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# **INDIAN AND NON-NATIVE USE OF THE KISPIOX RIVER**

## **AN HISTORICAL PERSPECTIVE**

by Brendan O'Donnell

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Fisheries  
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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.

## KISPLOX AND UPPER SKEENA RIVERS: REPORT ON THEIR HISTORICAL USE

BY BRENDAN O'DONNELL

The Kisplox River, from its source in the Skeena Mountain Range to its mouth at the confluence of the Skeena River, runs a distance of approximately 45 miles. The Upper Skeena River, from the town of Hazelton to the point where the Babine River enters the Skeena is also a distance of approximately 45 miles. Historical documents indicate there were numerous ways of spelling Kisplox, including Kispyouks, Kispiax, Kishpiyoux and Kispaox. This latter usage, until the mid-1970s, is how the Department of Indian Affairs decided to call the Indian village situated at the confluence of the Kisplox and Skeena Rivers.

The Kisplox River is swift flowing but is not a glacial stream; therefore it rises more by rain than by hot weather. It has a reported width of 120 feet. There are a succession of small canyons in the upper reach of the river, and some large rocks are scattered throughout its navigable channel. There are two sections of rapids at the lower end of the river, both of which can be run by Open Canadian canoes but are also easily portaged.

The Upper Skeena River is also swift flowing, with a series of small canyons and large rocks throughout its channel. Historically, large canoes and sternwheeler boats ascended the river as far as Kisplox, and smaller canoes are reported to have gone beyond that point. Above the village of Kisplox the current is more rapid.

Gitksan legend states that the village of Ans'pa yaxw [Kispiox] was formed by people moving down from the villages of Kuldo'o and Gis gaa ga'as. At least two weirs were built by the villagers across the Kispiox Rivers, on at a place called Agwi'tin, which in Gitksan means "second weir".<sup>1</sup>

Although it is not known who the first whitemen to enter the village were, in all probability sustained contact began around 1860. This can be deduced from the fact that from the early 1860s onward, whiteman's diseases, including smallpox and measles, began to decimate the Indian village at Kispiox. Between 1860 and 1890, it is estimated that half the village died from diseases brought in by whitemen.

The first known contacts with whites were with the surveyors and workers of the Collins Overland Telegraph. This telegraph, also known as the Western Union Telegraph Extension Telegraph, was a scheme to connect the western hemisphere with Asia and Europe by overland telegraph wire. Part of that wire was to run through British Columbia. Construction in British Columbia began in 1865 but the scheme died abruptly in the summer of 1866 with the successful fourth attempt at laying a trans-Atlantic cable. Technology had made the overland route obsolete.<sup>2</sup>

The overland wire had been completed to just north of the village of Kispiox, at a spot where the linemen built a storehouse called Fort Stager, when the line was "officially" abandoned in spring 1867. Another thirty miles was laid north of the village but was not hooked up. Fort Stager was kept manned in case the

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<sup>1</sup> CASSIDY, Maureen. From Mountain to Mountain: A History of the Gitksan Village of Ans'pa Yaxw. (Kispiox?): Ans'pa Yaxw School Society, 1984, P. 12.

<sup>2</sup> MACKAY, Corday. "The Collins Overland Telegraph," British Columbia Historical Quarterly, Vol. X, No. 3 (July 1946): 187-215.

Atlantic cable failed, but was finally abandoned in 1869. (In 1901 the federal government took over the long-dormant telegraph line and rebuilt it as a communication link with the Yukon gold fields.) The cutting of the Collins telegraph trail exposed the village of Kispiox even more to white influence. Now it was possible to walk or ride a horse easily into the Indian village.

Among those who entered the Kispiox Valley were Protestant missionaries. One, the Reverend A.E. Green, walked down the Kispiox Valley in the summer of 1882. In a letter to The Missionary Outlook, dated Naas River Mission, September 22, 1883, Green described his trip thus:

The following day at noon, we reached the Kis-Pe-Axe River, and found to our dismay the bridge gone. Here we camped for dinner and to consider what we could do. Kis-Pe-Axe is wide and deep and with a surging current. We could see where some one had cut and made a raft, but we could not do this as we had no axe. John, my [Indian] guide, went both up and down looking for some way to cross, but returned in despair. We hallooed, thinking perhaps a hunter might be in the woods, but there was no answer to our call...

Getting down where the river was wider, and consequently not so deep, our hope was to wade it. Again and again we tried, but found it too deep and rapid. But on going further down we found one place, the Indian crossing by aid of a pole, the water reaching nearly to his armpits. I could scarcely keep on my feet, but with a stick and going in a slanting manner with the water I got safely across...Up early the next day and walked hard, hoping to reach by evening the Kis-Pe-Axe village, but failed. Here the mosquitoes are dreadfully bad. The following day, in the afternoon, we reached Kis-Pe-Axe.<sup>3</sup>

In 1889 the federal government created the Babine Indian Agency, headquartered in Hazelton, that included the Kispiox Indian village. Richard E. Loring was appointed the first Indian agent.

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<sup>3</sup> "Along the Line. British Columbia. Letter from Rev. A.E. Green, dated Naas River Mission, Sept. 22nd, 1883," The Missionary Outlook, (April 1884): 63.

In the early 1890s, the British Columbia government decided to promote the colonization of the Skeena-Bulkley Valleys by sub-dividing the land into townships. Two surveyors, A.L. Poudrier and N.B. Gauvreau, were assigned this task. In December 1891, Poudrier described his "Exploration Survey of New Caledonia", which included the lower part of the Kispiox Valley, thus:

From Hazelton to Kispiox, the next important point, a distance of over nine miles by river, the direction is due north; the current [of the Skeena] is swift and the river is a single channel...

Kispiox is an Indian village of some importance, on the north-west bank of the Skeena, and at the mouth of the river of the same name. It is the site of Fort Stager, one of the posts of the Western Telegraph Co. The Methodist Church has a missionary there. The land between Hazelton and Kispiox is, in general, of good quality and would not be hard to clear. There is a very good ranch about half-way between the two villages, the property of Mr. Loering [sic], the Indian agent for the district. The Kispiox River is a stream of some importance...The canoe navigation [on the Skeena] may be said to close at Kispiox, although small canoes are sometimes used in parts of the river above. Half a mile above the village, and on the opposite side, there is a creek of some importance, known as "Sug-Wan-Yet" [Shegunia]. It is rapid and generally runs through [canyons]. The trail from Hazelton to the upper villages crosses it at three miles from the Skeena.<sup>4</sup>

Indian agent Loring's ranch, mentioned by Poudrier, was known as "Glen-Meadow". In 1899 Loring created a new village for the Salvationist Indians [Kispiox Indians who had adopted the beliefs of the Salvation Army while working on the coast] across the Skeena River from his farm. The new village was named Glen Vowell, "Glen" after his ranch and "Vowell" after the Commissioner of Indian Affairs in British Columbia, A.W. Vowell.

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<sup>4</sup> "Report of A.L. Poudrier. Exploration Survey of New Caledonia," in B.C. Sessional Papers 1892 (Crown Land Surveys), P. 362.

Poudrier's report also described the topography of the Kispiox River in detail:

The Kispiox falls into the Skeena at the point formerly known as Fort Stager. It is an important river, draining a large district. Its general course is N 45° W. It has a width of 120 feet, and a depth of three. It is rapid, but is not a glacial stream; it rises more by rain than by hot weather. The trail to the Stickeen follows its course for a long distance. The length of the river is over 45 miles in a general direction, and near its head is the source of the Konices River, a branch of the Naas. A great number of small streams feed the Kispiox, the greater part of them coming from the local range of mountains lying north of it. The valley of the river is generally several miles wide, and the mountains to the south are low, rounded, and partly bare, the timber, no doubt, having been burnt.

There is a large quantity of good agricultural land all along the stream, both open and wooded, with thickets of aspen poplars. The good land is intermixed with woods of spruce (*P. englemanni*), black pine (*P. contorta*), and with swamps timbered with black spruce (*A. nigra*). The high, open side-hills would give very rich pasture, and the numberless hay meadows in the river bottom, covered with a luxuriant growth of rich grass, would render this valley desirable for cattle-raising. There are several small lakes towards the head, and a large number of them at the source of the small feeder, but none of them of any size; they are generally well surrounded by hay meadows. This river is a favorite spot for trapping, and a large number of Indians are annually employed at it. Colours of gold were found in washing.<sup>5</sup>

In May 1891 the Hudson's Bay Company's sternwheeler ship, the CALEDONIA, made the first successful run of such a boat up the Skeena River to Hazelton. This began a twenty-one year history of such boats on the Skeena River. These flat-bottom boats needed only a few inches of water to supply their powerful paddle-wheel thrust. They became obsolete in 1912 when the Grand Trunk Pacific Railway completed its line down the Skeena Valley.

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<sup>5</sup> Ibid., P. 364.

Although it is not certain when such a service was inaugurated, twice a year a sternwheeler would go up the Skeena to Kispiox. One trip was made in the summer, to transport villagers down to the coast to work in the fish canneries. In the fall, the sternwheeler took the villagers home.<sup>6</sup>

On September 26, 1891, the Kispiox Indian Reserve No. 1 was created. The Minute of Decision of that date describes the Reserve as follows:

Kispyoux, a reserve of two thousand, two hundred, and fifty-two (2252) acres, situated on the Skeena River about eight miles above Hazelton, and at the confluence of the Kispyoux and Skeena Rivers.

Commencing on the left bank of the Skeena River at a spruce tree marked Indian Reserve, and running East eighty (80) chains; thence North one hundred and sixty (160) chains; thence South one hundred and sixty (160) chains, and thence East eighty (80) chains to the place of commencement.

Two and a half ( $2\frac{1}{2}$ ) acres, on which the Methodist Church and Mission House stand are not included in this reservation.<sup>7</sup>

A map of the Kispiox Indian Reserve No. 1 is included with the Minute of Decision.

The Reserve was laid out by Indian Reserve Commissioner Peter O'Reilly. O'Reilly had been appointed in 1880 and was given by order in council some discretionary power to act in allotting reserves although he was to follow suggestions of the Chief

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<sup>6</sup> McHARG, Sandra and CASSIDY, Maureen. Early Days on the Skeena River. Hazelton: Northwest Community College, 1980. P. 41; see also CASSIDY, Maureen. From Mountain to Mountain, P. 9.

<sup>7</sup> Minutes of Decision, on file at the Lands, Revenues and Trusts Operation Branch, DIAND, Ottawa. Reg. No. 2875-72, Book 2 of 2.

Commissioner of Lands and Works [representing the provincial government] and the Indian Superintendent for British Columbia [representing the federal government] concerning the locations to be visited and reserves established.

O'Reilly's reception by the Indians at Kispiox was negative, with the majority of the band members rejecting the idea of their land being limited to a delineated reserve set off by the Indian Reserve Commissioner. In a letter to the Superintendent General of Indian Affairs [the Minister of Indian Affairs], dated April 21, 1892, O'Reilly forwarded the Minute of Decision for Kispiox Indian Reserve No. 1 and a summary of the events during his visit to Kispiox. The letter reads:

I have the honour to forward herewith a Minute of Decision and sketch of a reserve defined by me for the use of the Kispyoux Indians, whose village is about ten miles north of Hazelton [sic], at the confluence of the Kispyoux and Skeena Rivers.

The circumstances of my visit to the Kispyoux band in September, were fully reported to you on the 20th October last. From my report you will observe that in consequence of the conduct of the Indians on that occasion the allotment of reserves was not completed, the majority of the tribe declared that they did not wish to have any reserves made for them, and obstructed my progress in every possible way, but the minority with "Kail" the Chief were most anxious to have their lands defined.

When at Kispyoux I was informed by Mr. Agent Loring, and by the Indians, that other lands in that vicinity should be reserved, but until there is an assurance that these people have realized the mistake they have made, and there is some guarantee that no further obstruction will be offered, I am of the opinion that it would be unwise to attempt an additional allotment of reserves in that locality, or to survey those already defined.

Notwithstanding the opposition offered, I obtained sufficient information to enable me to make the following reservation.

No. 1 Kispyoux contains two thousand, two hundred and fifty two (2252) acres, the greater part of which is very worthless, being either rough mountain land, or barren gravel flats. The village contains 34 houses, and has a population of 236. The Wesleyan Methodists maintain a Mission and School at this place presided over by Mr. Spencer, a lay teacher. Two and a half (2½) acres, on which the church and mission house stand, are exempted from the reservation.

These Indians subsist principally on salmon, and are aided very materially by the proceeds of their labour during the summer, viz freighting on the Skeena River, or working at canneries on the coast.<sup>8</sup>

Six years later, in 1898, Minutes of Decision were submitted outlining two other reserves for the Kispiox Indians, namely a 900 acre reserve called Sik-E-Dakh Indian Reserve No. 2 below the Kispiox Reserve, and a 560 acre reserve called Agwedin Indian Reserve No. 3 above the Kispiox Reserve.<sup>9</sup> Sik-E-Dakh Reserve includes the village of Glen Vowell.

In 1900 surveyor E.M. Skinner surveyed the Kispiox Reserve No. 1. In a letter dated October 31, 1900 to A.W. Vowell, Indian Reserve Commissioner, he wrote:

Commencing the survey of Kispyox Reserve No. 1, on May 28, I completed it on June 21, having had much difficulty, owing to the rough nature of the ground and the high water in the river.<sup>10</sup>

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<sup>8</sup> Minutes of Decision, on File at the Lands, Revenues and Trusts Operation Branch, DIAND, Ottawa. Reg. No. B-64648, Book 2 of 2, File No. 29858-6, Vol. 7.

<sup>9</sup> Minutes of Decision, on File at the Lands, Revenues and Trusts Operation Branch, DIAND, Ottawa. Reg. No. 2875-72, Book 2 of 2.

<sup>10</sup> Department of Indian Affairs Annual Report 1900, P. 300.

At present Skinner's survey instructions have not been located. However, according to his field notes<sup>11</sup>, which one would assume are a reflection of his instructions, and the colouring on his survey map,<sup>12</sup> the bed of the Skeena River is not part of the reserve, nor do the boundaries cross the Skeena, Kispiox or Shegunia Rivers.

According to the field notes and the map, the reserve surveyed by Skinner had North and South boundaries measuring 160 chains, but the East and West boundaries were increased to 200 chains. (O'Reilly's Minute of Decision of 1891 had the reserve at 160 chains square). The total acreage of Kispiox Reserve No. 1 was now increased to 2870 acres. An area of 160 chains by 200 chains, if it included the river beds, would measure approximately 3200 acres. (Agwedin Reserve No. 3 was increased to 780 acres and Sik-E-Dakh Reserve No 2 was increased to 1266 acres.)

The Kispiox Band continued to object to their land being limited to the reserves. In 1911 surveyor A.H. Green was instructed by the Department of Indian Affairs to visit the fisheries of the Kispiox Indians on the Skeena River and survey such small tracts of land to which the Indians "had apparently a reasonable right or which were really necessary for their use." The Band refused to allow him to survey but showed him twenty-seven specific spots they claimed as their property. They told Green that they wished "both sides of the valley from the river to the summit of the mountains."<sup>13</sup>

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- 11 SKINNER, E.M. "Kispaiax Indian Reserves," unpublished manuscript, Surveys and Mapping Branch, Department of Energy, Mines and Resources. B.C. 328.
- 12 "Plan of the Kispaiax Indian Reserves, Cassiar District, British Columbia." Indian Affairs Survey Records, No. B.C. 161. Copy available at Department of Energy, Mines and Resources.
- 13 A.H. Green to John McLean; copy of letter at the National Archives of Canada, RG 10, Vol. 7786, File 27151-1; Microfilm # C-12066.

An unsigned and undated memorandum in the Department of Indian Affairs files at the National Archives of Canada states that "(t)he following of 27 fishing claims by Indians and reported upon by Mr. Ashdown Green might be reserved:

No. 1 Kai-gut-Zoon-dawd-jup, is on the right bank of the Skeena about two miles from the Kispiax Village. It is an old fishery, though at present it consists of but one shack and a salmon cache. In the centre of the river is a large rock formerly use as a fort, or a place of refuge for the women and children while the Naas River Indians were raiding the country. The land immediately adjoining the fishery is poor, there are however indications of coal in the vicinity for which Coal Licences have been issued by the Provincial Government.

No. 2 Chlam-gun-um-loub, is on the left bank of the Skeena directly opposite to No. 1. The shack and six salmon caches stand on a small flat about a quarter of an acre, and are surrounded by precipitous rocks. The fishery is a good one, and is claimed and used by Robert Williams, a storekeeper at the Village, and Robert Metlox.

The land is close to Reserve No. 1 set aside for the Kispiax Indians and could be included by extending the northern boundary eastward half a mile, thence north half a mile and thence west to the eastern boundary of Reserve No. 3 set aside for the Kitwanger Indians.

15. Kis-an-usk-ke. On the right bank of the river 200 yards above No. 14. A good station consisting of a shack and two salmon caches. This is the only place on the river where there is a small garden. Charley Smith is the claimant and has a big family. It is said that twenty-five Indians use this place.

No. 16. An-sa-hawa-ko, on the left bank belongs to Sam Barlow. It is situated in the canyon about 200 yards above No. 15. The improvements consist of a shack and a drying shed. This is a good station and much used.

No. 22 Sin Silch and No. 23 Andak, are virtually one although on opposite sides of the river. This is Chief Kail's place and was evidently an important fishery some years ago. It is still used but the old man is too decrepid to work. There is a shack and sheds and numbers of old salmon cellars.

No. 26 Waulp is about 200 yards above No. 25, and is much used at present. It is a good fishery, being situated in a deep canyon. There is a shack, and salmon cache, and the owner appeared to be having a good picnic with his family, dried salmon having been apparently the last thing he would eat.

These places are mostly rocky ones and generally used for fishing by the Indians and should be set aside.<sup>14</sup>

In 1912 another surveyor entered the Kispiox Valley, this one employed by the Surveyor-General of British Columbia. In a letter dated December 20 of that year, Boyd C. Affleck told the Surveyor-General of British Columbia:

I have the honour to present my report on surveys made in the Kispiox Valley, Cassiar District. The Kispiox Valley may be described as in three parts - the Lower, Middle and Upper Kispiox. The Lower, in which my work was done, is a valley approximately six miles in width, the first six miles from the mouth being practically a part of the Skeena Valley, the two being separated by level bench lands only.

The surface of this part of the valley is generally smooth, sloping gently up from the river toward the mountains that border the valley. The soil is all practically a sandy loam, but varies greatly in quality. Many natural hay meadows occur along the river-bottoms, being apparently old gravel-bars covered with a few feet of silt. These meadows seem very productive of a good quality of hay.

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<sup>14</sup> Copy of Memorandum at National Archives of Canada, Department of Indian Affairs' Files, RG 10, Vol. 11026, File SNA-2; Microfilm # T-3965.

Numerous small creeks afford good drainage, and could be utilized for irrigatin purposes should that ever be required, although the rainfall in this valley seems usually sufficient.

The timber, especially that within a mile or two of the river, is mostly second growth, and various indications point to the probability of the occurrence of a great fire at a comparatively recent date, which must have left the greater part of the valley almost bare of trees. The poplar, spruce, birch and jack-pine that compose the second growth are now in many places a foot or more in diameter, but are seldom very dense, and usually have some wild grasses growing among them. On the lower slopes of the side-hills of the valley, however, the fire seems to have spent itself, and here the timber is more valuable, being chiefly hemlock, cedar, spruce, and white fir, not large, but dense and of very good quality. On that account I would advise the holding as timber lands of Lots 2542, 2543 (West Half), 2544 (except South-east Quarter), 2548, and 2553.

The Kispiox River is a shallow, rapid stream, averaging in width 4 chains, and having less change in volume between high water in June and July, and low water in the winter months than is usual with the British Columbia rivers, owing, doubtless, to the fact that it takes its rise in a series of lakes. Although it flows through several canyons, I have not yet seen a suitable site for a power plant, but such may exist farther up the river than I have been.

The predominating rock, as exposed in the canyons and in the beds of the tributary creeks, is of recent sedimentary origin, and appears barren of precious minerals, though large beds of slate and shale indicate the possible presence of coal. However, the almost vertical disposition of the strata lends little encouragement to the prospect of this useful mineral being found in paying quantities.

The colonization road, under construction by the British Columbia Government, has been extended to the point, thirty miles distant from Hazelton, to cross the divide and regain the valley of the Skeena. This point may be called the beginning of the Middle Kispiox Valley, which extends about twenty miles, lying slightly more westerly than the Lower Valley and being more broken.

The area of the land fit for settlement in this portion is not large, as rocky hills occur at frequent intervals, although the valley proper is still several miles wide.

Above this lies the Upper Kispiox Valley, as yet very little known, accessible only by an old Indian trail from the end of the wagon-road at Mile 30.

I have been creditably informed that this portion of the valley is the best, having a greater width with a superior quality of soil, parts of it being timbered with spruce of a good quality, though not large, while many parts are very lightly wooded.

This region contains several lakes, which regulate the flow of water in the river to a considerable extent. This part of the valley is entirely unoccupied, but with transportation facilities may reasonably be expected to support a considerable population. Settlement is at present limited chiefly to the lower twenty miles of the valley, though a few pioneers have pre-emptions in the Middle Valley served only by a trail.

All the ordinary varieties of vegetables and grains are cultivated with good success, though on a very small scale. Slight damage occasionally occurs from summer frosts, and this condition will probably continue to exist until the present small clearings are considerably enlarged. Kispiox potatoes have an enviable reputation for quality in the local market, which is at present the only one open to them.

The Kispiox River and its tributary creeks are usually well stocked with fish, chiefly salmon and trout. Though large game is rather scarce, grouse and rabbits are abundant, and the skilled trapper can still collect a fair reward of furs for his skill. The snow lies on the ground, in average seasons, from about the middle of November until the beginning of April, and may reach a depth of 30 inches in midwinter. The frost penetrates, usually only a short distance into the earth, as severe cold seldom occurs before the snow is deep enough to keep it out. Although the valley is all north of latitude  $55^{\circ} 20'$ , the normal winter temperature is well above zero, and generally only two or three short periods of cold as low as 20 to 40 degrees below zero may be expected. Storms are almost unknown, the snow seldom or never drifting.

The Upper Valley is reported as having a greater snowfall, and it is probable that its climate is influenced by the moist winds from the coast. The total area surveyed was 7,920 acres, of which 1,940 acres lie to the east of the river.

For this latter portion the bearings of the surrounding surveys were adopted, but the bearings of the surveys west of the river were referred to an independent azimuth obtained from solar observation, and which will be used in continuing the work farther up the river.<sup>15</sup>

Two years later, in 1914, Affleck wrote a second report on the Kispiox Valley, this time including information on the Skeena River:

An area of approximately 38,000 acres was surveyed, which completes the survey of all the lands suitable for settlement in the lower part of the Kispiox Valley. The surveys were extended easterly to the Skeena River, which runs roughly parallel to the Kispiox River, and at a distance of four miles or less from it. The rivers first approach each other near the northern limit of my surveys. Here the two valleys become one, and for twenty miles, to the mouth of the Kispiox, the two rivers run in one wide valley, of which, strange to say, the smaller river occupies the middle, while the larger one closely hugs the foot-hills of the Cariboo Mountain, having practically no agricultural lands on its east bank.

The Skeena River in this part of its course runs very swiftly between high banks, particularly opposite the Tenas Mountain, where it rushes through a canyon over a mile in length with high rock walls, where the river is often compressed to a width of 150 feet or less. I believe this canyon is not navigable even for the Indians' canoes.

The bench land between the rivers slopes gradually to the Kispiox, but abruptly to the Skeena, usually beginning to fall at a distance of less than a mile from the latter stream.

<sup>15</sup> Boyd C. Affleck to G.H. Dawson; printed in Report of the Minister of Lands for the Province of British Columbia ... 1912. Victoria: William H. Cullin, 1913, PP. D265-D266.

A feature of the country west of the Kispiox is the number of small lakes, several of them being nearly surrounded by considerable areas of swamp lands, which seem to promise good returns as hay lands on being drained.

Settlement in the Kispiox Valley, though always increasing, is not progressing as fast as the natural conditions warrant, largely on account of the long haul over a very poor road from the nearest railway-station. Indeed, I have heard settlers gravely discussing the question of whether one could haul more in a wagon than he could pack on horseback. In recent years the road has been extended to a point almost forty miles from Hazelton, and in the present year improvement-work was undertaken instead of extension, and it is expected that the standard of the road will soon be considerably raised.<sup>16</sup>

Meanwhile, in 1913, the Royal Commission on Indian Affairs for the Province of British Columbia was appointed to resolve the long-standing federal-provincial dispute concerning Indian lands in that province. The Royal Commission 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.

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<sup>16</sup> Boyd C. Affleck to G.H. Dawson; printed in Report of the Minister of Land for the Province of British Columbia ... 1914. Victoria: William H. Cullin, 1915, P. D181.

On April 22, 1915 the Commission met with the Kispiox Band on their reserve. The Band's spokesmen reiterated their long-standing position that they did not wish to be restricted to a reserve delineated by whitemen. Charles Wesley, speaking for the absent Chief, summarized the Band's position:

I wish to tell you that this reserve that you have just spoken about is something that we don't wish for, for this reason; We don't want a reserve - This country originally belonged to our ancestors, we were placed here originally by God, and it is only quite recently that the Government sent men out here to measure this land immediately around us, and we were not notified of it when they did it; then the Provincial Government came in and sold the remaining land immediately around us. All the old camps up the Kispiox river, where we used to gather our salmon, and our hunting camps, and where we used to pick berries, and what we most strenuously object to is that you insist upon us having this reserve. You have measured all these reserves and you say that that is yours. I was one that signed the petition in 1908 which we sent down to Ottawa, and we asked that the land which the Provincial Government had sold be returned or given back to us - We want the reserve that is held in trust by the Dominion Government; we want to own that ourselves, because it was originally planned so. This is how it appears to us; therefore we would like you to represent this when you send in your Report to Ottawa. The Bible is placed between us that we all act true - you gentlemen to speak the truth, the Interpreter to speak the truth, and I will speak the truth. We see it written (pointing to the Bible) that the word of God is that a man is not to move another man's landmark. The land marked off for our ancestors was from mountain to mountain, and this is what the Government has picked up into small pieces - This is where our inheritances came from and where they were handed down from generation to generation, but now these have all been sold; therefore we ask that these be returned.

You know where this is stated in the bible, that is where God placed us to live in this country and we are living here; therefore we ask you to pass in what we

say just as we are presenting it to you. This is what the people of the village wish to say - We don't wish for a reserve.<sup>17</sup>

The Royal Commission claimed, however, that any question of aboriginal title was beyond their jurisdiction. N.W. White, chairman of the Commission, in a progress report to Superintendent-General of Indian Affairs, W.J. Roche, dated December 20, 1915, stated:

I may mention on all occasions where the claim to Aboriginal Title was advanced, the Commission carefully explained the tenor of the Order-in-Council relating thereto, which generally satisfied the Indians, but some of the tribes of the Babine Agency did not appear even to care to understand.<sup>18</sup>

Over the Kispiox Band's objection, the Royal Commission passed a Minute of Decision on April 3, 1916 confirming their three principal reserves. The decision reads:<sup>19</sup>

Babine Agency - Kispiox Tribe

Ordered: That the Indian Reserves of the Kispiox Tribe, described in the Official Schedule of Indian Reserves, 1913, at Pages 54 and 55 thereof, and numbered from One (1) to Three (3), both inclusive, BE CONFIRMED as now fixed and determined and shewn on the Official Plans of Survey, viz.:

"No. 1 - Kispiox, 2870.00 acres;  
No. 2 - Sik-e-dakh, 1266.00 acres, and  
No. 3 - Agwedin, 780.00 acres."

Victoria, B.C., April 3rd, 1916.

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<sup>17</sup> Royal Commission on Indian Affairs for the Province of British Columbia, Babine Agency 1915. Typed manuscript at the Provincial Archives of British Columbia, Add. Mss. 1056.

<sup>18</sup> N.W. White to W.J. Roche, Progress Report No. 5; Copy on File at National Archives of Canada, RG 10, Volume 1044; Microfilm # T-1461.

<sup>19</sup> Copy available at the National Archives of Canada, RG 10, Volume 1044; Microfilm # T-1461.

Two months later, on May 30, 1916, the Royal Commission passed Minutes of Decision confirming fishing stations for the Band on the Skeena River. These Minutes of Decision read:<sup>20</sup>

The Commission having under consideration Babine Agency Application No. 19, of the Kispaiox Tribe, for a certain tract or parcel of land at Quan-skum-ksin-mich-mich, on the right bank of the Skeena River, in Lot No. Twenty-five Hundred and Twenty-nine (2529), Cassiar Land District, for Fishing Station and general Reserve purposes, it was

Ordered: That there be allowed under this Application and established and constituted a Reserve for the use and benefit of the applicant Kispaiox Tribe, a certain tract or parcel of land containing an area of Five (5) acres, more or less, subject to survey, in Lot No. Twenty-five Hundred and Twenty-nine (2529). Cassiar Land District, to include Indian Fishery, as per sketch plan of Ashdown H. Green, B.C.L.S., numbered in accordance herewith and filed in duplicate with the Governments of Canada and of British Columbia.

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The Commission having under consideration Babine Agency Application No. 21, of the Kispaiox Tribe, for land at Gun-a-chal, on the left bank of Skeena River, opposite Lot No. One Thousand and Fifty-two (1052), Cassiar Land District, for Fishing Station and general Reserve purposes, it was

Ordered: That there be allowed under this Application and established and constituted a Reserve for the use and benefit of the applicant Kispaiox Tribe, a certain tract or parcel of land as described in the Application, containing an area of Five (5) acres, more or less, subject to survey, as per sketch plan of Ashdown H. Green, B.C.L.S., numbered in accordance herewith and tiled in duplicate with the Governments of Canada and of British Columbia.

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The Commission having under consideration Babine Agency Application No. 24, of the Kispaiox Tribe, and sundry other Applications in behalf of the said Tribe, for certain parcels of land at Sidina and other points on

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<sup>20</sup> Ibid.

the left bank of the Skeena River, for Fishing Station and general Reserve purposes, it was

Ordered: That there be allowed under this Application and established and constituted a Reserve for the use and benefit of the applicant Kispaiox Tribe, a certain strip or parcel of land approximately five (5) chains in width, extending along the left bank of the Skeena River from Caribou or Sinsilch Creek Southward to and including Sidina Fishery, said strip or parcel of land containing an area of One Hundred and Twenty (120) acres, more or less, subject to survey (in connection with which special instructions shall be obtained from the Surveyor-General of British Columbia) as per sketch plan of Ashdown H. Green, B.C.L.S., numbered in accordance herewith and filed in duplicate with the Governments of Canada and of British Columbia.

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The Commission having under consideration Babine Agency Application No. 29, of the Kispaiox Tribe, for a certain tract or parcel of land at Kis-an-usko, on the right bank of the Skeena River, for Fishing Station and general Reserve purpose, it was

Ordered: That there be allowed under this Application and established and constituted a Reserve for the use and benefit of the applicant Kispaiox Tribe, a certain tract or parcel of land in the South half of Lot No. Twenty-five Hundred and Ninety-four F (2594F), Cassiar Land District, containing an area of Ten (10) areas, more or less, subject to survey, as per sketch plan of Ashdown H. Green, B.C.L.S., numbered in accordance herewith and filed in duplicate with the Governments of Canada and of British Columbia.

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The Commission having under consideration Babine Agency Application No. 32, of the Kispaiox Tribe, for land at Gulmak, on the right bank of Skeena River, for Fishing Station and general Reserve purposes, it was

Ordered: That there be allowed under this Application and established and constituted a Reserve for the use and benefit of the applicant Kispaiox Tribe, a certain tract or parcel of land in the North Half of Lot No. Twenty-five Hundred and Ninety-four F (2594F), Cassiar Land District, containing an area of Fifteen (15) acres, more or less, subject to survey, as per sketch

plan of Ashdown H. Green, B.C.L.S., numbered in accordance herewith and filed in duplicate with the Governments of Canada and of British Columbia.

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The Commission having under consideration Babine Agency Application No. 37, of the Kispaiox Tribe, for land at Andak, on the right bank of the Skeena River, opposite Sinsilch Creek, for Fishing Station and general Reserve purposes, it was

Ordered: That there be allowed under this Application and established and constituted a Reserve for the use and benefit of the applicant Kispaiox Tribe, a certain tract or parcel of land in the North Half of Lot No. Twenty-five Hundred and Ninety-five (2595), Cassiar Land District, containing an area of Ten (10) acres, more or less, subject to survey, as per sketch plan of Ashdown H. Green, B.C.L.S., numbered in accordance herewith and filed in duplicate with the Governments of Canada and of British Columbia.

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The Commission having under consideration Babine Agency Application No. 40 of the Kispaiox Tribe, for land at Waulp, on the right bank of the Skeena River, below Se-ai-esh Creek, for Fishing Station and general Reserve purposes, it was

Ordered: That there be allowed under this Application and established and constituted a Reserve for the use and benefit of the applicant Kispaiox Tribe, a certain tract or parcel of land in the South-east quarter of Lot No. Three Thousand and One (3001), Cassiar Land District, containing an area of Ten (10) acres, more or less, subject to survey, as per sketch plan of Ashdown H. Green, B.C.L.S., numbered in accordance herewith and filed in duplicate with the Governments of Canada and of British Columbia.

Victoria, B.C., May 30th, 1916.

In 1919 the Commission of Conservation, a federal body constituted under The Conservation Act, 8-9 Edward VII, Chap. 27, 1909, surveyed the Pacific Coast of British Columbia for water-power possibilities. In a report submitted by Arthur V. White, the Commission's consulting engineer, the Kispaiox River was described thus:

Kispiox River joins the Skeena nine miles above Hazelton. The watershed lies on the easterly side of the Coast mountains, and a low range of hills separates its valley from that of the Skeena river. The watershed is thinly timbered with small poplar, birch, hemlock, spruce, balsam, alder and willow, and there is a light growth of hazel bushes along the stream banks. The northern banks of the lower valley are comparatively flat and bare, save for an abundant growth of wild grasses and weeds which afford desirable summer feed. Much of the land has been pre-empted for agriculture. The climate is that of the northern interior, with a moderate precipitation. The power possibilities of the Kispiox are small. Two dam-sites have been located on the main stream and some small powers on its tributaries. Particulars are given in the tables.<sup>21</sup>

The two dam-sites described in the tables were:

- 1) First Canyon, 31 miles from mouth. About 6 ft. fall in 400 ft. Good dam-site in canyon. Rock walls 20 ft. on south side, 30-40 ft. high on North side. Canyon 50 ft. wide with rock islet in centre, reducing channel to 30 ft. wide. Dam 12-15 ft. would form good pondage. Above and below canyon river widens out with considerable flat land.
- 2) Second canyon 40 miles from mouth. 6 ft. fall in 1,500 ft. rapids with two small falls. Dam 20 ft. high would form good pondage, banks of shale with rock islet in centre. Good dam-site.<sup>22</sup>

It was estimated that both dams would each generate 150 horse-power.

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<sup>21</sup> WHITE, Arthur V. Water Powers of British Columbia ...  
Ottawa: (Commission of Conservation Canada), 1919, P. 277.

<sup>22</sup> Ibid., P. 293.

As for the Skeena River, the report states that, above Hazelton, "there are several [canyons] where power might, with difficulty, be produced."<sup>23</sup> One such canyon is at a place described as "Four-Mile Bridge (just North of Hazelton)." The canyon is described as being a:

4 ft. direct fall, making total of 7.5 ft. in  
1,000 ft. rapids. Possible 20 ft. dam at head. Would  
create good pondage. Walls of hard rock rise 50 ft.  
sheer.<sup>24</sup>

It was estimated that the dam would generate 9,000 horse-power.

None of these dams, however, were ever built.

In 1956, while surveying a right-of-way through the Kispiox Indian Reserve No. 1, J.H. Drewry, B.C.L.S., forwarded to R. Thistlethwaite, the Surveyor General of Canada, his plan and field notes of survey for assessment. On March 15, 1956 Thistlethwaite replied to Drewry that:

The Kispiox River is not part of the reserve and consequently the Red Border [on the Survey Map] which shows reserve land required for the right-of-way, should be deleted across the River and should show along the high water marks across the right-of-way on both sides of the river.<sup>25</sup>

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<sup>23</sup> Ibid., P. 275

<sup>24</sup> Ibid., P. 292.

<sup>25</sup> R. Thistlethwaite to J.H. Drewry; Copy available at Department of Indian Affairs, PARC 971/31-4-3-1, Vol. 1.

In recent years the Kispiox River has seen increasing use by recreational canoeists. According to Canoe Sport B.C., an umbrella organization of five canoe and kayak groups in that province, the Kispiox River is classified as a Grade Two river.<sup>26</sup> A Grade Two river is described by this group as:

Suitable for intermediate paddlers in closed canoes, kayaks and Open Canadians.

Quite easy. Rapids of medium difficulty; passaged clear and wide. Occasional boulders in stream. Open canoes may ship water in places.<sup>27</sup>

The Skeena River, from the Babine River to the City of Terrace, is listed as Grade Two, with the hardest rapids listed as Grade Three. Grade Three is classified as:

Suitable for experienced paddlers in closed canoes and kayaks, and expert paddlers in Open Canadians.

Medium difficulty. Waves numerous, high, irregular. Rocks and narrow (clear) passages. Considerable experience in manoeuvring required. Advance scouting usually needed. Canoes will ship water, and unless equipped with spray covers, will require frequent emptying. Kayaks must be equipped with spray covers.<sup>28</sup>

In a report prepared in 1981 by Jennifer Eastwood, Regional Recreation Coordinator for the B.C. Ministry of Forests and Lands, at Smithers, the Kispiox River was described as following:

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26 Canoe Sport B.C. British Columbia Canoe Routes: A Guide to Canoeing in British Columbia. (Vancouver): Canoe Sport B.C., 1986.

27 Canoe British Columbia. A Canoe Trip Guide for British Columbia. (Vancouver): Canoe British Columbia, 1967, P. i.

28 Ibid.

### KISPIOX RIVER CORRIDOR

The Kispiox River Corridor is located north of Hazelton. The Kispiox River originates in the Skeena Mountain Range and flows south-east, draining into the Skeena River. The valley is cradled by many snow capped peaks that are visible along the scenic river corridor. Picturesque views of the Rocher DeBoule Range can be seen from the corridor. These views contribute to the scenic quality of the corridor. The Kispiox lies within the Coastal Western Hemlock Biogeoclimatic Zone. Deciduous trees dominate along the foreshore of the river creating a radiant display of colors in the autumn. Several ranches and fishing camps border this internationally renowned fishing river.

There are a succession of small canyons throughout the river enhancing the scenic quality and providing a challenge to the paddler. Numerous rocks are scattered throughout the navigable river channel and some log debris is present. These obstacles require some maneuvering by paddlers.

A good gravel road paralleling most of the river provides easy access and egress sites. There are three forest service recreation sites along the river which are ideal for access and camping. There are several prime areas for primitive camping below Corral Creek.

The Kispiox River Corridor provides a diversified area for numerous recreation opportunities to be enjoyed by many recreationists.<sup>29</sup>

The report concludes that:

The river mostly consists of Grade II water with varying degrees of difficulty. A considerable amount of maneuvering is required to avoid large standing waves and frequent obstacles such as rocks, shallow areas and log debris. One shoot just above a new bridge site (1.5 km below Mitten Creek) is Grade II+. Below four miles there are 2 sections of rapids that are Grade III in difficulty and should be run with extreme caution or avoided.<sup>30</sup>

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<sup>29</sup> EASTWOOD, Jennifer. "Kispiox River Corridor," unpublished manuscript, Ministry of Forests and Lands, British Columbia.

<sup>30</sup> Ibid.

She points out, however, that a canoeist "(c)an easily portage or line canoes around most rough sections."

CONCLUSION:

Based on historical documents found to date, it would appear that the Skeena River to above the Indian Village of Kispiox and the Kispiox River were used as transportation routes by pre-white contact Indians and by the first white traders and settlers. Large Indian canoes from the coast, and later sternwheeler ships, ascended the Skeena River as far as the village of Kispiox and smaller canoes are reported to have gone beyond that point.

Although there are natural obstructions in these rivers, including rapids and rocks, the Kispiox River is classified by Canoe Sport B.C. as a river suitable for intermediate paddlers and the Skeena River, between the Babine River and Terrace, is listed as suitable for intermediate paddlers with the hardest rapids suitable for experienced paddlers in closed canoes and expert paddlers in Open Canadian canoes.

Jennifer Eastwood, Regional Recreation Coordinator for the B.C. Ministry of Lands and Forests, Smithers, also classifies the Kispiox River overall as suitable for intermediate paddlers. Two sections of rapids, however, in her estimation should be run with extreme caution or avoided. Both can be easily portaged.