

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on the Twentieth day of March, 1793, and continued by several Prorogations to the Third Day of March, Anno Domini 1796, in the Thirty-Sixth Year of the Reign of Our Sovereign Lord George The Third of Great-Britain, France, and Ireland, being the Fourth Session of the Seventh General Assembly convened in the said Province. From Richard John Uniacke, The Statutes at Large passed in the General Assembly held in His Majesty's Province of Nova Scotia: A complete index and abridgement of the whole. John Howe and Son, 1805.

36 George III – Chapter 8

An Act to regulate the Assize of Bread.

Whereas the present rule for establishing the assize of bread, has been found not to be, in all cases, duly apportioned, to the respective prices of flour; and whereas it is of consequence that so necessary an article should be fairly, and strictly regulated, to the intent, that a plain and constant rule and method may be duly observed and kept, in the making and assizing of the several sorts of bread, which shall hereafter be made for sale, in any place, or places, where an assize of bread shall be thought proper to be set, in pursuance of this act:

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, that, from and after the publication hereof, it shall and may be lawful for the court, or persons herein after authorised by this act, to set the assize of bread; to set, ascertain and establish, in any place or places within their respective jurisdictions, the assize and weight of all sorts of bread which shall, in any such place or places, be made for sale, or exposed to sale, and the price to be paid for the same respectively, when and as often from time to time as such court or persons as aforesaid shall think proper, having due respect to the price or prices which the grain, meal or flour, shall bear in, or near, the place or places for which such assize shall be set: and making, from time to time, reasonable allowance to the makers of bread for sale, where such assize shall be set for their charges, labour and profit, according as such court, or persons as aforesaid, shall from time to time think proper.

II. And be it further enacted, by the authority aforesaid, that, from and after the publication hereof, where any assize of bread shall at any time be set, for any place or places by virtue of this act, no person or persons, shall there make for sale, or sell, or expose to sale, any sort of bread, other than wheaten bread, and such or sorts of bread, as in such place or places shall, by the court, or persons authorized as aforesaid, be publicly allowed to be made, or sold; and the court, or persons empowered to set an assize of bread by virtue of this act, may, from time to time, as they shall see fit, order and allow, in any places within their respective jurisdictions, bread to be made with the flour, or meal of rye, barley, Indian corn, or other grain, or with the meal or flour of any such different sorts of grain, mixed together: and if any person shall offend in the premises, and shall be convicted of such offence, either by his, her, or their own confession, or by the oath of one or more credible witness or witnesses, before any justice of justices of the peace, within the limits of his or

their jurisdiction, every one so offending shall, on every such conviction, forfeit and pay any sum not exceeding twenty shillings, nor less than five shillings, as such justice or justices shall think fit and order.

III. And be it further enacted, by the authority aforesaid, that, from and after the publication hereof, in every place and places, for which an assize of bread shall at any time be thought proper to be set by virtue of this act, the assize and weight of all bread, made of good sound inspected wheaten fine flour, which shall be there made for sale, or sold, or exposed to sale, and the price to be paid for the same respectively, shall be set, and ascertained, according to the following table:

(By the English stat. 31 Geo. 2d. C. 29, every sack of meal or flour, of the respective sorts, is to weight, 2 cwt. 2 qrs. net, and from every such sack of meal or flour there ought to be produced, on the average, twenty peck loaves, well baked, each weighing seventeen pounds six ounces, avoirdupoise weight. By this rule is constructed the following table, which contains, in column No. 1, the price of the hundred weight of meal or flour, the allowance of the justices to the baker being included: and, in column No. 2, are the weights of the several loaves; so that for example, if the price of flour is certified to be twenty shillings per hundred weight, and the justices allow four shillings to the baker, for baking, find twenty four shillings in the column No. 1, and even therewith, under No. 2, will be found the weight of the several loaves; but if the price in the market is fifteen shillings, and the allowance three shillings, then the weight of the said loaves will be found even with eighteen shillings)

No. I Price of the Cwt. Of Flour and Baking.	No. II										
	The Penny Half- Penny Loaf.		The Threepenny Loaf.			The Sixpenny Loaf.			The Shilling Loaf.		
	Oz.	Dr.	Lbs.	Oz.	Dr.	Lbs.	Oz.	Dr.	Lb.	Oz.	Dr.
10s.	27	12	3	7	9	6	15	3	13	14	6
11s.	25	4	3	2	8	6	5	1	12	10	2
12s.	23	2	2	14	5	5	12	10	11	9	5
13s.	21	6	2	10	12	5	5	8	10	11	1
14s.	19	13	2	7	11	4	15	6	9	14	13
15s.	18	8	2	5	1	4	10	2	9	4	4
16s.	17	6	2	2	12	4	5	8	8	11	0
17s.	16	5	2	0	11	4	1	6	8	2	13
18s.	15	7	1	14	14	3	13	12	7	11	8
19s.	14	10	1	13	4	3	10	8	7	5	0
20s.	13	14	1	11	12	3	7	9	6	15	3
21s.	13	3	1	10	7	3	14	15	6	9	14
22s.	12	10	1	9	4	3	2	8	6	5	1
23s.	12	1	1	8	2	3	0	5	6	0	11
24s.	11	9	1	7	2	2	14	5	5	12	10
25s.	11	1	1	6	3	2	12	7	5	8	15
26s.	10	11	1	5	6	2	10	12	5	5	8
27s.	10	4	1	4	9	2	9	2	5	2	5
28s.	9	14	1	3	13	2	7	11	4	15	6
29s.	9	9	1	3	2	2	6	5	4	12	11
30s.	9	4	1	2	8	2	5	1	4	10	2
31s.	8	15	1	1	14	2	3	13	4	7	11
32s.	8	11	1	1	6	2	2	12	4	5	8
33s.	8	6	1	0	13	2	1	11	4	3	11
34s.	8	2	0	0	5	1	0	11	4	1	6
35s.	7	15	0	15	14	1	15	12	3	15	8
36s.	7	11	0	15	7	1	14	14	3	13	12
37s.	7	8	0	15	0	1	14	0	3	12	1
38s.	7	5	0	14	10	1	13	4	3	10	8
39s.	7	2	0	14	4	1	12	8	3	9	0
40s.	6	15	0	13	14	1	11	12	3	7	9
41s.	6	12	0	13	8	1	11	1	3	6	3
42s.	6	9	0	13	3	1	10	7	3	4	15
43s.	6	7	0	12	14	1	9	13	3	3	11
44s.	6	5	0	12	10	1	9	4	3	2	8
45s.	6	2	0	12	5	1	8	11	3	1	6
46s.	6	0	0	12	1	1	8	2	3	0	5
47s.	5	14	0	11	13	1	7	10	2	15	5
48s.	5	15	0	11	9	1	7	2	2	14	5
49s.	5	10	0	11	5	1	6	11	2	13	6
50s.	5	8	0	11	1	1	6	3	2	12	7
51s.	5	7	0	10	14	1	5	12	2	11	9
52s.	5	5	0	10	11	1	5	6	2	10	12
53s.	5	3	0	10	7	1	4	15	2	9	15
54s.	5	2	0	10	4	1	4	9	2	9	2
55s.	5	0	0	10	1	1	4	3	2	8	6
56s.	4	15	0	9	14	1	3	13	2	7	11
57s.	4	14	0	9	12	1	3	8	2	7	0
58s.	4	12	0	9	9	1	3	2	2	6	5
59s.	4	11	0	9	6	1	2	13	2	5	11
60s.	4	10	0	9	4	1	2	8	2	5	1

IV. And be it further enacted, by the authority aforesaid, that the said table shall also extend, as well to bread which shall be made with the flour of wheat, mixed with the flour or meal of other grain, as also to bread which shall be made of the flour or meal of other grain or grains, than wheat, which shall be publicly licensed and allowed to be made into bread, in any place or places, in pursuance of this act; and that the assize of all such mixed bread shall be set and ascertained, as near as may be, according to the said table.

V. And be it further enacted, by the authority aforesaid, that, from and after the publication hereof, the justices of the peace for the several counties, in their quarter sessions, or, if need be, at the special sessions to be called for the purpose, shall and may, from time to time, as there shall be occasion, cause the prices which the several sorts of meal or flour, fit and proper to make the different sorts of bread which shall be allowed to be made in any town or place within their respective jurisdictions shall, from time to time, bona fide sell for, at the mills, warehouses or markets, in or near such town or place, publicly and generally, and not at particular times, and on special contract only, to be given in, and certified to such justices in such manner, and on such day in every week, as such justices shall direct, by the clerks of the market, or by such person or persons as such justices, in their said sessions, shall from time to time appoint; and the prices so certified shall, from time to time, be entered by the respective person or persons, who shall certify the same, in some book or books, to be provided by such person or persons, and kept by him or them for that purpose; and within two days after every such price shall be so returned the assize and weight of bread for such town or place shall be set by such justices for any time not exceeding one calendar month from every sitting thereof, and be made public in such town or place for which the same shall be so set, in such manner as the justices, who shall set the same, shall order and direct. Provided, that after any assize of bread shall be set, in pursuance of this act, no alteration shall be made therein, either to raise the same higher, or to sink the same lower, unless, and except, the price of the flour of wheat, or other grain, shall be returned, as having risen one shilling in the hundred weight, or having fallen one shilling in the hundred weight, since the last return made.

VI. And be it further enacted, by the authority aforesaid, that any maker of bread for sale, in any town or place where any assize of bread shall be set as aforesaid, shall have liberty, at all seasonable times, in the day time, the next day after every return of the price of flour or meal shall be made for such town or place, and entered in the proper book directed to be provided and kept for that purpose, as aforesaid, to see the entry which shall be made in such book, of the price of meal, or flour, without paying any thing for the same: to the intent that every such maker of bread for sale, may have an opportunity, on the said next day after such entry made as aforesaid, before such assize shall be set or altered, such objections as any such maker of bread, for sale, can reasonably offer, against any advance or reduction being at any time made in the assize or weight of bread, in any such town or place.

VII. And be it also enacted, that when any assize of bread shall be set at any time, in pursuance of this act, the same shall be made public, in the form, or to the effect following, to wit:

The assize of bread, set the _____ day of _____ for _____ to take place on the _____ day of _____ now next ensuing, and to be in force:

	Lb.	oz.	d.
The Penny halfpenny loaf, of fine wheaten flour			is to weigh
The Three Penny loaf, of	do.		is to weigh
The Six penny loaf, of	do.		is to weigh
The Shilling Loaf, of	do.		is to weigh

And whenever any bread shall be ordered, or allowed, as aforesaid, to be made with the meal or flour of rye, Indian corn, or barley, either alone, or mixed, with the meal of flour, or any other grain or grains, the assize of such bread shall be made public, in such manner as the justices, who shall set such assize, shall from time to time direct.

VIII. And be it further enacted, that whenever the justices of the peace, in their respective session, as aforesaid, shall order and allow any bread to be made within their respective jurisdictions, of, or with the flour or meal of any other grain, or grains, than wheat; or to be mixed with the flour of wheat, or to be made with the flour, or meal, of any other sort or sorts of grain, either separate or mixed together; all persons who shall make any bread for sale, in any town or place where such orders shall be made, shall, from time to time, make bread with such mixed meal or flour in every such place or places, in such manner, and of such weight and goodness, as such justices shall, from time to time, so order and direct, upon pain that every person who shall at any time offend in the premises, and shall be convicted of any such offence, in the manner herein after prescribed, shall forfeit and pay any sum not exceeding twenty shillings, nor less than five shillings, as the justice or justices, before whom any such offender or offenders shall be convicted, shall think fit and order, every time he, she or they, shall so offend and be convicted.

IX. And be it further enacted, that, from and after the publication of this act, no person shall knowingly put into any bread, which shall be made for sale, any mixture of meal or flour, of any other sort of grain, than of the grain the same shall import to be, and of which bread shall be allowed to be made, in pursuance of this act, or shall put into bread, which shall be made for sale, any larger or other proportion of the meal or flour of any other or different sort or sorts of grain than what shall be allowed as aforesaid by virtue of this act, or any mixture, or thing, as for, or in lieu of, four, which shall not really be the genuine flour which the same shall import to be, and ought to be, upon pain that every person who shall offend in the premises, and shall be convicted of any such offence in manner herein after prescribed, shall forfeit and pay any sum not exceeding twenty shillings, nor less than five shillings, as the justice or justices, before whom any such offender or offenders shall be convicted, shall think fit to order, every time he, she or they, shall so offend, and be convicted.

X. And be it further enacted, by the authority aforesaid, that the several sorts of bread which shall be sold, or made for sale, or exposed to sale, shall always be well made, and in their several and respective degrees, according to the goodness of the several sorts of meal, or flour, whereof the same ought to be made, and no preparation of damaged or musty flour, or ingredients or mixture whatsoever, (except the genuine meal or flour, which ought to be put therein, and common salt, pure water, eggs, milk, yeast and barm, or such leaven as shall be allowed to be put therein, by the justices, which shall have set the assize) shall be put into, or in any wise used, in making dough, or any bread, to be sold, or as, or for, leaven, to ferment any dough, or on any other account, in the trade of making bread; on pain that every person, other than a servant, or journeyman, who shall knowingly offend in the premises, and be convicted thereof, by confession, or the oath of one witness, before any justice of the peace, shall forfeit, not more than three pounds, nor less than forty shillings, or shall be committed to the house of correction, or to the county jail, there to remain, and be kept to hard labour for any time not exceeding fourteen days, nor less than seven days, from the time of such commitment, as such justice shall think fit; and if any servant, or journeyman, shall knowingly offend, and be convicted as aforesaid, he shall forfeit not more than forty shillings, nor less than twenty shillings, or shall be committed as aforesaid; and it shall be lawful, for the justice, before whom any such offender shall be convicted, out of the money forfeited, when recovered, to cause the offender's name, and offence, to be published in some newspaper, which shall be printed in, or near, the town or place where any such offence shall have been committed.

XI. And be it also enacted, that if any persons, who shall make any bread for sale, or who send out, sell, or expose to sale, any bread, shall at any time, from and after the publication hereof, make, send out, sell, or expose to sale, any bread which shall be deficient in weight, according to the assize which shall from time to time be set for any such bread, in pursuance of this act, he, she or they, so offending in the premises, and being convicted thereof in manner herein after prescribed, shall forfeit and pay a sum not exceeding five shillings, nor less than one shilling, for every ounce of bread which shall at any time be wanting or deficient in the weight, which every such loaf ought to be of; and for every loaf of bread, which shall be found to be wanting less than an ounce of the weight the same out to be, of a sum not exceeding two shillings and six-pence, nor less than six-pence, as such justice, or justices, before whom any such bread, which shall not be of the due weight the same out to be shall be brought, shall think fit to order, so as such bread, so deficient in weight, be brought before one or more justice or justices having jurisdiction in the premises, and be weighed before such justice or justices, within twenty-four hours after the same shall have been baked, sold, or exposed to sale, unless it shall be made out to the satisfaction of such justice, or justices, by, or on behalf of, the party or parties, against whom any such complaint or information shall be made, that such deficiency wholly arose from some unavoidable accident in baking, or otherwise, or was occasioned by, or through, some accident, contrivance or confederacy.

XII. And be it further enacted, that from and after the publication of this act, every person who shall make, send out, sell, or expose to sale, any sort of bread, whatsoever, shall, from

time to time, cause to be fairly imprinted, or marked, on every loaf of each respective sort of bread, in Roman characters, the initial letter or letters of the grain, or grains of the flour, or meal whereof such bread shall be made, and also the Christian and surname of the baker or manufacturer thereof; and that every person who shall make for sale, or shall sell, carry out, or expose to sale, any loaf of any sort of bread which shall be allowed to be made in pursuance of this act, which shall not be marked pursuant to the directions of this act, so as that it may, on view thereof, be ascertained from time to time, under what denomination or sort of bread every such loaf was made, and ought to be weighed, (except as to such loaves as shall be rasped after the bespeaking or purchasing thereof, by the particular desire of the person who shall order the same to be so rasped, for his, her or their, own use, or uses,) shall, for every time, he, she or they, shall offend in the premises, and be thereof convicted in manner herein after prescribed, forfeit and pay a sum not exceeding twenty shillings, nor less than five shillings, as any justice, or justices, before whom the offender shall be convicted, shall order for every loaf of bread, not marked as is hereby directed.

XIII. And be it further enacted, that the clerks of the market, in the several towns in this province, shall visit the houses, bake-houses or shops, and other places, of every baker or seller of bread, at least, one day in every week, and that it shall be lawful for the clerks of the market, or for any justice of the peace, or for any constable thereto authorised by warrant of any justice, to enter, in the day time, into any house, shop, bake-house, out-house, or other place belonging to any baker, or seller of bread, and to search, view, weigh and try all, or any, bread which shall there be found; and if any bread shall, on any such search or trial, by any justice, or by the clerks of the market, or on proof made before any justice, by the oath of one credible witness, be found to be deficient in weight, or not truly marked, or deficient in the due baking or working thereof, or wanting in the goodness of the stuff; or made within any mixture of meal, or flour of any other grain, than the same shall import to be made with, or with any larger or other proportion of any other grain, than what ought to be put therein, or with any mixture or ingredient which by this act ought not to be put therein; or with any thing in lieu of flour, which shall not be the genuine flour the same shall import to be; or made with any leaven not allowed by this act, such justice, clerks of the market, or constable, may seize the same, and dispose thereof to poor persons, as such justice or any other justice respectively, shall think fit; and if any person or persons whatsoever shall obstruct or oppose any such search or seizure of bread, he, she or they, shall forfeit and pay, not exceeding forty shillings, nor less than twenty shillings each, for every such offence.

XIV. Provided always, and be it further enacted, that if any baker shall make it appear to any such justice, that any offence for which he shall have paid the penalty, was occasioned by the wilful neglect or default of his journeyman or servant, the said justice shall issue his warrant for bringing such offender before him, or some other justice, who, on conviction, shall order what reasonable sum shall be paid by the said offender, by way of recompence; and if he do not immediately pay the same, there to be kept to hard labour for any time not exceeding one calendar month, unless payment be sooner made.

XV. And be it further enacted, that the grand jurors for the several counties in this province, at the court of general sessions of the peace, which shall be holden for each county respectively, next after the publication of this act, and thereafter annually, at the first sitting of the said court in every year, shall, where requisite, nominate four fit persons in each and every township within their respective counties, of whom the said court shall appoint two, for the purpose of inspecting the flour, or meal, of all wheat, rye, barley, Indian corn, or other grain, to be bought or sold within the respective townships: which inspectors shall, within eight days after notice of their appointment, and before they enter upon the execution of their office, take the following oath, before some one justice of the peace for the county wherein they reside, viz.

“I A. B. do swear, that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform, the office, and duty, of an inspector of flour, or meal, according to the true intent and meaning of the laws of this province, relative to the same.”

XVI. And be it further enacted, that all flour, or meal, as aforesaid, to be hereafter bought, or sold, within this province, or shipped for exportation therefrom, shall be liable to be inspected, and branded, by an inspector of the township in which it shall be proposed to be so bought, sold or exported; who shall, on request of either party, or his agent, attend to examine the same, and see that it is found, wholesome and merchantable, and to brand the same accordingly with the initials of his name; and in any case in which any bread shall be proposed to be seized, under, and by virtue of, this act, for any other cause than deficiency in weight, or not being truly marked, it shall and may be lawful for the person or persons interested therein, in case of any dispute between the person seizing, and the owner or possessor of such bread, to call in one of the said inspectors to examine and ascertain the quality and proportion of the ingredients used therein: the person calling upon such inspector to pay him one shilling for every time he shall so attend.

XVII. And be it further enacted, that it shall be lawful for any of His Majesty’s justices of the peace, or any one of them, within their respective counties, to hear and determine, in a summary way, all offences against the true intent and meaning of this act: and, for that purpose, to summon before them, or any of them within their respective jurisdictions, any party accused of having offended against the true intent and meaning of this act; and if the party accused shall not appear on summons, or offer some reasonable excuse for his default, then upon oath of any credible witness, of any offence committed against this act, any such justice, or justices, shall issue his or their warrant for apprehending the offender or offenders, and upon appearance of the party accused, or in case he or they shall not appear after notice given to, or left for, him or them, at his or their usual place of abode: or if he or they cannot be apprehended upon a warrant, granted as aforesaid, then, and in any such case, any such justice, or justices, is, and are, hereby authorised to examine any witness or witnesses on oath, who shall be offered on either side, touching the matters complained, and after hearing such witnesses, and the party who shall appear, such justice or justices, shall thereupon convict, or acquit, the party accused; and if any money, or penalty forfeited

for any such conviction, be not paid within twenty-four hours after conviction, such justice or justices shall issue his or their warrant of distress, against the goods and chattels of such offender or offenders; and if, within five days after such distress taken, the money forfeited shall not be paid, the goods seized shall be appraised and sold, rendering the overplus, if any, after payment of the penalty, and the costs and charges of prosecution, distress and sale, to the owner; and for want of such distress, such offender or offenders shall be committed to the county jail, or house of correction, there to remain for the space of not more than twenty-one days, nor less than seven days; unless such penalty or forfeiture, costs and charges, shall be paid, before the expiration of such term, of his or their commitment; and all such penalties and forfeitures, when recovered, shall be paid, one half to the informer, and one half to the justice, or justices, who shall have convicted such offender, to be by such justice, or justices, paid to the sessions, who shall dispose thereof, for the better carrying this act into execution.

XVIII. Provided always, and be it further enacted, that any person or persons, convicted of any offence against this act, who shall think him, her, or themselves, aggrieved by such conviction, shall have liberty, from time to time, to appeal to the next general or quarter sessions of the peace, for the county or place where such conviction shall have been had; and upon due security given by recognizance, the execution of such judgment of conviction shall be suspended; and the justices in their said sessions, are hereby required and empowered, finally, to hear and determine such appeal, and to award such costs, as to them shall appear just and reasonable, to be paid by either party; and if such conviction shall be affirmed, such appellant shall forthwith pay the sum, which he, she, or they, shall have been adjudged to have forfeited, with costs, to be awarded as aforesaid; and in default thereof, shall be committed to the county jail, there to remain for three months, unless such forfeiture and costs shall be sooner paid; and if the appellant, or appellants, shall make good their appeal, and be discharged of such conviction, reasonable costs shall be awarded, against the informer, to be recovered, as costs given at any session of the peace, are recoverable.

XIX. And be it further enacted, that if any action or suit shall be commenced against any justice, or justices, clerk of the market, constable or other person, for any thing done or committed by virtue, or in pursuance, of this act, it shall be commenced within three months next after the fact committed, and not afterwards; and the defendant or defendants, in any such actions, may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance, and by the authority, of this act: and if it shall appear so to have been done, or if a verdict be given for the defendant or defendants, or if plaintiff be non-suited, or discontinue after appearance of the defendant or defendants, or if judgment be given against the plaintiff or plaintiffs, the defendant or defendants shall recover treble costs of suit. Provided always, that no person shall be convicted in manner aforesaid, for any of the before-mentioned offences, unless the prosecution, in order to such conviction, be commenced within three days next after the offence committed.

XX. And be it further enacted, that an act, made in the thirty-second year of the reign of his late Majesty, entitled, "An Act relating to the assize of bread, and for ascertaining the standard of weights and measures;" and the several laws made in addition to, and in amendment of, the same, and every clause, matter and thing, in the said several laws contained respecting the assize of bread, shall be, and the same are hereby, suspended, and of no effect, for and during the continuance of this act.

XXI. And be it further enacted, that this act shall continue, and be in force, until the first day of July, in the year of our Lord one thousand seven hundred and ninety-seven, and no longer.