

(Counsel for Kakabeka Co. to Sub-committee, April, 12, 1904.)

MR. RIDDELL said:—

The position that we take in this matter is that we are desirous and think we have the right to the flow of water over Kakabeka Falls as it exists in a state of nature; in respect of this we are perfectly willing to have it determined by one or more hydraulic engineers of standing, and that they may be perfectly independent they may be appointed by the Lieutenant-Governor in Council, or WE ARE WILLING TO TAKE MR. JENISON'S STATEMENT TO HIS CONSULTING ENGINEER AND TAKE A MINIMUM OF 32,000 CUBIC FEET PER MINUTE. WE ARE ALSO WILLING IN CASE MR. JENISON OR ANY OTHER PERSON SHALL BUILD STORAGE WORKS TO PAY THEIR PROPORTION OF THE ORIGINAL COST AND MAINTENANCE OF SUCH STORAGE WORKS TO BE DETERMINED EITHER BY ARBITRATION OR BY HYDRAULIC ENGINEERS, OR BY ANY OTHER REASONABLE METHOD TO BE SUGGESTED, OR we will make the same agreement as is contained in section 4 of Schedule "C," being the agreement between the Town of Fort William and the Kakabeka Falls Land & Electric Company, Limited, made in 1902, and printed in Mr. Jenison's pamphlet on page 39; we also, as the whole matter is at large, will return with interest from the date of the payment all the money paid by Mr. Jenison under Mr. Proctor's award, and upon that being done of course the land expropriated becomes vested in us. We are not insisting upon any method of determining the amount of water coming over the Falls, and we are willing to have that determined by any proper tribunal which is competent so to do.

The above we conceive to be our ordinary rights; if however Mr. Jenison and his associates prefer to buy us out and out I shall be prepared in the morning, after having had opportunity of consulting my clients, to state the amount which we will be prepared to accept.

As regards the amount of water that the Kakabeka Falls Company is considered entitled to, I am not, as I have said, wedded to any method of finding that out, any reasonable method I am content to accept.

The report of Mr. Jenison to his engineer speaks for itself. It is not the fact that any storage scheme is necessary for the development of a water power, and we are prepared to develop our water power at Kakabeka Falls without any storage scheme at all, but at the same time we are willing to pay any person who frames a storage scheme any reasonable proportion of the cost thereof which we ought to pay.

It is not the fact that there is any necessity for any delay by this means, and it is not the fact that a water power cannot be developed at each of the places. There is no reason why a water power cannot be developed at Kakabeka Falls as well as at Ecarte Rapids.