

Bill No. 88 of 1938.

A BILL WITH RESPECT TO THE REGULATION AND
LICENSING OF GRAIN BUYERS.

NOTE.

"Grain buyer" is defined as a person who carries on or transacts the business of buying grain either as a principal or agent either for cash or under any form of contract with respect to delivery or payment, for shipment by railway, but does not include persons buying grain for seed, feed or otherwise for his own personal use. (Section 2.)

Part I of this Bill prohibits the carrying on in the Province of the business of a grain buyer by any person who is not licensed under *The Canada Grain Act* either as a commission merchant, track buyer or grain dealer. (Section 3.)

The purchase of grain in the Province otherwise than by its grade name or by reference to a sample selected under the regulations made pursuant to *The Canada Grain Act* is prohibited. (Section 4.)

Part II of the Act provides for the licensing of grain buyers and their agents. (Sections 5-7.)

The license is annual and expires on the thirty-first day of July following the date of issue. (Section 8.)

The license fees are as follows:

for a grain buyer who does not employ agents for any one specified shipping point the fee is twenty-five dollars;

for a grain buyer who employs agents, the fee is fifty dollars for one specified shipping point and twenty-five dollars for each such agent at any specified shipping point other than that specified in the employer's license.

In addition to the above fees, every grain buyer is required to pay a fee of one dollar for every car of grain acquired by him and shipped from any shipping point other than that specified in the grain buyer's license. (Section 9.)

Any person who carries on or transacts business in contravention of this Act or without the requisite license, is declared to be guilty of an offence and liable to a fine and in default of payment forthwith to imprisonment. (Section 11.)

The Track Buyers' Licensing Act is repealed. (Section 13.)

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.)

BILL

No. 88 of 1938.

An Act with respect to the Regulation and Licensing of Grain Buyers.

(Assented to _____, 1938.)

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 Grain Buyers' Licensing Act.*"

2. In this Act, unless the context requires a contrary meaning,—

- (a) "Grain" means grain of any kind or variety and includes flax.
- (b) "Grade Name" means the name, or name and number, assigned to any grade of grain established by or pursuant to *The Canada Grain Act*, and includes any name, or name and number, so nearly resembling any such name, or name and number, as to be calculated or likely to cause confusion therewith;
- (c) "Canada Grain Act" means *The Canada Grain Act*, being chapter 5 of the Statutes of Canada, 1930, or any Act or Acts of the Parliament of Canada passed by way of amendment or in substitution thereof;
- (d) "Minister" means the member of the Executive Council for the time being charged with the administration of this Act;
- (e) "Grain Buyer" means and includes any person who carries on or transacts the business of buying grain, either as a principal or an agent or either for cash or under any form of contract with respect to delivery or payment, for shipment by railway, but does not include any person who buys grain for seed, feed or otherwise for his own personal use;
- (f) "Shipping Point" means any depot, station, siding or other place upon a railway at which any car lot of grain acquired by a grain buyer may be loaded.

PART I.

3. No person in the Province shall carry on the business of a grain buyer unless he is the holder of a valid and subsisting license either as commission merchant, track buyer

or grain dealer under the provisions of *The Canada Grain Act* in that behalf.

4. No person shall buy grain in the Province as a grain buyer otherwise than by grade name, or by reference to a sample selected under regulations made pursuant to *The Canada Grain Act*.

PART II.

5. Every grain buyer and every agent of a grain buyer who transacts the business of a grain buyer at any one or more shipping points in the Province shall be the holder of a valid and subsisting license issued to him pursuant to this Act, authorizing him so to do at the shipping point or shipping points mentioned in the said license:

Provided that no license under this Act shall be required of a grain buyer in respect of a shipping point at which the grain buyer is the manager or operator of a licensed country elevator under the provisions of *The Canada Grain Act*.

6. All licenses under this Act shall be issued by the Minister or by such person or persons as he may from time to time appoint, shall be in such form as the Minister may from time to time prescribe, and shall specify the shipping point at which the licensee is thereby licensed to transact business as a grain buyer.

7. Every application for a license under this Act shall be in writing, shall be in such form as the Minister may from time to time prescribe, shall set forth the shipping point at which the applicant desires to transact business as a grain buyer and shall contain such other particulars as may be required by the Minister.

8. Every license issued under this Act shall expire on the thirty-first day of July following the date of its issuance.

9.—(1) The fee payable upon the issuance of a license shall be as follows:

For a license to a grain buyer who does not employ any agent to buy grain, in respect of his business as a grain buyer at any one specified shipping point, a fee of twenty-five dollars.

For a license to a grain buyer who employs agents to buy grain, a fee of fifty dollars in respect of his business as a grain buyer at one specified shipping point, and a further sum of twenty-five dollars for each agent employed by him to buy grain at any specified shipping point other than the shipping point specified in the license of the agent's employer.

(2) In addition to the fees above mentioned, every grain buyer shall pay to the Minister an additional fee of one dollar in respect of each car of grain acquired by him, either before

or after shipment, and shipped from any shipping point not being a shipping point specified in the grain buyer's license.

(3) Every grain buyer shall, in the month of August in each year, file with the Minister a return verified by statutory declaration showing the number of cars of grain bought by him in the preceding year and the points at which the cars were shipped, and shall at the same time remit the fee payable in respect thereof.

10. When any licensee under this Act is an agent of a licensed grain buyer and his license has been issued and paid for by his principal, the licensee shall, immediately upon the cessation of his employment, forthwith return his license to the Minister, and thereupon the license may be reissued to any other agent nominated by the principal without further charge during the crop year in which the license is issued.

11. Any person who carries on or transacts the business of grain buyer in the Province in contravention of this Act, or carries on or transacts any of the business of grain buyer at any shipping point in the Province of Alberta without first having obtained a valid and subsisting license under this Act, shall be guilty of an offence and shall be liable on summary conviction therefor to a penalty of not less than two hundred dollars or more than five hundred dollars and costs, and in default of payment forthwith to a term of imprisonment of not more than ninety days.

12. Nothing in this Act contained shall affect any obligation on the part of any person licensed under this Act to comply with any of the provisions of *The Canada Grain Act*.

13. *The Track Buyers' Licensing Act*, being chapter 35 of the Statutes of Alberta, 1933, is hereby repealed.

14. This Act shall come into force on the day upon which it is assented to.

SIXTH SESSION
EIGHTH LEGISLATURE

1 GEORGE VI

1938

BILL

An Act with respect to the Regulation
and Licensing of Grain Buyers.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING.

EDMONTON:
A Shnitka, King's Printer
1938