IRRIGATION AND WATER QUESTION

REPORT OF EXPERT PRESENTED IN HOUSE

The Whole Subject Dealt With at Length by Prof. Carpenter.

(From Wednesday's Daily.) Yesterday afternoon in the legislature, the report on irrigation was presented. It is as follows:

Feb. 10, 1908. To the Honorable James Dunsmuir, Lieutenant-Governor of British Columbia, Victoria, B. C.

Sir-In accordance with the requirements of the commission dated the like apples. 19th day of August, 1907, issued to Professor Louis G. Carpenter of Fort Collins, Colorado, and myself, empowering as to inquire into the irrigation of land in the province of British Co-

croft, Kamloops, Vernon, Kelowna, Penticton, Osoyoos and Keremeos, places being selected as being tyrical of the general condition existing in the arid belt of the province. Arriving at Ashcroft on the after-

noon of the 21st August we drove out rast Judge Cornwail's ranch almost as far as the Basque Ranch, this part of the country furnishing a good illustration of the irrigable bench lands of the location of the the dry belt. The next day we drove up the Bonaparte as far as Hat creek, on the way back calling at the Dominion ranch owned by Mr. Semlin. From Ashcroft we proceeded to Kamloops, and spent the afternoon inspecting the irrigation ditch and works of the Canadian Real Properties on the west side of the North Thompson river. This and use it on a limited tract, which adian Real Properties on the west side ompany has had a system in operation since 1904, having a ditch some seventeen miles long intended to supply some 5,500 acres of land. The next | makes a great river and round by Campbell's creek, where a number of small holdings are being irrigated by separate individual On the 24th we proceeded to Vernon and spent two days inspecting the Earl of Aberdeen's Coldstream ranch and the sub-divisions which wealth that which depends upon agritude there, also the irrigation scheme of the White Valley Irrigation and Power Company which is intended to supply some 20,000 acres. On the 27th, accompanied by Mr. Price in the side of good government and forms which is the most stable, varies least from year to year and furnishes a population. The experienced converted advantage of their position of their including advantage of their position of their including advantage of their position of their including advantage of their position. The experienced converted accessibility to capture water as it goes the improved by individual effort on the side of good government and forms and the subtraction of their including advantage of their position of their including advantage of their position of their including advantage of their position of their including advantage of their position. The experienced converted accessibility to capture water as it goes the improved by individual effort on the grant. The situation in British Columbia, depend upon the record made with a disposed of the less the most stable, varies least from year to year and furnishes a population. The experienced converted accessibility to capture water as it goes by at the expense of others. Some is power to modify or amend this grant. The situation in British Columbia, depend upon the record made with a disposed of the less water as it goes by at the expense of others. Some is power to modify or amend this grant. The situation in British Columbia, depend upon the record made with a disposed of the less water as it goes is power to modify or amend this is power to modify or amend the position. The experienced converted accessibility to capture water as it goes is power to modify or amend the position. The experienced converted accessibility to capture water as it goes is power to modify or amend the position. The disposition of their including the position of their position of their including the position of their position of their including the position of the have been made there, also the irrigation scheme of the White Valley Irrigation and Power Company which is from year to year and furnishes a popon the 27th, accompanied by Mr. Price
the side of good government and forms
that more extensive enterprises are the necessity of,
necessary. This means large areas of
land take large capital, and thus either
good citizenship.

the next day drove round inspecting the and creates a contented frame of mind. orchards in splendid condition. On the chey also have great periods of de-following day we drove to Osoyoos acvaluable fruit and garden land. On the pany which proposes to irrigate some 6,000 acres and which had its ditch aldistress. ready partly constructed and a large force of men at work. From Keremoes we returned by way of Penticton and icamous to Victoria, where Professor Corpenter spent some time in examinthe statutes relating thereto.

Subsequently in the month of September I left for Colorado, reaching was joined by Professor Carpenter. We there met a number of prominent men who had for years been connected with, and made a study of irrigation matters, and discussed many of the leadconnection with the matters we had been commissioned to The aquire into. From Greeley we drove to Fort Collins, taking some two days been in operation for years, also in inexperienced men in such matters. From there we went to Denver, where we spent a day or two interviewing irrigation engineers and lawyers and examining the system of State Water Decrees. I left Denver for Victoria on

The views of Professor Carpenter, in which I fully concur, are set out at length in his personal report submitted herewith. I have the honor to be, sir, Irrigation Committee.

Expert's Report.

follows: In considering the present and desirorado and of the other western states

the ones which best meet the general countries is the conditions that have developed and are

ater in this report. portion of British Columbia, especially that between the Canadian Pacific Railway and the International Boundportion of British Columbia, especially 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 his section. Some parts were therefore ical of the situation which was sing. A knowledge concerning the person of the province (so far one member of the commission is decrened) was obtained through various and the general needs can be anticipated the general needs can be typical of the situation which was other portions of the province (so far as one member of the commission is concerned) was obtained through various means-by conversation, by study of reports, especially of the Canadian

prise to find The Mild Climate

Geological Survey and the interpreta-

tion of these facts by various meteora

logical conditions. It was a great sur-

and the great possibilities in the ready made and the experience already acquired show beyond question that

Speaking generally, this portion of the province is bounded both east and west by high ranges of mountains, and laws did not apply, and thus made the laws provided the machinery for the same footing as the right to conthe extensive intermediate area with mountain masses of much lower elevation. These are largely isolated as mountain masses of much lower elevation. These are largely isolated, ex- Saxon community to the conditions of claim to an intended use, and subse- ant right to exchange water. of land in the province of British Columbia, as chairman of the commission I have the honor to report to you as follows:

Your commissioners, accompanied by Mr. R. F. Child as secretary, left Victoria for the interior of the province on the 20th day of August, 1907, and the Columbia are cut down below the eievation of the country and are largely out of control to report to you as follows:

Your commissioners, accompanied by British Columbia are cut down below the eievation of the province of the amount of use. The final record to the amount of use are alregly isolated, extending to an elevation of from four to seven thousand feet, generally wooded and form sources of many small streams. The larger streams like the Fraser, Thompson, and the Columbia are cut down below the elevation of the country and are largely isolated, extending to an elevation of from four to seven thousand feet, generally wooded and form sources of many small streams. The larger streams like the much more extensive than other states, and states both the amount of use. The final record to the running water of the ord is made by the court and is termed and therefore it is farther in the manut of water that called for and the columbia are cut down below the elevation of the country and are largely isolated, extending to an elevation of from four to seven thousand feet, generally wooded the arid regions. Its laws have come by steps as the needs have been made much more extensive than other states, and the right to exchange water. Some the dain of the amount of use. The final record to the amount of use and the record to the amount of use at the amount of use the amount of use the amount of use water for irrigation, with slight ex- whole, have gone through the same ceptions. The land in the low mountain masses is separated by valleys of tain masses is separated by valleys of moderate extent, but of great fertility when supplied by water. The lands with recommending their laws as laws not in recommending their laws as laws and in the present case is, now being to give a summary of the upper ditches could take water from the present case is, now being to give a summary of the upper ditches could take water from general steps. then command a price of from \$100 to \$200 per acre, and more, almost as soon to be followed, but by being instructive instances of progress of developas water is available—an increase

> The location of the land on benches above the main streams in relatively small tracts makes the construction of It may be divided gravity ditches on a large scale almost out of the question, because of the excessive cost. The natural develpment is by irrigation from the side stream or by some system which will is naturally some system of pumping. The great increase in the value land with the application of water

Inducement For Irrigation

and is bound to develop to a very struck with a desire to take up land and choose the land which can best be irrigated, that is, on the 'small streams above the older ones, so that I think that everyone will agree that it is the part of wise statesmanship to encourage the development of these natural resources. Of all sources of wealth that which depends upon agriwealth that which depends upon agriwealth that which depends upon agri-

uable land which are expected in the near future to be brought under irrigation. The following day we drove gation. The following day we drove round Kelowna and the Mission Value of irrigation reduces even such large and conditions are particularly stable and of high character because the very fact of irrigation reduces even such large are a natural of which are expected in the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and the co-operation of owners of a large of water, and the co-operation of owners of a large of water, and this public management the co-operation of owners of a large of water, and the co-operat round Kelowna and the Mission Valley and on to the benches above Mission creek, and had pointed out to us the wonderful capabilities of that district. On the 30th we took the steamer down Okanagan lake to Penticton, and anagan lake to Penticton, and makes the returns much more certain a few years later. The settlement of the country and scheme of the South Okan- The difference between such agricul- the greater pressure on the water supagan Land Company, which has shown tural communities and those depend- ply. ch energy and expended a very ent upon mining is noticeable throughlarge amount of money in developing out the western states. While the lattern water supply is insufficient. Farmits scheme, and is able to show many of activity, or showed in colorate many states. While the lattern water supply is insufficient. Farmits scheme, and is able to show many of a complete many scheme, and is able to show many of the water supply is insufficient. Farmits scheme, and is able to show many of the water supply is insufficient. Farmits water wat The comes the period when the cur-

P. P., observing some 12,500 or 14,000 extremes, and one who is interested in acres which the South Okanagan Land his country and his fellowmen cannot his country and his fellowmen cannot age crops may be raised to the great age. Company intend shortly to bring under but wish for the characteristics of the est extent, but these do not produce the rights of the respective ditchies. It is done what is now more stable agricultural communities. The periods of financial depression em- the lands at work for a large part of phasize these distinctions, for even if the year. They realized that potatoes 3rd September we drove along the the returns become small, the agricul-Similkameen where we looked over the tural community is largely self-sup-struction of the first reservoir, and Similkameen where we looked over the scheme of the Keremoes Land Comporting and is able to tide over a when it was found that the profits were

The resources of British Columbia large increase, thus within a dozen in this line are very great. Undoubt-edly nearly all the valleys and the benches at an elevation less than two thousand feet may be turned into productive land of high value, certainly water can be supplied. In general, t may be expected that from three to tember I left for Colorado, reaching five acres of watershed will be required dreeley on September 23rd, where I to irrigate one acre of land, but the conditions are such that almost no limit can be put to the future develop-but little in Colorado, but I think the the respective users. Southern British Columbia would indicate that several hundred thousand acres might reasonably be expected to be developed within a reasonable time.

Question of Development is largely an economic one, and thus in that district, examining various ir-rigation systems, some of which have the limit changes from year to year. Land which cannot be developed now, under changed conditions might justify development as the tendency is for the values of land to increase and the the values of land to increase and the cost of development to decrease—this limit is constantly extending. Moreover, the limit which is set by the available water supply also tends to duplicating their management; often by the community. increase, because it is a well known two or more ditches supplying water Aside from these fact that a given amount of water will for the same tract, and thus proving engineer, which arise from his auserve more land after the land has been irrigated for a few years; this is both because either the land has decreased sult in the combination of these ditches. and the skill in the use of water has supply the same land, local jealousies

It is therefore evident that British such a Columbia is destined to be an extensive area of irrigated land of high sive area of irrigated land of high the tendencies are manifest, and I an price and which will be divided into ble laws of British Columbia, I have large population. The part of wisonsidered especially the laws of Colrado and of the other western states, people is to feet and the control of the other western states. small holdings, and thus maintain a able laws of British Columbia, I have large population. The part of wispeople is to foster this development. of the Union, with which I have pre- Up to the present time, such developviously been acquainted, and in addi- ment as has taken place has been an tion, the laws of many other countries, especially of the various British colon- In that respect, it has been parallel to ies. I have been acquainted for a good the experience of almost all other many years with the conditions in commonwealths. It has reached a terest. many years with the conditions in commonwealths. It has reached a western United States, and have seen point where difficulty has arisen in the These periods are such as are being whom it could be conveniently given.

the development of much of their sys-tem, and of the development of the laws as applicable to their condition. From the examination of the laws of all the countries, and a knowledge of the statute books and also conflicting interests have arisen which neither all the countries, and a knowledge of the statute books and also conflicting the statute books and also conflicting interests have arisen which neither precedent nor law has been able to all the countries, and a knowledge of the statute books and also conflicting interests have arisen which neither precedent nor law has been able to all the countries, and a knowledge of the statute books and also conflicting interests have arisen which neither precedent nor law has been able to all the countries, and a knowledge of the statute books and also conflicting interests have arisen which neither precedent nor law has been able to all the countries, and a knowledge of the statute books and also conflicting interests have arisen which neither precedent nor law has been able to the statute books and also conflicting interests have arisen which neither precedent nor law has likewise been the case to the right to expropriate land for the statute books and also conflicting with the development of reservoirs. There has never been any question as reading to the record contently given. A third general class of laws and of court decisions have been in connection with the development of reservoirs. There has never been any question as reading to the record court decisions have been in connection with the development of reservoirs. There has never been any question as relating to the record of laws and of the lack of knowledge of water and the lack of knowledge of terms, especially those relating to the record of laws and of the lack of knowledge of terms, especially those relating to the record of laws and of the lack of knowledge of terms, especially those relating to the resord of laws and of the statute books and also conflicting the statute books and also conflicting t the general conditions, I come to the with almost all other commonwealths, tion, but would render experienced engeneral conviction that those of the A marked feature of the development terprises necessary. The construction along the determination of the rights to have been a source of most serious

themselves invested some \$3,000,000 or

more in the construction of reservoirs. It has also revealed the fact that many

supplies of water which were consid-

value when collected in reservoirs.

The

ered small and negligible are of great

Consolidation Period

one which has yet been developed

of the important ones.

While the above give the steps in the development of the law, the laws

Struggle Over Water;

found it necessary to go to great ex-

Periods of Development.

(c) The reservoir period.

(d) The consolidation.

shown by experience.

The first class may be considerd

Rights in General

and provision made for the conditions stitution was adopted in 1876. A series of laws was required to provide means The statute laws, as well as judicial for determining the amount of water decisions, are generally an outgrowth of conditions, and there is a marked growth in both to meet changing conficial use the first decree based the apditions. Communities under the same situation are apt to go through, perlods of development of much the same and it was changed by court decision growth of fruit, and especially with character. It is because of this that so as to recognize the area which was such crops as peaches. The trials all take Colorado as an instance, for it irrigated or the amount of water which decision. Likewise, the has gone through stages of progress was used as the measure of beneficial in its irrigation development, which, it use rather than upon the amount large areas can be devoted to the seems to me, are the same as those growth of peaches and fruits of like which British Columbia is likely to character, besides the hardier fruits, experience. Colorado was the first of applied. Subsequently it has been rethe United States to feel the need of special legislation; the first to feel that modified so as to allow some time for

ment and the conditions which will need to be met, though with slightly different circumstances of custom and waters in public streams belong to exchanges. the public. It was very soon found as Several of these rights, and especial-It may be divided into the following periods of development:

(a) That of individual or small de
(b) That of individual or small de
(c) That of individual or small de
(d) That of individual or small de
(e) That of individual or small de
(f) That of individual or small de
(g) That of individual or small de
(h) That of individual the history of the commonwealth where been thought necessary. In most cases (b) That of co-operation or company the germs of public administration the practice has developed in some were developed. It was not, however, until the claims increased in number, order to meet the situation which many These periods overlap each other, but and especially until actor large were built, that the necessity became at the same time, the beginning of acute, and that it became generally each period can be quite definitely recognized that the state must take

The individual period of develop-ment is the first, where individuals are The particular The particular occasion for this arose

A Public Distribution

tion of larger streams. They are em-ployed from ten days to the whole es. In that respect they have sum-

mary authority. An appeal lies to the state negineer ordinate to this general purpose the period of depression with very little even greater than anticipated it distress.

even greater than anticipated it state laws require measuring flumes or other devices to be put in each or other devices to be put in each canala, and to be under the superin- recent development. These are the iles of Fort Collins the farmers have tendence of the state engineer. The ones relating to water districts, and state engineer also determines the modelled essentially on the Australian quantity of water in stream, the loss law. In effect it gives a community of water by seepage: determination of authority to organize a municipal orthe capacity of reservoirs; direct ganization, and power to construct or supervision of the amount which is buy irrigation works for the benefit distributed by reservoirs, etc.-all of the whole area, to contract inhaving for their general purpose the debtedness and to raise the cost determination of the fairness of dis- taxation. One of the principal benefits

> tendency, however, is evident. The occasion arises from the fact that during ceases after the water enters the casion arises from the fact that during ceases after the water enters the which would otherwise be almost imthe construction of the early enterpriseditch. The water commissioner may posible. There has been in some es, the projectors had only a small reduce the amount entering a ditch amount of capital, consequently they were limited often and built a ditch. This is a delicate power to exercise, to purchase existing works. In most whose cost would be within their and is very rarely done, except in cases this has been so far to purchase means. Perhaps they built a ditch to such case of waste as is evident when cover as much land as they thought water is perimited to run over roads. Excessive use is difficult to establish, velopment of the country someone else found it profitable to build another ditch that would parallel the first and except in extreme cases. Their power classes there have been innumerable laws and decisions which scarcely fall into any general class,

Aside from these duties of the state thority as an

Administrative Officer. there are other duties which cluster often prevented the consideration of about his office, as for example, he such a question. Such considerations has jurisdiction over the construction are still effective, but in many ways of dams, has power to determine their

of these ditches now parallel will unite they shall not fill and to exercise in

run through the ditch best prepared to It is also an office of record, in supply a given tract of land. The de-that all preliminary claims are filed in velopment which takes place at pres- his office. The supervision of the conent is the natural outgrowth of the struction of state roads and bridges situation and comes mostly from a has also fallen to the office, as a mat-

western United States are as a whole for the past few years in almost all of reservoirs is already upon you; the store any flood or excess water, and troubles which have arisen, and troubles which have arisen are the past few years in almost all of reservoirs is already upon you; streams with low supplies of water in in defining the limit of their rights. bles are not yet ended. This condition summer, a time when the needs of It was originally stated that they had has become a serious one, and while a likely to develop in British Columbia. the great growth of cities; the devel- fruit call for an available supply and no right to store during the irrigation in British Columbia, it is much easier These will be discussed more at length comment of large manufacturing indus- the great value of the fruit crops force season, and consequently that the right to rectify. The difficulties would have tries has made necessary for water one this condition with added emphasis. of canals was superior to the right of been lessened or possibly entirely prestorage. In the course of years con- vented had the state been represented ditions changed. The importance of

reservoirs has been increasingly evident, and there is a tendency more esed with water conditions. pecially noticeable in court decisions to recognize the right of a reservoir to fact of continuity of service of water store at any time. The recognition of officers, therefore, there has been no store at any time. The recognition of ditches as having superior rights to cumulative experience for the benefit different conditions and preservoirs reservoirs. ervoirs resulted in placing even of of the public. All subordinate officers and also means taken for derecent date prior to reservoirs that have been appointed for a short time. have been built many years, and as, Experience in water matters has with the development of the state, the reservoirs are producing more public

wealth by raising higher priced crops, t has been increasingly felt that their prior rights should be respected. This doctrine is not as yet fully developed, but the tendency, I think, is nistakeable.

The right of a reservoir to use a poron of the bed of a stream as a reser-

Right to Carry Water

incorporated in statute.

The right to condemn land for reservoir purposes has always existed, on

There has also developed an import to establish the prior claim. The defects that have arisen in these laws ing reservoir water to compensate the will be pointed out later, the purpose ditches with earlier rights below, the the main stream in exchange. This A second class which may be recog- has led to an elaborate system of exnized are those laws which provide for change, so that in some cases the upthe public administration of waters.

The public control recognized that all gate which is the result of some six

communities by common consent, in and especially until after large canals felt was necessary, and subsequently may have been converted into statute. These are illustrations of the point I above mentioned, that the law will to control of, and distribution of waters a great extent develop to meet the con-

A number of other laws have deprotect the rights of others. These are essentially such as to see that the reservoirs do not store water so as o infringe on the rights of others, and A Public Distribution measuring head-gates, may require gauge rods, and may cause a survey

The control itself is invested in a recognize the increasing importance of in an American state. Under him are five division engineers, found, as a matter of experience, that one for each of the particular watershreds of the state, and subordinate to become of importance when stored. these are 67 water commissioners, as While the public and the courts have they are termed, one in each district. been jealous to prevent any encroach-

> Canal May Store Water which has been used previously

Practically the difficulty in this that the amount of water which has been previously used has been so poorfrom any decision of his subordinates. iy defined and often has been stated in In carrying out his duties as sub-

often been unjust. A fourth class of laws is of more tribution, and to protect the rights of at present is that the land of a com munity can join together and often which they already possessed. Besides the laws mentioned in the

laws as determine the method of the payment of the water commissioners, or to provide that bridges over canals on roads should be maintained by the public, and many others, which are matters of minor detail and pracically give a rule of action.

The summary given above, of Colrado laws, is rather to illustrate the levelopment, not to carry the idea that they are perfect. Some materal defects have been evident, but as whole her system of laws has been cognized as one of the most perfect, because it has fitted the conditions. Senator Stewart, of Nevada, spoke of them as being the most perfect of any system.

One of the most serious defects is

in the Establishment of Decrees. responding to the record of British

with a qualified engineer, or had the hearing been before someone acquaint-

A second defect has arisen from the of the stream in acreage. The loss in

not been a necessary qualification, and the result is that there has been a of reservoirs by the difficulty constant change of officers. Each offi-cer has had to practically learn the out of the reservoir is equaduties of his position and come in con- which enters, at times tact with troubles without the aid of servoir is not entitled to the experience of his predecessor: hence it is that some districts are no further rod and by records of the advanced than they were 20 years ago. Other districts are now meeting problems that other regions of the state solved to their satisfaction many years since. A very great progress would agement would naturally have been made could this defect have een provided for.

As a consequence of the system of appropriation and decrees already ntioned, there has been a very serious over appropriation of streams.

When in addition to this, there has een recognized a right to transfer wa- such reservoirs of large or small cater from one canal to another, a very serious situation has developed, espeially from the indefiniteness of the mer records, and the difficulty of de- present situation in British ermining the amount to which a claim- is very much the same as it has ant should justly be entitled. We may, in Colorado. I have gon for instance, have had a record for 50 cords on file in the office of the ubic feet per second, but have applied commissioner of public lands, and t to an area of land that might not cially examined the records of ave used more than two or three. early years. The similarity i When transferred to another canal the character of the records and the early the physical limitations are removed, claims in Colorado are remarkable and in court procedure it has been diffi- They have cult to establish limitations which we been made otherwise by its physi- and lead to very much the same can cal situation. The excess decrees in troubles. They are indefinite in charmselves would not be so bad in acter. The land to which they apply nany cases if the transfers were not is often poorly defined or not define dmitted, or the transfers would not at all. The amount of water is no so bad were it not for the excess capable of exact definition. The amount ecrecs. The combination of the two, of the record is almost invariably that owever, has revealed a weakness that which the claimant asked for and no is the subject of much irritation, and what he actually needs. In many

The law in regard to decrees or rec- yet led to no great difficulties. On some rds provides that after the decree of streams already there has been ser the court has been rendered that no trouble, and the only reason why appeal can be made unless entered has not been more serious or has r vithin four years. Inasmuch as the been evident on a greater nur njustice is not generally evident un- streams is simply because the develo il long after that time the decrees ment has been slow and thus the pres-nave become permanent and there has sure has not been very greatly felt. In been no provision to establish abandon- a few cases the difficulty has been en ment, it has led to many cases which countered and is only an indication of are manifestly unjust and are contrary what will be met on nearly all th general public interest. I have given so much space to Col- development unless some steps are

orado conditions because in many ways taken to deal with the issue. veloped because of the necessity to it appears that the physical develop-

British Columbia is Similar o the development of Colorado. The to see that the reservoirs do not take fundamental difficulty of the water advantage of their position of their inrights depend on the record made with basin. The state engineer may put in fundamental complications. The deelopment of the irrigated country has possible for parliament to not proceeded to so great an extent as to have caused the establishment in the States. Great care needs to be of so many vested rights that would ause so much difficulty to modify or fered with arbitrarily. re-define. Nor is the power of government or parliament limited as it is might be recognized as

A number of minor recommenda-ions may be made, a few more general even if it is not fundamentally a legal

ones, and of greater importance.

The first of these concern reservoirs good policy to arbitrarily disturb these and their development.

It is manifest that future develop- same time the situation is so fraught ment of British Columbia to a very with greater difficulties and the disgreat extent depends upon reservoirs. turbance of rights and of values is so The small streams heading in the low mountains are apt to become low at the period of the year when water is most needed. There is an excess of most needed. There is an excess of would very strongly recommend some water at other seasons. In many of decided action that would enable the these cases there are splendid reser- situation to be met. voir sites, some of which can be improved at an absurdly low cost. There are other natural lakes which touch that might be suitable to one might on private land. Any development of the fruit interests require water other. Hence there should be some ate in the season when the stream is means by which a stream could be ow. The storage of water becomes, taken by itself, the facts investigated therefore, of extreme importance and as they exist, the evils that have arisen of very great value. Whatever may investigated, some means to determine be its value to the immediate owner, the amount actually needed or the t is of still greater value to the prov- amount which has actually been used ince as a whole, and hence in my and then power to revise the records judgment it is of extreme importance to correspond. From consideration of to the province that improvement of this character should be encouraged, similar to it, extending over some eight and power be given so that projects or ten years, this seems to me to be of this character may be facilitated. It the most feasible way to take care seems that under present conditions a a delicate and difficult situation which person who wants to store water does will become worse as time goes on. ot have the right to expropriate land. This might be done through the This power is a fundamental one, and court or through some other bo use is properly a public use. It a com has been found that the benefit to an individual is an exceedingly small room observation and experience in part of the benefit to the public. The this country and from many discuspresent situation, therefore, renders it sions with attorneys, I am very, very possible for one man owning a small strongly of the opinion that a commis ract of land to hold up an enterprise sion or an officer of the government and play the policy of a "dog in a would be the most satisfactory way manger." This is exceedingly unfor- The very fact that he is not confined tunate and contrary to public policy.

The power to expropriate does not necessarily mean that it needs to be expression to be expressed to the procedure of a court gives to the procedure of a court give the procedure of a c ercised. It is found by experience that a great extent true that the stronges the fact that it is known that such a evidence will be obtained on power exists makes it much more ground, and not from the tongues probable that an agreement may be witnesses, and the commission or t reached without the exercise of the expert, if properly qualified would pe wer.

In connection with reservoirs, there termine a substantially equitable is also associated the

Right to Use the Stream o transport the water from the reservoir to the canal. There should be no

once stored in the reservoir from flood | based upon sufficient care an deviden or other unused water, becomes more If these have been exercised, the find particularly private property. It has ing should not be likely disturbed, and been stored and saved by the foresight should, I believe, remain effective unand the expense of the owner of the less lack of such care has been exerreservoir. Otherwise it would have eised. gone to waste; his enterprise should be encouraged. When once stored in the bas been mentioned, is a delicate of reservoir and saved to a time when for it involves not only the problem needed, then his right to the water getting essential justice, but it a should be recognized as a matter of involves to a great extent the prob ommon justice and a matter of of creating confidence in the justice ecessity of development. There are, of the decision. People are more pr however, some cases arising in the province where such right has not almost any other issue. An interest been recognized or at least disputed. If ing relic of this feeling, even any doubt exists, I should by all ancient times, is involved in a w means recommend that it be settled that has come down to us from

The natural limitations to the use

of a reservoir or to such use of a stream are that the rights of others shall not be infringed upon, and this means that the owner shall not take out more than he puts in, and might possibly suffer his portion of the loss a question of fact. It varies the amount which is turned stream. Confusion has difficulty I met by the water in the reservoir of the water remained the same, then it was evident that storage was not goout by the proper officer, and some dis cretion should be left him to ad best method fitted for the particular

Apparently a large part of the de-

A second important defect is that relating to records. In this

The Same Faults

nust lead to some move to remedy. | cases, perhaps in most cases, this has streams of the province, with future

The question is undoubtedly a delicate one, for people whose rights are affected are jealous of any move which may seem to disturb them, and yet the question is so serious a one that i grant from the government, renders it possible for parliament to treat the matter better than it could be treated exercised that the rights are not interthe users would have a right which

A Moral Right

rights or to unsettle them. At the

streams and conseque quite possibly be unsuited on some

able to ascertain the facts and to devision of the records. It would pr bably be desirable that there should exist an appeal to the court to

Avoid Manifest Injustice question about this right. Water when or to insure that the finding has been

The management of this problem, as by the inclusion of a clause which cient times, and althou specifically recognizes the right to use now has a different significance, ye

THE YE

By H.

Author of "King !

CHAPTER IV.-(Con know how I have d already, except that hoping that a time w we shouldn't be apar v I went into that infern make enough money ou to marry me. And out of the business a when I shouldn't." Yes, so you see you done it a year or haps things would pler. Well, it is a fin anity of human pla must be going home don't, Sir Robert will earch party to look ouldn't wonder if he ady, in the wrong The mention of Sir Ribeht me fell on them both like old wind in summer and fe ney walked in silence. "You are afarid of that bara," said Alan presently

er thoughts.
"A little," she answered,
can be afraid of anything "A little also. I think th ive us trouble. He can be

plent and resourceful."
"Resourceful, Alan; well, back my wits against h e shan't, separate us by ort of murder, which he r. Men like that don't like a law; they have too my ut no doubt he will make nfortable for you, if he ca

ral reasons."
Again they walked on los ns, when Barbara sudden ver's face brighten.
"What is it, Alan," she a Something that is rare en Barbara—an idea. You eaking about that Asiki . Well, why shouldn't I

She stared at him. "It sounds a little spec id, "something like one of mpanies."

"Not half so speculativ ink. I have no doubt it is leeki knows the way. Also member that there is a m count of the whole this Uncle Austin's diaries, thou you the truth the old fellow fearful hand that I have r the trouble to read it. You went on with enthusiasm, kind of business that I can thoroughly salted to fever; I West Coast where I spent on that boundary commission studied the natives and can al of their dialects. Of c would be a risk, but there a verything, and like you afraid of that, for I believe have got our lives before us." "Read up those diaries, Ala will talk the thing over pump Jeeki, who will tell m by coaxing, and try to go truth. Meanwhile what are o do about my uncle?'

Speak to him, of course e row over." "Yes," she answered, pest and the most honest. (can turn you out, but he can me seeing you. If he does, Yarleys and I'll come o

ere we are, let us go in and she pointed to at and laughed While Alan and Barbara the woods another en taking place in Mr. laswell's private suit he decorations of which, wont to inform his visito nearly £2.000. Sir Robert Mr. Haswell, who prese ed from his bedroom,

ing gown and lookin nd shaky. Delighted to see you all id Sir Robert, as he w chair into which Mr. Hasy 'I am not all right, Aylw vered: "I am not all ever had such an upset ought I was going to accured nigger told his Aylward, you are a man ell me, what is the m hing? You remember wh ve saw in the office, a

I don't know," he answ y I don't know. I am a never believed in anythin and test, one who utter In my le sure I have exam igious systems and fo bish. I am convinced that highly-developed mamma hance, and when our d parting into the black which we came, that is what is called t spiritual part, I attribu stitious incident to the elves, that of gods of n by a few years of mented life. But you ments, so why should I And now I am confront rience which I canno inly thought that Friday evening I saw which I had taken at I offered to give 00 for it because I ought us luck, swi f the room and look firs nd then into mine. ight that negro tells

m I to make of it?" "Can't tell you," answer that it nearly m am not like you, ought up as an Evang ugh I haven't given these matters of late n't shake them off in y there is something s hen the black man was mething seemed un got up and gripped me