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INDIAN AND NON-NATIVE USE OF THE SEYMOUR RIVER

AN HISTORICAL PERSPECTIVE

by Brendan O'Donnell

Native Affairs Division Issue 6
Policy and Program Planning

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INTRODUCTION

The following is one of a series of reports on the historical uses of waterways in New Brunswick and British Columbia. These reports are narrative outlines of how Indian and non-native populations have used these rivers, with emphasis on navigability, tidal influence, riparian interests, settlement patterns, commercial use and fishing rights.

These historical reports were requested by the Interdepartmental Reserve Boundary Review Committee, a body comprising representatives from Indian Affairs and Northern Development [DIAND], Justice, Energy, Mines and Resources [EMR], and chaired by Fisheries and Oceans. The committee is tasked with establishing a government position on reserve boundaries that can assist in determining the area of application of Indian Band fishing by-laws.

Although each report in this series is as different as the waterway it describes, there is a common structural approach to each paper. Each report describes the establishment of Indian reserves along the river; what Licences of Occupation were issued; what instructions were given to surveyors laying out these reserves; how each surveyor laid out each reserve based on his field notes and survey plan; what, if any, fishing rights were considered for the Indian Bands; and how the Indian and non-native populations have used the waterway over the past centuries for both commercial and recreational use.

Primary sources for this information are found in the National Archives of Canada, the Provincial Archives of New Brunswick, the Harriet Irving Library of the University of New Brunswick, the British Columbia Provincial Archives, the Hudson's Bay Company Archives, the Indian Land Registry at DIAND, and in the Legal Surveys Division of EMR. Secondary sources are found in the National Library of Canada, DFO's departmental library, DIAND's departmental library, or are brought in from other libraries throughout Canada on inter-library loan.

Each report in the series is being distributed to the Reserve Boundary Review Committee members. It is hoped each will make this research available to other members of their department by depositing the reports in their departmental library.

SEYMOUR RIVER: REPORT ON ITS HISTORICAL USE

By Brendan O'Donnell

Seymour River, referred to in some historical documents and on some maps as a creek, was named after Frederick Seymour, Governor of British Columbia from 1864 until his death in 1869. The river, north of the City of Vancouver, runs approximately twenty-five miles from its headwaters to its mouth at Burrard Inlet.¹ The river follows a southerly course through generally mountainous terrain until it hits the inlet a short distance east of Second Narrows Bridge. With a relatively small watershed of approximately seventy square miles, it still experiences a high runoff due to heavy local precipitation. Compared with the City of Vancouver, which experiences an average of fifty-nine inches of precipitation annually, the average rainfall at Seymour Falls is 147 inches.² Since the waterway has no natural storage basins to provide regulation, its discharge historically tended to be extremely flashy depending upon climatic conditions. As will be discussed in more detail below, this occasional violent discharge has caused bank erosion and changes in the river's channel.

Prior to white contact, Seymour River was used by Indians as a fishing resort. According to one account³:

¹ The Fisheries Problem Associated with the Reconstruction and Expansion of the Domestic Water Supply Facilities of the Seymour River, North Vancouver, B.C. Vancouver: Department of Fisheries, Canada (Technical Report No.3), August 1959. P.1. Copy on file at the National Archives Canada, RG 23, Accession 83-84/120, Box 27.

² Ibid.

³ Matthews, Major J.S. Early Vancouver: Narratives of Pioneers of Vancouver, B.C. Volume Two, 1932. Vancouver: 1933, p. 304.

Beyond the Second Narrows Bridge is an old channel of Seymour Creek, now dry; this is the famed Steetsemah, celebrated Indian fishing resort. Chay-chil-wuk (Seymour Creek) is derived from 'near or narrow'; perhaps meaning 'Narrow'

Anthropologist C. Hill-Tout was once told the following Indian legend of how the Squamish people arrived at Seymour River⁴:

A long time ago when the salmon were very plentiful about Point Roberts and Semiahmo Bay [Washington State], a number of our people went fishing with sunken nets, called swahlah, when a heavy south-east storm came up and carried them away north. The storm kept up day after day which made it impossible for them to return to the mouth of the Nooksahk river, so, finding it quite calm under the shelter of Point Grey and in English Bay, they went on shore and made themselves comfortable in a temporary camp. Finding plenty of food, and abundance of cedar timber for building purposes and to make their canoes, they decided to remain permanently.

Hill-Tout continued:

Cedar was very useful to the Indians, and cedar always grows more prolificly in swamps than elsewhere. I think it must have been, in part, at least, the cedar which attracted and kept the Indians in the neighborhood of Burrard Inlet and English Bay. The reason why they are scattered about in small bands is the common reason with all Indians - petty jealousies, family quarrels between would-be chiefs, and many other causes. Hence the little band at Seymour Creek, another at the head of Howe Sound, in Stanley Park, Capilano, False Creek, and other places...

However, according to historical documents found during this present search, some believed the Squamish people settled in Burrard Inlet only after white settlement. As will be explained below, it was believed the Squamish Indians moved into the inlet area from Squamish River to work for and to service industries that had developed after mid-nineteenth century.

⁴ Ibid, p. 108-109.

Permanent European settlement on Burrard Inlet came about after 1862, the year the first commercial sawmill was built on the north shore. Called "Pioneer Mills" and build by T.W. Graham of New Westminster, the sawmill was situated between Seymour River and the present Mission Indian Reserve. When the mill went broke in December 1862, it was bought by John Oscar Smith. In 1864 Smith's mill also went broke. The sawmill was then taken over by Sewell Precott Moody in 1865 who turned it into a successful operation and established the settlement of Moodyville. Also in 1865, Captain Edward Stamp began building Hastings Mill on the south shore of Burrard Inlet.

According to Gilbert M. Sproat, Joint Indian Reserve Commissioner, in a report to the Minister of the Interior dated 27 November 1876, the Squamish Indians probably first settled in Burrard Inlet to work in these mills. His report reads in part⁵:

About 1860, a Mr. Smith created a small sawmill on the north side of the inlet. He was one of the first, if not the first, white settler on the inlet. A few other white men, and also some of the Howe Sound Skwawmish Indians afterwards arrived. These latter soon disputed with white men about land in the inlet. A larger mill owned by Mr. Moody took the place of the mill "created by Mr. Smith", and a second mill was established on the south side of the Inlet. The Skwawmish Indians were sharp enough to see the advantage of living beside the white men employed at these Mills. They, therefore, so far as I can make out, while retaining their claims to their old lands on the Skwawmish river in Howe Sound, began to frequent and settle upon lands in Burrard's Inlet in considerable numbers. They worked at and for the Mills, and supplied these with fish and game. When they wished for a change of life and scene, they went back, as they continue to do to the Skwawmish river at Howe Sound.

⁵ Copy on file at the National Archives Canada, RG 10, Volume 3645, File 7936. Microfilm C-1013

The idea that the Squamish Indians moved into Burrard Inlet along with white settlers is also pointed out in a letter dated 29 July 1869, from Judge Brew to A.T. Bushby, Chief Commissioner of Lands and Works, which concluded by stating: "The Squamish never ventured into Burrard Inlet until 1859 or 1860."⁶

Among the first white settlers on the north shore of Burrard Inlet was Hugh Burr, a former Hudson's Bay employee and teacher, who acquired District Lot 193 in 1864. This property was a 169-acre farm on the east shore at the mouth of Seymour River. Burr ran a dairy operation on the site and sold milk across the Second Narrows to Hastings Townsite. West of the river was land inhabited by Squamish Indians. Beside the Indian settlement was a military grant owned by John Lynn [or Linn] and was designated District Lot 204.⁷

On 6 October 1870 the first survey of the Indian settlement at Seymour River was begun. The surveyor returned on 23 October 1870 to complete the job. Based on the survey field notes and a map that is now included with these notes⁸, parts of the bed of the river were included in the east boundary of the Indian settlement. Along the winding channel of the river the surveyor

⁶ A copy of the letter is printed in: British Columbia, Papers connected with the Indian Land Question 1850-1875. Victoria: Richard Wolfenden, 1875, p. 75.

⁷ Burnes, John Rodgers. North Vancouver: Saga of a Municipality in its Formative Days, 1891-1907. North Vancouver: [s.n., 1972], p. 2, 10. See also Morley, Alan. Vancouver: From Milltown to Metropolis. Vancouver: Mitchell Press, 1961, p. 26-27; and Woodward-Reynolds, K.M. "A History of the City and District of North Vancouver," unpublished M.A. thesis, University of British Columbia, 1943, p. 40-42

⁸ A copy of the field notes and the map are on file at the National Archives Canada, RG 10, Volume 1022. Microfilm T-1459. Another field book and map of the same survey is filed under B.C. 162 at Surveys and Mapping Branch, Department of Energy, Mines and Resources, Ottawa. The surveyor was probably Edward Mohun. See RG10, Volume 11006, File 987/33-14. Microfilm T-3954.

placed sixteen stakes designating this east boundary. According to the field notes and map, the first stake is on the bank of Seymour River; the second stake is in the bed of the river; the third stake is on the bank of the river; the fourth stake is away from the bank; the fifth stake is in the bed of the river; the sixth stake is on the bank of the river; stakes seven to twelve are away from the bank; stake thirteen is on the bank. The boundary line then crosses the river completely to the northwest corner of Burr's property on the east bank of the Seymour River. The boundary line then returns to the bed of the river, following the channel north. The surveyor placed two stakes in the bed of the river marked "B" and "A". The boundary line then returns to the west bank of the river, to mark the northwest corner of the settlement. The total area of the reserve was approximately seventy acres.

Running down between Seymour River and Lynn Creek [then known as Fred's Creek] was the route to Lillooet, a pack-horse trail from Burrard Inlet to the Squamish River, thence up the Cheakamus River towards Pemberton and Lillooet Lake. The trail was first surveyed in 1858 in the hope that it would be shorter and better for driving cattle to the coast than the Cariboo Road. Few cattle were actually driven over the entire length of this route. In 1877 Robert Carson of Pavillion conducted the first and only cattle drive from Lillooet to Burrard Inlet. Apparently the country was so rugged and the trip so hard on the animals that the idea of bringing cattle beyond Howe Sound was abandoned. The route above Burrard Inlet was little used but, as will be explained below, homesteaders and speculators in the 1880s and 1890s used the trail to gain access to land along Seymour River.

As white settlers began occupying territory throughout British Columbia, native groups began their agitation for an equitable solution to their land claims. In 1876 the federal and provincial Governments established a three-man Indian Reserve Commission to resolve what was then called "the Indian land

question."⁹ Alexander C. Anderson was the Dominion Commissioner, Archibald McKinlay was the Provincial Commissioner, and Gilbert M. Sproat was appointed Joint Commissioner representing both levels of government. On 3 November 1876 the three commissioners, along with Edward Mohun, surveyor, and George Blenkinsop, census-taker and general assistant, left Victoria on their first excursion to visit Indian settlements and establish the boundaries of reserves.

They arrived at Burrard Inlet on the evening of 11 November 1876 and remained in the inlet for one week. In their "Report of the Proceedings of the Joint Commission for the settlement of the Indian Reserves in the province of British Columbia, respectfully submitted for the information of the Honorable the Minister of the Interior," the three commissioners wrote¹⁰:

Encamping on the North shore, above the first Narrows, on the evening of the 11th November, we were delayed in Burrard Inlet until the 18th.

During this interval, with the aid of our little Steamer, we were enabled to visit - accompanied, during a portion of the time by Mr. Superintendent Lenihan - all the old Reserves in the neighbourhood, making such additions to them as were practicable, and establishing such new Reserves, for fishing purposes, as were required. The old Reserves, however, in the immediate vicinity of the Sawmills, are so hemmed in by the settlements, that it was seldom in our power to increase them in any way to useful purpose; for it was obviously bootles [sic] to do so by the addition of utterly worthless soil, which would only have shown a fallacious acreage on paper.

⁹ The terms of agreement establishing this Joint Commission are found in Federal Order in Council P.C. 1088 of 10 November 1875 and Provincial Order in Council of 6 January 1876. A copy of the former is on file at the National Archives Canada, RG 2/1, 10 November 1875. A copy of the later is printed in Papers connected with the Indian Land Question 1850-1875, pages 169-170.

¹⁰ Copy on file at the National Archives Canada, RG 10, Volume 3645, File 7936. Microfilm C-10113.

These Indians, however, as well as a portion of the Musqueams, have also claims in Howe Sound, where there is a sufficient space of good land, unoccupied by white settlers. They wished therefore to obtain the assignment of agricultural lands there, in the vicinity of their fishing villages - their residence on Burrard Inlet being, with the majority, chiefly for the convenience of ready access to the sawmills, where they find a ready market for their labour, for their fish, and other products. It was therefore settled that some of the principal men should accompany us thither and indicate their wishes...

A separate report on the Joint Commission's trip to Burrard Inlet was made by Gilbert M. Sproat to the Minister of the Interior on 27 November 1876.¹¹ In his forty-eight page report, Sproat outlined the history of the Squamish Indians and their current living conditions. He then wrote:

These few observations upon the history and condition of the Indians first visited by the commissioners will enable you to judge of the kind of work which it was necessary for them to undertake in the neighbourhood of Burrard Inlet.

It was evident to the Commissioners that a large reserve could not be formed at this Inlet. A sufficient area of suitable land could not be found for the purpose. Such a concentration of the Indians did not appear to be desired by the white settlers and as already said, the Indians were disturbed in their minds even at the idea of such a proposal. They are a part and wish to remain a part of the general population. So far as I can learn, their present places of residence are convenient for enabling the Indians to follow their various avocations in the Inlet ...

In Burrards Inlet we found four heavily timbered reserves, and after due inquiry and consideration, we confirmed the whole of them, increased the size of two, and added a fishing village reserve at the head of the North Arm ...

It seemed to us desirable that the Reserves at Burrards Inlet should be immediately surveyed, and we stated our opinion on this point to Mr. Lenihan.

¹¹ Copy on file at the National Archives Canada, RG 10, Volume 3645, File 7936. Microfilm C-1013

The formal speeches made to us at Burrards Inlet may be a sample of what the Indians generally will say to the Commissioners. The following is what Joseph, Chief of the Roman Catholic Mission Reserve in Burrards Inlet, said to us. Four other chiefs agreed to what he said.

"He was very glad to see the three commissioners. He had heard they were coming, and had been longing to see them. The Big Governor had been there lately and had told the Indians that the three Commissioners were coming to see about the Indian lands. God made everything - the sea, the land and all the animals and birds. God was good and wished well both to the Indians and white men. The Queen was all the same as God in the world, and the Queen had sent the three commissioners to settle the land question, and so they were all the same as God. If they would settle the Indian land question the Indians would be happy. If they did so they would be long remembered. He wanted his land settled. God had made everything and if the Indians only got half of what God gave them they would be happy. He wanted land at Skwawmish River. He was very glad to see the three Commissioners and hoped they would settle the land question. He had shown his heart, and had nothing more to say."

The census of the Seymour River Indian settlement was made by George Blenkinsop on 20 November 1876.¹² His statistics point out there were twenty-two people living at the settlement - twelve males and ten females, which included five children. Three of these residents were absent on the day of his visit. He wrote on his census-tract form that there were: "Six small garden patches fenced and under crops, vegetables, on this reservation. Six cottages and one barn."

¹² Copy on file at the National Archives Canada, RG 10, Volume 3645, File 7936. Microfilm C-10113.

The Seymour Creek Indian Reserve No. 2 was officially confirmed by the Indian Reserve Commission in a Minute of Decision on 15 January 1877.¹³ The Minute of Decision reads:

In virtue of Commissions and instructions issued by the Government of Canada and British Columbia, empowering us to fix and determine the number, extent and locality of the reserve or reserves to be allowed to the Indians of British Columbia, we, the undersigned, having in each case made full inquiry on the spot into all matters affecting the question, hereby declare the following to be the reserves for the undermentioned Indian tribes respectively, ...

Seymour Creek
Burrard Inlet
Skwamish Tribe

Original reserve confirmed and increased by running from the northwest corner true north 20 chains thence true east to Seymour Creek, thence down creek to northeast post of present Reserve, addition subject to the rights of timber leasee.

The confirmation was signed by Anderson, McKinaly and Sproat. The extended reserve contained 147 acres.

Despite the Indian Reserve Commission's suggestion to Indian Superintendent Lenihan that the Burrard Inlet reserves "should be immediately surveyed," this action did not take place for almost four years. No reason could be found at this time for the

¹³ A copy of the Minute is on file in the Indian Land Registry, DIAND, Ottawa. Other sources indicate that the Minute of Decision was filed on 15 June 1877. See: Dominion of Canada. Schedule of Indian Reserves in the Dominion. Supplement to Annual Report of the Department of Indian Affairs for the year ended March 31, 1913. Ottawa: Government Printing Bureau, 1913, p. 100.

delay. Then, in June 1880, Gilbert M. Sproat issued the following "Instructions to Surveyors" concerning the Squamish reserves on Burrard Inlet¹⁴:

The following Reserves have been assigned, and will have to surveyed, in accordance with the Land Amendment Act 1879, as far as possible.

Note. Compass bearings, hereinafter mentioned are magnetic bearings except where the contrary is specially stated.

The specific instructions for the Seymour Creek Indian Reserve reads exactly as the Minute of Decision of four years earlier:

Original Reserve confirmed and increased by running from the north west corner true north 20 chains, thence true east to Seymour Creek, thence down creek to north east post of present Reserve.

Addition subject to rights of Timber Leasee.

The survey of the Seymour Creek Indian Reserve No. 2 was carried out by Captain William S. Jemmett from 23 to 25 August 1880. Among the survey field books on file at the Surveys and Mapping Branch, Energy, Mines and Resources, is one that states¹⁵:

SEYMOUR CREEK

This Reserve is to be increased by running from the north west corner true north 20 chains, thence true east to Seymour Creek, which forms the eastern boundary of the Reserve.

The west boundary of this Reserve has not been run, a random line having been run parallel to and 2.00 to the westward of true line, the north west corner post of old reserve can probably be found.

Addition subject to rights of the leasee.

¹⁴ Copy on file at the National Archives Canada, RG 10, Volume 1022, Microfilm T-1459.

¹⁵ Field Book B.C. 406/A, Surveys and Mapping Branch, Energy, Mines and Resources, Ottawa.

A small sketch included with this note shows the Indian reserve to be completely on the east side of Seymour River between District Lots 193 and 204. There is no indication who the author of this note and sketch was.

Captain Jemmett's field book and map of the Seymour Creek Indian Reserve No. 2 indicates that Seymour River forms the east boundary of the reserve.¹⁶ There is no indication on the map that the reserve boundary crosses the river. On the title page of Jemmett's field book is written: "For re-establishment of B'd'ys [boundaries] see F.B. 361/26 P.H. 40." No such field book is on file at the Surveys and Mapping Branch, Energy, Mines and Resources. A search of the National Archives Canada also did not reveal this field book.

Jemmett's field book indicates that several sloughs running off the main channel of Seymour River enters Burrard Inlet through the Indian reserve. As well, the pack-trail to Lillooet crossed through the north west corner of the reserve.

Jemmett also kept a separate field book which gives the compass bearings of this reserve.¹⁷ A third field book gives a census of the Seymour Creek Indian Reserve No. 2 and the following instructions:¹⁸

Reserve to be increased from N.W. corner post of present reserve true north 20.00 chains, thence true east to Seymour Creek which forms the eastern boundary.

¹⁶ Canada Lands Surveys Records F.B. 30286. Copy on file at Surveys and Mapping Branch, Energy, Mines and Resources, Ottawa.

¹⁷ Field Book B.C. 410/A. Copy on file at Surveys and Mapping Branch, Energy, Mines and Resources, Ottawa.

¹⁸ Field Book B.C. 411/A. Copy on file at Surveys and Mapping Branch, Energy, Mines and Resources, Ottawa.

A map, titled "Plan of Indian Reserves, Burrard Inlet, New Westminster District, British Columbia," was also drawn by William Jemmett.¹⁹ On the lower right-hand corner of this map is the approval signature of I.W. Powell, Superintendent of Indian Affairs for British Columbia, and the date 22 April 1881.

By the 1880s, white settlement on Burrard Inlet was developing around the three villages of Moodyville, Hastings and Gastown. Moodyville, with its more advanced sawmilling facilities, was the leading centre on the inlet. With the completion of the transcontinental railway in 1885, more settlement in Vancouver and on Burrard Inlet developed. Among the leisure-time activities of this growing population was boating. A photograph, taken by H.T. Devine on 24 May 1886, shows groups of men and women in sailboats and rowboats on Seymour River.²⁰

White settlement was also advancing up Seymour River. Settlers' entrance into this territory was by the Lillooet trail, which passed through the Seymour Creek Indian Reserve. According to one source²¹:

The route [the Lillooet trail] was little used, but during the [eighteen] eighties and nineties it afforded an access to homesteaders and the land along the stream was pre-empted and crown granted and eventually became consolidated under a very few owners who were holding it for its timber.

However, much of the land adjoining and surrounding the Seymour Creek Indian Reserve No. 2 was acquired by settlers. Their method of clearing the land of brush and unwanted timber to bring

¹⁹ Map B.C. 231 and TBC 231. Copy on file at Surveys and Mapping Branch, Energy, Mines and Resources, Ottawa.

²⁰ Anne Kloppenborg et al., eds. Vancouver's First Century. A City Album/1860-1985. Vancouver: Douglas & McIntyre, 1985, p.13.

²¹ W.H. Powell, "Seymour Falls Water Supply Extension," The Canadian Engineer, Volume 56, No. 25 (June 18, 1929): 609.

it into farm production was the traditional pioneering practice of "slash and burn". Such burning operations often got out of control, destroying valuable timber on neighbouring property. A fear developed among both officials of the Department of Indian Affairs and timber merchants that the timber on the Seymour Creek Reserve might be destroyed. The Indian Band, apparently, also concluded at this time that the timber might be sold to help them in their transition to an agricultural economy.

In 1892 an agent for James Hartney, a contractor from Vancouver, contacted the Department of Indian Affairs for permission for Mr. Hartney to cut timber on the Seymour Creek Indian Reserve. In his letter, the agent wrote ²²:

In view of the fact that during the coming season a vast amount of burning will be done in the immediate vicinity of this reserve, and that in all probability the timber standing on it will be devastated by the fires surrounding it, Mr. Hartney thinks, and I believe justly, that it will be a benefit to the Indians if this timber were sold instead of being uselessly wasted.

On 11 November 1892 Indian Superintendent A.W. Vowell was instructed to go to Seymour Creek Indian Reserve to determine if the Indian Band wished to surrender the timber on their reserve. On 14 January 1893 Vowell visited the reserve and "[a]fter much

²² M.H. Hirschberg to A.W. Vowell, 12 May 1892. Copy on file at the National Archives Canada, RG 10, Volume 7860, File 30167-3. Microfilm C-12125.

talking and without any pressure on my part they signed the Surrender..."²³ Vowell later reported that the Indians signed the surrender²⁴

... by the hope that the Department would supply them with some tools to enable them to clear and improve some of their land which they promise to do if they are so assisted and I would recommend that such assistance be given them as they are not well off and would be much benefited by the produce of the gardens they promise to clear and cultivate. In due course requisition will be made for the tools required.

As Mr. Hartney is now prepared to cut the timber on the Seymour Creek Reserve without delay, and as there is a chance of fire spreading through the timber in the neighbourhood of that Reserve next summer by the fires certain to be started in the ground now being cleared in that vicinity, I would respectfully suggest that the lease for the cutting of the timber be granted as quickly as possible.

Before the surrender of the timber was officially approved and a license issued to Hartney, the Department of Justice was asked to determine whether the Department of Indian Affairs had the right to lease lands on Indian reserves in British Columbia outside the Railway Belt. The Acting Deputy Minister of Justice, A. Power, wrote L. Vankoughnet, Deputy Superintendent General of Indian Affairs, on 21 February 1893, stating²⁵:

... the opinion of the Minister of Justice is, that the right of the Department to lease such lands would depend upon the circumstances of each case; that, if there was no diminution in the numbers of the nation occupying a reserve, but on account of a change in the

²³ A copy of the surrender document is included in Order in Council P.C. 1382, on file at the National Archives Canada, RG 2/1, 10 May 1893.

²⁴ A.W. Vowell to the Deputy Superintendent General of Indian Affairs, 18 January 1893. Copy on file at the National Archives Canada, RG 10, Volume 7860, File 30167-3. Microfilm C-12125.

²⁵ Copy on file at the National Archives Canada, RG 10, Volume 7860, File 30167-3. Microfilm C-12125.

habits of the people or for some other reason, the whole of the lands in the reserve had become unnecessary for their own occupation, such of the lands as were not needed might be leased for the benefit of the Indians, if surrendered by them for that purpose, but that lands vacated by reason of a diminution in the numbers of a nation or by the migration of some or all of its members, could not be so dealt with.

I am now to state that if the facts in the present case are such as, in accordance with this opinion, would admit of a lease being made at all, there seems to be no reason why the license to cut timber, which has been applied for, should not be granted...

The Deputy S.G.I.A. wrote Vowell requesting he inform the Department of the population residing on Seymour Creek Indian Reserve No. 2. Vowell replied on 9 March 1893²⁶:

If the information required is in connection with the lease applied for by Mr. Hartney for the privilege of cutting timber on the Seymour Creek Reserve, I may say of these Indians in reference to diminution in their numbers that the Census returns of 1881 find their number as 22; of 1888 as 27; and of 1891 as 37.

There is no material change in their habits except that they seem more inclined to cultivate some of their reserve.

The timber in question cannot be used by them to their advantage except by the method proposed, and if left standing it will in all probability be destroyed by fire during the coming summer, as much clearing and burning off of brush etc.; will be done upon lands adjoining [.] [O]f course it is understood that in British Columbia the Indians in many cases do not thoroughly realize the value of land when properly cultivated and utilized as it naturally takes a long time to wean them from their nomadic habits whilst struggling for existence in the past. The next generation doubtless will have learned to settle upon the land allotted them with an appreciation of what it can be made to produce by steady labour and attention.

²⁶ Copy on file at the National Archives Canada, RG 10, Volume 7860, File 30167-3. Microfilm C-12125.

On 8 May 1893 the S.G.I.A. wrote the Governor General in Council requesting the surrender of the timber on Seymour Creek Indian Reserve No.2 be officially accepted. On 10 May 1893 Order in Council P.C. 1382 was passed, approving the surrender.²⁷

There is no indication in the correspondence if Hartney used Seymour River to transport his logs, but other timber dealers apparently did. According to one account²⁸ :

Shingle bolts were also cut on Seymour Mountain until 1923. The bolts were brought down the mountainside by sleigh and flume until they reached Seymour Creek. Fir, however, was not cut in this area, since the logs would not navigate the creek successfully.

Meanwhile, the north shore of Burrard Inlet was developing to the extent that the residents wished to incorporate the area into a municipality. On 10 August 1891 letters patent were issued by the provincial government incorporating the Municipality of North Vancouver. This new municipality incorporated most of the north shore, excluding Moodyville and the Indian reserves. Since almost all the municipality was virgin timber land, the first task of the newly-elected municipal council was to open up trunk roads through its vast territory. In February 1892, council negotiated a loan underwritten at par by J.C. Keith, a resident of North Vancouver, to build a road through the municipality.²⁹ The road was called Keith Road.

Keith Road ran through Seymour Creek Indian Reserve. Although no files can be found at this time at the National Archives Canada specifically concerning the surrender of a right of way for Keith Road through the reserve, and there is no indication of a

²⁷ A copy of the Order in Council is on the file at the National Archives Canada, RG 2/1, 10 May 1893.

²⁸ Woodward-Reynolds, Kathleen M. "A History of the City and District of North Vancouver," p. 88.

²⁹ Woodward-Reynolds, Kathleen M. "A History of the City and District of North Vancouver," p. 48-51.

surrender on the Reserve General Register at the Indian Land Registry, DIAND, there is reference in Department of Indian Affairs' correspondence at the Archives concerning a road surrender. This correspondence indicates that this right of way was given by the Indian Band to acquire money to help them in their transition to an agricultural economy.

On 10 December 1892, A.W. Vowell, Indian Superintendent for British Columbia, informed the Deputy Superintendent General of Indian Affairs³⁰ that he had gone to Seymour Creek Reserve the week earlier to discuss with the Indians the request by James Hartney to cut their timber,

... and also to see the Capilano and Seymour Creek Reserves in connection with the road being constructed by the Municipality of North Vancouver.

On 25 January 1894, the British Columbia Gazette published an official notice that the sixty-six foot wide Keith Road, which passed "through Lot 676, 611 and 791 to Seymour Creek; thence in a north-westerly direction through Indian Reserve and Lot 612 ..., " was completed.³¹ Two years later, on 6 March 1896, Indian Agent Frank Devlin wrote Vowell that³²:

Jimmy Harry, the newly elected Chief of Seymour Creek called on me yesterday and stated that he was starting all hands on the Reserve to work clearing; and requested to get the following tools, to be purchased from the money paid by the Municipality of North Vancouver for right of way across the Reserve. If you recollect, the Municipality of North Vancouver paid \$150.00 for ground taken for Public Road through Seymour Creek Reserve. I have that money on hand, less \$18.90 which was expended in purchasing an outfit

³⁰ Copy on file at the National Archives Canada, RG 10, Volume 7860, files 30167-3. Microfilm C-12125.

³¹ "Public Highways, North Vancouver Municipality," British Columbia Gazette, (25 January 1894): 100.

³² Copy on file at the National Archives Canada, RG 10, Volume 1023. Microfilm T-1459. See also RG 10, Volume 7744, File 23167-3. Microfilm C-12040

for Big George at the time he was upset in the Narrows and lost all his [?]. I would recommend that their request be complied with and thus the tools on attached list be purchased from this money. Jimmy Harry says it is his intention to construct a dyke along the front of the Reserve in the near future, and that they will require the balance of the \$150.00 for the purpose of getting the necessary supplies to put in flood gates, and probably that it may be necessary to pay an engineer to lay out the work for them ...

Apparently, sometime in the late 1890s, a major flood occurred on Seymour River which not only changed the direction of the river but probably also flooded Indian reserve land. This, in all likelihood, was the reason behind Chief Jimmy Harry's intention to request the use of band funds to construct flood gates. According to one account, by a land surveyor turned local historian³³:

When the Seymour Creek Indian Reserve (Jimmy Harry's Reserve) was surveyed about 1879 [sic; the actual date was 1880], the river itself was designated as the east boundary of the reserve. The plans and field notes of the survey show that the river swung away to the west in a big curve and almost touched the east boundary of District Lot 204. This point of contact would be about Third (Cotton or Main) Street where the approach to the new Second Narrows Bridge takes place. Then going south it followed the approach to the old Second Narrows Bridge to high water. This almost divided the Indian Reserve into two pieces. The District Lot to the east, District Lot 193, also had the Seymour Creek as its west boundary. During the late [eighteen] nineties, when in flood, the Seymour decided to change course and cut through District Lot 193 into the present bed of the river. This eliminated the big curve in the river, but it also divided District Lot 193 into two parts, leaving a portion to the west of the river. But the old course of the river remained the boundaries of these two parcels of land. It also left the Indian Reserve away from the river for a considerable distance. This western portion of District Lot 193 had been designated as Cutter Island for many years. I have

³³ Burnes, John Rodger. North Vancouver: Saga of a Municipality in its Formative Days, 1891-1907, p.7.

never been able to find out where this name came from and it has practically disappeared since the new bridge and approaches have been erected.³⁴

The change in the river channel was not only around the newly-created Cutter Island. Above the island, Seymour River also cut a new path.

Another method that came to Chief Jimmy Harry's attention to acquire money for his Band was through the sale of gravel from the bed of Seymour River below the head of tide water. In February 1910 the Ottawa law firm of McGivern, Haydon and Greig wrote the Department of Public Works on behalf of William John Pascoe of Cedar Cove, Vancouver, for permission to remove gravel from the foreshore of Seymour Creek Indian Reserve. Two weeks later the law firm sent the Department of Public Works a tracing and a surveyor's description outlining the area required. The tracing, titled "Plan of Foreshore Lease Adjoining I.R. No. 2, Seymour Creek, N.W.D." and drawn by J. Watt Vaughan, D.L.S., shows an area measuring 6.09 acres in the bed of Seymour River from its mouth in Burrard Inlet to the head of tide water.³⁵ A report by G.A. Keefer, District Engineer for the Department of Public Works, dated June 1910, states³⁶:

... I have to say that this is an application for the removal of gravel from a bar at the mouth of Seymour Creek where it empties into Burrard Inlet at the Second Narrows. This is a gravel bar which is covered

³⁴ In 1926, Seymour Creek Indian Reserve No. 2 was re-surveyed by John Roger Burnes. His survey map, titled "Plan of Seymour Creek Indian Reserve No. 2, New Westminster District, North Vancouver," shows the old channel of Seymour Creek and the new channel, as well as Cutter Island. A copy of the map, numbered B.C. 317, is on file at Surveys and Mapping Branch, Energy Mines and Resources, Ottawa. See below, pages 38-44.

³⁵ Copy of file at the National Archives Canada, RG 10, Volume 7603, File 11167-3. Microfilm C-11571.

³⁶ Ibid.

at high tide and as its removal will not be any benefit to navigation it is quite in order that a small royalty should be enacted.

On 12 July 1910 the correspondence concerning this issue was transferred to the Department of Indian Affairs. J.D. McLean, Secretary of the Department of Indian Affairs, wrote Indian Agent R.C. McDonald on 23 July 1910, stating³⁷:

The Indians owning the Reserve adjoining the Creek would have Riparian rights, and would be entitled to some consideration for extinguishment thereof.

I have therefore, to request that you will be good enough to ascertain what the Indians would be willing to take in extinguishment of their rights, so that the consent of the Department may be given to the removal of the gravel by the applicant, under authority to be obtained from the Department of Public Works.

On 4 August 1910 the Seymour Creek Indian Band met and approved the sale of the gravel for \$2,500. The Department of Indian Affairs then informed Public Works that the Band was willing to sell the gravel but "the Indians have only riparian rights in Seymour Creek ..."

Then, on 17 October 1910, A.S. Williams, Law Clerk for the Department of Indian Affairs, informed the Deputy Superintendent General of Indian Affairs that³⁸:

With respect to the application of W.J. Pascoe for the accretions of gravel in the stream running into Burrard's Inlet and forming the eastern boundary of Seymour Creek Indian Reserve No. 2, as shown on plan of J. Wyatt Vaughan, D.L.S....; I have to say that I do not see that the Indians in giving up their riparian rights in this water to Mr. Pascoe would give him any title to the gravel for which he has applied. If the Indians have any interest in these accretions of gravel, which is doubtful, they could only dispose of such interest by surrender, and, as the officer in charge of the Lands Branch has advised me that no

³⁷ Ibid.

³⁸ Ibid.

surrender of this land would be authorized according to the Minister's decision respecting the disposition of Indian Reserves in British Columbia at the present time, the question need not be further considered.

No other correspondence was entered into with Pascoe or his representative by Indian Affairs. However, two years later, a licence was issued to J.A. Sinclair of Vancouver permitting him to dredge and take away gravel and sand in a 42.3 acre-area in front of Seymour Creek Indian Reserve in Burrard Inlet.³⁹

As the industrialization of the north shore of Burrard Inlet developed and diversified after its municipal incorporation, the idea of a permanent link with the south shore was born. In 1892 the federal government chartered the Burrard Inlet Tunnel and Bridge Company, which had applied to construct a tunnel under the First Narrows and a bridge over the Second Narrows, both to be for foot, carriage, street railway and railway purposes. However, this charter was allowed to lapse when its backers felt the economic constraints of the financial depression that gripped Canada in the 1890s.⁴⁰

But the idea of building a bridge over the Second Narrows did not die. In 1899 the Vancouver, Westminster and Yukon Railway Company was chartered with powers to build a narrow gauge railway from Vancouver to the north shore of Burrard Inlet by way of Seymour River, and thence to the Squamish Valley, Pemberton, Lillooet, Quesnelle, Hazelton and the Yukon border. In 1905 the railway company surveyed a route for its line which went through Seymour Creek Indian Reserve No. 2. Although no correspondence could be found at this time in the Department of Indian Affairs' files at the National Archives Canada concerning this line, a

³⁹ See Order-in-Council P.C. 2533 of 20 September 1912. Copy of file at the National Archives Canada, RG2/1, 20 September 1912.

⁴⁰ Woodward-Reynolds, Kathleen M. "A History of the City and District of North Vancouver," p. 100-107.

plan on file at the Surveys and Mapping Branch, Energy, Mines and Resources, shows the proposed railway route through the Indian reserve.⁴¹ According to the map, the survey of the north shore of Burrard Inlet commenced on 6 April 1905 and was completed on 29 April 1905. The amount of right of way required through Seymour Creek Indian Reserve was 11.183 acres, plus 0.92 acres of foreshore.

Five years later, in February 1910, the following two paragraphs were added to the map:

To show, Section of V.W. and Y. Ry. location plan, showing right of way through Indian Reserve near Northerly approach of Bridge over Second Narrows.

This is to certify that it is necessary for the Vancouver, Westminister and Yukon Railway Company in the exercise of its powers of incorporation to have a right of way across Indian Reservations, Seymour No. 2 and Mission No. 1, in the Province of British Columbia, as indicated on this plan.

However, by 1910, the citizens of North Vancouver were growing impatient at the lack of a bridge over the Second Narrows. A group of property owners banded together to provide funds to purchase the lapsed charter of the Burrard Inlet Tunnel and Bridge Company and the federal government re-incorporated the company that year. Subsidies were solicited from municipal governments, as well as the federal and provincial governments.

After having the Vancouver, Westminister and Yukon Railway's right of way on the north shore of Burrard Inlet rescinded by the federal Board of Railway Commissioners, negotiations were entered into with the Department of Indian Affairs to acquire 11.63 acres of Seymour Creek Indian Reserve No. 2, plus 1.77 acres of the

⁴¹ "Map of V.W.&Y.Ry, Plan No. 3, Location Sta. 650+524 to Sta. 1070+00." Copy on file at Surveys and Mapping Branch, Energy, Mines and Resources, Ottawa. No. 975. See also map TBC 130 which shows the railroad line through the Indian Reserve.

tidal flats fronting the reserve.⁴² On 16 October 1913 the Seymour Creek Indian Band agreed to surrender a right of way to the Burrard Inlet Tunnel and Bridge Company.⁴³ The right of way, plus compensation for damages, was valued by the Band at \$50,967.14. The offer was to stand for two months.

Because a Royal Commission was investigating Indian affairs in British Columbia at this time [to be discussed in more detail below], and part of its mandate was to adjust or confirm the size of reserves, permission had to be obtained from this body for the surrender of any portion of Seymour Creek Indian Reserve. On 6 November 1913, Royal Commission Chairman E.L. Wetmore issued "Interim Report No. 14", which reads⁴⁴:

The Commission pursuant to Section 8 of the Agreement referred to in the Commission has had under consideration the application of the Burrard Inlet Tunnel and Bridge Company to acquire certain lands required for railway purposes and forming part of the Seymour Creek Indian Reserve No. 2 of the Squamish Tribe, and upon reading the said application and the correspondence and material in respect thereto and examining the plans submitted, and it appearing that the said lands are required for railway purposes by the said Company.

The Commission recommends that, subject to compliance with the requirements of the law and to due compensation being made, permission be given to the said Company to enter forthwith upon the said lands and to acquire such parts thereof as have been applied for by such Company for such railway purposes, according to the plan filed in respect to such

⁴² Correspondence concerning these negotiations are on file at the National Archives Canada, RG 10, Volume 4056, File 386,998-3. Microfilm Nos. C-10180 and C-10181.

⁴³ A blueprint indicating the area to be surrendered is on file at the National Map Collection, National Archives Canada, NRC-12578.

⁴⁴ Report of the Royal Commission on Indian Affairs for the Province of British Columbia. Victoria: Acme Press, 1916, p. 37.

application and approved by the Board of Railway Commissioners for Canada on the 11th day of July, 1913.

However, the Burrard Inlet Tunnel and Bridge Company rejected the valuation made by the Indian Band and made a lower counter offer. They also maintained that now they only needed 8.75 acres of reserve land [which did not take into account the tidal flats]. A new map showing the required right of way was sent to the Department of Indian Affairs.⁴⁵ Part of the Seymour River shoreline and bed was included in this right of way.

On 16 May 1914 this map was returned to the lawyers representing the Burrard Inlet Tunnel and Bridge Company by John McLean, Secretary of the Department of Indian Affairs, with correction recommendations, including:⁴⁶

It is also noted that the area of the tidal flats is not shown on the plan. The rights of the Indians, being the riparian owners, in connection with these flats are very valuable and will require to be paid for.

An independent evaluator, the Yorkshire Guarantee and Securities Corporation of Vancouver, was hired by the Department of Indian Affairs to assess the right of way land value. They concluded that the land and water frontage was worth \$21,260, and the damages to Indian improvements worth \$4,793.14. The total came to \$26,053.14. Their report, addressed to W.E. Ditchburn, Inspector of Indian Agencies for British Columbia, and dated 14 September 1914, included the following comments⁴⁷:

In connection with the water frontage, I observe the Department, in their letter of the 18th of May, state that "The riparian rights of the Indians to this piece

⁴⁵ A copy of this map is on file at Surveys and Mapping Branch, Energy, Mines and Resources, Ottawa. No. 1324A.

⁴⁶ Copy of letter on file at National Archives Canada, RG10, Volume 4056, File 386,998-3. Microfilm C-10181.

⁴⁷ Ibid.

of ground are very valuable." We have carefully considered this question, and have come to the conclusion that the [Burrard Inlet Tunnel and Bridge] Company should pay for the actual water frontage taken by the right of way, viz., 170 feet.

As regards the water frontage on Seymour Creek, we are of the opinion that the Company are not entitled to pay for it as such. The Creek is not navigable, except for canoes, and whilst the Indians will be cut off from the use of it in this respect, the disadvantage is more than offset by the enhanced value given the balance of the property by reason of railway facilities. We do, however, think the Company should pay for any land lying between the Right of Way and Seymour Creek and have made an allowance accordingly ...

According to Ditchburn, in a letter to McLean dated 25 September 1914⁴⁸:

The valuation made by Mr. Houlgate [of Yorkshire Guarantee and Securities] has been submitted to the Indians, and they are perfectly satisfied with it, their great desire now being to get their money, particularly that for their improvements, in order that they can move off this piece of land and re-establish themselves.

I would recommend that the Company be asked to make payment forthwith, failing this no construction work should be proceeded with until the right of way has been paid for ...

Before any money was given the Indian Band, however, the First World War broke out. The idea of building a bridge across the Second Narrows was temporarily abandoned.

Meanwhile, while negotiations were proceeding for the bridge right of way prior to the outbreak of war, the Seymour Creek Indian Band was also trying to have the federal government

⁴⁸ Ibid.

straighten out the Seymour River waterway. In a letter dated 4 November 1912 and addressed to local Member of Parliament H.H. Stevens, Chief Jimmy Harry wrote⁴⁹:

My associates and myself are asking the Dominion Government to straighten out the course of the waters of Seymour Creek so that they may flow directly north and south to take out the couple of bends and straighten the sloughs that are at present cutting into our Indian Reserve. In the past five years, we have lost from our Reserve between 25 and 30 acres of our best lands and at the present time, the waters are threatening to undermine some of our buildings, and have, up to the present, taken away some of the orchard, and if another strong freshet should come, we fear that it might wash away some of the buildings.

The Chief suggested the construction of dams on the river to straighten its course.

Stevens forwarded the letter to the Department of Indian Affairs, which requested the local Indian Agent to make a report on the problem. On 18 March 1913 Indian Agent Peter Byrne reported to John McLean, Secretary of the Department of Indian Affairs⁵⁰:

... I visited Seymour Creek Indian Reserve No. 2, and in company with the Indians carefully examined that portion where the Seymour Creek is continuously washing away the banks; there are two places where the creek is doing considerable damage, one about 1/4 mile from the mouth of the stream, just opposite the Indian village, and the other some 300 yards further up.

It appears that some years ago, and I believe up until last year this stream has been used for the purpose of floating logs to sea, and the Indians inform me that the floating timber on its way down frequently stuck into the bank with considerable force causing it to break away; to remedy this a boom has been stretched along the building, that is a number of large trees fastened end-to-end with heavy chains which was

⁴⁹ Copy on file at the National Archives Canada, RG 10, Volume 7550, File 36,167-3. Microfilm C-14816.

⁵⁰ Ibid.

anchored at the up stream end. This boom has the effect of preventing the logs or drift wood from striking the bank as previously.

There are only two ways that I know of by which the river can be confined to its course, and thus the erosion prevented. One is to drive a row of piles about four to six feet apart, in a line with, and some distance from the bank of the river, sheet up these piles with four inch planks on both sides, and fill in behind them with rocks. The other way would be to straighten out the channel of the stream by dredging and putting in a wing to force the water back into the old channel, the cost of protecting the banks by piling, at the two places referred to, would amount to some three or four thousand dollars, or perhaps more, and the wing dams and dredging of the old channel, to make it effective, would be about the same price.

Although I have spent a great deal of time endeavouring to locate the owner of district Lot 193 opposite the Indian Reserve, ... so far I have been unable to do so. At the same time I might say that if the Department decide to dredge the old channel as suggested, I think it will be found on a survey being made, that the work can be carried out without trespassing on his property.

The Department of Indian Affairs decided not to take any immediate action on the situation. It was decided by the Superintendent General of Indian Affairs to wait to see if the Burrard Inlet Tunnel and Bridge Company would take any action or if the Royal Commission investigating the Indian land question in the province would order the work done.

This Royal Commission, formally titled the Royal Commission on Indian Affairs for the province of British Columbia, was set up in 1913. The Commission was charged with resolving the long-standing federal-provincial dispute concerning Indian lands in British Columbia. It was given the power to investigate Indian land matters, to adjust reserve acreage by reducing the size where the Commissioners deemed that the Indians had more land than needed, to determine the area to be added in cases where bands had insufficient land, and to set aside reserves for

bands that had not yet received any. The Commissioners were also authorized by a separate federal Order in Council of June 1913 to gather information on issues which, although extraneous to the terms of the McKenna-McBride Agreement setting up the Commission, were nevertheless considered to effect the rights and interests of the Indian population. From 1913 to 1916 the Commission travelled the province compiling their evidence.

The Royal Commission visited the Seymour Creek Indian Reserve No. 2 on 21 June 1913. Chief Jimmy Harry did most of the talking for the Band and Andrew Paull acted as interpreter.⁵¹

Chief Harry, in his opening address to the Commissioners, began by emphasizing his dedication to cultivating the land on his reserve. This included having some land cleared and building dykes and fences. He continued his address by stating:

... if the Royal Commission on Indian Affairs are desirous of hearing any statements or complaints that I have to make concerning fishing and hunting, I shall be glad to do so. When I make this statement regarding fishing and hunting, it applies principally to the older people who are unable to work and follow the lines of work that the younger people follow in order to earn their living.

About four weeks from today, there was a net which was in the stream out there belonging to an old Indian residing in this reserve. His only means of getting fish for him to eat and make his living was by fishing and the Fishery Warden wilfully and without warning cut this net which belonged to the poor old man and which was about 15 fathoms long and put it into his boat and took it away. Now this same poor old man has no net and has no money to buy another net, and therefore he cannot get any more fish to eat. The Indians residing on this reserve never raise any objections to the white people who come to fish in this Creek running right along this reserve which the Indian claim as their own, and it causes a hard feeling when the white people object to the Indians catching fish to eat, and when they do that, the Indians are afraid

⁵¹ A copy of the Royal Commission evidence is on file at the Indian Land Registry, DIAND, Ottawa.

to have the nerve to set yet another net and catch fish, and when we consider that, and yet allow the white people to fish all day Saturday and all day Sunday in our fishing grounds it creates hard feeling, and yet we are blamed that fishing and hunting have been decreasing. That is a statement that has been made by some white men. Now during the time immormial [sic] the Indian before the white men came here, the Indians were living, and all the Indians were living on fish and game, and fish and game never decreased, and now at the present day the Indians are not as many as there used to be some 100 years ago, and yet they are blamed of being the cause that fish and game have decreased.

At this point, the Commission Chairman interpreted Chief Harry to point out that white people attributed the decline in fish not to Indians but to other white people who caught fish by traps beyond the three-mile limit.

Chief Harry continued:

A long time ago, the Indians depended upon fishing and hunting as their only means of living. Now things have changed. The Superintendent at Victoria told me to follow the white mens' ways and we are doing so, and we now depend upon our land, and ask that the white people treat us fairly in these things. Now we look upon the Commissioners as a body to assist us and adjust all grievances existing among the Indians together with the question concerning the land, and I hope that after the Commissioners have gone, the Indians will be given the chance to progress along modern lines.

When asked by the Chairman how the men on the reserve earned their living, Chief Harry replied:

Well, the older men fish, and the younger people they do practically the same as those in [Mission] No. 1 reserve - they go to the canneries and fish for the market.

He also said that some of the men worked for local farmers, some were stevedores, and others worked in the lumber mills. None of the men on the reserve had their own fishing boats, but they did own canoes.

As for the problem of bank erosion on Seymour River, the Royal Commission informed John McLean, Secretary of the Department of Indian Affairs, on 8 July 1913 that the proposed work did not come within the scope of the Commission's authority.⁵²

On 13 May 1916 the Royal Commission passed the following Minute of Decision⁵³:

Ordered: That Indian Reserves Nos. Two (2) and Three (3), of the Squamish Tribe, New Westminster Agency, described in the Official Schedule of Indian Reserves, 1913, at page 100 thereof, be confirmed as now fixed and determined and shewn on the Official Plans of Survey, viz.:

"No. 2 - Seymour Creek, 147.00 acres and

No. 3 - Burrard Inlet, 275.00 acres."

Meanwhile, across Burrard Inlet, the population of the City of Vancouver was growing, and with it the demand for drinking water. The Capilano River had been tapped by Vancouver as early

⁵² Copy of letter on file at National Archives Canada, RG 10, Volume 7550, File 36,167-3. Microfilm C-14816.

⁵³ Report of the Royal Commission on Indian Affairs for the Province of British Columbia. P. 689-691.

as 1886, and in 1907 the city set its sights on Seymour River. In a magazine article, written in 1911, describing how Vancouver acquired its water supply, a journalist wrote⁵⁴:

Five years ago, when Vancouver began to feel the first real twinges of its growing pains the city council, on the recommendations of its waterworks engineers, came to the conclusion that such a really promising city as this could not afford to continue getting its water from only one mountain stream, however pure the water and plentiful the supply for the time being. Looking across the gap of only a few intervening years, they saw a Greater Vancouver between the Fraser river and Burrard Inlet. With commendable celerity the aldermen at the head of civic affairs of that day resolved on tapping the Seymour, another mountain stream some six miles farther up the Inlet than the Capilano and by virtue of its extensive watershed, giving promise of proving sufficient for the city's needs for years to come.

At a cost of half a million dollars sturdy workmen climbed the valley of the Seymour about seven miles, built a suitable intake and then laid a pipe line from that point down the mountain side, across the Second Narrows and into the heart of the city.

Then, in 1912, the City of Vancouver built another intake on Seymour River one-half mile further upstream, and in 1925-1926 a pipe was laid from Seymour Falls. During this period as well, the Greater Vancouver Water District purchased the land above the intakes that had come into the hands of a few timber speculators. At a cost of \$75,000, the Water District bought 3,900 acres. The balance of the watershed was leased from the provincial government for a period of 999 years at \$1.00 per year.⁵⁵

⁵⁴ McDougall, Robert J. "How Vancouver Gets Snow-water from Mountain Streams," British Columbia Magazine, Volume 7 No. 6 (June 1911): 580-587; see also G.A. Barber, "Vancouver's Water Supply," British Columbia Magazine, Volume 8, No. 5 (May 1912): 353-357.

⁵⁵ Powell, W.H. "Seymour Falls Water Supply Extension," The Canadian Engineer, Volume 56, No. 25 (June 18, 1929): 605-610.

No access is granted to any person to enter the watershed except to workmen, and these are blood-tested for typhoid and kept under most stringent sanitary regulations while above the intakes. No fishing, mountain climbing or hunting is permitted.

The question of control of the foreshores fronting the Indian reserves in Burrard Inlet as booming grounds was also dealt with during this period, the debate being whether they would be leased to private companies or brought under the public control of the Vancouver Harbour Commission. The assumption throughout the debate was that, although these foreshores were in tidal waters, the Indian Bands had a right to compensation for those sections which fronted on their reserves.

On 6 October 1914 a specific request was made to the Department of Indian Affairs by the Vancouver Harbour Commission for the foreshore adjoining Seymour Creek Indian Reserve No. 2. Part of the request included the mouth of Seymour River.⁵⁶ After three years of correspondence, Order in Council P.C. 2544 was passed on 12 September 1917 approving a Quit Claim Deed on behalf of the Vancouver Harbour Commission for the foreshores fronting Capilano Indian Reserve No. 5, Mission Reserve No. 1, Seymour Creek Indian Reserve No. 2 and East Seymour [now known as Burrard Inlet] Indian Reserve No. 3.⁵⁷ Half the net revenue derived by the Vancouver Harbour Commission from the booming grounds was to be paid to the Department of Indian Affairs for the benefits of the

⁵⁶ See "Plan Showing Water Lot in Front of Seymour Indian Reserve Applied for by Vancouver Harbour Commissioners," B.C. 312, Surveys and Mapping Branch, Energy, Mines and Resources, Ottawa.

⁵⁷ Copy of the Order in Council on file at the National Archives Canada, RG 2/1, 12 September 1917. Correspondence on the topic and a copy of the Quit Claim Deed is on file at the National Archives Canada, RG 10, Volume 7786, File 27150-5-2. Microfilm C-12065.

Indian bands whose foreshores were used. The Indian bands involved were apparently not informed of this Quit Claim Deed until the spring of 1919.

Reaction to the news that the Department of Indian Affairs had allowed the foreshores of the Burrard Inlet reserves to be Quit Claimed was extremely negative among Squamish Indian leaders. In one letter to Duncan Scott, Deputy Superintendent General of Indian Affairs, dated 10 April 1920, they wrote⁵⁸:

We claim that the foreshores were allotted to us in the same manner as the land otherwise known as Indian Reserves, for our own common use, and to everlastingly enjoy the use of the foreshore as well as the land.

The stakes for the various Reserves, include stakes at the low water mark of our foreshores, and that we take to mean, and have always enjoyed the knowledge, that the foreshore was a part of our Reserves.

Quoting from the Royal Proclamation of 1763, these leaders claimed they should have been consulted before the Quit Claim Deed was issued. In reply, John McLean, Secretary of the Department of Indian Affairs, informed the Indians on 12 April 1920:

In reply I have to state that the quotation in letter of the 10th instant, from the Proclamation of 1763, does not apply to Indian reserves in British Columbia. The Indians have no right to the foreshores of the Indian Reserves on tidal waters. They have only riparian rights.

The issue of ownership of the foreshore in Burrard Inlet took a twist in May 1921 when Mr. Justice Gregory of the Supreme Court of British Columbia concluded in the trial of David Hadden, a shingle manufacturer, against the City of North Vancouver, that federal government leases to foreshore property were invalid since the north shore of Burrard Inlet was not a public harbour

⁵⁸ Copy on file at the National Archives Canada, RG 10, Volume 7786, File 27150-5-2. Microfilm C-12065.

when British Columbia entered Confederation in 1871⁵⁹. However, on 6 May 1924, the provincial government passed Order in Council 507 ratifying and confirming an agreement with the federal government as to what harbours in British Columbia were to be considered as public harbours before Confederation. On 7 June 1924, Order in Council P.C. 941 was passed by the federal government to the same effect. Burrard Inlet was now confirmed as being under the control of the Vancouver Harbour Commission.

Meanwhile, in 1922, interest commenced again on the construction of a bridge across the Second Narrows. In March, Chief Jimmy Harry wrote the Department of Indian Affairs requesting information on the status of the land the Burrard Inlet Tunnel and Bridge Company had previously requested. Then, on 8 December 1922, the Vancouver Sun carried a picture of the "Proposed Second Narrows Bridge." This bridge, according to the caption,⁶⁰

starts at Vancouver from Cariboo Street and enters North Vancouver at the Indian Reserve, east of Lynn Creek. A bridge of two spans, 60 feet long each in length will cross the creek and a single track railway is to be constructed to the heart of North Vancouver City.

On 25 April 1923, Order in Council P.C. 718 was passed approving the plans of a bridge and railway across the Second Narrows. A request was then made by the company for a 7.54 acre right of way through Seymour Creek Indian Reserve No. 2. On a plan of survey completed by F.C. Underhill on 13 June 1923 of the right of way required, it was shown that part of this right of way touched on

⁵⁹ See the Vancouver Province, 28 May 1921. See also files in National Archives Canada, RG 10, Volume 11006, File 987/31-7. Microfilm T-3954.

⁶⁰ Copy of article on file at National Archives Canada, RG 10, Volume 4056, File 386,998-3. Microfilm C-10181.

the original bank of Seymour River. A slough from Seymour River to Burrard Inlet, according to the map, cut through the right of way.⁶¹

Debate arose between the company and the Indian Band over the value of the right of way land. The Indians demanded \$13,920 for the land, plus an additional \$4,439.50 for improvements. They also demanded their improvements be replaced by the Company on another location. The company countered with a land valuation of \$6,100. It was decided to send the matter to arbitration. The arbitrator found in favour of the company.

On 5 October 1923, Order in Council P.C. 2031 was passed, authorizing the sale of the right of way to the Burrard Inlet Tunnel and Bridge Company.⁶² A description of the right of way in the Order in Council reads as follows:

All that parcel of land through the Seymour Creek Indian reserve No. 2 of the Squamish band, New Westminster District, Province of British Columbia, containing 7.54 acres, more or less. The said parcel being a right of way 150 feet in width required by the Burrard Inlet Tunnel and Bridge Company through the said reserve, also such portion of the reserve lying between said right of way and Seymour Creek as may be necessary to include with said right of way. The said parcel is shown on a plan of survey made by F.C. Underhill, D. and B.C.L.S. 13th June, 1923, a copy of which is recorded in the Surveys Branch of the Department of Indian Affairs under RR 1324-B.

⁶¹ Ibid. See also map NMC 12584, National Map Collection, National Archives of Canada; and map RR 1324B, Surveys and Mapping Branch, Energy, Mines and Resources, Ottawa.

⁶² Copy on file at the National Archives Canada, RG 2/1, 5 October 1923. See also amendment in Order in Council PC 2312, RG 2/1, 20 November 1923.

Two months later, on 6 December 1923, the Assistant Deputy Minister of the Department of Marine and Fisheries wrote the Superintendent General of Indian Affairs, stating⁶³:

The Burrard Inlet Tunnel and Bridge Company is applying to this Department for certain water lots on Burrard Inlet on which to construct a bridge and it appears that one end of the bridge will land on an Indian Reserve which might be termed the ripa of the site on that side of the Inlet.

In all applications for water lots this Department endeavours to give as much consideration as possible to the rights of riparian owners and I would be glad if you would confirm the arrangement which the Company states it has made with your Department regarding the right of way over the Indian Reserve. For your information I enclose herewith copy of a letter in which the Company explains the above mentioned arrangement.

Your consent, as riparian owner, to the granting of the application, would of course serve the purpose.

Consent was given by the Department of Indian Affairs on 10 December 1923.

Construction on the bridge began in 1923 and was finally completed in 1925. The grand opening of this ill-fated structure was on 7 November of that year. In its first five years in operation, the Second Narrows Bridge was struck by four ocean-going freighters, including the "Pacific Gatherer" which all but demolished the span in 1930. The bridge did not reopen until 1934.⁶⁴

⁶³ Copy on file at the National Archives Canada, RG 10, Volume 4056, File 386,998-3. Microfilm C-10181.

⁶⁴ "Documentary Extract," Vancouver History, Vol. 19, No 1 (November 1979): 29-30; Woodward-Reynolds, Kathleen M., "A History of the City and District of North Vancouver," p.99-106.

Meanwhile, a year prior to the opening of the bridge, the Department of Public Works issued a report on the question of whether the span was a navigational hazard in Burrard Inlet.⁶⁵ Included in the report are the following remarks on Seymour River:

Seymour Creek which discharges into the north side of the Narrows does not under ordinary conditions make its force effective, but during freshet it causes a strong surface cross-current towards the south shore. This current does not inconvenience traffic going east but does effect traffic about to pass through or under the bridge in going westward. As a matter of fact, the mouth of the Seymour Creek has moved westward 450 feet during the past eight years. It could quite readily be made to discharge at the former point ...

Seymour Creek as already pointed out causes at freshet periods a strong surface current to be thrown across the waters of the Second Narrows southward and adds to the difficulty of navigation by all except craft drawing considerable water. The mouth of this creek discharged a few years ago about 400 feet further east than at present, and with a comparatively small amount of work could be restored to that location. Such a change would cause the waters from the Creek to discharge obliquely instead of directly across the Narrows, and would at the same time remove the cross current to a safer distance from the Bridge. The work entailed in this change represents the removal of material by dredging or drag-line to the extent of 70,000 cubic yards. It is our recommendation that this change be carried out in conjunction with or at the same time as the channel widening.

No files could be found at this time at the National Archives Canada to indicate whether any work was done to move the mouth of the Seymour River.

The movement over the years not only of the mouth but of the river channel itself had, by 1925, caused confusion of exactly where the east boundary of the Seymour Creek Indian Reserve No. 2

⁶⁵ "Report on Conditions at Bridge Site . . .," 11 December 1924. Copy on File at National Archives Canada, RG 11, Volume 4336, File 3564-1-B.

lay. In particular, interest was most acute in determining the land boundaries of that era in comparison with where they were when laid out by Captain William S. Jemmett in 1880.

The drive to have Seymour Creek Indian Reserve re-surveyed began in August 1925 when the Municipal District of North Vancouver indicated to the local Indian Agent their intent to build a steel bridge across the mouth of Seymour River. In a letter to W.E. Ditchburn, Indian Commissioner for British Columbia, dated 22 August 1925, Indian Agent C.C. Perry wrote:⁶⁶

You will be aware, probably, that since the Seymour Creek No. 2 Reserve was set apart, considerable activity of freshet waters in Seymour Creek has changed to a considerable degree the course of the waterway, a result of which, to all appearances, is the obliteration of the post indicating in particular the south-eastern boundary of the Reserve.

Mr. Paull [Andrew Paull, Secretary of the Squamish Indian Council] informs me that the old Reserve map showed the presence of Indian houses on the shoreline along the creek. These houses have long since disappeared and the only map I have of this Reserve, besides a small scale map received from the Department, is the blueprint prepared by the Burrard Inlet Tunnel & Bridge Company; the former being too small to give any idea of the correctness of the boundaries, and the latter being prepared to conform with the present sinuosities of the shoreline, as carved out by the river, so that what is now, to all appearances, a creek-bed is what was formerly dry land with houses upon it.

You will readily see, therefore, that with this change in the shoreline our riparian interest, which formerly extended to the centre of the Creek is thrown apparently some distance out. Preparatory to the construction of the proposed steel bridge it will be necessary for the Municipality to negotiate for the accommodation of the bridge and as conditions are at present, it is difficult to determine what proportion

⁶⁶ Copy on File at the National Archives Canada, RG10, Volume 11006, File 987/33-14. Microfilm T-3954.

of the bridge area will come within the Seymour Creek Reserve limits and what proportion will have to be taken from adjacent property...

The Department of Indian Affairs agreed that the reserve should be re-surveyed and it was decided to hire surveyor J. Rogers Burnes of North Vancouver. Before this surveyor was hired, however, Perry informed Ditchburn, in a letter dated 22 October 1925, that Burnes had already surveyed and mapped part of the reserve for a gravel lease for the Cascade Rock and Gravel Company, owned by the Cotton Company Limited. Perry informed Ditchburn:⁶⁷

... if you will please refer to the blueprint sent herewith it will be seen that a dotted white line connects block twelve in District Lot 193, with a knob between blocks six and block five on the Eastern side, this line following a long jamb in the bed of what was originally Seymour Creek. This dotted line represents the Eastern boundary or part thereof of the Reserve as originally set aside and if this line is correct it would make it appear that the Indian Reserve embraces the water area from the Harbour to the said dotted line leaving no portion of this water area as an outlet for the creek west of the log jams or as riparian area for blocks four, five and six at the Eastern side of the creek. The pencil notations on the enclosed blueprint will show more clearly what I mean. What was formerly the old course of Seymour Creek now described as "Log jams," "Log Jams Willow Growth", "Gravel Covered at High Tide", and enclosed in a semi-circular line which forms the bank of the present channel of Seymour Creek in now high and dry land, and would have no significance as riparian water area for blocks four, five and six, but would appear to belong to the Indians or the adjacent property holders as the case may be as a land area...

I am referring this matter to you again before approaching Mr. Burnes because he, having already established the bounds of the reserve as he understands them would no doubt desire to have some light thrown upon the question as to whether we can claim for the Indians the old creek course below the

⁶⁷ Copy on file at the National Archives Canada, RG10, Volume 11006, File 987/33-14. Microfilm T-3954.

log jams where the dotted line appears. I am supposing that the creek were following its original course. In this case, presumably, a half of the creek water would belong to the Indians and the other half to the property owners on the eastern side. I cannot think that when this Reserve was set apart it could have been intended that the eastern line of the Indian Reserve should extend right across to the other side of the creek. There is a possibility that the Municipality of the District of North Vancouver may contend that some of this creek bed, which is now dry land would come within their right as former riparian owners...

On 4 November 1925, Ditchburn wrote to Surveyor J. Rogers Burnes outlining his instructions. These read in part:⁶⁸

This survey is necessary as it has been brought to the attention of my Department that since the Reserve was surveyed in 1880, Seymour Creek has changed its course so much that, when in the year above mentioned it formed the Eastern boundary of the Reserve, the said Creek is at this date running through what was land in 1880. It is, therefore, necessary that you should establish the lines of the Reserve as it was surveyed in 1880 by the erection of permanent posts or monuments. It is also most desirable that you should furnish duplicate linen tracings and blueprints showing the Reserve as it was in 1880 and how the situation is to-day through Seymour Creek changing its course...

Your survey should be made in accordance with the Provincial Regulations pertaining to surveys of this nature...

Ditchburn sent Burnes a copy of the 1870 field notes. Burnes apparently already had a copy of Captain Jemmett's 1880 field notes.

⁶⁸ Ibid.

The following day, Ditchburn received a copy of a report on proposed gravel leases on Seymour Creek Indian Reserve, written by District Chief Engineer C.E. Webb of the Dominion Water Power and Reclamation Service, Department of the Interior.⁶⁹

In his reply to Webb, dated 5 November 1925, Ditchburn quoted the following extract from Webb's report:

There is one point about this situation upon which I am not clear and that is: What constitutes the border of the Indian Reserve? If the border of the Indian Reserve is the river bank at highwater mark then none of this gravel is included in the Reserve. If on the other hand the Indian Reserve extends into the River, in all probability this gravel bar is part of the Indian Reserve. At the present time I am not in a position to say what constitutes the Indian Reserve boundary.

To this statement Ditchburn replied:⁷⁰

In connection with this point, I beg to say that from information recently received by this Department, it would appear that Seymour Creek has changed its course considerably since the Reserve was surveyed in 1880, so much so that the said Creek is to-day running through a portion of the Reserve proper as it was at that time. This pertains more particularly to the lower part. Where the Creek formerly ran there is, I believe, today, a dry bed of gravel. The Reserve as allotted in 1877 and surveyed in 1880 comprised 147 acres, just how much land is in it to-day I can not say...

If the new survey confirms the information on hand, this Department would then, no doubt, in future control both sides of the present Creek, and in all likelihood some land to the Eastward extending to what was the middle of the channel of the Creek in 1880.

⁶⁹ A search of the National Archives Canada failed to turn up a copy of this report.

⁷⁰ Copy on file at the National Archives Canada, RG10, Volume 11006, File 987/33-14. Microfilm T-3954.

In February 1926, it was decided to amend the instructions to Surveyor Burnes so that his survey divided portions of the reserve into industrial sites. He was also instructed to show on his plan the limits of the lands in front of the Reserve controlled as foreshore by the Vancouver Harbour Commission.

Burnes commenced his survey on 22 November 1925 and completed it on 24 February 1926. He plotted the lines of the reserve as consisting of 128.1 acres, a loss of 18.9 acres of land due to erosion since it was surveyed by Jemmett in 1880. Burnes' official report to Indian Commission Ditchburn reads as follows:⁷¹

The field work of this survey was commenced on the 22nd day of November, 1925. Owing to the approach of winter it was deemed advisable to make a traverse of the bank of Seymour Creek before the high water came along. I therefore started work on this. Considerable time was lost owing to the fact that the brush was very thick along some parts of the river, but I had good axeman and the traverse was completed a day or so before the first high water.

In determining the bank of Seymour I was careful to see that I had courses as long as possible and I made offsets to the bank every hundred feet and where the nature of the bank was such more frequent offsets. The bank of the Creek was the line of wash or the line of vegetation. In most places this was well defined with the exception of the part immediately North of the Island where the river has changed and left a dry bed. Here on plotting I found that I agreed with Capt. Jemmett P.L.S. in his survey of 1880.

The next point to determine was the North East corner of the Reserve. No sign of the old post was to be seen but by taking Mr. G.H. Dawson, B.C.L.S., notes of the survey of the District Lot to the North (as found in the Vancouver Land Registry Office) and applying them to the old sub-division posts found in the vicinity I was able to re-locate the post. Having relocated the position of the post I found an old bearing tree badly decomposed that agreed in position

⁷¹ Copy of report on file at the National Archives Canada, RG10, Volume 11006, File 987/33-14. Microfilm T-3954.

and kind with one mentioned in the original field notes of Capt. Jemmett. This post I re-established with a concrete monument.

The same procedure was used in the case of the North West corner. Here I found an old bearing tree still standing and an old post which was in the correct position according to the bearing tree. The old post in my opinion was not the original old post but was one that had replaced the old post some twenty years previous. As it was in the correct position as far as I could determine, I accepted it for the corner. Here also I placed a concrete monument.

Capt. Jemmett noted in his field notes a line post on the West boundary of the reserve some seven chains and forty-four links from the South West corner. This post I found in a good state of preservation. Taking a line of this post and the North West corner as I had determined it and producing it South the seven chains and forty-four links I re-established the South West corner. Here I also made a concrete monument.

By this time the tides had got round to high tide all day and low tide at night. As the front of the reserve is flooded at high tide, it was necessary for me to have at least a half tide to do the work along the inlet. I was, therefore, forced to leave the survey till February before proceeding further.

As the shore had eroded very much since the time Capt. Jemmett made his survey in 1880, I was at a loss as to the best method to use in determining the Original High Water Mark, but I took his notes and laid his lines on the ground and from them located the line of High Water Mark.

One other concrete monument was placed on the West boundary of the Reserve. This was at a point twenty-one and five tenths feet south of the intersection of the West boundary and the South boundary of the Right of Way purchased by the Burrard Inlet Tunnel and Bridge Co.

In making the plan of the survey I have shown the bank of the Seymour Creek as it is at the present time and as it was at the time of Capt. Jemmett's survey in 1880. I have also shown a subdivision of the Southern portion of the reserve as subdivided by myself. The Vancouver Harbour Board's lease is also shown.

Burnes' survey map, titled "Plan of Seymour Creek Indian Reserve No. 2, New Westminster District. North Vancouver," shows both his east boundary of the reserve and the one plotted by William Jemmett.⁷² It also shows the major diversion the river took around Cutter Island which, Burnes wrote in 1972 in a book on the history of North Vancouver, took place during a flood in the late 1890s.⁷³ Another blueprint, signed by Burnes and dated 27 November 1926, under the title "Plan of the North East Portion of I.R. No. 2, Squamish Band, showing Gravel Bars ... Applied for by N.C. Rosenberg, to lease," also shows a portion of the river channel near Keith Road as it existed in 1880 and in 1926.⁷⁴ In this case, the channel has moved to the west, exposing a 4.15 acre gravel bar.

Nelson Rosenberg's application to lease a portion of Seymour Creek Indian Reserve to extract sand and gravel from the river was seen as a potential conflict by the Cascade Rock and Gravel Company which already had such an operation in existence on the reserve since 1926. In November 1928, the Dominion Water Power and Reclamation Service of the Department of the Interior was requested to study this potential conflict on Seymour River. On 4 December 1928, Engineer C.E. Webb filed his "Report on the Issue of Gravel Leases in Seymour Creek Indian Reserve No. 2, Vancouver, B.C." with J.T. Johnson, the Director of the Water Power and Reclamation Service.⁷⁵ Webb began his report with the following general description:

⁷² A copy of the map, No. B.C. 317, is on file at Surveys and Mapping Branch, Energy, Mines and Resources, Ottawa. A copy of J. Rodger Burnes' field notes, No. F.B. 1328, is also on file at Surveys and Mapping Branch, Energy, Mines and Resources, Ottawa.

⁷³ See above, page 18.

⁷⁴ A copy of the blueprint, No. B.C. 322, is on file at Surveys and Mapping Branch, Energy, Mines and Resources, Ottawa.

⁷⁵ Copy on file at the National Archives Canada, RG 89, Volume 593, File 1246. Another copy is on file in RG 10, Volume 8091, File 987/32-7-2-5(1). Microfilm C-9655.

Seymour Creek Indian Reserve No. 2 is located on the right bank of Seymour Creek near its mouth on Burrard Inlet, and according to plan of survey by J. Roger Burne [sic], B.C.L.S., dated March, 1926, comprises an area of 128.1 acres ... The Indian Reserve has a frontage on Seymour creek at the present time of about one and one-quarter miles north from the creek mouth.

Seymour creek is a flashy, swift running, mountain stream which in high water carries a great deal of material in suspension, depositing it at various places in its course. The creek enters the valley of Burrard inlet some two miles above its mouth whence it meanders with quite a stiff gradient to its outlet. A considerable amount of erosion is continually taking place along the whole course of the river, destroying banks in some places and building up bars in others.

In the interests of the Indians of the reserve, one source of revenue is the leasing of rights on the river where sand and gravel may be taken from the river bed, for which an annual ground rental is obtained as well as a royalty per cubic yard of material.

Webb went on to explain in his report that the Cascade Rock and Gravel Company removed material from the bed of Seymour River by means of a Saurman drag. This procedure consisted of digging a hole in the river bed which was then refilled with a varying amount of sand and gravel by each freshet. Rosenberg was proposing to also erect a Saurman plant some three-quarters of a mile upstream from the Cascade lease. Webb concluded that Seymour River could not support two such similar operations within such close proximity to each other.

Meanwhile, as a result of the Royal Commission on Indian Affairs, Order in Council 1036 was passed by the British Columbia government on 29 July 1938. This Order in Council was the formal instrument of transfer which conveyed the Indian reserves outside the Railway Belt and the Peace River Block from British Columbia to the federal government. Seymour Creek Indian Reserve No. 2 was included in this transfer.

In the late 1950s, two events occurred which impacted on Seymour River. The first was the construction of a new Second Narrows Bridge. Work was begun on this bridge in February 1956. Unfortunately, documents pertaining to this new construction are not yet on file at the National Archives Canada. The second event was the beginning of further development of Seymour River as a public water source for Greater Vancouver.

At a meeting held on 15 October 1958 between representatives of the Greater Vancouver Water District, the Fish and Game Branch of the B.C. Department of Recreation and Conservation, and the federal Department of Fisheries, the following review of the past development of Seymour River by the G.V.W.D. was presented by A.J. Whitmore of the Department of Fisheries:⁷⁶

- July 1924 - Low wooden dam (3 to 6 feet high) constructed on Seymour Creek 8½ miles above mouth of stream (not an obstruction).
- January 1927 - Concrete dam planned for Seymour Falls, 4½ miles above wooden intake dam. This a regulatory dam only.
- February 1927 - Meeting held between Chief Supervisor Motherwell and Dr. Cleveland of Vancouver Water Board. Results of meeting not on file but a 22-foot concrete dam was completed in 1927 without fish facilities.
- 1930 - Screens were constructed on wooden intake dam for operation during low flow period to stop salmon ascending. (Purpose - to avoid pollution of water supply by dead salmon.)
- 1931 - Letter from District Supervisor MacLeod to Chief Supervisor Motherwell:

⁷⁶ Copy on file at the National Archives Canada, RG 23, Volume 695, File 715-2-306(1).

- Prior to dam construction (22' concrete dam), steelhead and salmon had access to valuable and extensive spawning areas above.
- 1930 - B.C. 16's (spawning reports)
"Large return (coho) of 1930 was from spawning beds which are now cut off."
"Dam construction during 1927 caused a loss of 1926 upriver spawning."
- 1932 - B.C. 16's
Extensive loss of spawning area caused by dam construction. Ten miles of main stem spawning plus tributaries.
- 1947 - New intake installed at 22-foot concrete dam. Wooden dam 4½ miles downstream now not necessary and a breach was made in it by Water Board at request of Fishery Officer.
- 1950 - Large section of wooden dam blown out by Water Board on request of Department of Fisheries.
- 1951 - Slide occurred in Seymour Canyon below old intake. Remedial measures conducted by Department of Fisheries.
- 1952 - Another slide at same site. (1953 - rock shifted and passage eased.)
- 1956 - Slide in same area occurred again. Remedial measures completed by August 2/56.
- Jan. 9, 1958 - Letter from T.V. Berry of Water Board (copy this Department) - application for water licence re further development of Seymour watershed. 1st stage: A 72-foot dam at site of present 22-foot dam.
- Feb. 10, 1958 - Letter from Area Director to Provincial Supervisor of Fisheries - requesting an objection to the Water Board water application on the Seymour river.
- Feb. 10, 1958 - Letter to T.V. Berry from Area Director. Informing Water Board of objection to Water Licence and

- Feb. 13, 1958 - Letter from Provincial Supervisor of Fisheries to Area Director confirming objection to Seymour water licence.
- Feb. 28, 1958 - Engineer Patrick (Water Board) to Area Director. Water Board willing to guarantee flow of 20 cfs.

The purpose of the meeting was to discuss potential problems connected with the Greater Vancouver Water Board's proposal to raise the existing Seymour Intake Dam by fifty feet. After further study, the provincial Minister of Reservation and Conservation granted permission for the construction of a new Seymour Falls Dam on 8 December 1958.

Meanwhile, on Seymour Creek Indian Reserve No. 2, the native population slowly moved to other Squamish reserves as most of their reserve was surrendered by piecemeal for industrial development. In 1876, the Indian Reserve Commission reported twenty-two people living at the settlement. In 1891, thirty-seven people were living on the reserve. When the Royal Commission on Indian Affairs visited the reserve in 1913, only eighteen or nineteen natives were permanent residents. By 1982, however, no native residents were reported living on Seymour Creek Indian Reserve No. 2.⁷⁷

CONCLUSION:

Based on historical documentation found to date, it would appear that Seymour River was navigated by canoes, rowboats and sailboats to at least the turn of the twentieth century. Large boats drawing considerable water could not navigate this river.

⁷⁷ Canada. Schedule of Indian Bands, Reserves and Settlements ... June 1, 1985. Ottawa: Minister of Indian Affairs and Northern Development, 1985, p. 133.

From approximately 1893 to 1923, logging operators used Seymour River to transport shingle bolts to tidewater. These bolts were often temporarily stored in booms on the foreshore fronting on Seymour Creek Indian Reserve No. 2.

The Indian reserve itself was first surveyed in 1870, prior to British Columbia entering Confederation. It would appear that the surveyor included parts of the river bed in the reserve by placing stakes in the bed. [It is uncertain at this time why a surveyor would actually stake a river when those stakes would wash away with the first freshet.] At one point, according to this surveyor's notes, he drew the Boundary line of the reserve completely across the river to the east bank.

The reserve was surveyed again in 1880 and in 1926. At both these times, the eastern boundary of Seymour Creek Indian Reserve was the west bank of the river. The line did not enter or cross the river.

Most of the original reserve land of Seymour Creek Indian Reserve No. 2 has now been surrendered for industrial use. According to the latest census, no Indians presently live on the reserve. As the reserve was being piecemeal surrendered, the Indian Band was considered to have a riparian interest in Seymour River.

February 1988

