

Alberta Railway and Irrigation Company Organized

In September 1904, the Alberta Railway and Irrigation Company (A.R.&I.) was formed to absorb and take over the Alberta Railway and Coal Company, the Canadian Northwest Irrigation Company and the St. Mary River Railway Company. The officials of the new company were E.T. Galt, President; C.A. Magrath, Land Commissioner and Assistant to the President; T.D. Kevin, Superintendent of Railways; W.D.L. Hardie, Mine Superintendent; T.M. Evans, Superintendent of Canals; C.M. Arnold, Engineer; G.G. Anderson, Consulting Engineer; and A.M. Grace, Engineer in charge of construction of the Milk River canal, which was under construction at that time.

An International Problem

While Dennis and Pearce were at an International Congress at Denver, Colorado, in 1894, they learned that the United States Reclamation Service had investigated and was planning to divert water from the St. Mary River in Montana by a canal from the lower St. Mary Lake via Spider Valley and drop it into the North Branch of Milk River at a point close to the Boundary between Canada and the United States. From here the water would run down the North Branch Channel to Milk River in Canada and thence by the Milk River through Canada and then South and East to land East of the Town of Havre in Montana. This project would take water that had been allotted to the Alberta Irrigation Company by the Government of Canada to be diverted from the St. Mary River at Kimball near Cardston. Reports from Dennis and Pearce drew attention to the threatened loss of potential irrigation water from the

St. Mary River and great concern was expressed by Government officials and irrigation interests in Canada. The St. Mary River had been recognized from the first as the key to the future economy of a large tract of land South and East of Lethbridge.

Representations were made to the United States Government through diplomatic channels in 1896, suggesting the setting up of an international commission for the regulation of the various streams in the area for irrigation purposes, but to no avail. In the absence of any governing principle of International Law or Treaty between the two countries, it appeared that the United States intended to proceed without ceremony. Meanwhile, Dennis and others continued with vigor the two courses of action most likely to secure favourable results; rapid expansion of water usage from the St. Mary River and intensive search for a checkmate to the American move.

A combination of private enterprise and Government surveying and engineering achieved good results in short-order. The Alberta Irrigation Company established firm water rights on the St. Mary and Milk Rivers and one of the surveys organized by Dennis in 1901 located a possible diversion of the Milk River. No time was lost reopening the subject with the United States Government and in tactfully pointing out that Canada could intercept any water taken from the St. Mary to the Milk River before it regained United States Territory. It appears that this hint was not at first accepted South of the border, and no official results were immediately forthcoming.

Milk River Canal Built

In May, 1903, the Great Falls Leader announced that surveys for the div-

ersion of the St. Mary River into Milk would be completed that year by the Engineers of the United States Reclamation Service and they expected construction of the canal to follow immediately. Of course this was very disquieting to the Canadian interests and it was important that something be done to forestall the loss of their water supply. Their response was prompt and decisive. Before the end of the year the construction of a canal to take water out of Milk River on the Canadian side was under way by the Canadian Northwest Irrigation Company. Fourteen and a half miles of this canal ~~was~~ constructed crossing the Milk River Ridge to a coulee running into Verdigris Lake, and water was turned into it November 17th, 1904. A large party of Lethbridge people went down for the ceremony.

The canal has never been used but it effectually did one thing; it demonstrated beyond dispute that in the event of failure to reach an understanding with the United States over this matter, that any water that country would attempt to divert from the St. Mary River in Montana and to the detriment of the Canadian canal, that Canada could take it out of the Milk River and carry it northward along the eastern slope of the Milk River Ridge to a point a few miles northwest of Raymond where it would join the Railway Company's Canal as it enters the Rolling Hills.

The International Waterways Treaty Signed

In the meantime the Engineers of the United States Reclamation Service had found that while the All-American route for their diversion canal was possible from an Engineering standpoint, its cost made it prohibitive. The people of the Milk River Valley in Montana therefore feeling that their rights

were endangered by the construction of the Canadian Canal, now urged their Government to enter into an agreement with Canada on the question of the joint use of these streams.

Discussions were started in 1904 which finally resulted in a treaty being signed between the United States and Great Britain, July 11th, 1909, which among other things provided "That the St. Mary and Milk Rivers and their tributaries (in the State of Montana and the Provinces of Alberta and Saskatchewan) are to be treated as one stream for the purpose of irrigation and power, and the waters thereof shall be apportioned equally between the two countries." The treaty further provided for an International joint Commission consisting of three members from each country to have jurisdiction over the administration of the treaty. Thus was settled amicably what threatened at one time to be a very difficult and complicated international controversy.

Still there were questions pertaining to the manner in which the terms of the treaty were to be carried out and how the division of the water was to be made that were not set forth in the treaty itself but were left to be determined by the International Joint Commission. Since the two Governments took almost diametrically opposite views as to what the Treaty meant, a long period followed during which engineering investigations and extensive stream measurements were conducted by both Governments and the controversial points argued before the Commission. So it was not until the 4th of October, 1921, that a decision was rendered by the Commission settling the details of the division of the waters of these international streams, between the two countries.

It is interesting to note that the first Chairman of the American Section of that Commission, which came into existence in 1911, was Senator Carter, who was active on the American side of the issue in its earlier days; and C. A.

Nagrath, as Manager of the Company diverting the water in Canada, and therefore active on the Canadian side, eventually found himself Chairman of the Canadian Section of the International Joint Commission. Senator Carter died shortly after his appointment to the Commission.

-- Even the decisions made in October 1921, did not solve all the problems and subsequent decisions will be reported at a later date.

Penrose Melvin Sauder

P. M. Sauder, the writer, was born on a farm near Preston, Ontario, which was in a settlement of so called Dutch people from the State of Pennsylvania who came to Canada shortly after the American Revolution because they wished to live in a British Colony. As there was no high or grammar school at Preston, I attended grammar school in Galt, a Scotch Settlement.

I thought that I would like to become a farmer like my father and his ancestors had been. When I told father that I would like to stay on the farm he advised me to go on to University and qualify for a profession and said that he would loan me some cash to pay my expenses. We had a little difficulty deciding which profession I should take up, but when I finished grammar school I was qualified to take a course at the School of Practical Science which had just become the Faculty of Applied Science of the University of Toronto. In order to get a foundation for mechanical engineering and to provide an occupation during vacation periods, I spent six months qualifying as a service man for Massey Harris implements in a plant in Brantford. I also spent two months in the Goldie Mc Cullough plant in Galt as a boiler maker's helper. I started at the University in October, 1901, and qualified for a diploma in Mechanical