

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1845. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1845.

8 Victoria – Chapter 77

An Act to provide for the more efficient inspection of Flour and Meal. Passed 27th March 1845.

Whereas it is necessary in order to prevent frauds in regard to the quality and quantity of Flour and Meal consumed in this Province, that the same should be weighed and inspected before being offered for sale in barrels and half barrels;

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That for the purpose of carrying into effect the provisions and regulations hereinafter contained, it shall and may be lawful for the Lieutenant Governor or Administrator of the Government for the time being, to appoint and commission at and for each and every of the Ports of Entry of this Province, where the same may be deemed necessary, one fit and proper person to be Inspector and Weigher of Flour and Meal, which Inspector and Weigher shall have power to appoint a Deputy or Deputies under him as he may think expedient; and which Deputy or Deputies shall act under the direction of the Inspector by whom he or they may be appointed, and shall be removable at his will and pleasure; and each and every Inspector shall be chargeable with and liable for the acts, conduct and defaults of the Deputy or Deputies by him appointed, and may take such security as he may think proper for the good conduct and faithful discharge of the duties of such his Deputy or Deputies.

II. And be it enacted, That each and every such Inspector and Weigher shall hold office during the pleasure of the Lieutenant Governor or Administrator of the Government for the time being; and before entering upon the duties of such office, shall give good and sufficient security by Bond, with two sureties to our Sovereign Lady the Queen, for the true and faithful performance of the duties of such office by himself or his Deputy or Deputies, and for making good any loss or damage sustained by any person or persons, by or in consequence of the neglect, misconduct or default of such Inspector, his Deputy or Deputies, and shall also take the following oath before some one of Her Majesty's Justices of the Peace for the County or District where he may reside:—

"I, A. B. do swear that I will faithfully, truly and impartially, according to the best of my skill and understanding, execute and perform the office of Inspector and Weigher of Flour and Meal, according to the true intent and meaning of the Law concerning the same:"

and each and every of such Deputies, before acting as such, shall be in like manner sworn to the faithful performance of their duty as Deputy Inspectors and Weighers of Flour and Meal.

III. And be it enacted, That from and after the passing of this Act and the appointment of such Inspector and Weigher as aforesaid, all Wheat Flour, Rye Flour, Corn Meal and Buckwheat Meal imported into this Province in barrels and half barrels, shall immediately upon being discharged or landed, and before being sold or offered for sale or reshipped, or taken out of any Warehouse for

consumption in this Province, or sent from the Port or place where the same shall have been so discharged or landed, be inspected and weighed by the Inspector and Weigher for such Port or place, or some one of his lawful Deputies; and each barrel shall contain not less than one hundred and ninety six pounds net weight, and each half barrel not less than ninety eight pounds net weight of Flour or Meal, which, if not good, sweet and wholesome, shall be marked and denominated 'BAD,' as hereinafter provided.

IV. And be it enacted, That it shall be the duty of such Inspectors and Weighers, or their Deputies, upon the landing of any Flour or Meal in barrels or half barrels as aforesaid, to inspect and weigh the same, and to see that the same shall be of at least the quantity aforesaid, and thereupon to brand and mark each and every barrel and half barrel thereof, being at least of such quantity, with the initials of his christian and surname, with a branding iron, with the net weight of such barrel or half barrel, not less than as aforesaid, and following the same with the letter 'S' for Superfine, 'F' for Fine, and 'M' for Middlings, as the case may be, and 'BAD' for Bad, if the same shall not be good, sweet, and wholesome, with a branding iron or marking iron; and each and every barrel or half barrel of Flour or Meal of any of the descriptions aforesaid, imported into this Province, which after landing shall be sold or offered for sale, removed or reshipped for consumption in this Province, without having been previously so inspected, weighed and marked as aforesaid, or which shall have been repacked or found deficient in weight or quality denoted by such marks, shall be liable to seizure by any one or more of said Inspectors and Weighers or their Deputy or Deputies so appointed as aforesaid, or any one or more of Her Majesty's Seizing Officer or Officers of the Customs within this Province, and may, if not of higher value than five pounds, be declared forfeited to Her Majesty, by and before any two of the Justices of the Peace for the County in which the same may have been so seized; or if of higher value than five pounds, may be prosecuted to condemnation in any of Her Majesty's Courts of Record within this Province, and the person or persons so having sold or offered for sale, reshipped or repacked, or sold of deficient quantity or quality, as aforesaid, any such Flour or Meal, shall be liable to forfeit and pay the sum of ten shillings for each and every such barrel thereof, and the sum of five shillings for each and every half barrel thereof, and the sum of six pence per pound for each and every pound weight deficient; to be recovered in manner hereinafter provided: one half the net proceeds of such seizure or penalties to be paid to the person or persons who shall seize, inform, or sue for the same, and the residue to the Overseers of the Poor for the use of the Poor of the Parish wherein the offence shall have been committed; and any person or persons so selling the same before such inspection as aforesaid, or having repacked or caused a deficiency in the same, shall be liable to make good to the buyer or buyers from whom the same may have been seized, or in whose possession the same may have been found, all money, loss or damage by him, her or them paid, incurred or sustained in consequence of such seizure, to be recovered either by action of debt or as so much money had or received by such seller or sellers to the use of such buyer or buyers or person or persons sustaining such loss or damage as aforesaid.

V. And be it enacted, That the Inspectors or Weighers, or their Deputies, shall receive and be paid for inspecting, weighing and marking, at and after the rate following, that is to say: For inspecting, weighing and marking each barrel of flour or meal, two pence; and each half barrel of flour or meal, one penny; to be paid by the owner, seller, importer or consignee thereof.

VI. And be it enacted, That if any Inspector and Weigher hereafter to be appointed under this Act, or any Deputy or Deputies of any such Inspectors or Weighers, shall inspect, weigh, brand or mark any barrel or half barrel of flour or meal in any manner, form or way, contrary to the true intent and meaning of this Act, such Inspector or Deputy shall forfeit and pay the sum of thirty shillings per barrel, and the sum of fifteen shillings per half barrel, for each and every barrel and half barrel thereof.

VII. And be it enacted, That all penalties and sums of money by this Act imposed or declared, and made payable, shall and may be recovered with costs of suit, in the name or names of the person or persons suing or prosecuting for the same, in like manner as debts, either in any of Her Majesty's Courts of Record in this Province, or before any one or more of Her Majesty's Justices of the Peace, according to the amount of such penalties, forfeitures or sums, with reference to the jurisdiction of such Courts and Justices in case of debts, and shall be levied in like manner, as in cases of debts, to be applied as hereinbefore provided.

VIII. Provided always, and be it enacted, That all Flour and Meal imported into this Province, and landed and deposited within any Bonded Warehouse, and therefrom directly shipped on board of any vessel for exportation out of the Province, shall be exempt and altogether free from the regulations and operations of this Act.

IX. And be it enacted, That all Flour and Meal of every description, which shall be manufactured within this Province, and brought to market and offered or exposed to sale in barrels, half barrels or casks of any kind, shall be and are hereby declared subject and made liable to the operations of this Act, and shall, before being offered for sale or sold, be weighed and inspected in like manner as Flour and Meal imported into this Province, and the casks, barrels, or half barrels, wherein the same shall be contained, shall be marked as hereinbefore directed; and all and singular the clauses, regulations and provisions hereinbefore contained, and applicable to the inspection, weighing and marking of Flour and Meal imported into this Province, shall extend and be applied to Flour and Meal of all kinds manufactured in this Province and offered for sale in casks, barrels, and half barrels.

X. And be it enacted, In order to prevent any damage or loss which may be sustained in unpacking the said Flour and Meal, to ascertain the tare of the said barrel or half barrel, it shall and may be lawful for the said Inspector or Inspectors, or their Deputies, to affix a tare for the said barrels or half barrels, to the best of his or their judgment, without unpacking or weighing the same, which judgment shall be final, unless disputed by the buyer or seller of the said Flour or Meal, in which case the barrel or half barrel may be unpacked, but the expense attending the said unpacking and repacking shall be paid by the party complaining.

XI. Provided always, and be it enacted, That nothing in this Act shall extend or be construed to interfere with the rights and privileges of the Corporation of the City of Saint John, as granted by the Charter of the said City.

XII. And be it further enacted, That nothing in this Act shall extend or be construed to extend to the Counties of Northumberland, Kent, Gloucester and Restigouche.

XIII. And be it enacted, That this Act shall continue and be in force until the first day of May which will be in the year of our Lord one thousand eight hundred and fifty.