Station?

20 | A. Yes, I did. I'm not sure if it was the next day or the day
21 | after next. But it was shortly thereafter.

22 | Q. Did you go down on your own?

23 | A. Yes, I did.

24 | Q. And do you recall who you spoke to?

25 | A. No, I do not.

KEITH BEAVER, by Mr. MacDonald

1 Q. Do you recall anything about the visit to the police station?

2 A. It wasn't very long. Probably fifteen or twenty minutes.

3 Apparently it wasn't one of the investigators involved.

4 It was just another Sydney City Policeman. I spoke with
5 him for a while.

6 Q. Do you know what time you left the dance that night?

7 A. In the vicinity of eleven thirty p.m. I'm not sure of the
8 time.

9 Q. Did you give any statement to the Sydney Police?

10 A. I don't believe I did -- a written statement, I --

11 Q. A written statement?

12 A. -- don't believe I did.

13 Q. And you were contacted by the R. C. M. P. in 1982, is that
14 correct?

15 A. That's correct.

16 Q. And at that time you did give a statement?

17 A. Yes.

18 Q. Yeh, I want to show you volume 21 of the exhibits of this
19 Inquiry, Mr. Beaver, page 190. That's a typewritten copy
20 of the statement that you gave the R. C. M. P. at that time,
21 is that correct?

22 A. That's correct.

23 Q. Have you ever seen the statement that was given to the Sydney
24 Police by Alana Dixon?

25 A. No, sir.

- 1 Q. I want to show you exhibit 84, which is a copy of an
2 affidavit that you gave -- that you swore on the 11th day
3 of August, of 1982, do you have any recollection of signing
4 that statement or that affidavit?
- 5 A. I would have signed this affidavit on the 11th day of
6 August, 1982, at Whycomomagh, Inverness County, in the
7 Province of Nova Scotia.
- 8 Q. And you don't have any recollection of signing that, do you?
- 9 A. No, I do not. I remember seeing the affidavit on that date
10 but I just don't recall signing it.
- 11 Q. Okay.
- 12 A. But that is my signature on the -- on the affidavit.
- 13 Q. Do you recall who prepared the affidavit?
- 14 A. No, I do not.
- 15 Q. Were you interviewed by someone before -- in order that you
16 could give the information from which the affidavit would
17 be prepared?
- 18 A. As the result of a phone call from a lawyer -- I -- I
19 received this affidavit in the mail shortly thereafter and
20 I looked it over and would have signed it after that.
- 21 Q. Okay, now attached, it's not attached to this copy, but the
22 affidavit in paragraph 5 makes reference to your statement
23 given to the R. C. M. P. on March the 2nd of 1982, and that's
24 the statement I just showed you that's in volume one at page
25 190?

KEITH BEAVER, by Mr. MacDonald, by Mr. Pugsley

1 A. Yes.

2 Q. And the only thing I want to point out to you, Mr. Beaver, on
3 this affidavit or in the affidavit is in paragraph one, where
4 it says; you the dance at approximately:

5 ..twelve o'clock midnight.

6 I understood you to say a few moments ago that you thought
7 it was around eleven-thirty?

8
9 A. Yes, but the dance was pretty well over at the time and I
10 didn't have a watch, so it would have been in that vicinity --

11 Q. Of?

12 A. Of eleven -- between eleven-thirty and twelve. I'm not --

13 Q. Is that the best you can say "between eleven-thirty and twelve"?

14 A. Yes, yes.

15 Q. That's all the questions I have Mr. Beaver, thank you.

16 MS. DERRICK:

17 I don't believe I have any questions, My Lord, but I'd just like
18 to skim the R. C. M. P. statement. I haven't looked at it
19 recently. It's in volume 21 at page 190. Thank you, I have no
20 questions.

21 BY MR. PUGSLEY:

22 Q. Constable Beaver, my name is Ron Pugsley. I act for John
23 MacIntyre. Did you know Donald Marshall, Junior, in May
24 of 1971?

25 A. I knew him to see him. I didn't -- I've never spoken to him.

KEITH BEAVER, by Mr. Pugsley, by Mr. Ross

1 I didn't know him.

2 Q. What did you know about him? Did you know anything about him
3 at that time?

4 A. I knew that he hung around a lot of dances and stuff that
5 some of us would go to. And he was pointed out to me one
6 time as someone not to fool with type of thing.

7 Q. Did you see him on the evening of May 28th at the dance?

8 A. No, I did not.

9 Q. Thank you.

10 MR. MURRAY:

11 No questions on behalf of William Urquhart.

12 MR. ELMAN:

13 No questions.

14 MR. SAUNDERS:

15 No questions.

16 BY MR. ROSS:

17 Q. Mr. Beaver, my name is Anthony Ross and I will ask you one
18 or two questions and behalf of Oscar Seale. First I'd like
19 to thank you for coming on such short notice. Now back in
20 1971, I take it that you knew Sandy Seale prior to the dance
21 on the 28th of May?

22 A. Yes.

23 Q. How long would you have known him prior to that dance?

24 A. Approx -- approximately a year. I would see him at dances
25 and would speak to him briefly. I never spent any amount of

KEITH BEAVER, by Mr. Ross

1 | time with him, but I knew of him. I spoke to him. I knew
2 | him by name.

3 | Q. I see, and as a matter of fact that night you even invited
4 | him back to your house?

5 | A. That's correct.

6 | Q. Yes. Now I take it that as far as your knowledge of Sandy Seale
7 | is concerned, you never knew him to -- to be involved
8 | in bumming money, did you?

9 | A. No, sir.

10 | Q. And did you ever know him to be involved in any form of
11 | criminal activity?

12 | A. No, sir.

13 | Q. Is it fair to say that you would have had quite a good general
14 | knowledge of the young people in the Sydney area of perhaps
15 | in your group?

16 | A. Yes.

17 | Q. Was he a part of your group?

18 | A. No, sir.

19 | Q. Did you know a young lady by the name of Gail Rudderham?

20 | A. Yes.

21 | Q. Her evidence, she gave evidence here, I think it was yesterday
22 | or the day before, to the effect that at around twelve --
23 | around twenty minutes to twelve is when Sandy was leaving the
24 | dance purportedly to catch a bus. Does this help you as far
25 | as pinning down a time is concerned or is it still the best

KEITH BEAVER, by Mr. Ross, by Mr. Wildsmith

1 | you can give us "between eleven-thirty and twelve"?

2 | A. That's still the best.

3 | Q. And you specifically remember him indicating that he was
4 | leaving and he did not come to your house because he wanted
5 | to catch his bus for Westmount?

6 | A. That's correct.

7 | Q. And that was the last bus going to Westmount?

8 | A. According to him.

9 | Q. According to him?

10 | A. Yes.

11 | Q. At the dance itself, were you aware of any difficulties with
12 | Sandy and anybody?

13 | A. No, I wasn't.

14 | Q. Did you -- did you see Sandy before the time that you were
15 | leaving the dance?'

16 | A. Yes.

17 | Q. Thank you very much. No more questions, Mr. Beaver.

18 | BY MR. WILDSMITH:

19 | Q. Constable Beaver, I'd like to ask you just a couple of questions
20 | related not to what you've been testifying about so far. I'm
21 | wondering if you are the same Constable Beaver who was
22 | involved in a situation involving the seizure of a deer
23 | carcass in Queen's County belonging to some individuals
24 | by the name of Whynot?

25 | A. Yes.

KEITH BEAVER, by Mr. Wildsmith

1 MR. PRINGLE:

2 Your Honour, I wonder how this is relevant?

3 MR. CHAIRMAN:

4 Anything that's for the Inquiry. I'm listening.

5 MR. WILDSMITH:

6 Perhaps I could try the three or four questions and I believe
7 that it's relevant to a couple of general issues related to
8 Indians in this Province and related to policing activities
9 and related to the Attorney General's Department. I didn't
10 realize that he would be here, but since he's come all the
11 way from Queen's County, we might as well take five minutes
12 to ask him a couple of more.

13 MR. CHAIRMAN:

14 Carry on, carry on.

15 BY MR. WILDSMITH:

16 Q. So you seized this deer carcass that belonged to some people
17 by the name of Whynots?

18 A. Yes.

19 Q. Yes, and you know the Whynots to be Indians?

20 A. Not at that time.

21 Q. You do now today?

22 A. I don't know for a fact they're Indians or not.

23 Q. Did they identify themselves to you as Indians at the
24 time you seized the deer carcass?

25 A. Yes.

KEITH BEAVER, by Mr. Wildsmith

1 Q. And that matter was the subject of legal proceedings in the
2 Supreme Court of Nova Scotia?

3 A. Yes.

4 Q. Resulting in a recovery order of being issued to release that
5 carcass?

6 A. Yes.

7 Q. I'm wondering to you -- my real question to you is this, what
8 instructions have you received as a member of the R. C. M. P.
9 at about that time and even to today, about special hunting
10 rights of Indians in Nova Scotia?

11 A. None up un -- up to the time of the seizure.

12 Q. Yes, and what was the date of the seizure to the best of your
13 recollection?

14 A. It was a year ago last fall or a year ago -- just about a
15 year ago.

16 Q. About a year ago, sometime in the fall of '86?

17 A. It would have been the latter part of October.

18 Q. Of 1986?

19 A. That's correct.

20 Q. And were you aware of a case called "Simon" decided in the
21 Supreme Court of Canada coming from Nova Scotia in November
22 of 1985?

23 A. Yes.

24 Q. And were you aware of that case at the time you seized the
25 deer carcass?

KEITH BEAVER, by Mr. Wildsmith

1 A. Yes.

2 Q. And yet you had received no instructions from your superiors
3 or from the Attorney General's Office about what to do with
4 Indian hunting deer in Nova Scotia?

5 A. Yes.

6 Q. What were the instructions?

7 A. You're to process the -- process these people as you would
8 anyone else and you would ask the Attorney General's Department in
9 Halifax, on directions of proceeding.

10 Q. I see, and so acting under those instructions you seized this
11 deer carcass?

12 A. Yes.

13 Q. It was shot out of season?

14 A. Yes.

15 Q. Okay, and why was it released to the best of your knowledge?

16 A. I was given direction from my office in Halifax to return the
17 deer.

18 Q. Yes, and do you now operate under instructions not to seize
19 deer carcass' from Indians?

20 A. That's correct.

21 Q. And when did those instructions come to you?

22 A. Sometime in '87. I don't recall the date. This year.

23 Q. Six months after the seizure?

24 A. Probably only two or three months ago.

25 Q. Just in advance of the present deer season?

KEITH BEAVER, by Mr. Wildsmith

1 | A. Yes.

2 | Q. Do your instructions only relate to deer or to other wildlife
3 | as well?

4 | A. I don't recall. They did specify deer. I think they specified
5 | the Wildlife Act which would encompass most.

6 | Q. Thank you, that's the end of my questions.

7 | MR. MacDONALD:

8 | I have no questions arising.

9 | MR. CHAIRMAN:

10 | Thank you, Mr. Beaver.

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(WITNESS WITHDREW)

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