

ness it is to regulate, and in order to regulate fairly, they must have the best knowledge of all the conditions. They are the ones to whom the matter is in this section ultimately referred. But it becomes a quick and easy way, in the first place, of avoiding disputes, and in the second place, if there be disputes, of carrying them to a quick fulfillment. If the Grain Board intervenes and has to make an examination, then it will convey its views to the railway company, and if its views are not met, it will carry it at once to the Railway Commission and ask the Railway Commission to act. That is the most reasonable way of settling the difficulty partially, for it will never be settled wholly until we have more lines of exit out. It is at least a reasonable method, and without over drastic or too arbitrary legislation.

Mr. OLIVER. Do I understand the minister's statement is an explanation of the amendment as he moved it the other day, without change, or is he moving an amendment to that amendment which he moved the other day?

Mr. FOSTER (North Toronto). I am moving an amendment to subsection 2 of section 133.

Mr. OLIVER. As it appears in 'Hansard'?

Mr. FOSTER (North Toronto). I think there are some slight changes.

Mr. OLIVER. I would like to have a note of those changes before we leave consideration of the amendment.

Mr. FOSTER (North Toronto). The first part of it is even with the first part of subsection 2. The first amendment is to change the expression in the old clause:

If upon investigation it is found that the railway company is not using due diligence in providing a reasonable number of cars. to

If upon investigation it is found that the railway company is not using due diligence in providing such number of cars as can be reasonably transported.

The first amendment seemed faulty in that it dealt only with the providing of cars. The purpose of the ordering of cars is not simply to have them loaded and lie there as storehouses, but to have them loaded and transported, and so I include the transporting of the cars as well as the providing. Then it proceeds:

Should the company fail to comply forthwith the board may make application to the Board of Railway Commissioners for Canada—

That is the same as in the old. Then directly after that:

—who shall investigate the complaint and may order the company to forthwith provide the cars deemed reasonable by the board.

That is by the Board of Railway Commissioners. In the last sentence no change is made, except that in the former amendment the extra storage charge was to be fixed by the Board of Grain Commissioners. In this one, it is to be fixed by the Railway Board, that is the Railway Board has the whole investigation and the final authorizing of the instructions. It was thought to be better to leave this matter of the storage compensation or refund, with that same board.

Mr. MEIGHEN. I think I have grasped the principle by which the minister hopes to regulate the question of storage at terminals. With what study I have been able to give it, I am disposed to disagree with the method adopted. It appears to me, that it will lay the burden of proof on those who are least able to carry it, that is those who will have to prove that there has not been a due provision of cars will not be in a position to prove their cases, for the reason that to secure evidence they would have to go into the camp of the enemy, which they cannot do. I know the difficulty is complicated by the two sets of operators concerned, that is to say, the Canadian Pacific railway company, which alone has an outlet from Fort William and Port Arthur, and the other companies which have no connection with the east. The terminal elevator companies who are simply storing grain, and who have no control in any way over the railways, are in a somewhat different position from the railway companies, who, themselves, operate elevators. If the amendment is carried then, as I understand, if a shipper of grain desires that the whole, or any part of his lot of grain shall be sent east, he immediately surrenders his warehouse receipts and hands the bill of lading to the owner of the terminal elevator. Under the proposed amendments, the storage charge will not then cease, but it will cease only when the cars necessary to carry out the order of the shipper, are actually provided which may be a week or may be a longer time, after the bill of lading is placed in the hands of the terminal elevator owner. If the owner of the grain considers that his demand for cars has not been reasonably complied with he has an appeal to the Board of Elevator Commissioners, who make an order if they deem the evidence produced is satisfactory. That order practically passes into the hands of the Railway Commission for enforcement, unless it is immediately obeyed by the railway company. The position will then be, that an owner of grain wishing to ship it out of a terminal elevator who deems himself unjustly dealt with, (and