

key of my elevator myself. He will have his lock and I will have mine.

The clause was adopted.

Hon. Mr. DAVIS—I propose to move to add as subsection 4 of section 60 of the Act, the following :

4. No person, firm or corporation, operating a public country elevator or warehouse shall sell, assign, mortgage, pledge, hypothecate or charge in any manner whatsoever any grain stored in such elevator either in general storage or special bin, which grain is not the sole and absolute property of such operator. In the event of any operator so selling, assigning, mortgaging, hypothecating, pledging or charging as aforesaid any such grain, then, upon conviction, the license for such elevator or warehouse shall immediately become forfeited and void, and such operator shall on conviction be liable to a penalty of not less than five hundred dollars and not more than one thousand dollars for each offence, in addition to the forfeiture of said license; and no sale, assignment, pledge, mortgage, hypothecation or charge in any manner whatsoever shall be valid as against third parties lawfully claiming such grain; and further at the making of any assignment, pledge, mortgage, hypothecation or charge, the operator shall make affidavit declaring that the grain so pledged is the absolute property of the said operator, and showing the amount of grain in said elevator, the amount in store for other parties, and the amount belonging absolutely to such operator.

Hon. Sir RICHARD CARTWRIGHT—I would suggest to my hon. friend that it would save time and unnecessary discussion at this stage if he would kindly give notice of that amendment and have it on the order paper, so that we could consider it, and when we come to the third reading I will be able to state whether I can accept it or not. It is almost impossible to consider amendments of that character thrown into the middle of a Bill like this at this stage. I would like to have the amendment before me to compare it and to consult the Law Clerk about it before coming to any conclusion.

Hon. Mr. DAVIS—I will accept the suggestion of the right hon. gentleman, providing we have an opportunity to discuss it on the third reading, and will give it as a notice of amendment.

On clause 25.

25. Section 65 is repealed and the following substituted therefor:

65. In case there is a disagreement between the purchaser or the person in the immediate charge of receiving the grain at such country elevator or warehouse and the person deliver-

ing the grain to such elevator or warehouse for sale, storage or shipment at the time of such delivery as to the proper grade or dockage for dirt or otherwise on any lot of grain delivered, a fair and proper sample shall be drawn in the presence of the person delivering the grain out of each hopper load as delivered, and at least three quarts from samples so taken shall be forwarded in a suitable sack properly tied and sealed, express charges prepaid, to the chief inspector of grain, and shall be accompanied by the request in writing of either or both of the parties aforesaid, that the chief inspector will examine the sample and report on the grade and dockage the said grain is in his opinion entitled to and would receive if shipped to the terminal points and subjected to official inspection.

Hon. Mr. YOUNG—That is a reasonable proposition on all kinds of grain except one, to my mind, and that is on the question of grain being in or out of condition. Supposing a man is buying grain, and the country operator thinks it is tough and bad, and the owner says it is not bad. He will take a sample of that grain and send it to the chief inspector. It may take three or four days and then perhaps a day before it reaches the inspector, the condition of that grain as it is in the elevator cannot be determined by the inspector, because the dampness may have entirely disappeared. The country elevator is not in a position to refuse the grain if the inspector says it is fit to warehouse. Another clause says that the country operator is not obliged to receive grain that is not fit for warehousing, so you will have a conflict of opinions, and I was proposing, in order to make that clause workable, to add in the 27th line after the word ‘otherwise,’ the words ‘except as to condition.’ Otherwise the clause would not be workable. The clause operates except when the condition is in question.

Hon. Sir RICHARD CARTWRIGHT—I will accept that amendment.

Hon. Mr. DAVIS—That will apply to grade.

Hon. Mr. YOUNG—And dirt.

Hon. Mr. DAVIS—Where there is a dispute about grade and dirt this will apply.

Hon. Mr. YOUNG—Yes, because you cannot force a man to take into his elevator grain which will not keep.

The amendment was agreed to.