

Ditchburn, W. E.—Concluded.

Very good orchards in the Penticton district—Indians taught to cultivate orchards and government supply them with spray pumps—Duty of Inspector of Indian Orchards—Some scrubby trees around villages—Water legislation wholly provincial—Indians' appreciation does not follow direction to benefit them through education and such condition is the great difficulty—At residential schools children are taught principles of agriculture, 185-187.

Aboriginal title, remedy suggested to remove grievance—Indians east of Rocky Mountains treated differently from the Indians of British Columbia with respect to the treaty. So far as benefits are concerned they are treated the same with the exception of annuities, 187-188.

Very hard to keep Indian children at school after they reach the age of 15 years—Tribes far from civilization, not interested in aboriginal title, 188-189.

Remarks made in the course of evidence given by other witnesses, 127, 129, 140, 168, 173-175, 196, 198, 226, 233.

Found, W. A., Director of Fisheries, Department of Marine and Fisheries:

Importance of fisheries protection in British Columbia—About 4,000 out of 26,000 Indians secure the major portion of their earnings from the fishing industry—Out of 11,750 licenses issued last year Indians received, 3,352, 189-190.

How Department tries to overcome difficulties with Indians in methods of obtaining fish for food and commercial purposes—Spearing fish not permitted in certain sections and law breakers severely dealt with—Departmental officers always try to use tact in dealing with Indians who are found breaking the regulations—Indians must get preference when drag seining is carried on near an Indian reserve—Federal government is not in a position to grant exclusive fishing rights to Indians or whites in tidal waters, 190-195.

Present regulations do not differentiate between Indians and whites in respect to seining licenses for salmon and herring—Indians should not be allowed to fish during spawning season, 196-200.

Will give Indians all the privileges they want down on the commercial areas to get fish; also give them permits without any price—Extremely doubtful if Government has got power to give exclusive rights in tidal waters—Everybody has got the same right to fish under certain conditions—Cannot give the Indian an exclusive franchise to fish—By the Privy Council decision in 1920, the situation has been made pretty clear, 200-202.

Spawning grounds should be protected—Will give Indian any reasonable privilege they desire—Will lend them equipment if they come down to catch salmon in tidal waters—Provisions in the Act; Regulations—Remedy suggested to enable Indian to secure fish for food, 202-207.

Kelly, Rev. P. R., Chairman, Executive Committee of Allied Indian Tribes, British Columbia:

Purpose for which executive committee was formed—Tribes represented—Membership of, never repudiated to this day, 137-8.

Fifty years' endeavour to obtain a hearing—Delegations, organizations, views presented to government—Royal Commission of 1913 *re* grievance in respect to necessity of adequate areas of land for the use of Indians, and provision therefor—Memorandum of department in 1924, conceding that Indian title had never been extinguished, 146-8.

Fundamental principle still remains, namely, that aboriginal title to lands, not reserved for the use of Indians, has never been extinguished, 149-150.

Admits that in 1923, at Victoria, a request for a memorandum on the constitutional question was submitted by the Federal officer, and this was incorporated in the evidence at that time—Does not think that presentation of case in 1923 was quite adequate—Maintains that general counsel should be given privilege of presenting, in a connected form, arguments supporting stand taken, 150-151.

Grievances presented in 1914, 151.

Delegation of Indians to Victoria in 1887 *re* land question—The Haida Tribe and the Reserves Commissioners *re* land—Intensive training needed for Indians, 152.

Annuities to Indians—Negotiations and Treaties—Official acknowledgment of the aboriginal title—Certain things agreed to under the "Terms of Union" such as Article Thirteen, 153.

Tried to get adequate lands—The basis of 20 acres in 1874 considerably augmented since then, and admits that the Government did respond to the request of the Indians in this respect—Report of Royal Commission of 1913-1916 criticised—Additional claims for lands filed in 1922—Not dependent entirely upon lands for a living, 154.

Describes land conditions in various parts of the province, 155.

The Indian needs more intensive training to-day than the white man, 156.