

*By Hon. Mr. Stewart:*

Q. The complaints with respect to fishing rights have been greatly reduced since 1922?—A. Yes, they have been wonderfully adjusted; discriminations against the Indians have been done away with, I am glad to say, since that Commission on fisheries made its recommendations. But this is a sore point; when an Indian needs fish for food it has been made harder for him to get it; for commercial fishing he has been put on equal footing with the white man.

Q. Fishing for food, what is the difficulty about that?—A. I will give you a case in point. Just a year ago last summer a young man went up the Nanaimo river and speared a salmon, and he was hauled up by the guardian and the fish taken from him.

Q. The Provincial Guardian?—A. No, the Dominion Guardian.

Q. One of our own fisheries men?—A. Under the Fisheries Act. He was taken to court and fined. That is only one instance of many similar cases. The point, of course, made out was this; that he had to get a special permit before he could catch fish for himself.

*By Hon. Mr. Stevens:*

Q. What permit is this; is it a very difficult thing to get—A. It is a written permit on which is specified the time limits in which he is privileged to catch fish for food, and the manner in which he shall catch the fish is specified also.

*By Mr. Hay:*

Q. He killed this fish out of season?—A. No, it was not out of season; he did not have a permit.

*By Hon. Mr. McLennan:*

Q. Would the white man have been subjected to the same thing if he had taken out fish without a permit?—A. I suppose so.

Hon. Mr. STEVENS: What explanation do you give, Mr. Ditchburn, from your acting as a sort of guardian of the Indians' rights, of that instance; what is your view?

Mr. DITCHBURN: Of the fishing?

Hon. Mr. STEVENS: Of an instance such as Mr. Kelly mentions?

Mr. DITCHBURN: Well, this Indian was pulled up for non-compliance with the regulations set up by the Department of Fisheries, whereby he must not take fish for food purposes without a license. They were not allowed to take fish by means of a spear or gaff hook; they are now, in some instances, but they specify the method of taking these fish in different streams.

Hon. Mr. STEVENS: From your knowledge of the situation do you consider there was a grievance because of this regulation?

Mr. DITCHBURN: I think so; I felt that they had a right to get at these fish. I think it is a matter of not interpreting the spirit of the regulation properly. If the local authorities would use a little more common judgment and have a proper appreciation of things, I do not think there would be half the trouble with the Indians that there is.

The CHAIRMAN: When you say that, does that apply to the other?

Mr. DITCHBURN: As far as I know, in British Columbia all the fisheries are held by the Dominion Department; I do not think that the Provincial Game Branch does anything about fisheries at all.

The CHAIRMAN: What I mean is, have you had complaints from up-country of the same nature as Mr. Kelly mentions here as occurring down on the coast?

Mr. DITCHBURN: Well, they occur at different positions; it depends on where the Indians are taking their fish. Sometimes they allow them to take

[Rev. P. R. Kelly.]