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No. 38.

5th Session, 8th Parliament, 63 Victoria, 1900

BILL.

An Act to regulate the Trade in Grain
in Manitoba and the North-West
Territories.

First reading, February 19, 1900.

Mr. DAVIN.

OTTAWA

Printed by S. E. DAWSON

Printer to the Queen's most Excellent Majesty

1900

An Act to regulate the Trade in Grain in Manitoba and the North-West Territories.

HER Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

1. Every railway company now or hereafter engaged in the transportation of grain in the Province of Manitoba and the North-West Territories shall, at every station on its lines of railway from which grain is now shipped, or other points on the said lines from which in future it may be shipped, either provide at its own expense adequate facilities to receive and ship such grain at such station, or grant to any person who demands it in writing the privilege to erect, maintain and use, on some portion of the company's land adjoining the railway main track, siding or spur at such station, an elevator, flat warehouse or grain chute for the purpose of storing and shipping grain by the said railway; but the said elevator, flat warehouse or grain chute shall not be used for any other purpose.
- Railway company to give facilities for shipment of grain,
Or grant privilege of erecting warehouses, etc., on its lands.
2. Where a flat warehouse now exists or an elevator of less capacity than a standard elevator (viz.: twenty-five thousand bushels), such flat warehouse or elevator may be used for shipping grain under the terms of this Act, and no discrimination shall be made against it in favour of standard elevators.
- As to flat warehouses or elevators below standard.
3. The period and the terms of the holding of such privilege so granted by the railway company shall be arranged between the parties; and such period and terms shall be substantially the same as those under which the standard elevators are held and operated.
- Period and terms of privilege.
4. Where such elevator, flat warehouse or grain chute is from necessity constructed on land not the property of the railway company, the company shall, in lieu of granting the privilege aforesaid, build and maintain a side track or spur to such elevator, flat warehouse or grain chute, not less than one hundred yards and not more than three hundred yards in length; if such track or spur requires to be of greater length, then the additional length shall be built and maintained by the person applying for the said privilege or the owner of such elevator, flat warehouse or grain chute so situated; and in either case any person keeping and operating such elevator, flat warehouse or grain chute shall not be compelled to pay for the privilege of doing business in it any sum or compensa-
- Side tracks to elevators not on company's land.

- Proviso as to demurrage. tion to any other person: Provided always that in the event of the cars not being loaded within a reasonable time customary demurrage charges may be exacted from the shippers by the company.
- Grain shipped directly from vehicles. 5. The railway company shall permit the producer to ship 5 grain directly from his vehicle into the car, either through a grain chute over the company's platform, or over a portable platform erected by him at his own expense. When grain is shipped directly from vehicles, no charge shall be made by any elevator owner or other person for such privilege, except 10 when the grain chute is the possession of a private party, and such charge shall not exceed one-half of one cent per bushel.
- Grain chutes. 6. Grain chutes shall not hold less than seven hundred bushels and not more than one thousand four hundred bushels; they shall protect the grain from the weather; and 15 they shall be constructed high enough to run the grain into the car without the aid of machinery.
- Company to supply cars. 7. The company shall, on reasonable demand, supply cars for the purpose of carrying the grain received and stored, in such elevators, flat warehouses and grain chutes, and grain to 20 be shipped directly from the producers' vehicles; and when the company is unable, from any reasonable cause, to furnish cars according to the demand, such cars as are furnished shall be divided equally among the applicants until each has received one car, and after that the available cars shall be 25 distributed in proportion to the amount of business transacted by such applicants.
- General inspector of the grain trade. 8. There shall be an officer, to be styled the general inspector of the grain trade for Manitoba and the North-West Territories, whose duty it shall be to oversee the weights and 30 scales used by grain buyers and to investigate charges that false weights or scales or defective weights or scales have been or are being used, and who on discovering that false weights or defective scales have been or are being used shall report the fact forthwith to the Attorney General of Canada. 35
- Testing of grain. 9. Elevators built after the passing of this Act, used for the purpose of storing and handling grain for hire shall be provided with machinery to enable the grain as hauled to be weighed and cleaned, and the resultant grain and cleanings severally weighed. The manager of every elevator having such facilities 40 shall hand the farmer or other person who has hauled the grain a certificate or wheat ticket showing the weight in each case and stating the percentage of dirt.
2. In a case where one of the existing elevators does not possess such facilities then the buyer shall hand the seller a 45 wheat ticket showing the estimated percentage of dirt.
3. In testing for the purpose of arriving at the amount of dockage a number ten tester shall be used.
- Guarantee as to grade. 10. The grain buyer who stores the grain shall either give the seller a written contract that he will give him wheat of a 50 given grade or else that he will put it in a separate bin subject to his order.

11. No grain buyer shall deduct anything for shrinkage. No deduction for shrinkage.

12. The provisions of this Act shall apply to every elevator or warehouse now situated on the station grounds or property of the railway companies mentioned in the first section hereof, Application of Act.
 5 or operated in connection with the lines of such companies, and to which this Act applies.

13. Every railway company, elevator company, flat warehouse owner and individual grain dealer operating in the Province of Manitoba and the North-West Territories, failing Penalty for non-compliance with Act.
 10 or refusing to comply with the provisions of this Act shall, on summary conviction, be subject to a penalty of not less than three hundred dollars and not more than one thousand dollars.

14. All prosecutions under this Act shall be in the name Prosecutions.
 of Her Majesty, under the direction of the Attorney General
 15 of Canada.

15. Nothing herein contained shall interfere with the duties Saving.
 and obligations of the railway companies as common carriers at common law, or under the provisions of *The Railway Act*. 1888, c. 29.