

The Provincial Statutes of Lower-Canada, Being the fourth session of the of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, fourteenth day of February, 1839. Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1839.

2 Victoria – Chapter 10 (Session 4)

An Ordinance to suspend certain Acts therein mentioned, and to regulate in a better manner the Packing and Inspection of Flour and Indian Meal.

Whereas it is necessary, for the advantage of the trade in this Province, to regulate in a better and more efficient manner the Packing and Inspection of Flour and Indian Meal, and to suspend the laws now in force, relating to the same:—Be it therefore Ordained and Enacted by His Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of, and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, “An Act to make temporary provision for the Government of Lower Canada;” And it is hereby Ordained and Enacted by the authority of the same, that from and after the passing of this Ordinance, a certain Act passed in the forty-sixth year of the Reign of His late Majesty, King George the Third, intituled, “An Act to repeal an Ordinance made and passed in the twenty-fifth year of His Majesty’s Reign, intituled, ‘An Ordinance to prevent the exportation of unmerchantable Flour, and the false taring of Bread and Flour Casks, to regulate the packing and inspection of Flour and Indian Meal, and to provide for ascertaining the quality of Biscuit in future,’” and a certain other Act, passed in the fifty-eighth year of the Reign of His Majesty, King George the Third, intituled, “An Act to amend an Act passed in the forty-sixth year of His Majesty’s Reign, intituled, ‘An Act to repeal an Ordinance made and passed in the twenty-fifth year of His Majesty’s Reign, intituled, ‘An Ordinance to prevent the exportation of unmerchantable Flour, and the false taring of Bread and Flour Casks, to regulate the packing and inspection of Flour and Indian Meal, and to provide for ascertaining the quality of Biscuit in future;’” and a certain other Act, made and passed in the second year of the Reign of His Majesty King George the Fourth, chapter two, intituled, “An Act to provide for the better inspection of Flour,” shall be, and the said Acts, and each of them, and every part thereof, is, and are hereby suspended during the time this Ordinance shall continue in force.

II. And be it further Ordained and Enacted by the authority aforesaid, that from and after the passing of this Ordinance, it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, for the time being, by a Commission under his hand and seal, to constitute and appoint, at least five skilful persons, resident in each of the Cities of Quebec and Montreal, or in the vicinity thereof, to be and constitute a Board of Examiners of Applicants for the situation of Inspector of Flour and Meal, who, before acting as such, shall severally take and subscribe the following oath, before one of Her Majesty’s Justices of the Court of King’s Bench:—“I, A. B. do swear that I will not, directly

or indirectly, personally, or by means of any person or persons on my behalf, receive any fee, reward, or gratuity whatever, by reason of any function of my office of Examiner, and that I will therein well and truly in all things act, without partiality, favour or affection, and to the best of my knowledge and understanding—So help me God.”

III. And be it further Ordained and Enacted by the authority aforesaid, that the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, shall, and may, from time to time, by an Instrument under his Hand and Seal at Arms, nominate and appoint an Inspector of Flour and Meal for each of the Cities of Quebec and Montreal, and may, at any time, remove such Inspector, and appoint another in his stead; which Inspector shall, previously to his appointment as such, undergo an examination before the aforesaid Board of Examiners, as to fitness, character and capacity, in the manner hereinafter provided, nor shall any person be appointed as Inspector of Flour and Meal at Quebec or Montreal, unless approved of and recommended as such by such Board of Examiners, or a majority of them, pursuant to such examination; and before the appointment of either of the said Inspectors, as aforesaid, he or they shall be required to furnish sureties for the fulfillment of the duties of their office, respectively, that is to say, the Inspector to be appointed for Montreal, in the sum of five hundred pounds currency, and the Inspector to be appointed for Quebec, in the sum of five hundred pounds currency, the said sureties to be approved of by the Board of Examiners, and Bonds executed to Her Majesty, her heirs and successors, in the forms used in executing securities from officers of trust in this Province; and such Bonds shall avail to the Queen, and all persons whomsoever, who shall, or may be aggrieved, by any breach of the conditions of the said Bond; and no such Inspector shall allow any person whomsoever, to act for him about the duties of his office, excepting only his sworn Assistant or Assistants, to be appointed in the manner hereinafter provided.

IV. And be it further Ordained and Enacted by the authority aforesaid, that the Bond or Suretyship which shall be made or executed by such Inspector, by virtue of this Act, shall be made double, and it shall be the duty of the Board of Examiners to see that such Bond is duly executed, before one of the Justices of the Court of King’s Bench, for the District, and one part thereof shall be kept of record in the office of the Prothonotary, or Clerk of the Court of King’s Bench, for the District for which such Inspector shall have been appointed, and the other shall be delivered to and remain with the said Board of Examiners, and every person shall be entitled to have communication and copy of any such Bond at such Prothonotary’s office.

V. Provided nevertheless, and be it further Ordained and Enacted by the authority aforesaid, that the Board of Examiners, to be constituted as aforesaid shall be, and they are hereby authorised and required, before proceeding to the examination of any person who may be hereafter desirous of being appointed an Inspector of Flour and Meal, as aforesaid, to require the attendance of two or more persons of the greatest experience and practice in the manufacture of Flour and Meal, or of the fullest knowledge of the qualities of Flour and Meal, and the said Board in their discretion, are also hereby further authorised to permit any

other person or persons to be also present at the said examination; and each and every of the said persons so required or permitted to attend, may, in the presence of the said Board, propose questions to the person or persons then under examination, touching and respecting his or their knowledge as to quality, manufacture, and other matters relating to, or connected with the Inspection of Flour and Meal.

VI. And be it further Ordained and Enacted by the authority aforesaid, that the person examined, approved and recommended as aforesaid, shall, if appointed as Inspector of Flour and Meal at Quebec or Montreal as aforesaid, before receiving a Commission as such, take and subscribe an oath before one of Her Majesty's Justices of the Court of King's Bench for the District in which he shall be appointed, in the words following, that is to say:—"I, A. B., do solemnly swear, that I will faithfully, truly, and impartially, to the best of my judgment, skill, and understanding, do and perform the office and duty of an Inspector of Flour and Meal, and that I will not, directly or indirectly, by myself, or by any other person or persons whomsoever, trade or deal in Flour or Meal, or be concerned in any such trade, nor purchase any Flour or Meal, of any description, otherwise than for the use and consumption of my family, during the time I shall continue such Inspector—So help me God." Which oath shall be recorded in the Office of the Prothonotary of the Court of King's Bench for the District in which the same shall be taken, for recording which oath and a certificate thereof, the Prothonotary shall be entitled to demand and have from such Inspector, the fee payable for such service immediately before the passing of this Ordinance, that is to say, the sum of two shillings and six pence, and no more.

VII. And be it further Ordained and Enacted by the authority aforesaid, that each of the said Inspectors of Flour and Meal for Quebec and Montreal may appoint one, or as many more Assistants as he shall deem necessary, (for whose acts he shall be, and hereby is declared to be, responsible,) which number of Assistants he shall be bound to increase from time to time, on being thereunto required by the Governor, Lieutenant Governor, or person administering the Government, or any person by him duly authorised to that effect, and each of the said Assistants shall be subject to the approval of the said Board of Examiners, and skilful persons setting with them, in the manner hereinbefore provided, with regard to Inspectors, and before entering upon the duties of his office, he shall give good and sufficient security, by Bond to Her Majesty, in the sum of two hundred and fifty pounds currency, for the District of Montreal, and two hundred and fifty pounds currency for the District of Quebec, for the due performance of his duties, and shall take and subscribe the following oath, before anyone of Her Majesty's Justices of the Court of King's Bench for the District for which he may be appointed:—I, A. B., do swear that I will dilligently, faithfully and impartially execute the office of Assistant to the Inspector of Flour and Meal for the District of _____ according to the true intent and meaning of an Ordinance, intituled, 'An Ordinance to suspend certain Acts therein-mentioned, and to regulate in a better manner the Packing and Inspection of Flour and Indian Meal,' and that I will not, directly or indirectly, personally, or by means of any person or persons on my behalf, receive any fee, reward, or gratuity whatever, by reason of my office of Assistant to the Inspector (except my salary from the said Inspector,) and that I will not, directly or indirectly, trade in

the article of Flour or Meal, or be, in any manner, concerned in the purchase or sale of Flour and Meal, saving only for the consumption of myself and family—So help me God.” And such Bond shall be made in duplicate, and one part thereof shall be delivered to the Inspector, and the other part thereof shall remain of record in the office of the said Court, as shall also the said oath or affidavit, and all persons may have communication and copies thereof, in the manner provided with regard to the Bond and oath of the Inspector.

VIII. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that before such Assistant Inspector enter the duties of his office, his appointment and nomination shall be approved of and confirmed by the Governor, Lieutenant Governor, or person administering the Government of this Province, and the Inspector for the District of Montreal, shall, on being thereunto required in the manner aforesaid, appoint an Assistant Inspector, to reside at William Henry [Sorel-Tracy], and another to reside at Chambly, and that the Inspector for the District of Quebec, shall, being so required, appoint an Assistant to reside at the Town of Three Rivers [Trois-Rivières].

IX. And be it further Ordained and Enacted by the authority aforesaid, that whensoever a vacancy shall occur in the office of Inspector of Flour and Meal, by the death, resignation, or removal of such Inspector, an Inspector of Flour and Meal shall, by the Governor, Lieutenant Governor or person administering the Government of this Province, be appointed in his room from among the Assistant Inspectors, should any such be found properly qualified: Provided that no such Assistant Inspector shall be so appointed Inspector, until he shall have been deemed competent to the duties required of such Inspector, by the said Board of Examiners, or by a majority of the same, who shall make a certificate to that effect, and transmit the same to the Governor, Lieutenant Governor, or person administering the Government of this Province; and no such Inspector shall enter upon the duties of his office until he shall have given the security required by this Act from Inspectors, but the Bond he shall have given as Assistant Inspector shall become void, by his appointment as Inspector.

X. And be it further Ordained and Enacted by the authority aforesaid, that the said Inspectors and Assistant Inspectors, so to be nominated and appointed, are severally hereby authorised and required, before the shipment for exportation, to examine and inspect each and every barrel of Flour and Indian Meal, and to ascertain the respective qualities and conditions thereof, by boring the head of each barrel or cask, and probing the contents to the whole depth of the cask, by an instrument not exceeding five-eighths of an inch in diameter, within the guage or bore of such instrument for that purpose, and after inspecting Flour or Meal, the said Inspectors and Assistant Inspectors respectively, shall plug, or cause to be plugged, the hole bored in each cask for inspection: Provided always, that such inspection may be made either at the store, shop, or warehouse of such Inspector, or at some store within the limits of the Cities of Quebec and Montreal respectively, or of the Town of Three Rivers, or at Chambly or William Henry (if an Assistant Inspector be appointed at the place) respectively, at the option of the proprietor or possessor of such Flour or Meal.

XI. And be it further Ordained and Enacted by the authority aforesaid, that each and every Inspector, and Assistant Inspector, shall, if required, deliver to the owner of any Flour, or to his authorised agent, all Flour or Meal which such Inspector or Assistant Inspector, may have taken from any cask of such Flour, with the instrument used for the purpose of inspection, under the penalty of five pounds, currency.

XII. And be it further Ordained and Enacted by the authority aforesaid, that the said Inspectors and Assistant Inspectors to be appointed as aforesaid, shall provide and have a sufficient number of iron or other metal brands for the use of themselves wherewith they shall respectively brand, or cause to be branded, immediately after inspection, on each and every barrel of Flour and Meal, the words "Quebec," or "Montreal," "Three Rivers," "William Henry," or "Chambly," as the case may be, and the initial of the Christian name, and the surname at full length of the Inspector, with the quality thereof as hereinbefore directed, and on every barrel of such Flour or Meal as may on inspection be found sour, without any other damage or unmerchantable quality, such Inspectors or Assistant Inspectors respectively, shall brand or cause to be branded the word "sour," with the addition of the words "extra superfine," "superfine," "fine," or "fine middlings," as the case may be; and in all cases where flour shall be found to be of unsound and unmerchantable quality, arising from other causes, such Inspector or Assistant Inspector respectively shall brand, or cause the same to be branded with the word "rejected," at full length, and in plain legible characters, and in all cases where the quality of the Flour or Meal inspected may appear inferior to the brand mark of the manufacturer, and not to be properly designated by the brand, it shall be the duty of the respective inspectors, and Assistant Inspectors, and they are hereby authorised and required, to erase and correct the same; and for such inspection and branding, the said Inspectors respectively, shall be entitled to receive of and from the person who may have applied to them, for each and every barrel of Flour and Meal so inspected and branded, the sum payable for the like service immediately before the passing of this Ordinance, that is to say, the sum of two pence currency, (cooperage not included,) and where a certificate of a Bill of Inspection shall be required, the same shall be given by the said Inspectors or Assistant Inspectors without fee or reward, and if any Inspector or Assistant Inspector, shall knowingly and wilfully give an untrue or incorrect certificate, of quantity or quality of any Flour or Meal by him inspected, and shall give such certificate, without a personal examination and inspection of such Flour or Meal, he shall forfeit and pay the sum of twenty pounds currency, and be dismissed from his office, and declared incapable of ever after filling the same: Provided always, that it shall be the duty of the said Inspectors and Assistant Inspectors respectively, to examine each and every barrel of Flour or Meal offered for inspection, and which shall have been packed in this Province, and in no case to brand the same, unless the name of the manufacturer or packer and the nett weight are branded, and the tare legibly marked thereon: Provided always, that in all cases the person applying to the Inspector shall be entitled to reimbursement of the price of inspection from the vendor, if such applicant be not the vendor himself or unless an express stipulation to the contrary shall have been made at the time of sale.

XIII. And be it further Ordained and Enacted by the authority aforesaid, that it shall be the duty of the Inspector or Assistant Inspector, at the request of any owner or proprietor of Flour or Meal, or of the person interested therein, to ascertain by examination the weight of all the casks which he may suspect of being falsely fared, and to weigh such casks as he shall suspect not to contain the full weight required by this Ordinance, and if they do not contain such full weight, he shall cause the same to be filled up by the proprietor or persons requiring such Flour to be inspected, so as to contain the weight of Flour or Meal required by this Ordinance, and every Inspector or Assistant Inspector, who shall neglect or refuse to examine and weigh such Flour, and to cause the said casks to be weighed in the manner required by this Ordinance, shall, for every such neglect or refusal, forfeit the sum of twenty pounds currency.

XIV. And be it further Ordained and Enacted by the authority aforesaid, that if any dispute shall arise between any of the Inspectors, or Assistant Inspectors so to be appointed, and the proprietor or possessor of any Flour or Meal, with regard to the quality or condition thereof, upon application to any one of Her Majesty's Justices of the Peace for the District, where such Inspector or Assistant Inspectors may reside, the said Justice of the Peace shall issue a summons to three persons of skill and integrity, one whereof to be named by the Inspector, another by the proprietor or possessor of the Flour, and the third by the said Justice of the Peace, requiring the said persons immediately to examine the said Flour or Meal, and report their opinion of the quality and condition thereof, under oath, (which oath, the said Justice is hereby authorised to administer, and their determination shall be final and conclusive, whether approving or disapproving the judgment of the Inspector, or Assistant Inspector, who shall immediately attend to, and conform himself thereto, and brand, or cause to be branded, each and every barrel of the qualities or condition directed by the determination aforesaid; and if the opinion of the Inspector, or Assistant Inspector, be thereby confirmed, the reasonable costs and charges of reexamination, to be ascertained by the said Justice, shall be paid by the said proprietor or possessors, or otherwise, by the Inspector.

XV. And be it further Ordained and Enacted by the authority aforesaid, that any of the said Inspectors, or Assistant Inspectors, so to be nominated or appointed, who shall refuse, or neglect, on application to him made, personally or by writing, left at his dwelling house, stores, offices, or warehouses, on lawful days, between sunrise and sunset, by any proprietor or possessor of Flour or Meal, (such Assistant Inspector or Inspector not being at the time of such application, employed in inspecting Flour or Meal elsewhere,) immediately or within two hours thereafter, to proceed to such inspection, shall, for every such neglect or refusal, forfeit and pay to such person so applying, on conviction thereof before any one Justice of the Peace, on the oath of one credible witness, other than the informer, the sum of five pounds, over and above the damages occasioned by such refusal or neglect to the party complaining.

XVI. And be it further Ordained and Enacted by the authority aforesaid, that if, upon the inspection of any cask or barrel of Flour or Meal, the Inspector, or Assistant Inspector, respectively, shall discover any foreign substance mixed, or blended therewith, or packed

therein, it shall be the duty of such Inspector, or Assistant Inspector, and he is hereby authorised, enjoined and required, immediately to seize and detain the same, and to make report thereon to any one of Her Majesty's Justices of the Peace, under oath, and such Justice may, if he shall see fit, authorise the detention of the same, in some safe place, until the suit to be instituted for the penalty thereby incurred, shall be determined; and each and every person, who shall or may hereafter, wilfully and fraudulently, mix or blend any Flour or Meal, by them packed for sale or exportation, with any foreign matter, shall, in every such case, be liable to a penalty not exceeding twenty pounds, over and above the punishment he or she may be now liable to by the law of this Province; and such penalty may be recovered by any person suing for the same by civil action, in any Court of competent jurisdiction, and one moiety shall belong to Her Majesty, for the public uses of the Province, and the other moiety to the person suing for the same; but no such action shall be commenced after the end of one month from the seizure and report so made as aforesaid, by the Inspector or Assistant Inspector; and if such penalty be so recovered, the Flour or Meal shall thereupon be forfeited to, and belong to Her Majesty for the public uses of the Province.

XVII. And be it further Ordained and Enacted by the authority aforesaid, that every manufacturer of Flour or Meal, who shall undermark the tare of any cask, or shall put therein a less quantity of Flour or Meal than is branded thereon, shall incur a penalty of one pound currency for every cask so undermarked and deficient, one half of such penalty to go to the person who shall sue for the same, and the other half to Her Majesty, for the use of the prisoners confined in the Common Jail or House of Correction of the District in which the conviction shall take place. Provided always that such penalty shall not be recovered, when and so often as the deficiency of weight shall appear to have been occasioned by some accident unknown to such manufacturer, and which happened after the packing of the casks.

XVIII. And be it further Ordained and Enacted by the authority aforesaid, that if any person shall knowingly offer for sale any cask of Flour or Meal, upon which the tare shall be undermarked, or in which there shall be a less quantity of Flour or Meal than is branded thereon, he shall forfeit the sum of one pound currency for every cask so undermarked and deficient, one half to belong to the person who shall prosecute for the same, (without prejudice to his civil remedy for such other damage as he shall in that behalf sustain,) and the other half to be paid to Her Majesty, for the use of the prisoners confined in the Common Jail or House of Correction of the District wherein the offence may be committed.

XIX. And be it further Ordained and Enacted by the authority aforesaid, that no Inspector, or Assistant Inspector of Flour and Meal, to be appointed in pursuance of this Ordinance, shall, directly or indirectly, trade or deal in Flour or Meal, or be concerned in any such trade, nor purchase any Flour or Meal of any description, otherwise than for the use and consumption of his family, under the penalty of fifty pounds for each and every offence, and of being immediately removed from office.

XX. And be it further Ordained and Enacted by the authority aforesaid, that every person who shall ship or attempt to ship for exportation, or shall export from this Province, any Flour or Meal not inspected of branded according to the provisions of this Ordinance, shall, for every such offence incur a penalty of ten shillings currency, for each and every cask so shipped or attempted to be shipped for exportation or exported, in addition to the forfeiture of such Flour or Meal in the cases hereinafter provided for.

XXI. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for any one of the said Inspectors and Assistant Inspectors respectively, having previously made oath before any one of Her Majesty's Justices of the Peace for the District, that he has reason to believe that Flour or Meal is shipped or shipping on board any vessel or vessels for exportation, without having been inspected, and after receiving a warrant under the hand and seal of such Justice for the purpose, to enter in the day-time on board of any ship or vessel within the limits of the District for which they may have been appointed, if the said vessel or vessels be not then cleared at the Custom House, and the same to search and examine; and if in searching, he or they shall find any Flour and Meal, (being part of the cargo of such ship or vessel,) that shall not have been inspected, as provided by this Ordinance, it shall be lawful for him or them to seize and detain the the said Flour or Meal, and to sell, or cause the same to be sold at public auction, giving five days' notice of the time and place of sale, and after retaining for himself ten per cent. of the proceeds of the sale, he shall pay over the balance for the use of the prisoners detained in the Common Jail or House of Correction, on an order to that effect made by any two of Her Majesty's Justices of the Peace for the District where such seizure may be made: and the master or commander of any ship or vessel, who shall knowingly and wilfully receive into such ship or vessel, any quantity of Flour or Meal for exportation, which shall not have been previously inspected as by this Ordinance is provided, or who shall by himself, his servants or seamen, hinder or obstruct any Inspector in making such search as aforesaid, shall, for each barrel of Flour or Meal so received on board, forfeit and pay the sum of ten shillings, and for every such hindrance or obstruction, shall forfeit and pay the sum of fifty pounds current money of this Province.

XXII. And be it further Ordained and Enacted by the authority aforesaid, that in branding the different qualities or descriptions of Flour, the same shall be designated as follows, viz: that of a very superior quality by the words "extra superfine," of a second quality by the word "superfine," of a third quality by the word "fine," of a fourth quality by the words "fine middlings," of a fifth quality by the word "middlings," of a sixth quality by the words "ship stuff or pollards," and the quality called farine entiere by the letters ENT, by which latter description of Flour shall be understood the whole produce of the Wheat when ground, excepting the coarse bran and pollards; and when the Wheat, from which Flour of any of the above qualities hath been manufactured, was previously kiln-dried, the same shall be branded by the packer on each and every barrel, either at length, or by the letters KILN-D.; and all barrels or hogsheads in which Indian Meal shall be packed shall be branded by the packer "Indian Meal," and the tare of the cask marked on one end as well as the net weight thereof, and the barrels in which Indian Meal shall be so packed, shall contain one hundred

and sixty-eight pounds, avoir du poids weight, of the said Meal, and each cask of Rye-Flour shall be branded "Rye-flour," and the particular quality thereof shall be designated and branded in the manner hereinbefore provided for Wheat Flour.

XXIII. And be it further Ordained and Enacted by the authority aforesaid, that from and after the passing of this Ordinance, all licences or commissions heretofore issued for the appointment of any Inspector or Inspectors of Flour and Meal in this Province, shall be and the same are hereby revoked and rendered null and void.

XXIV. And be it further Ordained and Enacted by the authority aforesaid, that it shall not hereafter be lawful to pack Flour in barrels, for sale or for exportation, of any other than the following weights, viz.:—half barrels containing ninety-eight pounds net, or barrels containing one hundred and ninety-six pounds net, avoir du poids weight, which weight shall be branded or marked with a marking, iron, on one head of each and every barrel, previous to the delivery thereof, under the penalty of one shilling for each and every cask offered for sale or inspection without such brand or mark.

XXV. And be it further Ordained and Enacted by the authority aforesaid, that from and after the first day of May, one thousand eight hundred and thirty-nine, all casks containing Flour or Meal, brought to the Cities of Quebec and Montreal, to the Town of Three-Rivers or to the Borough of William Henry, or to Chambly, for sale or exportation, shall be of the following dimensions, that is to say, the staves of all barrels to be of the length of twenty-seven inches, and the diameter at the head to be sixteen and a half inches to seventeen inches, and the staves of all half barrels to be twenty-two inches in length, and the diameter at the head to be thirteen inches and a half to fourteen inches, under a penalty of one shilling currency, for each barrel or half barrel respectively of any other dimensions.

XXVI. And be it further Ordained and Enacted by the authority aforesaid, that from and after the passing of this Ordinance, each, and every manufacturer of Wheat and packer of Flour, shall provide himself or themselves with iron or other metal brands, containing the initials of his Christian name, and his surname at full length, wherewith he, or they, shall brand, or cause to be branded, each and every cask of Flour, packed for sale or exportation, in a plain and distinguishable manner, before delivery thereof and previous to such inspection, as is herein provided, under the penalty of one shilling for each and every barrel of Flour, so delivered without such brand marks.

XXVII. And be it further Ordained and Enacted by the authority aforesaid, that all Flour, to be hereafter packed for exportation, shall be packed in good and strong casks, made of seasoned oak, or ash timber, and made as nearly straight as may be, with heads of the same, well seasoned and bound with at least ten wooden hoops, three whereof at each end, with a lining hoop within the chimes, the whole well secured by nails; and further, that each and every cask shall have the tare or weight thereof, legibly marked in large figures on the end, under the penalty of one shilling for each and every cask on which the same shall not

be so marked at the time of packing the same, or shall not be of one of the foregoing descriptions of barrels.

XXVIII. And be it further Ordained and Enacted by the authority aforesaid, that if any manufacturer or packer of Flour, or any other person or persons whomsoever, shall, with a fraudulent view or intention, efface or cause to be effaced or obliterated, from any cask or barrel of Flour or Meal, having undergone inspection, all or any of the Inspector's brand marks, or shall counterfeit any thereof, or impress or brand the same on any cask or casks of Flour or Meal, or shall empty any cask or casks of Flour or Meal branded after inspection, in order to put into the same other Flour or Meal, for sale or exportation, such person or persons so offending shall, for each such offence respectively, incur a penalty of fifty pounds currency.

XXIX. And be it further Ordained and Enacted by the authority aforesaid, that in addition to the brands or marks by this Ordinance required to be branded and marked upon each and every barrel of Flour or Meal, the month and year upon which the same shall have been inspected, shall be marked in large and legible characters, on a brand of at least six inches in diameter; and it shall be the duty of each and every of the said Inspectors of Flour and Meal, to provide one uniform brand for the whole Province, and the said Inspectors are hereby required to brand the whole of the brands and marks by law provided to be branded or marked as aforesaid, upon casks of Flour and Meal, within a circle of six inches diameter, on each and every of the said casks, which shall be by them, as aforesaid, inspected, under a penalty of twenty shillings currency for each cask not branded in the manner hereby required.

XXX. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that nothing in this Ordinance contained shall be construed to prevent the exportation of any rejected Flour or Meal from this Province, such rejected Flour or Meal being duly stamped or branded, as by law required, and as such entered at the Custom House, and in the manifest of the ship or vessel in and upon which such rejected Flour or Meal may have been shipped for exportation.

XXXI. And be it further Ordained and Enacted by the authority aforesaid, that each Inspector shall keep a book in his office, open to the examination of the public, containing a statement of the quantities of Flour he may have inspected, specifying the number of barrels and half barrels, and the qualities hereof, and such book shall be made up monthly, under a penalty of five pounds currency for each neglect to keep such book, and for every calendar month for which such book shall not be so made up, after the expiration of two days in the month next following.

XXXII. And be it further Ordained and Enacted by the authority aforesaid, that all fines, penalties and forfeitures imposed by this Ordinance, not exceeding ten pounds sterling, shall be recoverable by the Inspectors, or by any other person or persons suing for the same, in a summary way, before any two of Her Majesty's Justices of the Peace for the District, in their

weekly or other sittings, and may, in default of payment, be levied by warrant of distress, to be issued by such Justices against the goods and chattels of the offender, and where the same shall exceed the sum of ten pounds sterling, they may be sued for and recovered by bill, plaint, information or civil action in Her Majesty's Court of King's Bench, holding civil pleas, and levied by execution as in cases of debt; and the moiety of all such fines, (except such as are hereinbefore otherwise applied,) when recovered, shall immediately be paid into the hands of Her Majesty's Receiver General, for the use of Her Majesty towards the support of the Government of this Province, and shall be accounted for to Her Majesty, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, her heirs and successors shall direct, and the other moiety shall belong to, and be paid to the person who shall sue for the same.

XXXIII. And be it further Ordained and Enacted by the authority aforesaid, that if any action or suit, not otherwise provided for, be brought or commenced against any person or persons, for any thing done in pursuance of this Ordinance, or contrary to the provisions thereof, such action or suit shall be commenced within six months next after the matter or thing done, or omitted to be done, and not afterwards, and the defendant or defendants in such action or suit, may plead the general issue, and give this Ordinance and the special matter in evidence at any trial to be had thereon; and if afterwards judgment shall be given for the defendant, or defendants, or the plaintiff or plaintiffs shall be nonsuited, or discontinue his or their action, after the defendant or defendants shall have appeared, then such defendant or defendants shall have treble costs awarded against such plaintiff or plaintiffs, and have the like remedy for the same, as any defendant or defendants, hath or have in other cases to recover costs at law.

XXXIV. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be and remain in force, until the first day of November, one thousand eight hundred and forty two, and no longer.

J. COLBORNE.

Ordained and Enacted by the authority aforesaid, and passed in Special Council under the Great Seal of the Province, at the Government House, in the City of Montreal, the Fourth day of March, in the Second year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord, one thousand eight hundred and thirty-nine.

By His Excellency's Command,
W. B. LINDSAY,
Clerk Special Council.