and one who is interested in his country and his fellowmen cannot but wish try and his fellowmen cannot but wish for the characteristics of the more stable agricultural communities. The value when collected in reservoirs. periods of financial depression emphasize these distinctions, for even if the returns become small, the agricultural community is largely self-supporting and is able to tide over a period of depression with very little in Colorado, but I think the tendency however, is evident. The occasion arises from the fact that during distrace.

The resources of British Columbia (es, the projectors had only a small The resources of British Columbia es, the projectors had only a small in this line are very great. Undoubted ly nearly all the valleys and the benches at an elevation less than two thousand feet may be turned into protection. Perhaps they built a ditch to thousand feet may be turned into prowere limited often and built a ditch was at an elevation less than two thousand feet may be turned into productive land of high value, certainly if water can be supplied. In general, it may be expected that from three to five acres of watershed will be required to irrigate one acre of land, but the conditions are such that almost no cover as much land as they thought would ever be used, but with the defound to irrigate one acre of land, but the conditions are such that almost no cover a large amount of land; then the conditions are such that almost no cover a large amount of land; then limit can be put to the future developprobably comes a third enterprise, and ment. The casual examination of maybe a fourth, parallelling each othcover a large amount of land; then probably comes a third enterprise, and ment. The casual examination of Southern British Columbia would indicate that several hundred thousand acres might reasonably be expected to be developed within a reasonable time. The question of development is largely an economic one, and thus the limit changes from year to year. Land which cannot be developed now, under changed and the conditions might justify development as the tendency is for the values. ed conditions might justify develop-ment as the tendency is for the values consideration of such a question. of land to increase and the cost of de-velopment to decrease—this limit is fest, and I anticipate before many constantly extending. Moreover, the years that many of these ditches now limit which is set by the available wa-parallel will unite their enterprises, ter supply also tends to increase, because it is a well known fact that a and at any rate work in co-operation a so that water may be run through the given amount of water will serve more land after the land has been irrigated tract of land. The development which for a few years; tals is both because either the land has decreased and the skill in the use of water has increasmostly from a realization of the com-munity of interest.

Foster This Development

It is therefore evident that British Columbia is destined to be an extensive area of irrigated land of high price passed through in British Columbia. The condition of the province has made the first stage at present the and which will be divided into small holdings, and thus maintain a large population. The part of wisdom as nas been recognized by your people is o foster this development to foster this development. Up to the to foster this development. Up to the present time, such development as has taken place has been an incident in the taken place has been an incident in the streams with low supplies of water in of the province. In that ressummer, a time when the needs of fruit call for an available supply and pect, it has been parallel to the experience of almost all other commonwealths. It has reached a point where difficulty has arisen in the application of laws that have been on the statute books and also conflicting interests have arisen which neither precedent nor law has been able to meet. This law has been able to meet. This likewise been the case with almost all other commonwealths. A marked feature of the development for e past few years in almost all coun-es is the struggle over water; the tries is the struggle over water; the great growth of citles; the development large manufacturing industries has cessary for water one of the

important ones. humid country very little question of it necessary to go to great ex-to bring water for domestic and facturing supply. Such require-was used as the measure of beneficial manufacturing supply. Such requirements cannot be entirely forseen, but the general needs can be anticipated and provision made for the conditions shown by experience.

was used as the measure of such that upon the amount which the canal might carry. This was determined after the water had been applied. Subsequently it has

The Evolution of Irrigation Laws. The statute laws, as well as judicial decisions, are generally an outgrowth of conditions, and there is a marked growth in both to meet changing con-ditions. Communities under the same

that between the Canadian Pacific Railway and the International Boundary. This was because the problem which had arisen in connection with the irrigation had mostly developed in this section. Some parts were therefore typical of the situation which was acising. A knowledge concerning the other portions of the province (so far as one member of the commission is connected through various means—by conversation, by study of reports, especially of the Canadian Geological Survey and the interpretation of these facts by various meteorological conditions. It was a great the Riparian doctrine of the growth of fruits, and especially with such crops as peaches. The trials already made and the experience already acquired show beyond question that large areas can be devoted to the growth of peaches and enterports the partier fruits, like apples.

Situation are apt to go through, periodary from the six and subsections of the secans of the scanse of the scanse of the constant of the six that have arisen in the main stream in exchange. This that the claim to an intended use, and subsected this that the waste of the main claim show-the main stream in exchange. This that the later progress of is made by the court and is termed a decree, and states both the amount of use. The final rection of is made by the court and is termed to water that is called for and the decree, and states both the amount of use. The final rection of is made by the court and is termed to water that is called for and the decree, and states both the amount of use. The final rection of is made by the court and is termed to water that is called for and the decree, and states both the amount of use. The final claim show-the main the and the same that is called for and the decree, and states both the amount of use. The final claim show-the and the same that is called for and the corrections of the profile and the seems to me, are instances of developed in some of the profile states to feel the need of the common laws did not apply, and thus made suits between d that between the Canadian Pacific situation are apt to go through, peri- consist essentially of means to make upper ditches could take water from in and especially with such cross and the experience already acquired and the experience already acquired and the experience already acquired and the refore it is farther in the march of progress. Other states have followed and the experience already acquired and therefore it is farther in the march of progress. Other states have followed and the experience and shown in Colorado, but as a whole have gone through the some perhapping of the province is bounded both east and west by high ranges of mountains, and the extensive intermediate area with mending their laws as laws to be developed. It was not, however, and the extensive intermediate area with mountain masses of much lower elevation. These are largely isolated, experience and states and the conditions which will need to be met, though with slightly different pation. These are largely isolated, experience and states and the conditions which will need to be met, though with slightly different cannot be a largely isolated, experience and the conditions which will need to be met, though with slightly different control of, and distribution of waters into its hands.

Instance of This

Matt there is provided because of the necessity to protect the rights of others. These are largely isolated, experience and as the public. It was very soon found as the public in the public. It was very soon found as the public in the claims increased i

are subject to great extremes, more in the construction of reservoirs. It has also revealed the fact that many

Prevail in This Province

These periods are such as are being

principal one. The physical conditions render large canals out of the ques-tion, but would render experienced en-

been recognized that this again should

be modified so as to allow some time for the project to develop.

Amount of Use.

establishing the fact of use.

The first class may be

ter of convenience, because there has been no other officer of the state to whom it could be conveniently given.

A third general class of laws and of court decisions have been in connection. court decisions have been in connection water conditions. takes place at present is the natural along the determination of the rights fit of the public. All subordinate of-outgrowth of the situation and comes to store any flood or excess water, and ficers have been appointed for a short defining the limit of their rights time.
was originally stated that they had no right to store during the irrigation season, and consequently that the right of canals was superior to the right of storage. In the course of years conditions changed. The importance of reservoirs has been increasingly evident, and there is a tendency more especially noticeable in court decisions to have been built many years, and as, with the development of the state, the reservoirs are producing more public been made could this defect have been provided for. s has been increasingly felt that their As a consequence of the systematical prior rights should be respected.

This doctrine is not as yet fully dementioned there has been a A Reservoir's Rights

The laws provided the machinery for

many cases which are manifestly unjust and are contrary to general pub-lic interest.

veloped because of the necessity to protect the rights of others. These are essentially such as to see that the British Columbia is, therefore, freer great under the present conditions of from more fundamental conditions of the necessity to protect the rights of others. These are essentially such as to see that the British Columbia is, therefore, freer great under the present conditions of from more fundamental conditions of the necessity to the protection of the necessity to the protect the rights of others.

the respective users.

In general the control of the state cases after the water enters the ditch. The water commissioner may reduce the amount entering a ditch in case of waste or excessive use. such cases of waste as is evident. This is a delicate power to exercise and is very really done event in the respective use.

Defects of Colorado Laws

with the development of reservoirs.

A second defect has arisen from the There has never been any question as fact on continuity of service of water to the right to expropriate land for this purpose. The laws have developed along the determination of the rights if of the public. All subordinate of the control of the public.

Experience in water matters pecially noticeable in court decisions to recognize the right of a reservoir to store at any time. The recognition of ditches as having superior rights to reservoirs resulted in placing even of recent date prior to the regions of the recent date prior to recent date prior to the recent date of the experience of his predecessor; hence it is that some districts are no farther advanced than they were twenty years ago. Other districts are now meeting problems that ditches as having superior to reservoirs that their satisfaction many years since.

The right to condemn land for reservoirs purposes has always existed, on the same footing as the right to condemn land for ditch purposes.

There has also developed an important right to exchange water. Sometimes a canal having an early right of record to the running water of the stream has been situated down stream. They might not need water at all times but if their right was recognized as primary, the reservoirs above would be prevented from storing. Newer canals nearly all start further up the streams. They could build reservoirs and fill them through their ditch. By then using reservoir water to compensate the other than the same footing as the right to condemn land for reservoir and that might not have used more than two or three. When transfer red to another canal the physical limitations are removed, and in court procedure it has been difficult to establish limitations which have been made otherwise by its physical situation. The excess decrees in themselves would not be so bad in many cases if the transfers were not admitted or the transfers would not be so bad were it not for the excess decrees. The combination of the two, however, has revealed a weakness that is the subject of much irritation, and must lead to some move to remedy. cation of what will be met on nearly all the streams of the province with A Delicate Question

The Law of Records affected are jealous of any move which may seem to disturb them, and yet the question is so serious a one that it The law in regard to decrees rds provides that after the de-of the court has been rendered records gate which is the result of some six entered within four years. Inasmuch exchanges.

Several of these rights, and especialdent until long after that time the can be met and disposed of the less will be the difficulties and consequently the better can the problem be met. The fact that the rights in British Codecrees have become permanent and there has been no provision to es-tablish abandonment, it has led to lumbia depend upon the record of the grant from the government, renders it

> I have given so much space to Colorado conditions because in many users would have a right which might ways it appears that the physical be recognized as a moral right even if development of British Columbia is it is not fundamentally a legal one, and it would not be recognized as good ado. The fundamental difficulty of policy to arbitrarily disturb these the water rights depend on the record rights or to unsettle them. At the made with the government officer and same time the situation is so fraught

The sare invariant seasons with the seasons of the control of the

of the expective users.

In general the control of the state of the amount of the state of the amount entering a ditch in case of water as is evident when the public, and many others, which classes of water as is evident when the public, and many others, which and is given a rule of action.

Defects of Colorade Laws the summary given above, of Colorade Laws and is general water commissioners and in general water commissioners and the water of the state o

the stream. Confusion has sometimes creasing feeling in Colorado at least, arisen in the practical administration even among attorneys that there of reservoirs by the difficulty of deter-should be a separate water court, with mining whether the amount turned out of the reservoir is equal to that which enters, at times when the reservoir is not entitled to store. This difficulty I met by the use of a guage rod and by records of the height of servoir is not entitled to store. This difficulty I met by the use of a guage should have power to examine wit- of soils underland soil, or those with impervious sub- water in the reservoir. When the ground itself, and to be constituted so soil, the conditions may vary very that it will have the inclination and much. The records have, however, so that it will have the facts as often been excessive that it would underland the same, that it will have the facts as management would naturally be worked out by the proper officer, and some
discretion should be left him to adopt

A third matter the best method fitted for the particular case.

Depends on Reservoirs.

A third matter that will soon become pressing in British Columbia is some form of water administration. I have personally been reductant to make

Apparently a large part of the development of British Columbia depends upon the ability to construct that are arising and class of questions that are arising and class of questions

such reservoirs of large or small ca- that seem bound to arise, they nearly A second important defect is that relating to records. In this case the present situation in British Columbia is very much the same as it has been in Colorado. I have gone over the records on file in the office of the chief commissioner of public lands, and specific part is a separate office or in what particular forms is a separate of fice or in what particular forms is a separate of fice or in what particular forms is a separate of fice or in what particular forms is a separate of fice or in what particular forms is a separate of fice or in what particular forms is a separate of fice or in what particular forms is a separate of fice or in what particular forms is a separate of fice or in what particular forms is a separate of fice or in what particular forms is a separate of fice or in what particular forms is a separate of fice or in what particular forms is a separate of fice or in what particular forms is a separate of fice or in what particular forms is a separate of fice or in what particular forms is a separate of fice or in what particular forms is a separate of fice or in what particular forms is a separate of fice or in what particular forms in the control of the chief or fice or in what particular forms in the control of the chief or fice or in what particular forms in the control of the chief or fice or in what particular forms in the control of the chief or fice or in what particular forms in the control of the chief or fice or in what particular forms in the control of the chief or fice or in what particular forms in the control of the chief or fice or in what particular forms in the chief or fice or in what particular forms in the chief or fice or in what particular forms in the chief or fice or in what particular forms in the chief or fice or in the chief or of the system of decrees already clarly examined the records of the ment. It is already manifest that on the streams where the records allowed the records and the early ready exceed the flow of the stream streams already there has been serious trouble, and the only reason why it has not been more serious or has not been evident on a greater number of streams is simply because the development has been slow and thus the pressure has not been very greatly felt. In a few cases the difficulty has been encountered and is only an indication of what will be met on nearly all the streams of the province with

all the streams of the province with future development unless some steps are taken to deal with the issue.

A Deligate Question on these streams. This, I believe The question is undoubtedly a dell- will be best accomplished if such

Water Administration

A third matter that will soon be-

cate one, for people whose rights are as may be required should be under the general supervision of some re-sponsible power higher up, who can give general directions and to whom needs to be faced, and the sooner it may be exerc can be met and disposed of the less Such officer be exercised to right of appeal to cause each canal to construct a suitable regulating gate, a measu distributing the water in accordance with the records. The expense of such administra-tion would be the greatest objection, matter better than it could be treated

possible for parliament to treat the

in the States. Great care needs to be exercised that the rights are not inter-

fered with arbitrarily. Undoubtedly the

but that need not be large, in comparison with the benefit that would result, and especially when realized what a future lies before the en if agricultural part of British Colum-one, bia. It is only a question of time when such an officer or office will need to be provided for. The that are received from that water records are many times the cost mediate benefit would probably b over appropriation which have grown up under the past situation that I would very strongly recommend some decided action that would enable the situation to be most situation to be met.

The conditions differ on different streams and consequently the remedy that are the source of much publication. that might be suitable on one might quite possibly be unsuited on some other. Hence there should be some means by which a stream could be growth. The streams which would require the source of much public tribulation. So far as the extension of such administration is concerned, it should naturally be adapted to growth. The streams which would require the source of much public tribulation.

conditions and to legitimate variation that I should feel it would be unwise to fix a quantity unless there was some possibility for a revision in some cases In the case of heavy soils and sandy soils the quantities would differ. In then it was evident that storage was the power to examine into the facts as often been excessive that it would unnot going out. The details of such they exist, and then to decide in acnough to cover most cases, and yet giving an opportunity for some varia-tion, if the proper officer thought best. The record in most cases indicates rather the extreme rate at which the water may be used at any one time, than the continuous flow. All things considered for the conditions of Brit-ish Columbia no single amount would probably be better than an amount of seventy-five acres per cubic foot per second. This, if maintained as a con-dinuous flow, would cover a tract nearly two and a half feet in the course of ninety days. This is more than would be required or could be used except for a short period. The tendency of continued irrigation is to fill the sub-soil, and thus after a few years haps even at a greater rate for limited time. Hence as ordinarily us this amount would be a fair duty to adopt, and if made the basis of record would be liable to cause very little in-justice, especially if there be some provision for revision or examination by an expert officer in case of appeal.

It is manifest from the general conditions of the province that there is

also destined to be much develop by pumping of water from streams.
The questions that arise from this are much simpler than those which arise from reservoirs. The same right to

(Continued on Page 7.)

Speech Support way Applica (From Thursday's Yesterday was an unc entirely to routine busing W. R. Ross (Fernie) in Eastern British Columb

Principal Feature

Friday, February

UNEVEN

LEGISLATURE H

Prayers by Rev. Jose Report Is Ado The report on the bill the Hudson Bay Pacific pany was adopted, and ably be read the third Dominion Trust C

The speaker took the

Dr. McGuire, Vancouv second reading of the bi ate the Dominion Trust briefly explained its pro ing the unquestionable great extent of the the company.

A bond for \$50,000, retwo years, will be deposed by the bond finance, and lieutenant-governor in isfied that the subscribe reserve fund amounts

oclamation. The bill was read the Eastern British Colum Mr. Ross (Fernie) move reading of the bill to in Eastern British Colu ompany. He observed, in regar

bill will be brought

ditions existing in that country which he had represent in this house, be said in a general w Crow's Nest coal measur about Morrisay, on the branch of the C. P. R., about 40 miles up Elk western boundary of th which lay anywhere fro miles from the line the whole distance. After pa Fernie, the road cont mouth of Michel creek, lowed to the summit of mountains. The charte was sought for the purp ing a railway from the serly by the south water creek, giving easy access tion of the coal measure ern side of the deposit. ures were both very very important, lying alo length of the proposed lin a matter of great mome railway facilities shoul an early day.

The promoters of the were D. C. Corbin, J. K. A. T. Herrick and J. A. Corbin was and had been considerable time, the owner of the corbin was and the considerable time. square miles of coal vicinity, and according mation, had up to the pre-pended in this connecti-while in addition he had government to complete rown grants, etc., \$60,00 otal of \$175,000 up to de

It sould be remembere the legislature that similar application was same parties, but the rai tee had not seen fit to favor. But he was ce this charter had then at least a portion of this now be in actual operati addition, apart from the erable development of th ures which must in cons resulted, a large number of have been given employ the last twelve months, ould have been placed ket. (Hear, hear.)

The promoters asked

an power to build the development of dustrial interests, and that this was eminently ation, and in complet with the policy which ha cated by the governmen present session, of encourage means within their nowe way construction. (Hear olicy surely applied to province and h rmade to apply in Fern which he represented in (Hear, hear.) Some opposen shown to the passag through the committee, for not shut their eyes to the committee of the a very strong fight had for the purpose legislation. Never presumed that every me house would, as he did, on its merits and steadily in view not the the parties engaged in but purely the general the whole province, noty the strong lobby that ha (Hear, hear.)

Question of Old Ch It would probably be ar, house as it had been ar, the committee, that becayear 1895, the house had he Southeast Kootenay P pany a charter to build ractically the same gands of the legislature and no one else who w velope that section of was entitled to a charte naintained that the ge that had been favored by ture, as well as by the province, had been and e direction of free trade ter of railway constructi hear.) Which meant that or persons who came to t advanced sound reasons their application should be right to build these road imple fact that a chart granted did not necess that practically a mone his respect been conferre ly precluding any one eletaining the right to lay same territory. For it was of very great importance, should affirm the principl because a charter had ed in any particular secti charter for any reason affecting the same terr lowed to pass through lowed to pass through (Hear, hear.) And he convery strongly, that in the had not been the policy of the strongly in the same terms. nent.

As a matter of fact, in ing and within a very few proposed line, the Britis

early years. The similarity in the character of the records and the early claims in Colorado are remarkable. They have the same faults and lead to very much the same case troubles. They are indefinite in character. The land to which they apply is often poorly defined or not defined at all. The amount of water is not capable of exact definition. The amount of the record is almost invariably that which the claimant asked for and not what he actually needs. In many cases, in many cases, and the similarity in the streams where the records and the streams where the records the stream that streams where the record is elicited to decrease the amount of water recardy exceed the flow of the stream quired. No one would use such an amount of water for ordinary crops. With hay meadows of the higher elevant, to build his dam with only such consideration for the rights of others as he may be forced to give. Then there arises the tearing out of the offending dam by the injured party. Sometimes that occurs by violence; at any rate the situation is not conductive to good feeling. veloped, but the tendency, I think, is serious over appropriation of streams. Unmistakeable. When in addition to this, there has those which have to do with determin ing the right to water. In Colorado the rights in general were taken to depend upon beneficial use, and not upon a record as in British Columbia. been recognized a right to transfer water from one canal to another, a very serious situation has developed, The right of a reservoir to use a por-ion of the bed of a stream as a reser-This was definitely established as the basis when the constitution was adopt-ed in 1876. A series of laws was reespecially from the indefiniteness voir was early recognized in a court voir was early recognized in a court decision. Likewise, the right to carry of determining the amount to which a water in a stream from a reservoir to the head gate of a canal was first In earlier conditions, and in a more ing the amount of water to which a country very little question of the head gate of a canal was first on the this character arose, but now with the larger settlements it becomes a primary question and the legislatures, parliaments, and courts had to meet the question, and communities have quently incorporated in statute.

The right to condemn land for reserbut have applied it to an area of land he actually needs. In many cases, cive to good feeling.

perhaps in most cases, this has yet led to no great difficulties. On some streams already there has been serious trouble, and the only reason why When action is called for by the The action is