

3. That your Committee, accompanied by Mr. James Stewart, waited upon the Deputy Minister of Justice and had the advantage of a personal conference with him on the points raised, and we also received from him a copy of his Memorandum under date of the 28th April, 1922, submitted by him to the Minister of Justice. This Memorandum is in the following terms:

Referring to the memorandum of the 14th instant with regard to the proposed re-establishment of the Canadian Wheat Board, the following additional questions have now been submitted for my consideration:—

1. Is it possible from a legislative standpoint through legislation passed by Federal Power and by the several Provinces of the Dominion to create a Canadian Wheat Board with powers identical with that created in 1919?

2. What powers must be given to such a Board from the Federal Power, and what from the Provinces?

3. What would the extent of such powers be, territorially?

As to the first question, I would answer theoretically in the affirmative.

As to the second question, I am of the opinion that Parliament may constitute a Board for the purpose of trading in wheat throughout the Dominion, and it may I think confer upon the Board such capacity as any one of the King's subjects possesses to contract, buy and sell, transport, account, and otherwise to exercise such powers as may be necessary or useful for the purpose of acquiring any wheat produced in the country which the proprietors may be willing to dispose of and upon such terms as may be agreed or otherwise legally authorized; also to market the wheat and to receive and account for the proceeds. The capacity and power with which such a Board may be endowed by Parliament are of a voluntary character and do not include the authority which the former Board possessed, to impose its will compulsory upon the proprietors either in the way of forcing sales or fixing prices.

The Board thus constituted would be subject to its transactions locally to the laws of the respective provinces in which it might operate, and the legislatures of these provinces, having exclusive authority over property and civil rights and matters of a merely local or private nature, could in my opinion, each within its own provincial limits, provide means by which the wheat produced in the provinces might be acquired by the Board, and whereby the price or compensation might be regulated in conformity with the requirements of the Board. It may be suggested for example that a provincial enactment forbidding the sale of wheat except to the Board, and providing that sales should be governed by the terms prescribed or stipulated by the Board, would be effective to enable the Board to acquire all the wheat grown in the province which would be offered for sale.

As to the third question, the territorial extent within which the Board might exercise its powers would be governed by its constitution, and they might extend to the whole Dominion, or to any two or more of the provinces.

While in my opinion it is thus constitutionally not impossible by the exercise of the respective legislative powers of the Dominion and the province, each within its own sphere, to establish a Board having the capacity and coercive powers which the Canadian Wheat Board possessed, I express no opinion as to the practicability of the project.

4. That subsequently your Committee waited upon Mr. Newcombe and submitted to him the following question:—

‘To what extent may the use of terminal warehouses or elevators located in provinces, other than those passing legislation supplementing the proposed Federal legislation, be acquired by the Wheat Board that it is proposed to establish?’

5. That in conference concerning this question we intimated that the “use” referred to in the first line of this question was to be interpreted as *exclusive* use.