

The CHAIRMAN: But they had no right to do so.

The WITNESS: And in the only instance where the matter came up before Parliament, Parliament advised against it.

Mr. McPHERSON: If the agent permits the Indian to have exclusive rights over tidal waters he is maintaining the aboriginal title.

The WITNESS: That has already been determined by the Privy Council, that there is a public right of fishing in tidal waters, which is controllable by the Parliament of Canada only.

*By Hon. Mr. Stevens:*

Q. When you say "controllable," does that not give you the right of determining who shall or shall not fish in there?—A. Yes, who shall or shall not, but it does not give the right to take away from a citizen of this country a right which he has in common with another citizen.

Q. You will not permit me to go and fish anywhere unless I come to you and get a certain permit or license?—A. No.

Q. Why could we not set aside certain districts and say, "In these districts we will give a license only to Indians," and dedicate it to them, as it were?—A. I do not think that you could deny me, if I went there and applied for a license, the granting of the license.

*By Mr. McPherson:*

Q. Let me put it in this way, Mr. Found, although it may seem ridiculous. If you issue a license to fish in British Columbia tidal waters, would that restrict a man from fishing in the Nova Scotian waters?—A. Oh, yes.

Q. Then, are you not locating him within a certain area under the law?—A. Yes, but let me follow your question, sir. If I want a license for Nova Scotian waters also, I must get it, if I apply for it.

Q. I mean this, Mr. Found; your law is under the control of the Dominion Parliament, and is administered by your Department, and if you issue a license to fish in British Columbia tidal waters, that license you say is confined to fishing in British Columbia. But if you cannot restrict him from any coastal waters there, is it not just as good in Nova Scotia waters, which are also under the Dominion authority? I admit that that would be ridiculous, so far as location is concerned, but the fact remains the same, does it not?—A. We can say to everybody, that they may fish under certain conditions. Now then, everybody has got the same right to fish under those conditions, and that is not limited to any particular person.

*By Hon. Mr. Stevens:*

Q. If you issue me a license in district No. 1, can I fish in district No. 2?—A. At present, you may, yes.

Q. You say I may?—A. Yes, at the present time the regulation provides that the licenses are transferable from one district to another.

Q. No, that is not the point.

Hon. Mr. MURPHY: If he just holds it for No. 1.

*By Hon. Mr. Stevens:*

Q. Yes, can you restrict me then to No. 1?—A. Yes, but I cannot restrict you from taking out a license for No. 2.

Q. That is another thing?—A. Then, I do not see the point.