



The Grain Growers' Bill

The following is a Copy of the Bill proposed by the Grain Growers' Elevator Committee and presented to the Government, and which the Government declined to accept

An act respecting the ownership and operation of grain elevators by the province.

Whereas the Manitoba Grain Growers' Association have in recent conventions affirmed that it would be in the interests of the province that a system of grain elevators within Manitoba should be established by the province to be vested in and operated by a commission, independent and non-partisan in character;

And whereas it is considered that the adoption of said proposal under proper safeguard to secure economy and efficient administration in carrying out the same, would be attended with a reduction in the cost of the handling of grain and with other advantages to the grain growers of the province;

Therefore His Majesty by and with the consent and advice of the legislative assembly of Manitoba enacts as follows:

Preliminary Provisions

1. This act may be cited as the "Manitoba Elevator Act" and in its construction the expression "Commissioners" means the elevator commissioners appointed under the act, and "Commissioner" means one of such commissioners.

2. This act shall come into force on the day it is assented to.

3. The authority to carry out this act shall be three commissioners, who shall be a body corporate by the name "The Elevator Commissioners of Manitoba," and by that name shall have perpetual succession and a common seal, and be capable in law of suing and being sued, but without personal liability, and shall have power to purchase, acquire, sell, lease, hire, dispose of and hold lands, tenements and hereditaments, goods, chattels and other property of every kind for the purposes of this act, and may do all things necessary to carry out the provisions of this act according to their true intent and spirit. The head office of the commissioners shall be in the City of Winnipeg.

4. (1) The Governor in Council shall as soon as conveniently practicable after the passing of this act, appoint as said commissioners three persons to be nominated to the Governor in Council by the directors of said Grain Growers' Association, and who, subject to the provisions hereinafter contained, shall each hold office during good behavior.

(2) On the occurrence of any vacancy in the office of a commissioner, the Governor in Council shall appoint to such vacant office a person to be nominated by the directors of said Grain Growers' Association, and who, subject to the provisions hereinafter contained, shall hold office during good behavior.

(3) No present or future director of said Grain Growers' Association shall be eligible for appointment as a commissioner unless he shall have ceased to be a director of said association for a period of at least one year prior to his appointment.

(4) Each of said commissioners before entering upon the duties of his office shall give a bond to the crown in such form, with such sureties and in such an amount as the Governor in Council shall approve of.

5. (1) A commissioner may be removed for misbehavior or incompetence by a two-thirds vote of the Legislative Assembly.

(2) The directors of said Grain Growers' Association or a committee thereof composed of not less than five members shall be a board for hearing complaints against the commissioners. On petition in writing to said Board signed by not less than five persons, setting forth facts which shall be duly verified by affidavit of one of the petitioners annexed to said petition, showing a cause of complaint against the commissioners, or a commissioner, or that the commissioner or commissioners have

or has been guilty of misbehavior or have or has shown incompetence in the discharge of their or his duties or have or has violated their or his oath of office, which in the judgment of said board warrants investigation by said board, the board shall issue a summons to said commissioners or commissioner to show cause to such petition. On the return of the summons, evidence on oath of witnesses on the part of the petitioners and the commissioners or commissioner shall be heard by the board (which oath the board through its presiding officer at the taking of such evidence is hereby empowered to administer in the form in

make an order dismissing said commissioner or commissioners from office whereupon said office shall be vacated by said commissioner, or commissioners, or the court may make an order quashing said report. The costs of proceedings before the court of appeal shall be in the discretion of the court, and where ordered, judgment for the same may be signed in the court of King's Bench as in an action in that court, and recovery had for the same in the same manner and under the same remedies as a judgment debt in said court may be enforced. Nothing in this sub-section contained shall oust the jurisdiction of courts of law to hear and determine actions, suits or other proceedings or complaints against the commissioners.

(3) A commissioner shall be deemed to have vacated his office:

(a) If he shall violate his oath of office;

(b) If he shall engage in business or employment outside the duties of his office;

(c) If he shall absent himself from duty otherwise than for illness or for sufficient cause, except on leave granted by his co-commissioners (which leave they are hereby authorized to grant);

RESOLUTION FORWARDED TO GOVERNMENT

The Grain Growers' elevator committee, finding it impossible to accept the government proposals, passed the following resolution and presented it to the government on Friday, February 18:

"Whereas at the convention of Manitoba Grain Growers' Association, held at Brandon in the month of December last, a resolution was adopted following the announcement there made on behalf of the Manitoba government that the government was prepared to establish a system of government-owned elevators, that the administration of the system should be vested in a commission which should be kept free from political influence and control:

"And, whereas, in a memorandum prepared by the undersigned committee of said association, presenting the views of the association to the government, it was defined that the commission to be appointed to carry out provisions of an act establishing a system of government-owned elevators should be appointed by the Governor in Council from names to be submitted by said association, and that the members of such commission should be removable by the legislative assembly above, in order to ensure that such commission should be independent and non-partisan in character;

"And whereas said committee have presented to the government a bill with provisions embodying the instructions contained in said resolution and the terms laid down in said memorandum, but vesting the control of the monies to be expended by said commission in the Governor in Council;

"And whereas the government have in conference with said committee stated that the government cannot support legislation which does not provide that said commission shall be subject to control by the Governor in Council, and have submitted a bill containing the government's views in this respect, whereby the power of appointment, control and dismissal of said commission is vested in the Governor in Council, and have declined to waive or modify said conditions;

"Therefore resolved by the undersigned committee that while it regrets the position taken by the government as constituting a difference in a matter of essential and fundamental character between the committee and the government, it still affirms that it is unable to assent to the government's proposals, believing that they involve results prejudicial to the successful carrying out of the legislation the association has in view, and are at variance with the instructions given by the association to the committee.

J. W. Scallion, Hon. Pres.; D. W. McCuaig, Pres.; R. C. Henders, Vice-Pres.; R. McKenzie, Sec.; J. S. Wood, Dir.; Peter Wright, Dir.; R. J. Avison, Dir.; Fred. W. Kerr, Dir.; J. D. McArthur, Dir.; R. M. Wilson, Dir.; John Kennedy; T. A. Crerar.

use in courts of law of the province). If the board shall consider that the petitioners have established their cause of complaint the board shall seek to have the commissioners remedy or adjust the matter complained of according to what may be deemed by the board to be the very right of the matter. If the commissioners shall decline to act upon the advice of the board or to adjust said cause of complaint or grant redress with respect to the same, or if the evidence shows that the commissioners or a commissioner have or has been guilty of misbehavior or have or has shown incompetence in the discharge of their duties or have or has violated their oath of office they may make a report in writing of the proceedings had before them to the court of appeal of the province, together with a copy of the evidence taken before them. The court of appeal shall appoint a time and place for the consideration of said report and said evidence at which the petitioner and the commissioners shall be entitled to be heard, either in person or by counsel, whereupon the court may, if it considers that in the matter complained of in said petition the commissioner or commissioners have been guilty of misbehavior or have shown incompetence in the discharge of the duties of his or their office,

(d) If he shall be, or become in any way concerned or interested in any contract or agreement made by or on behalf of the commissioners, or shall in any wise participate in the profit thereof, or in any benefit or pecuniary advantage arising therefrom;

(e) If he shall aid, counsel, support or take part in the election of any candidate or candidates for election to the Legislative Assembly, but this prohibition shall not deprive him of a vote at such election.

6. The Governor in Council shall appoint one of the commissioners to be chairman of the commission.

7. Each of the commissioners shall be paid a salary of — thousand dollars. Such salaries and all other salaries payable under this act are hereby made a charge on the revenue and fund of the commissioners to be known as "The Elevator Commissioners' Fund" and shall be payable therefrom.

8. For the conduct of business any two commissioners shall be a quorum, and, subject to the section next following, shall have all the powers and authorities by this act vested in the commissioners.

9. If, at any meeting at which two commissioners only are present, such commissioners shall differ in opinion upon any matter, the determination of such

matter shall be postponed until all the commissioners are present.

10. No act or proceeding of the commissioners shall be invalidated or prejudiced by reason only of the fact that, at the time when such proceeding or act was taken, done or commenced, there was a vacancy in the office of any one commissioner.

11. (1) The commissioners may appoint and employ such officers, servants, agents and workmen to assist in the execution of this act as they think necessary and proper, and any person so appointed shall hold office during the pleasure of the commissioners.

(2) The commissioners shall pay such officers, servants, agents and workmen such salaries and compensation as the commissioners deem fitting.

12. Before any person entrusted with the custody and control of moneys as an officer of the commissioners, enters upon his office or employment, he shall take and subscribe an oath before any person authorized to administer oaths, that he will faithfully perform the duties of his office or employment and the commissioners shall take sufficient security from him for the faithful execution of his office; and such security shall be that of any incorporated guarantee company approved by the commissioners.

13. Every officer or servant employed by the commissioners shall at least once a week or oftener if required by the commissioners, make out and deliver to them or to any person appointed by them for that purpose, a true and perfect account in writing under his hand, of all moneys received by him on behalf of the commissioners, or by virtue of his employment; and such account shall state how, and to, whom, and for what purpose, such moneys shall have been disposed of; and together with such account such officer shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the commissioners, or to any person appointed by them to receive the same all moneys which shall appear to be owing from him. It shall also be the duty of the operator in charge of an elevator operated by the commissioners to make daily return to the commissioners of amount of grain received for which storage tickets have been issued; number of storage tickets cancelled or destroyed with their numbers; number of storage tickets surrendered or exchanged for warehouse receipts; amount of storage collected; grain loaded to cars with numbers and amounts to each car and of such other information as the commissioners may require.

14. Before any commissioner enters upon the execution of his duties as commissioner, he shall take and subscribe an oath in the following form: "You, — swear that you will truly, faithfully and impartially and to the best of your skill and understanding discharge and execute the duties and powers vested in you as one of the elevator commissioners of Manitoba. So help you God." Which oath shall be administered by a judge of the court of appeal or a judge of the court of King's Bench for the province of Manitoba and shall be filed of record in the office of the provincial secretary.

Borrowing Powers

15. (1) The Governor in Council may, from time to time, advance and pay to the commissioners such sums of money not exceeding in the whole sum of three million dollars, as are required to enable the commissioners to carry out the provisions of this act. For the purpose of raising such sums the Governor in Council may issue and sell bonds or debentures of the province at such rates and on such terms as the Governor in Council deems best, which bonds and debentures shall be under the great seal of the province and signed by the provincial treasurer or by such officer as may from time to time be designated by the Governor in Council, but the signature of the coupon may be lithographed.

(2) No such advance shall be made unless the proposed expenditure and the reasons therefore have first been submitted to and approved by the Governor in Council.

(3) In event of interest on said bonds or debentures becoming due before the commissioners shall have derived revenue from elevators constructed or to be acquired under this act, the amount of said interest shall be advanced to the

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