

Canada Grain Act

The Law that Regulates the Western Grain Trade

Continued from Last Week

No Grade Grain

115. All good grain that has an excessive moisture, being tough, damp or wet or otherwise unfit for warehousing, shall be entered on the inspecting officer's books as "No grade," with his notations as to quality and condition.

2. All grain that is in a heating condition or is badly binburnt, whatsoever grade it might otherwise be, shall be reported and entered upon the inspecting officer's books as "Condemned" with the inspector's notation as to quality and condition.

3. All grain that is unsound, musty, dirty, smutty or sprouted, or that contains a large admixture of other kinds of grain, seeds or wild oats, or from any other cause is unfit to be classed under any of the recognized grades, shall be classed as "Rejected," with the inspector's notations as to quality and condition.

4. All grain shall be weighed and the weight per bushel recorded in the inspecting officer's book.

5. No grain that has been subject to scouring or treatment by use of lime or sulphur shall be graded higher than No. 3.

116. In the inspection of grain the weight shall not alone determine the grade.

117. All inspecting officers shall make their reasons for grading grain, when necessary, fully known by notation on their book.

Terminal Elevator Owners Barred

123. No person owning, managing, operating or otherwise interested in any terminal elevator shall buy or sell grain at any point in the Eastern or Western Inspection Division.

2. Subsection 1 of this section shall not apply to any person who owns, manages, operates or is otherwise interested in any terminal elevator:—

(a) which, with the approval of the Governor-in-Council, has been leased to the Board for operation, or has been leased to any person for operation with the approval of the Board, or is managed and operated by persons approved by the Board; or

(b) which is used or operated in connection with any flour mill situate at the same terminal point as such elevator. Provided, however, that such elevator shall be subject to such restrictions and regulations as are imposed by the Board, with the approval of the Governor-in-Council.

3. Subsection 1 of this section shall not apply to any person by reason only of the fact that he is an owner or holder of stock or shares in a railway company which owns or operates a terminal elevator which does not as a business buy or sell grain.

4. If the person mentioned in subsection 2 hereof owns, manages, operates or is otherwise interested in any terminal elevator other than a terminal elevator coming under the provisions of subsection 2 hereof, he shall not be exempted from the provisions of subsection 1 hereof.

Duties of Warehouseman

157. The person operating any such country elevator shall:—

(a) Receive the grades of grain established and described in Part II. of this Act;

(b) Upon the request of any person delivering grain for storage or shipment, receive such grain without discrimination as to persons, during reasonable and proper business hours;

(c) Insure the grain so received against loss by fire while so stored;

(d) Keep a true and correct account in writing in proper books, of all grain received, stored and shipped at such country elevator, stating, except as hereinafter provided, the weight, grade, and dockage for dirt or other cause, of each lot of grain received in store, for sale, storage or shipment; and,

(e) At the time of delivery of any grain at such country elevator, issue, in the form prescribed in the schedule

to this Act, to the person delivering the grain either a cash purchase ticket, warehouse storage receipt, or storage receipt for special binned grain, dated the day the grain was received, for each individual load, lot or parcel of grain delivered at such country elevator.

158. The owner, lessee or manager of every country elevator equipped with grain cleaners shall, if requested so to do, clean the grain before it is weighed.

2. Persons interested in the weighing of grain at any country elevator, shall have free access to the scales while such grain is being weighed and shall, if the facilities exist, and if they so desire, have ample opportunity after the cleaning is done, of personally ascertaining the net weight of the grain cleaned.

3. The net weight of the grain cleaned shall be specified on the face of the certificate given the seller by the purchaser.

Warehouse Receipt

159. The person operating any country elevator shall, upon request of any person delivering grain for storage or shipment, deliver to such person a warehouse receipt or receipts, dated the day the grain was received and specifying:

(a) The gross and net weight of such grain;

(b) The dockage for dirt or other cause;

(c) The grade of such grain when graded conformably to the grade fixed

Ordering Cars to Elevator

162. Any person having grain stored or binned in not less than car lots in any country elevator whether in general or special bin, may order a car or cars to be placed at such elevator for the shipment of such stored grain, and may have the said car or cars loaded at such elevator after he has surrendered to the operator thereof the storage receipt or receipts therefor, properly endorsed, and has paid, or tendered payment of all lawful charges as hereinbefore provided; and the grain shall not be subject to any further charges for storage after demand for such delivery is made and cars are furnished by the railway company.

In the case only of grain in special bin, should the storage receipts and lawful charges against the grain not be delivered or paid at the time of the billing of the car, the elevator operator may hold the bill of lading until the owner has surrendered the storage receipts therefor and paid all lawful storage charges due thereon; provided that it shall be an offence under this Part for the elevator operator to sell or dispose of such bill of lading without the consent of the owner of the grain, and the bill of lading shall be made out in all cases in the name of the owner of the grain shipped.

2. The grain represented by such receipt shall be shipped within twenty-four hours after such demand has been made and cars have been furnished.

3. This section shall not be deemed

warehouseman in writing of the fact and both parties thereupon shall forward the sample sealed, charge prepaid, to the chief inspector to be compared with the shipment. The decision given by the chief inspector in such cases shall be final and binding on both parties.

Grain Out of Condition

170. In case any country elevator warehouseman discovers that any portion of the specially binned grain in his elevator is out of condition or becoming so, and it is not in his power to preserve it, he shall immediately give written notice thereof by registered letter to the Board and to the person on whose account the grain was received, if the address of such person is known.

2. Such notice shall when possible state:—

(a) The kind and grade of the grain and the bin in which it is stored;

(b) The receipts outstanding upon which the grain is to be delivered, giving the numbers, amounts and dates of each;

(c) The name of the party for whom the grain was stored;

(d) The amount of grain stored and the date of its receipt.

3. He shall also at once post up a copy of such notice in some conspicuous place in such elevator.

4. Such grain shall be delivered upon the return and cancellation of the receipts.

5. In case the grain out of condition is not removed from store by the owner thereof within ten days from the date of the notice of its being out of condition, the warehouseman where the grain is stored may sell such grain at public auction for the account of the owner after:—

(a) Giving ten days' notice by advertisement in a newspaper published in the place where such elevator is located, or, if no newspaper is published there, then in the newspaper published nearest to such place;

(b) Posting up such notice in a conspicuous place in his elevator for the ten days immediately preceding the sale; and

(c) Ten days from the mailing of notice of the time and place of the sale to the owner by registered letter.

Warehouseman Liable for Neglect

6. Any warehouseman guilty of an act of neglect, the effect of which is to depreciate property stored in such elevator under his control, shall be held responsible personally as well as upon his bond, and in addition thereto, the license of such elevator may be revoked.

7. Nothing herein contained shall be held to relieve the warehouseman from exercising proper care and vigilance in preserving the grain before or after such publication of its condition; but the grain shall be kept separate and apart from all direct contact with other grain and shall not be mixed with other grain while in store in such elevator.

Grade or Dockage Disputes

172. In case there is a disagreement between the purchaser or the person in the immediate charge of receiving the grain at such country elevator and the person delivering the grain to such elevator for sale, storage or shipment at the time of such delivery, as to the proper grade or dockage for dirt or otherwise, except as to condition, 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

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by law and in force at terminal points; and

(d) That the grain mentioned in such receipt has been received into store.

2. Such receipt shall also state upon its face that the grain mentioned therein has been received into store, and that upon the return of such receipt, and upon payment or tender of payment of all lawful charges for receiving, storing, insuring, delivering or otherwise handling such grain, which may accrue up to the time of the return of the receipt, the grain is deliverable to the person on whose account it has been taken into store, or to his order, from the country elevator where it was received for storage, or, if either party so desires, in quantities not less than carload lots, on track at any terminal elevator in the Western Inspection Division, on the line of railway upon which the receiving country elevator is situate, or any line connecting therewith, so soon as the transportation company delivers the same at such terminal and the certificate of grade and weight is returned.

Delivery at Duluth

3. In the case of a country elevator on the line of railway formerly known as the Northern Pacific and Manitoba Railway, or on any line of railway operated therewith, or the Great Northern Railway, if either party desires such grain to be shipped to a terminal point, it may be delivered on track at the proper terminal elevator, at or adjacent to Duluth.

4. Nothing herein shall prevent the owner of such grain from, at any time before it is shipped to terminals, requiring it to be shipped to any other terminal than as hereinbefore provided.

to limit or curtail the right of any applicant, whether he has or has not grain stored or binned as above stated.

Special Bins and Samples

167. Whenever the person operating a country elevator agrees with the owner of any grain to store it in such a manner as to preserve its identity, it shall be stored in a special bin or bins, and shall be called special binned grain, and in such case only the weights, insurance and preservation of the identity of the grain shall be guaranteed by the said operator, and he shall mark on the storage receipts given therefor the words "Special bin," and the number or numbers by which such special bin or bins are known in such elevator.

2. In every case where grain is stored in any country elevator in a special bin the warehouseman shall draw a fair and proper sample, in the presence of a person delivering the grain, out of each hopper load as delivered, and such sample shall be properly preserved in a suitable receptacle, which shall be numbered and sealed, until after such special binned grain has been shipped and inspected, and the owner thereof has notified the warehouseman that he is satisfied the identity of the grain has been preserved.

3. The receptacle shall be provided by the warehouseman and the sample shall be placed therein in the presence of the owner. The receptacle shall be secured by a padlock which the owner of the grain shall provide, and the key of which he shall retain. The warehouseman shall be the custodian of the receptacle and sample.

168. In case, after the shipment has been inspected, the owner is of the opinion that the identity of the grain has not been preserved, he shall notify the