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No 141.

5th Session, 8th Parliament, 63 Victoria, 1

BILL.

An Act respecting the grain trade in
Inspection District of Manitoba.

First reading, May 1, 1900.

SIR H. JOLY DE LOTBINIÈRE

OTTAWA

Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1900

An Act respecting the grain trade in the Inspection
District of Manitoba.

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

1. This Act may be cited as *The Manitoba Grain Act, 1900.* Short title.

2. This Act shall apply only to the Inspection District of Manitoba, as defined by chapter 25 of the statutes of 1899. Application.

3. The Governor in Council may appoint an officer to be known as the Warehouse Commissioner for the Inspection District of Manitoba, who shall hold office during pleasure, and who shall be subject to the control and management of the Department of Inland Revenue; and the salary of the said commissioner and the security to be given by him shall be determined by the Governor in Council. Appointment of warehouse commissioner.

4. The head office of the commissioner shall be at Winnipeg, and his duties shall be as follows: Duties.

(a) to require all elevators, warehouses and mills to take out an annual license;

(b) to fix the amount of bonds to be given by the different owners and operators of elevators, mills and flat warehouses;

(c) to require the persons so licensed to keep books in forms approved of by the commissioner or by the Governor in Council;

(d) to supervise the handling and storage of grain, in and out of elevators, warehouses and cars;

(e) to receive and investigate all complaints made in writing, under oath, of undue dockage, improper weights or grading, refusal or neglect to furnish cars within a reasonable time, all complaints of fraud or oppression by any person, firm or corporation, owning or operating any elevator, warehouse, mill or railroad, and to apply such remedy as may be in his power;

(f) to enforce rules and regulations made under this Act, and to report to the Minister of Inland Revenue such changes therein as he deems advisable;

(g) to institute of prosecutions at the Government expense whenever he considers a case proper therefor.

5. The commissioner shall keep on file for public inspection in his office in Winnipeg, publications showing the market price of grain in the markets of Liverpool, London, Glasgow, Winnipeg, Fort William, Toronto, Montreal, New York, Chicago, Minneapolis and Duluth. Papers to be kept on file.

- Weighmasters. **6.** The Governor in Council may appoint a chief weighmaster whose duties and powers shall be defined by Order in Council, and may also in any place where there is inspection of grain, appoint a weighmaster and such assistants as are necessary; and such weighmasters and assistants shall give such security and shall receive such compensation as is determined by the Governor in Council. 5
- Who may be. **7.** The office of chief weighmaster under this Act and that of chief inspector under *The General Inspection Act* may be combined until otherwise ordered by the Governor in Council. 10
- R.S.C., c. 99.
- Duties of weighmasters. **8.** The weighmasters and assistants shall at all terminal places under the direction of the chief weighmaster, supervise and have exclusive control of the weighing of grain subject to inspection. 15
- Certificates of weighmasters. **9.** Every weighmaster or assistant shall give upon demand to any person having weighing done by him, a certificate, under his hand and seal, showing the amount of each weight, the number of each car weighed, the initial of the car, the place where weighed, the date of weighing and the contents of the car; and such certificate shall be, in all cases, *prima facie* evidence of the facts therein contained. 20
- Evidence.
- Records of weighing. **10.** All weighmasters and their assistants shall make true weights, under the penalties in this Act provided, and keep a correct record of all weighing done by them at the places for which they are appointed, in which record shall be entered an accurate account of all grain weighed, or the weighing of which was supervised by them or their assistants, giving the amount of each weight, the number of each car weighed, the initial letter of each car, the place where weighed, the date of weighing and the contents of the car. 25 30
- Fees for weighing grain. **11.** The fees for the weighing of grain shall be as follows:— for each car-load into or out of elevators, twenty-five cents; for each cargo, per thousand bushels, from elevators, thirty cents, —which fees shall be paid by the warehouseman and may be added to the charges for storage. 35
- Reduction. **2.** The said fees may be reduced by the Governor in Council.
- Regulation of weighing. **12.** The Minister of Inland Revenue may authorize the chief weighmaster to adopt such rules and regulations for the weighing of grain as he deems proper. 40
- Penalty for interfering with weighmasters. **13.** If any person, by himself or by his agent or employee, refuses or prevents a weighmaster or any of his assistants from having access to his scales, in the regular performance of their duties in supervising the weighing of grain in accordance with this Act, he shall, upon summary conviction, be liable to a penalty not exceeding dollars for each offence, and such penalty shall be paid to the Fund. 45

TERMINAL ELEVATORS.

14. All elevators located at any point declared by the commissioner to be a terminal, in which grain is stored in bulk, and in which the grain of different owners is mixed together, or in which grain is stored in such a manner that the identity of the different lots or parcels cannot be accurately preserved, and doing business for a compensation, are hereby declared to be public terminal elevators.

Terminal elevators defined.

15. The proprietor, lessee, or manager of any public terminal elevator shall be required before transacting any business, to procure from the commissioner a license, permitting such proprietor, lessee or manager to transact business as a public warehouseman under the law, which license shall be issued by the commissioner upon written application, which shall set forth the location and name of such elevator and the individual name of each person interested as owner or manager thereof,— or, if the elevator is owned or managed by a corporation, the name of the president, secretary and treasurer of such corporation shall be stated; and the said license shall give authority to carry on and conduct the business of public terminal elevator in accordance with the law and shall be revocable by the commissioner upon a summary proceeding before the commissioner upon complaint of any person, in writing, under oath, setting forth the particular violation of law, and upon satisfactory proof, to be taken in such manner as is directed by the commissioner, subject to an appeal to the Minister of Inland Revenue.

Licenses for terminal elevators.

2. The annual fee for such license shall be two dollars.

Fee.

16. The person receiving a license as herein provided shall file with the commissioner granting it a bond to Her Majesty, with good and sufficient sureties, to be approved by the commissioner, in the penal sum of not less than ten thousand nor more than fifty thousand dollars, in the discretion of the commissioner for each terminal elevator licensed by him, conditional for the faithful performance of his duties as a public terminal warehouseman and his full and unreserved compliance with all laws in relation thereto: Provided, that when any person or corporation procures a license for more than one elevator no more than one bond need be given.

Security by licensee.

17. Any person who transacts the business of a public terminal warehouseman without first procuring a license as herein provided, or who continues to transact such business after such license has been revoked (save only that he may be permitted to deliver grain previously stored in such elevator), shall on conviction upon indictment be liable to a penalty not less than fifty dollars nor more than two hundred and fifty dollars for each and every day such business is carried on; and the commissioner may refuse to renew any license or grant a new one to any person whose license has been revoked within one year from the time when it was revoked.

Penalty for doing business without license.

18. Every terminal public warehouseman shall receive for storage any grain, dry and in a suitable condition for ware-

Duties of warehouseman.

housing, that is tendered to him in the usual manner in which such elevators are accustomed to receive grain in the ordinary and usual course of business, not making any discrimination between persons desiring to avail themselves of warehouse facilities,—such grain to be in all cases inspected and graded by a duly authorized inspector, and to be stored with grain of a similar grade. In no case shall grain of different grades be mixed together while in store. Nothing in this section shall be construed to require the receipt of any kind of grain into an elevator in which there is not sufficient room to accommodate or store it properly, or in cases where such elevator is necessarily closed.

Warehouse receipts.

19. Upon application of the owner or consignee of grain stored in a terminal public elevator, accompanied by evidence that all transportation charges other than those due (if any) to the owner of such elevator, and all other charges which are a lien upon grain, including charges for inspection and weighing, have been paid, the warehouseman shall issue to the person entitled to receive it a warehouse receipt therefor, subject to the order of the owner or consignee, which receipt shall bear date corresponding with the receipt of the grain in store and shall state upon its face the quantity and inspected grade of the grain, and that the grain mentioned on it has been received into store to be stored with grain of the same grade by inspection, and that it is deliverable upon the return of the receipt properly indorsed by the person to whose order it was issued, and the payment of proper charges for storage, and the payment of the transportation charges (if any) due to the owner of such elevator. All warehouse receipts for grain issued by the same elevator shall be consecutively numbered, and no two receipts bearing the same number shall be issued from the same elevator during any one year, except in case of a lost or destroyed receipt, in which case the new receipt shall bear the same date and number as the original and shall be plainly marked on its face 'Duplicate.' If the grain was received from railroad cars, the number of each car shall be stated upon the receipt with the amount it contained; if from barges or other vessels, the name of such craft; if from team or by other means, the manner of its receipt shall be stated on its face.

Numbering of receipts.

Cancellation of receipts upon delivery of grain, etc.

20. Upon the delivery of grain from store in any terminal elevator upon any receipt, such receipt shall be plainly marked across its face with the word 'Cancelled,' and with the name of the person cancelling it, and shall thereafter be void. No terminal warehouse receipt shall be issued except upon actual delivery of grain into store in the elevator from which it purports to be issued, and which is to be represented by the receipts. Nor shall any receipt be issued for a greater quantity of grain than was contained in the lot or parcel stated to have been received. Nor shall more than one receipt be issued for the same lot of grain except in cases where receipt for a part of a lot is desired, and then the aggregate receipts for a particular lot shall cover that lot and no more. In cases where a part of the grain represented by the receipt is delivered out of store, and the remainder is left, a new receipt may be issued for such remainder, but the new receipt shall bear the same date as

the original, and shall state on the face that it is balance of receipt of the original number, and the receipt upon which a part has been delivered shall be cancelled in the same manner as if the whole quantity of grain mentioned in such receipt had been delivered. In case it be desirable to divide one receipt into two or more, or in case it be desirable to consolidate two or more receipts into one, and the warehouseman consents thereto, the original receipt shall be cancelled the same as if the grain had been delivered from store, and the new receipts shall express on their face that they are a part of another receipt or a consolidation of other receipts as the case may be; and the numbers of the original receipts shall also appear upon the new ones issued, as explanatory of the change; but no consolidation of receipts of dates differing more than ten days shall be permitted, and all new receipts issued for old ones cancelled, as herein provided, shall bear the same date as those originally issued, as near as may be.

21. No terminal warehouseman shall insert in any receipt issued by him any language in any wise limiting or modifying his legal liabilities or responsibility.

Liability of warehouseman.

22. On the return of any terminal warehouse receipt by him properly indorsed, and the tender of all proper charges upon grain represented by it, such grain shall be immediately deliverable to the holder of such receipt, and it shall not be subject to any further charges for storage after demand for such delivery has been made, and the grain represented by such receipt shall be delivered within twenty-four hours after such demand has been made and the cars or vessels therefor have been furnished. The warehouseman in default shall be liable to the owner of such receipt for damages for such default in the sum of one cent per bushel, and in addition thereto one cent per bushel for each and every day of such neglect or refusal to deliver: Provided, that no warehouseman shall be held to be in default in delivery if the grain is delivered in the order demanded, and as rapidly as due diligence, care and prudence will justify.

Delivery of grain on return of receipt.

Neglect to deliver.

Proviso: as to due diligence.

23. Every owner, lessee and manager of every terminal public elevator shall furnish in writing under oath, at such times and in such manner as the commissioner prescribes, a statement concerning the condition and management of so much of the business of such warehouseman as relates to such elevator.

Statement of business to be furnished.

24. The warehouseman of every terminal public elevator shall on each Tuesday morning render a statement made under oath, before some officer authorized by law to administer oaths, by one of the principal owners or operators thereof, or by the book-keeper thereof, having personal knowledge of the facts, to the commissioner of the amount of each kind and grade of grain in store in his warehouse at the close of business on the previous Saturday.

Weekly statement of grain in store.

25. Every warehouseman of a terminal public elevator shall be required during the first week in September of each year to

Annual statement of rates for storage.

file with the commissioner a table or schedule of rates for the storage, cleaning and handling of grain in his elevator during the ensuing year, which rates shall not be increased during the year; and such published rates, or any published reduction of them, shall apply to all grain received into such elevator from any person or source; and no discrimination as to rates shall be made, directly or indirectly, by such warehouseman for the storage, cleaning or handling of grain. 5

No discrimination in rates.

Maximum rates. 2. The maximum charge for storage, cleaning and handling of grain, including the cost of receiving and delivering, shall be 10 fixed by Order in Council.

26. No public terminal warehouseman shall be held responsible for any loss or damage to grain by fire while in his custody, provided reasonable care and vigilance is exercised to protect and preserve it. 15

Liability for loss by fire.

27. All duly authorized inspectors of grain shall, at all times during ordinary business hours, be at full liberty to examine all grain stored in any public terminal elevator; and all proper facilities shall be extended to such inspectors by the warehouseman, his agents and servants, for an examination, 20 and all parts of the public terminal elevators shall be open to examination and inspection by any authorized inspector of grain.

Facilities for inspection of grain.

28. It shall be unlawful for any proprietor, lessee, or manager of any terminal public elevator, to enter into any contract, 25 agreement, understanding or combination with any railroad company or other corporation, or with any person by which the grain of any person is to be delivered to any public warehouse for storage or for any other purpose, contrary to the direction of the owner, his agent or consignee. 30

Contract, etc., contrary to direction of owner.

COUNTRY ELEVATORS, FLAT WAREHOUSES AND LOADING PLATFORMS.

29. All elevators and warehouses in which grain is received, stored, shipped or handled, and which are situated on the right of way of any railroad or on any siding or spur track connected therewith, depot grounds, or any lands acquired or reserved by any railroad company to be used in connection with 35 its line of railway at any station or siding other than at terminal points, are hereby declared to be public elevators and shall be under the supervision and subject to the inspection of the commissioner and shall, for the purposes of the following sections of this Act, be known and designated as public country 40 elevators or country warehouses.

Country elevators and warehouses defined.

30. It shall be unlawful to receive, ship, store or handle any grain in any such elevator or warehouse, unless the owner or owners thereof shall have procured a license therefor from the commissioner, which license shall be issued for the 45 fee of two dollars per year, and only upon written application under oath, specifying the location of such elevator or warehouse and the name of the person owning and operating such elevator or warehouse and the names of all the members of the 50 firm, or the names of all the officers of the corporation, owning

Owners to be licensed.

and operating such elevator or warehouse, and all moneys received for such licenses shall be paid into the Manitoba Grain Inspection Fund. Such license shall confer upon the licensee full authority to operate such warehouse or elevator in accordance with law and the rules and regulations made under this Act; and every person receiving such license shall be held to have agreed to the provisions of this Act and thereby to have agreed to comply therewith.

2. The annual fee for such license shall be two dollars. Fee.
- 10 3. If any elevator or warehouse is operated in violation or in disregard of the law, its license shall, upon due proof thereof, after proper hearing and notice to the licensee, be revoked by the commissioner, subject to appeal to the Minister of Inland Revenue. Revocation of license.
- 15 4. Every such license shall expire on the thirty-first day of August in each year. Duration of license.

31. The person receiving a license as herein provided shall file with the commissioner a bond to Her Majesty, with good and sufficient sureties, to be approved by the commissioner, in the penal sum of not less than five thousand nor more than fifteen thousand dollars in the case of an elevator, and not less than two thousand nor more than five thousand dollars in the case of a flat warehouse, in the discretion of the commissioner, for each warehouse licensed, conditional for the faithful performance of his duties as a public warehouseman and his full and unreserved compliance with all laws in relation thereto: Provided, that when any person procures a license for more than one elevator or flat warehouse, no more than one bond need be given. Security by licensee.

30 **32.** Any person who operates a public country elevator or warehouse without first procuring a license as herein provided, or who continues to transact any such business, after such license has been revoked (save only that he may be permitted to deliver grain previously stored in such elevator or warehouse), shall on conviction by indictment be liable to a penalty of not less than ten dollars and not more than fifty dollars for each and every day such business is carried on; and the commissioner may refuse to renew any license or grant a new one to any person whose license has been revoked, within one year from the time was revoked. Penalty for doing business without license.

33. The Governor in Council may, before the first of September in each year, and as often as he deems proper, make and promulgate all suitable and necessary rules and regulations for the government and control of public country elevators and warehouses, including flat warehouses, and the receipt, storage, insurance, handling and shipment of grain therein and therefrom, and the maximum rates of charges therefor, in cases where such handling includes cleaning grain and also in cases where it does not include such cleaning, and such rules and regulations shall be binding and have the force and effect of law; and a printed copy of such rules and regulations and a copy of the provisions of law as to the classification of the various grades of grain, shall at all times be posted up in a conspicuous place in each of said elevators and warehouses for the free inspection of the public. Rules and regulations. To be posted up.

Duties of
warehouse
man.

34. The person operating such country elevator or country warehouse shall keep a true and correct account in writing, in proper books, of all grain received, stored and shipped at such elevator or warehouse, stating the weight, grade and dockage for dirt or other cause on each lot or grain received in store 5 for sale, storage or shipment, except as hereinafter provided, and shall upon the request of any person delivering grain for storage or shipment, receive such grain without discrimination during reasonable and proper business hours, and shall insure it against loss by fire while in his elevator or warehouse, 10 and shall upon request deliver to such person or his principal, a warehouse receipt or receipts therefor in favour of such person or his order, dated the day the grain was received and specifying upon its face the gross and net weight of such grain, the dockage for dirt or other cause, and the grade of such grain 15 when graded conformably to the grade fixed by law and in force at terminal points ; and every such receipt shall also state upon its face that the grain mentioned in such receipt has been received into store and that, upon the return of such receipt, and upon payment or tender of payment of all lawful 20 charges for receiving, storing, insuring, delivering or otherwise handling such grain, which charges may have accrued up to the time of the return of such receipt, such grain is deliverable to the person named therein, or his order, either 25 from the elevator or warehouse 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 Manitoba inspection district on the same line of railway or any line connecting therewith ; except that in the case of a country elevator or warehouse on the Northern Pacific and Manitoba Rail- 30 way Line or any line of railway operated therewith, if either party desires such grain to be shipped to terminal point, it shall be delivered on track at the proper terminal elevator at or adjacent to Duluth. Such grain when so delivered at terminals shall be subject to freight, weighing and inspection charges 35 and all other charges (if any) lawful at such terminal point ; and the party delivering shall be liable for the delivery of such grain as will on Canadian government inspection and on weighing at such terminal point conform to the grade and weight mentioned in such receipt. Nothing herein shall prevent the 40 owner of such grain from, at any time before it is so shipped to terminals, requiring it to be shipped to any other terminal than as above provided.

Delivery of
grain on
return of
receipt.

2. On the return or presentation of such receipt by the lawful holder thereof, properly indorsed, at the elevator or warehouse 45 where the grain represented therein is made deliverable, and upon the payment or tender of payment of all lawful charges, as hereinbefore provided, the grain shall be immediately delivered to the holder of such receipt, and it shall not be subject to any further charges for storage after demand for 50 such delivery has been made and cars are furnished by the railway company, which the person operating the elevator or warehouse has called for promptly upon the request for shipment made by the holder of such receipt in the order of the dates upon which receipts are surrendered for shipment. 55 Provided that in any case where at least seven days prior to the expiry of any storage period for which storage charges are

Liability for
storage
charges.

- lawfully payable or have accrued, the holder of the receipt shall in writing have required his grain to be shipped out, he, the said holder, shall not for any cause be thereafter liable for storage charges for any further period than the one during
 5 which he so required said grain to be shipped. The grain represented by such receipt shall be delivered within twenty-four hours after such demand has been made and cars or other means of receiving it from the elevator or warehouse has been furnished. Delay for delivery.
- 10 3. The operator of any country elevator or warehouse may at any time forward any grain stored in his elevator to any terminal elevator in the Manitoba Inspection District on the same line of railway, or on railways connecting therewith, and on so doing shall be liable for the delivery thereof to its owner at
 15 such terminal elevator in the same manner and to the same extent in all respects as if such grain had been so forwarded at the request of the owner thereof. Such country elevator or warehouse operator on so forwarding such grain shall at once notify in writing the owner of such grain of such forwarding. Forwarding of grain to terminal elevator.
- 20 4. Provided, that whenever the person operating a country elevator or warehouse, 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,
 25 insurance and preservation of the identity of such grain shall be guaranteed by the said operator, and he shall mark on the storage tickets given therefor the words "special bin" and the number or numbers by which such special bin or bins are known in such elevator or warehouse. Storage in special bin.
- 30 5. Provided further, that in the case of the allotting of a special bin or bins by the owner or operator of any elevator or warehouse to any buyer of grain who effects a general insurance on all grain bought or stored by him, the said buyer may, by agreement with such owner or operator, dispense with insurance
 35 by such owner or operator of such buyer's grain while in such bins. Insurance in such case.
6. Provided always, that nothing in this Act shall be construed as permitting the owner or operator of any flat warehouse to allot special bins beyond the time allowed by the
 40 provisions of this Act, or for purposes other than as stated in the provisions of this Act as to flat warehouses, or shall require the owner of such flat warehouse to insure grain while in his warehouse. Special bin only for time and purpose allowed.
7. If not delivered upon such demand within twenty-four
 45 hours after such car, vessel or other means for receiving the grain has been furnished, the warehouse in default shall be liable to the owner of such receipt for damages for such default in the sum of one cent per bushel, and in addition thereto one cent per bushel for each day of such neglect or refusal to
 50 deliver; provided that, no warehouseman shall be held to be in default in delivering if the grain is delivered in the order demanded by holders of different receipts or terminal orders and as rapidly as due diligence, care and prudence will justify. Neglect to deliver.
8. On the return of the said receipts, if the shipment or
 55 delivery of the grain at a terminal point is requested by the owner thereof, the person receiving such grain shall deliver to Certificate upon shipment to terminal point.

such owner a certificate in evidence of his right to such shipment or delivery, stating upon its face the date and place of its issue, the name of the consignor and consignee and the place of destination, and shall also specify upon the face of such certificate the kind of grain and the grade and net quantity, exclusive 5
of dockage, to which such owner is entitled by his original warehouse receipts and by official inspection and weighing at such designated terminal point.

Transportation and other charges.

9. The grain represented by such certificate shall be subject only to such freight or transportation or other lawful charges 10
as would accrue upon such grain from the date of the issue of such certificate to the date of actual delivery, within the meaning of this Act, at such terminal point.

Warehouse receipts and certificates.

10. All warehouse receipts issued for grain received and all certificates shall be consecutively numbered, and no two 15
receipts of the same kind or certificates bearing the same number shall be issued during the same year from the same country elevator or warehouse, except when one is lost or destroyed, in which case the new receipt or certificate shall bear the same date and number as the original and shall be 20
plainly marked on its face, 'Duplicate.' Warehouse receipts or certificates shall not be issued except upon grain which has actually been delivered in such country elevator or warehouse, nor shall such receipts or certificates be issued for a greater quantity of grain than was contained in the lot or parcel stated 25
to have been received. No receipt or certificate shall contain language in anywise limiting or modifying the legal liability of the person issuing it, and any such language, if inserted, shall be null and void.

If grain is out of condition.

35. In case any country warehouseman discovers that 30
any portion of the specially binned grain in his elevator or warehouse 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 commissioner and to the owner of the grain, when possible. He shall, when possible, 35
state in such notice the kind and grade of the grain and the bin in which it is stored and the receipts outstanding upon which such grain will be delivered, giving the numbers, amounts and dates of each, the name of the party for whom such grain was stored, the date of its being received, and the amount of 40
it. He shall also at once post up a copy of such notice in some conspicuous place in his elevator or warehouse. Such grain shall be delivered upon the return and cancellation of the receipts. Nothing herein contained shall be held to relieve the 45
said warehouseman from exercising proper care and vigilance in preserving such grain before or after such publication of its condition; but such 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 or warehouse. Any warehouseman guilty of an act of neglect, the effect of which is 50
to depreciate property stored in the elevator or warehouse under his control, shall be held responsible personally as well as upon his bond, and in addition thereto the license of such elevator or warehouse may be revoked. In case the grain out of condition, as in this section referred to, is not removed from 55
store by the owner thereof within one month from the date

Liability of warehouseman for negligence.

Sale of such grain by auction.

of the notice of its being out of condition, the warehouseman where the grain is stored may sell it at public auction for the account of the owner, after giving ten days' public notice by advertisement in a newspaper published in the place where
 5 such elevator or warehouse is located, or, if no newspaper is published in such place, then in the newspaper published nearest to such place, and also after posting up such notice in a conspicuous place in his elevator or warehouse for the ten days immediately preceding such sale and after ten days from
 10 the mailing of notice of the time and place of such sale to the owner by registered letter.

36. In case there is a disagreement between the purchaser or the person in the immediate charge of and receiving the grain at such country elevator or warehouse, and the person
 15 delivering the grain to such elevator or warehouse for storage or shipment, at the time of such delivery, as to the proper grade or proper dockage for dirt or otherwise, on any lot of grain delivered, an average sample of at least three quarts of the grain in dispute may be taken by one or both parties and
 20 forwarded in a suitable sack, properly tied and sealed, express charges prepaid, to the chief inspector of grain, which shall be accompanied by the request, in writing, of either or both of the parties aforesaid, that the said chief inspector will examine the sample and report what grade or dockage, or both, the said
 25 grain is, in his opinion, entitled to and would receive if shipped to the terminal points and subjected to official inspection.

2. It shall be the duty of the chief inspector, as soon as practicable, to examine and inspect such sample of grain and to
 30 adjudge the proper grade or dockage, or both, to which it is, in his judgment, entitled, and which grain of like quality and character would receive if shipped to the terminal points in carload lots and subjected to official inspection.

3. As soon as the chief inspector has so examined, inspected and adjudged the grade and dockage, or either of them, he
 35 shall make out in writing a statement of his judgment and finding and shall transmit a copy thereof by mail to each of the parties to the disagreement, preserving the original together with the sample on file in his office.

4. The judgment and finding of the chief inspector shall
 40 be deemed conclusive as to the grade or dockage, or both, of the sample so submitted for his consideration, as well as conclusive evidence of the grade or dockage, or both, that grain of the said quality and character would receive if shipped to the terminal points and subjected to official inspection.

37. Whenever complaint is made, in writing under oath, to the commissioner by any person aggrieved, that the person operating any country elevator or country warehouse under this Act fails to give just and fair weights or grades or
 50 is guilty of making unreasonable dockage for dirt or other cause, or fails in any manner to operate such elevator or warehouse fairly, justly and properly, or is guilty of any discrimination, then it shall be the duty of the commissioner to inquire into and investigate such complaint and the charge therein contained; and to this end and for this purpose,
 55 the commissioner shall have full authority to examine and

Samples of grain may be submitted to chief inspector for grading or dockage.

Duty of inspector.

Finding by inspector.

His finding to be conclusive.

Inquiry by commissioner into complaints of unfairness or discrimination.

inspect all the books records and papers pertaining to the business of such elevator or warehouse and all the scales, machinery and fixtures and appliances used therein.

Decision of
commissioner.

2. In case the commissioner finds the complaint and charge therein contained, or any part thereof, true, he shall give his decision in writing and shall at once serve a copy of such decision, with a notice to desist and abstain from the error and malpractice found, upon the person offending and against whom the complaint was made; and, in order to afford prompt redress to the person injured, and if the offender does not

Case for
special report.

desist and abstain and does not give the proper redress and relief to the person injured, the commissioner shall make a special report of the fact found and ascertained upon the investigation of the complaint and the charge therein contained, (which report shall also include a copy of his decision) to the

Action by
Minister of
Inland
Revenue.

Minister of Inland Revenue, who may institute and carry on in the name of the complainant such actions, civil or otherwise, as may be necessary and appropriate to redress the wrongs complained of and to prevent their recurrence.

Statement of
grain handled.

38. Any person operating a country elevator or warehouse under this Act shall at all times when requested by the commissioner, furnish in writing, under oath, to the said commissioner a report and itemized statement of all grain received and stored in or delivered or shipped from such elevator or warehouse during the year then last past; such statement shall specify the kind, grade, gross and net weight of all grain received or stored and of all grain delivered or shipped, and shall particularly specify and account for all so-called overages or shortages during the year. Such statement and report shall be made upon blanks and forms furnished and prescribed by the commissioner.

Inspection by
commissioner.

2. The commissioner may inspect any elevator or warehouse and the business thereof, and the mode of conducting it, at such time as the commissioner orders, and the property, books, records, accounts, papers and proceedings, so far as they relate to their condition operation or management, shall at all times during business hours, be subject to the examination and inspection of the commissioner.

Forms of
warehouse
receipts, etc.

39. The forms of cash purchase tickets, warehouse storage receipts, storage receipts for special binned grain and flat warehouse receipts in the schedule to this Act, and no others, shall be used by the owners of country elevators and warehouses.

2. In the case of country elevators or warehouses not equipped with cleaning machinery, the word 'cleaning' may be omitted from the said forms of 'storage receipt' and 'storage receipt for special binned grain.'

3. To meet the case of country elevators or warehouses on lines of railway whose terminals are outside of the Manitoba Inspection District, the Governor in Council may vary the said forms for use in such last named elevators or warehouses so as to allow of shipment to such terminals.

4. The Governor in Council may at any time make changes in the said forms or substitute other forms therefor.

5. The use of any form not authorized by this Act or by the Governor in Council is prohibited under penalty of forfeiture of license.

40. On a written application to the commissioner by ten
5 farmers residing within twenty miles of a shipping point, he
may give permission to any person to erect under the provisions
of this Act, one flat warehouse of not less than 6,000 bushels
capacity at such shipping point. Such flat warehouse shall be
erected on the railway company's premises after getting
10 location of a siding, and the railway company shall be compelled
to give such location with siding on its premises, in some
place of convenient access, to be approved of by the commis-
sioner, at a rental not greater than that charged to standard
elevators.
- 15 2. The owner and operator of such warehouse shall give
bonds and be licensed in the same manner as elevator owners.
3. Such warehouse shall contain not less than six bins of
1,000 bushels capacity each, and each bin to be numbered by a
separate number.
- 20 4. The owner of any such warehouse shall on the applica-
tion of any farmer wishing to ship a carload of grain, allot
to such farmer a bin in such warehouse as soon as one is
available. The allotment of bins to applicants shall be made in
the order of applications therefor, and without discrimination of
25 any kind. No farmer shall be allowed to hold more than one
bin at any one time to the exclusion of other applicants.
Applications for bins shall be made in a form to be approved
of by the commissioner, and blank forms for such applications
shall be furnished to applicants by the warehouse operator.
- 30 5. The owner or operator of any such warehouse shall at once
on every allotment of a bin apply in writing on a form approved
of by the commissioner, but furnished by such warehouse
operator, to the proper railway official to furnish a car to
the person to whom such bin is allotted, stating in such
35 application the time when the car will be required, such time
to be not later than four days from the allotment of the bin.
6. The shipper shall be allowed for filling such bin and load-
ing on car five clear days exclusive of Sundays, and as much
longer time as is necessary to get and load a car from such bin
40 (twenty-four hours being allowed for such loading.) If a car-
load of grain is not delivered into such bin and loaded on a car
within the time above provided, the warehouse operator shall
load on car the grain then in such bin and shall ship it for the
owner to terminal elevator subject to freight inspection and
45 weighing charges at terminal and all charges of such flat ware-
house use, including an additional charge of one half a cent per
bushel for such loading.
7. The maximum charges for the use of a bin and the services
of the warehouse operator in weighing the grain as it is
50 loaded into and out of the warehouse by the person to whom
the bin is allotted, shall be fixed by the Governor in Council.
8. No owner or operator of any such warehouse shall be
allowed to store in or ship through grain purchased by or for
himself.

Erection of
flat ware-
houses.

Security.

Capacity of
warehouse.

Allotment of
bins.

Application
for cars.

Time allowed
for loading.

Charges.

41. On a written application to the commissioner by ten farmers resident within twenty miles of a shipping point, and on approval of the commissioner, the railway company shall erect a loading platform suitable for the purpose of loading from vehicles direct into cars. Such platforms shall be at least ten feet wide, and of such length as is in each case determined by the commissioner, in addition to the approaches at each end, and shall have on the side farthest from the track a guard-rail not less than three feet high. Such platforms may be used free of charge for the loading or unloading of grain.

42. Twenty-four hours shall be allowed for loading a car direct from vehicles or at a flat warehouse. Such twenty-four hours shall be reckoned from the time when the car is placed at the shipper's disposal on siding.

43. Every operator of an elevator or warehouse shall at the close of every day that such elevator or warehouse is open for business, furnish to the nearest station agent of the railway upon the line of which such elevator or warehouse is situate, a statement of the total quantity of grain that day taken into such elevator or warehouse and of the total quantity of grain in store in such elevator or warehouse at the end of such day.

44. Where any warehouse or elevator has heretofore done business in the storing or shipping of grain at any point on the line of any railway in the Manitoba Inspection District, such elevator or warehouse shall be allowed to continue to do business at such point and shall not be removed or refused cars for the shipping of grain, notwithstanding that elevators of any greater or other capacity shall be erected at such point or for any other cause other than non-compliance with the law or as next hereinafter provided. But nothing in this section shall interfere with or render void any condition, agreement or contract made between the owner of or party who erected such elevator or warehouse and the railway company on the faith of which a site was leased or granted to such elevator or warehouse.

45. All moneys collected by the warehouse commissioner, by weighmasters and other officers, as herein provided for, shall by them be paid into the Manitoba Grain Inspection fund.

2. The Chief Inspector of Grain of the Inspection District of Manitoba shall receive all such moneys and all fines and penalties collected under this Act, and shall keep a separate account thereof, showing the source from which each account is derived, and shall dispose of them in such manner as is determined by the Department of Inland Revenue.

46. Nothing in this Act shall be so construed as to prevent any person from selling grain by sample, regardless of grades.

47. The provisions of this Act shall not change the liability of warehousemen with respect to grain now in store.

- 48.** The chief inspector of grain, and any inspector, deputies or officials serving under him, before opening the doors of any cars containing grain upon their arrival at any place designated by law as an inspection point, for the purpose of inspecting such grain, shall first ascertain the condition of such cars and determine whether any leakages have occurred while the said cars were in transit, and shall make a record of such leakages, if found, stating the facts connected therewith, and he shall forthwith report the defective condition of such cars to the proper railway official. Inspectors to examine condition of grain cars.
- 49.** The rules and regulations made under the authority of this Act shall be posted up by the commissioner in a conspicuous place in every licensed terminal elevator and warehouse. Regulations to be posted up by commissioner.
- 50.** Such of the said rules and regulations as refer to dealings between producers, buyers, shippers and elevator or warehouseman, together with such portions of this Act as the commissioner, or the Governor in Council, deems proper, shall be printed in reasonably large type by the commissioner and posted in a conspicuous place in every licensed elevator or warehouse by the owner thereof. Certain regulations, etc., to be posted up by owner of elevator, etc.
- 51.** When testing sieves are used for the purposes of dockage, the wire cloth used in their construction shall have ten meshes to the inch each way and be of No. 28 standard gauge hard tinned steel wire, and every such sieve shall be verified by the commissioner. The use of damaged or defective sieves shall be an offence. Testing sieves.
- 52.** Persons interested in the weighing of any grain at country elevators or warehouses shall have free access to the scales while such grain is being weighed. Access to scales.
- 2.** The wilful falsification or misstatement of the weight of grain as weighed, and the use of concealed or other weights in such a way as to falsify or change the apparent weights of grain being weighed, shall be offences punishable with fine or loss of license, or both. Fraud in weighing.
- 3.** Any person in charge of scales at a terminal or country elevator or warehouse who finds that such scales are defective shall report the fact to the inspector of weights and measures and to the owner of such elevator or warehouse. Defective scales to be reported.
- 4.** No new elevator or warehouse shall be operated until the scales are inspected and approved by the proper weights and measures officials. Inspection of scales.
- 53.** Any person offering for sale or storage grain, the different qualities of which have been wilfully manipulated with intent to deceive the person to whom it is so offered for sale or the person or persons receiving it for warehousing, as to the true quality of such grain, shall be guilty of an offence. Manipulation of grain with intent to deceive.
- 54.** Any person guilty of an offence specified in this Act or guilty of violating any provision of this Act for which a specific penalty is not herein provided, shall, on summary conviction, be liable to a fine of not less than dollars and not more than dollars. Penalties.

SCHEDULE.

A.

CASH TICKET.

No.....

.....Station.

.....(Date)

Purchased from.....Net.....bushels.....pounds
.....grade. Kind of grain.....

.....(Net weight in words.)

Price per bushel \$.....total cash payable \$....Total price
in words.....Gross weight...bushels.....pounds.

Dockage.....“.....”

Net weight.....“.....”

.....

By.....Agent.

B.

STORAGE RECEIPT.

No.....
.....Elevator (or warehouse)
.....Man.....1900

Received into store from....bushels.....pounds
.....grade.....kind of grain.....(weight
and grade guaranteed by this warehouse to be stored and in-
sured against loss by fire under the following conditions:--

The charge for receiving, cleaning, insuring against loss by
fire, handling, storing 15 days and shipping grain is.....
cents per bushel (It is provided by law that this charge shall
not exceed.....per bushel).

Each succeeding 30 days or part thereof is.....
of a cent per bushel including insurance against loss by fire.
(It is provided by law that this charge shall not exceed.....
of a cent per bushel.)

Upon the return of this receipt and tender or payment of
above named charges accruing up to the time of said return of
this receipt, the above quantity, grade and kind of grain will
be delivered within the time prescribed by law to the person
above named or his order either from this elevator or ware-
house or if either party desired in quantities of not less than
carload lots at any terminal elevator in the Manitoba Inspec-
tion District on same line of railway or any railway connecting
therewith, subject to freight, weighing and inspection charges
at such terminal point, the grade and weight of such grain to
be delivered to be such as will conform to the grade and weight
first above mentioned on Government inspection and weighing
thereof at such terminal point.

No storage charges shall accrue in this elevator or warehouse after seven days' notice has been given in writing by the owner of the grain to the warehouseman to ship from this elevator or warehouse.

Weight gross.....Bushs.....Pounds
 Dockage..... " "
 Weight net..... " "
 (net weight in words.....)

By.....Agents.

C.

STORAGE RECEIPT FOR SPECIAL BINNED GRAIN.

No.....
Elevator (or warehouse.....
Man.....1900.

Received into store from.....bushels.....pounds
 kind of grain.....Bin No.....(weight and indentity
 of grain guaranteed by this warehouse) to be stored and insured
 against loss by fire under the following conditions:—

The charge for receiving, cleaning, insuring against loss by
 fire, handling, storing 15 days and shipping grain is.....
 cents per bushel. (It is provided by law that this charge shall
 not exceed.....cents per bushel.)

Each succeeding 30 days or part thereof is...of a cent per
 bushel including insurance against loss by fire. (It is provided
 by law that this charge shall not exceed.....of a
 cent per bushel.)

Upon return of this receipt and tender or payment of above
 named charges accruing up to the time of the said return of
 this receipt the identical grain so received into store will be
 delivered within the time prescribed by law to the person
 above named or his order either from this elevator or ware-
 house, or if the owner so desires, in quantities of not less than
 carload lots at any terminal elevator in the Manitoba Inspec-
 tion District, on same line of railway or any railway connect-
 ing therewith, subject to freight, weighing and inspection
 charges at such terminal point. It is guaranteed that the
 weight of such grain to be delivered will conform to the
 weight first above mentioned on Government weighing there-
 of at terminal point.

No storage charges shall accrue in this elevator or ware-
 house after seven days' notice has been given in writing by
 the owner of the grain to the warehouseman to ship from this
 elevator or warehouse.

Weight gross.....bushels.....pounds
 Dockage net..... " "
 Weight net..... " "
 (net weight in words).....

FLAT WAREHOUSE RECEIPT.

No.....

.....Flat warehouse.

.....Man.....1900.

Received into bin No.....of this warehouse from..... bushels..... pounds.kind of grain (weights and identity guaranteed by this warehouse) under the following conditions:—

The charge for use of such bin for five days (inclusive of one day for loading on car, but exclusive of Sunday) and for weighing in and out is.....of a cent per bushel. (The maximum charge allowed by law therefore being.....of a cent per bushel.) This warehouse does not insure grain.

Upon return of this receipt and payment or tender of above charges, the owner of said grain will be entitled to have same weighed for him while the same is being taken out by him for shipping on car.

Such bin is furnished and such grain received on the understanding that the owner will within five days from the time such bin was furnished to him place therein and have ready for shipping and load on car, one car load of such grain. Provided, that if the owner is not furnished with car by the end of the fourth day of such period of five days, such period shall extend to twenty-four hours after car furnished.

If a carload of grain is not delivered in said bin and loaded on car within the time above provided, the grain then in said bin will be loaded on car by this warehouse at an additional charge of one half of one cent per bushel and shipped to terminal elevator for the owner subject to freight and weighing and inspection charges and all charges of this warehouse, including such additional half cent per bushel for loading on car.

.....

By.....Agent.

Amendments proposed to be made in Committee to Bill No. 141, intituled "An Act respecting the Grain Trade in the Inspection District of Manitoba."

Section 14.—Add thereto the following :—

and the expression "terminal elevator" in sections 14 to 28, both inclusive, includes a warehouse.

Section 19.—Substitute the following section therefor :—

19. Upon application of the owner or consignee of grain stored in a terminal public elevator and the surrender of the original railway shipping receipt, properly endorsed, accompanied by evidence that all transportation charges other than those due (if any) to the owner of such elevator, and all other charges which are a lien upon grain, including charges for inspection and weighing, have been paid, the warehouseman shall issue to the person entitled to receive it a warehouse receipt therefor, subject to his order, which receipt shall state the date of the receipt of the grain in store and also the quantity and inspected grade of the grain, and that the grain mentioned on it has been received into store to be stored with grain of the same grade by inspection, and that the grain is deliverable upon the return of the receipt properly indorsed by the person to whose order it was issued, and the payment of proper charges for storage and transportation (if any) due to the owner of such elevator. All warehouse receipts for grain issued by the same elevator shall be consecutively numbered, and no two receipts bearing the same number shall be issued from the same elevator during any one year, except in case of a loss or destroyed receipt, in which case the new receipt, if one is given, shall bear the same date and number as the original and shall be plainly marked on its face 'Duplicate.' If the grain was received from railroad cars, the number of each car shall be stated upon the receipt with the quantity it contained; if from barges or other vessels, the name of each craft; if from team or by other means, the manner of its receipt shall be stated on its face.

Section 20.—Substitute the following section therefor :—

20. Upon the delivery of grain from store in any terminal elevator upon any receipt surrendered, such receipt shall be plainly marked across its face with the word 'Cancelled,' and with the name of the person cancelling it, and shall thereafter be void. No terminal warehouse receipt shall be issued except upon actual delivery of grain into store in the elevator from which it purports to be issued, and which is to be represented by the receipts. Nor shall any receipt be issued for a greater quantity of grain than was contained in the lot or parcel stated to have been received. Nor shall more than one receipt be issued for the same lot of grain except in cases where receipt for a part of a lot is desired, and then the aggregate receipts for a particular lot shall cover that lot and no more. In cases where a part of the grain represented by the receipt is delivered out of the store, as above provided for, and the remainder is left, a new receipt may be issued for such remainder, but the new receipt shall bear the date of its issue and also the date on which the whole quantity was originally received into store, and shall state on the face that it is balance of receipt of the

original number, and the receipt upon which a part had been delivered shall be cancelled in the same manner as if the whole quantity of grain mentioned in such receipt has been delivered. In case it be desirable to divide one receipt into two or more, or in case it be desirable to consolidate two or more receipts into one, and the warehouseman consents thereto, the original receipt shall be cancelled the same as if the grain had been delivered from store, and the new receipts shall express on their face that they are a part of another receipt or a consolidation of other receipts as the case may be ; and the numbers of the original receipts shall also appear upon the new ones issued, as explanatory of the change ; but no consolidation of receipts of dates differing more than ten days shall be permitted, and all new receipts issued for old ones cancelled, as herein provided, shall bear the date of their issue, and shall state the date or respective dates of the receipt or receipts originally issued, as near as may be.

Section 21.—Substitute the following section therefor :—

21. No terminal warehouseman shall insert in any receipt issued by him any language in any wise limiting or modifying his liabilities or responsibility except in this Act mentioned and except in so far as all parties concerned consent thereto.

Section 22.—Substitute the following section therefor :—

22. On the return of any terminal warehouse receipt by him properly indorsed, and the tender of all proper charges upon grain represented by it, such grain shall be immediately deliverable to the holder of such receipt, and it shall not be subject to any further charges for storage after demand for such delivery has been made and the cars or vessels have been furnished as hereinafter mentioned, and the grain represented by such receipt shall be delivered within twenty-four hours after such demand has been made and the cars or vessels therefor have been furnished for that purpose, provided that if it shall happen that in consequence of the cars not being furnished till after the expiration of twenty-four hours as aforesaid, a new storage term shall be entered upon, then the charge for storage shall nevertheless be made but only on a *pro rata* basis in respect of the time which shall have elapsed after the expiration of the twenty-four hours as aforesaid and the time when the cars actually arrive. The warehouseman in default shall be liable to the owner of such receipt for damages for such default in the sum of one cent per bushel, and in addition thereto one cent per bushel for each and every day of neglect or refusal to deliver as aforesaid : Provided, that no warehouseman shall be held to be in default in delivery if the grain is delivered in the order demanded, and as rapidly as due diligence, care and prudence will justify.

Section 25.—Substitute the following for subsection 2 :—

2. The charge for storage, cleaning and handling of grain, including the cost of receiving and delivering, shall be subject to such regulations or reduction as the Governor in Council from time to time deems proper.

Section 26.—Substitute the following section therefor :

26. No public terminal warehouseman shall be held responsible for any loss or damage to grain by fire nor for any damage arising from irresistible force, the act of God or the Queen's enemies, while such grain is in his custody, provided reasonable care and vigilance is exercised to protect and preserve it.

40. On a written application to the commissioner by ten farmers residing within forty miles of their nearest shipping point, he may give permission to any person to erect under the provisions of this Act, a flat warehouse covered with metal of not less than 6,000 bushels capacity, with power to enlarge the same should necessity require it, at such shipping point. Such flat warehouse shall be erected on the railway company's premises after getting location of a siding, and the railway company shall be compelled to give such location with siding on its premises, in some place of convenient access, to be approved of by the commissioner, at a rental not greater than that charged to standard elevators.

Insert the following immediately after section 41:—

COMMISSION MERCHANTS.

41a. From and after the first day of September, 1900, it shall be unlawful for any person, firm or corporation to engage in the business of selling grain on commission, or to receive or solicit consignments of grain for sale on commission, in the inspection district of Manitoba, without first obtaining an annual license, for which he shall pay two dollars, from the Warehouse Commissioner, to conduct and carry on the business of such commission merchant, and giving a bond to Her Majesty, with sufficient surety for the benefit of persons entrusting such commission merchant with consignments of grain to be sold on commission, in such amount as is fixed by the Commissioner, subject to appeal to the Minister. If such commission merchant receives grain for sale on commission, the said bond shall be conditioned that he faithfully account and report to all persons entrusting him with grain for sale on commission and pay to such persons the proceeds of the consignments of grain received by him, less the commission earned on account of the making of such sale, and necessary and actual disbursements. If he does not receive grain for sale on commission, the bond shall be conditioned for the faithful performance of his duties as such commission merchant.

44. Where any warehouse or elevator is at the time of the passing of this Act doing business in the storing or shipping of grain at any point on the line of any railway in the Manitoba Inspection District, such elevator or warehouse shall be allowed to continue to do business at such point, and without the consent of the owner shall not be removed or refused cars for the shipping of grain, notwithstanding that elevators of any greater or other capacity shall be erected at such point or for any other cause other than non-compliance with the law or as next hereinafter provided. Nothing in this section shall affect the right of any person carrying on the business of an elevator or warehouse at the time of the passing of this Act, to continue to do so.