

REPRINTED BILL

Bill No. 55 of 1938.

A BILL WITH RESPECT TO GRAIN OVERAGES IN CERTAIN ELEVATORS.

NOTE.

This Bill relates to overages in elevators in the Province other than terminal elevators licensed under *The Canada Grain Act* as mill elevators, public elevators, semi-public elevators, country elevators or private country elevators.

By section 3 the owner of every elevator is required to keep records of the weights of each separate kind of grain received into and taken out of the elevator and to produce the same at any time within three years after their making to the Minister or his representative.

Section 4 requires the owner of every elevator to make yearly returns to the Minister of Agriculture on or before the 15th day of July, showing the amount of each kind of grain received into and removed out of his elevator during the previous year, less deductions for dockage or shrinkage, and the amount of each kind of grain in the elevator at the commencement and end of such period, less deductions for dockage or shrinkage; and further requires such owner to remit the value at the current market price of any overage of any grain as if the overage were, in the case of wheat No. 4 Northern; in the case of oats No. 1 Feed Oats; in the case of barley No. 1 Feed Barley; in the case of Rye No. 3 C.W.; in the case of flax No. 1 C.W., and in the case of mixed grain No. 3 mixed grain.

Section 5 provides for the payment by the Minister of Agriculture to the Provincial Treasurer of all sums received by him on account of such overages and for their placement by him in a special trust account, to be expended with the approval of the Lieutenant Governor in Council for all or any of the following purposes, namely, the improvement of seed grain, the improvement of crop products, the control of weeds and generally for the advancement of agriculture.

Section 6 requires the owner of every country elevator to notify the Minister of Agriculture of any suspension, or

resumption of any suspended operation of his elevator with the dates thereof.

Section 7 empowers the Minister of Agriculture to recover by suit any sums payable to him pursuant to this Act.

Section 8 imposes a penalty for any contravention of this Act of not more than five hundred dollars and costs or in default of payment imprisonment for not more than ninety days.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

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No. 55 of 1938.

An Act with respect to Grain Overages in Certain Elevators.

(Assented to _____, 1938.)

WHEREAS the overages of grain in elevators represents grain for which no payment has been made to the grower thereof; and

Whereas it is convenient and in the public interest that the proceeds of such overages should not be retained by the owners of elevators but should be used for the advancement of agriculture;

Now therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Elevator Overages Act*."

2. In this Act, unless the context otherwise requires,—

- (a) "Elevator" means every elevator in the Province operated under a license issued under *The Canada Grain Act* as a mill elevator, a public elevator, a semi-public elevator, a private elevator, a country public elevator or a private country elevator, but does not include any terminal elevator;
- (b) "Minister" means the Minister of Agriculture;
- (c) "Overage" means the amount in weight by which during any given period of twelve months the amount of any kind of grain taken out of the elevator during such period together with the amount of the same grain in the elevator at the end of such period, exceeds the amount of the same kind of grain received into the elevator during such period together with the amount of the same kind of grain in the elevator at the commencement of such period, after making due allowance for grain deducted on account of dockage and shrinkage to the extent permitted by *The Canada Grain Act* or the regulations made thereunder.

3. The owner of every elevator in the Province shall at all times keep at his elevator a true and accurate record of the weight of each separate kind of all grain which is from time to time received into his elevator and taken out of his elevator, as the case may be, and the dates at which any grain is received or taken out, and shall produce the same

at any time within the period of three years after the making of the same to the Minister or to any person authorized by him in writing to inspect the same at any time in the day time at the elevator upon demand.

4.—(1) The owner of every elevator shall, not later than the fifteenth day of the month of July in each year, deliver or cause to be delivered to the Minister, a statement in writing in such form as the Minister may prescribe, setting out the total weight of each separate kind of grain received into his elevator during the period of twelve months immediately preceding the month in which the statement is required to be delivered, less the total amount of each kind of grain deducted on account of shrinkage and of dockage to the extent authorized by *The Canada Grain Act* or the regulations made thereunder, and the total amount of each separate kind of grain removed from his elevator during the said period less the amount of shrinkage or dockage as aforesaid to the extent aforesaid, and the weight of each separate kind of grain in the elevator at the commencement as well as at the end of the period to which the statement relates less so much thereof as represents grain deducted on account of dockage or shrinkage, and shall with such statement remit to the Minister the amount of the value of the overage of each separate kind of grain calculated at the market price prevailing at Fort William on the last market day of the period to which the statement relates, in the case of wheat as if the overage were No. 4 Northern; in the case of oats as if the overage were No. 1 Feed Oats; in the case of barley as if the same were No. 1 Feed Barley; in the case of rye as if the same were No. 3 C.W.; in the case of flax as if the same were No. 1 C.W., and in the case of mixed grain as if the same were No. 3 mixed grain.

(2) In case grain is shipped out of an elevator to a terminal elevator, the weight of the grain so shipped shall be the weight thereof when weighed into the terminal elevator otherwise the weight of grain shipped out of an elevator shall be the weight thereof when it is so shipped out.

5. All moneys received by the Minister pursuant to section 4 shall be paid to the Provincial Treasurer and shall be placed by him in a special trust account and the moneys for the time being in such account may, with the approval of the Lieutenant Governor in Council, be expended for all or any of the following purposes, namely, the improvement of seed grain; the improvement of crop products; the control of weeds and generally for the advancement of agriculture.

6. The owner of every country elevator shall give notice in writing to the Minister of any suspension of the operation of any such elevator and the date of such suspension, within seven days of the commencement of the suspension of operation and where the operation of an elevator has been suspended and is resumed, the owner thereof shall

give notice in writing to the Minister of the resumption of operation and the date thereof, within seven days from the date of such resumption.

7. The Minister may by action or other proceedings taken in any court of competent jurisdiction in the Province, in the name of His Majesty, recover any sum payable to him pursuant to this Act as a debt due to the Crown from any person liable for the payment thereof.

8. Every person who makes default in complying with any of the provisions of this Act shall be guilty of an offence and shall be liable on summary conviction to a penalty of not more than five hundred dollars and costs and in default of payment to imprisonment for a term of not more than ninety days.

9. This Act shall come into force upon a day to be fixed by Proclamation of the Lieutenant Governor in Council.

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No. 55.

SIXTH SESSION
EIGHTH LEGISLATURE

1 GEORGE VI

1938

BILL

An Act with respect to Grain Over-
ages in Certain Elevators.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MULLEN.

EDMONTON:
A. Shnitka, King's Printer
1938