these cases will be and have been very numerous), is compelled to go into the offices of the railway company to get his evidence in order to prove to the Board of Railway Commissioners that the railway company has not reasonably complied with his demand. It appears to me it would be better to commence the other way, and to shift the burden of proof to the other foot, to say to the railway company owning an elevator: Until you show to the Board of Railway Commissioners that you have reasonably satisfied the demand for cars under the circumstances, you shall be entitled to no storage, beyond the time of actual instructions, that is beyond the 24 hours after the bill of lading is placed in your hands. No doubt, as the minister has said, the parties interested will raise the objection that this puts into the hands of the shipper an opportunity to be unreasonable, and always throws the burden of proof on the company, that shipper who desires to avoid paying storage for a large amount of grain can make an unreasonable and sudden demand on the railway company and insist that cars be provided for shipment. But in proportion as such a demand might be unreasonable and sudden, so would it be easy for the railway company to prove its case, before the Board of Railway Commissioners, and in the meantime they would lose nothing; it is not as if they were losing a lien and the probable cost of recovery, because the consignees and owners of these large storages of grain are responsible parties in every case.

The grain will not be far, and the shippers will be at hand and can be recovered from long after they can have made their appeal to the board, and prove their case. My point briefly is: That I think it would be better to put the burden on the company, because the company is in a better position from the nature of the case to discharge that burden and they can more quickly and more easily discharge it if the right is on their side. And if the burden is there, what is going to be the result as far as the public is concerned? It is going to make the railway company, by reason of the fact that the obstacles were in their way, and they had to prove the case, it is going to make them pay more attention to the quick despatch of the grain. I know that the argument I have advanced has not quite as much application to the case of companies who have no control whatever over railway transport, but it appears to me, that with an alteration it can be made to apply there, and still place the burden on the railway company in case these companies place the instructions in the bill of lading, to prove, before they can charge storage on the twenty-four hours after the instructions, that they have not been negligent, that they have under all the circumstances complied reasonably with the demand. It appears to me we are fast reaching a point when the application of the principle I argue for shall be further applied than even to the case of railway terminals. Out in western Canada, as we have heard almost ad nauseam in this House, the congestion is such, and the railways are so far failing to meet the demand for shipment, that it appears to me we are going to get better results if a heavier burden is put on the companies than at present exists, and that they will be compelled under reasonable conditions, to show—after the farmer proved that he was in a position to load a car and was in a position to live up to his end of the transaction—that they did all that could reasonably be asked of them to meet his demand, and that until they discharge that burden they shall be compelled to pay him a demurrage after a reasonable time has elapsed. I do not make any pretence of stating how that principle should be applied or to what extent, but I merely say that in addition to its application at the terminals, where I think it should be applied now, we are approaching the time when something of the same kind of method must be adopted in the actual loading and shipment of cars from western Canada. To come back again to the case of the terminal elevators, it must be remembered that the terminal elevator charges to-day are on a very remunerative basis, so far as an outsider can judge, relatively to the charges at transfer and public elevators. They charge three-quarters of a cent, no matter how long the grain is in the elevator, and if we take it by the month their average charges are about four times the charges in the eastern elevators. I understand, although I am not in a position to state it authoritatively, that at the eastern elevators the principle I have been arguing for to be applied here, does obtain, and that storage does cease twenty-four hours after the bill of lading is in the hands of the company. However, whether it does or not, I maintain it should, and that in the long run we will get better results and will add greatly to the facility with which grain is handled, and to the quickness of its despatch by the companies, if we put the burden of proof where it should be and where it can, if right is on their side, be most equitably discharged.

Mr. OLIVER. The amendment as first proposed by the minister was somewhat complicated but still I think it is possible to follow it through. The amendments presented to-day, while I do not suppose they make very serious changes in the purport, make it still more difficult for the ordinary member to follow the sections. I have been very much impressed by the argu-