

\$5,400. The initial outlay, therefore, to be provided for by the provinces to establish and equip an adequate elevator system, or to acquire that already in existence, would be between seven and ten million dollars. Then would arise the question of providing the necessary funds. This could only be accomplished by issue of bonds by the provinces. We are of the view that without the provinces possessing the fullest power to legislate in the premises, the proffered securities would not be deemed desirable in the money markets of the world. It is therefore apparent that a solution of the problem is not only complicated in detail financially, but presents, as before stated, grave and constitutional difficulties."

"We are not insensible to the fact that at all times in the history of the West there has existed (and may still exist) justifiable grounds for complaint as to the manner in which grain was, or is, being handled; but we believe that the parliament of Canada are desirous of relieving the grievances, and have to a considerable extent removed unfavorable and undesirable conditions, or in a large measure ameliorated them. In our opinion the provisions or features of the Dominion Grain Act have on the whole done much in this direction, and we believe the parliament of Canada would favorably consider any further provisions or features that would tend to a like direction."

"The building of loading platforms, thus facilitating the shipment of grain by car lots has proven a great step in advance, and every year, either in legislation or administration, some improvement is noticeable."

"Mr. Charles C. Castle, Dominion warehouse commissioner, further officially stated to us that for the twelve months ending the 31st of August, 1908, the total amount of wheat inspected at Winnipeg was 51,401,150 bushels, of which approximately 42,000,000 bushels were shipped through the elevators, and 12,500,000 bushels from loading platforms; thus about 22 per cent. of the total wheat crop was loaded from the loading platforms."

"For the three months ending the 30th of November, 1908, he states there were 44,072,500 bushels of wheat inspected at Winnipeg, of which 30,001,078 were shipped through the elevators and 14,578,422 bushels were shipped over the loading platforms, or about 33 per cent. of the total shipment, and that if the next crop is reasonably clean he would not be surprised if 40 per cent. of the total shipment was from the loading platform. As regards the loading platform, Mr. Castle states, "there are now loading platforms established at nearly every station in the Manitoba grain inspection division, and during the last season orders were given for 100 new ones to be built or enlarged to permit of four cars being loaded simultaneously."

"We are informed that with these improved conditions, and the probability of such being added to from time to time, both by the Dominion authorities and the transportation companies and, more especially, the probability that the railway companies will in the near future, either voluntarily or by virtue of legislation, erect shipping houses especially for direct shipment, we feel that continued improvement in conditions for the handling of grain can be confidently expected."

"We have at some length pointed out the constitutional and other difficulties involved in the carrying out of the suggestions of your executive and the amendments necessary to the British North America Act before action can be justifiably taken by the provinces."

"We fully appreciate the magnitude and importance of the whole question and are fully alive to our responsibilities in the matter, and in conclusion beg to assure your association of (1) our willingness at all times to consider any grievances of the agriculturists of our respective provinces, our sympathy with them, and our readiness to co-operate with them in any measure or measures that will place them in a more advantageous position to carry on their labors; (2) that upon the procurement of the necessary amendment to the British North America Act, giving to the provinces the powers hereinbefore indicated, to completely establish and control a public monopoly in the storage, handling and inspection of grain, that we are quite willing to endeavor subject to the approval of our respective assemblies, to frame a scheme financially safeguarded for the giving of effect to the desire of your executive."

We are, dear Sir,

Most obediently yours,

(Sgd.) A. C. RUTHERFORD, Premier, Province of Alberta.

(Sgd.) WALTER SCOTT, Premier, Province of Saskatchewan.

(Sgd.) R. P. ROBLIN, Premier, Province of Manitoba.

While the Premiers were considering their reply the

United Farmers of Alberta and the Grain Growers of Manitoba in their annual conventions almost unanimously reiterated the demands for Government Ownership, as presented to the Premiers by the Interprovincial Council. This apparently, however, had no weight with the Premiers, nor, indeed, with the members generally of the various legislatures.

Upon the receipt of the reply, Mr. R. A. Bonnar, legal adviser to the Manitoba Grain Growers' Association, was asked to give an opinion in writing on the constitutional points raised by the Premiers.

Below are given extracts from the opinion, which warrant the farmers in believing that no constitutional barriers exist to prevent the carrying out of their demands by the Provincial Governments:

Mr. Bonnar's Opinion

"It is to be regretted that the Premiers did not find it necessary or convenient for a full statement of their views, to disclose, to some degree at least, their reasons for holding that your proposals cannot be undertaken in the absence of the plenary jurisdiction they speak of. I do not see the difficulty of the working out of your proposal, if it is kept within the limits defined by you in your communication to the Premiers. I cannot assent to the view that there is need that the Provinces should be invested with independent jurisdiction over railways, or in the matter of weighing and grading of grain and the handling of grain at terminal points situate outside the provinces. It is not claimed that legislation of the Dominion now in force with respect to the control of railways in the interests of the shipper and the public does not safeguard the interests of those engaged in the storage and handling of grain, or that further legislation by the same authority would be withheld where shown to be necessary for the protection of the grain trade. I would expect the Provinces to have full confidence that were they to take up the proposed business, the Federal Parliament would co-operate with them, to the fullest extent, it making the undertaking a success. For it must not be apprehended that because the business was no longer in the hands of private operators the interest of the public in the marketing and handling of grain would be any less real than it is to-day."

"In the event of it being found that the powers of the Railway Commission were not sufficient to adjust difficulties that might arise between the Provinces and the railways, in a matter where the railways had not the sympathy of the public, it is not to be assumed that the Dominion would decline to give effect to the representations of the three Provinces in the matter."

"It is difficult to understand the need felt by the Premiers that the Provinces should have control of grading and weighing of grain. The powers possessed by the Dominion in respect of these matters it is to be supposed will be exercised in good faith and that no action will be taken by it which would in any way impair the rights of the Provinces; nor is it conceivable that the Grain Growers of the three Provinces would ask for changes in the Dominion law covering inspection of grain that would not be acceptable to the Provincial Government."

"The interests of the Grain Growers and the Governments could not be separated so as to create a conflict of feeling between them. Moreover, were action taken by the Dominion Parliament, at the instance of the Grain Growers, contrary to the wishes of the Governments of the Provinces, the Provinces would have ample means of self-protection. The danger is one which has no real existence and I think should be laid out of the discussion."

"The view that the Provinces should have power to deal with the question of grain inspection and weighing can hardly be founded on the insufficiency of present Dominion legislation, or upon the unwillingness of the Dominion Parliament to enact additional legislation where shown to be needed."

"It is apparently the opinion of the Premiers that the Provinces do not possess the power to expropriate elevators and sites belonging to the railway companies. In this I think they are right. While clause 13 of section 92 of the British North America Act assigns to the Provinces jurisdiction over property and civil rights in the Province, the Provinces can not confiscate property of a Dominion corporation incorporated for Dominion objects, such as a Dominion Railway. Where such elevators are the property of the Companies not having Dominion objects it is my opinion that the power of expropriation exists. In the case of Re Windsor and Annapolis Railway Company, which came up a number of years ago in Nova Scotia, it was held that the property and civil rights of a railway operating wholly within the Province, were within the jurisdiction of the Provincial Legislature, and this though nearly all the shareholders were outside the Province. At