

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1867. Fredericton, NB: G. E. Fenety, Printer to the Queen's Most Excellent Majesty, 1867.

30 Victoria – Chapter 38

An Act to provide for the inspection of Petroleum and Coal Oils and Burning Fluids, and other Oils and Fluids analagous thereto, and to regulate the manufacture and sale thereof. Passed 17th June 1867.

Section.

1. When and where Inspectors to be appointed, their duty.
2. Governor in Council to appoint and make regulations.
3. When casks to be marked 'unsafe.'
4. Penalty for misconduct or negligence of Inspector.
5. Penalty for improperly marking, or using marked cask, adulterating oil, or erasing mark.

Section.

6. Penalty for selling oil manufactured in this Province not inspected, &c.
7. Imported oil to be inspected and marked under penalty.
8. No person to sell oil not inspected and marded, or marked "unsafe," except for re-manufacture or exportation under penalty.
9. Who may examine oil or fluid.
10. When Act to be in force.

Be it enacted by the Governor, Legislative Council, and Assembly, as follows:—

1. There shall be appointed on or before the first day of September annually, one or more persons for each Port of Entry in this Province, and for such other Districts or places therein where such appointments may be necessary, to be Inspectors of Petroleum and Coal Oils, and Burning Fluids, and other Oils and Fluids analagous thereto, who shall be sworn to the faithful discharge of their duties, and it shall be their duty, when requested, to inspect such oils and burning fluids by applying the fire-test with G. Tagliabue's Pyrometer, or some accurate instrument, to ascertain the lowest point or temperature in degrees of Fahrenheit's thermometer, at which such oils and fluids respectively may be found to give off vapours that will ignite or explode on the application of a lighted match thereto, and they shall cause every vessel or cask thereof by them so inspected to be plainly marked by the name of such Inspector, the date of inspection, and the number of degrees representing the temperature at which the respective contents thereof may be found to give off vapours as ascertained as aforesaid.

2. The appointment of such Inspectors shall be made by the Governor in Council, who from time to time may rescind such appointments, and other appointments make; and the said Governor in Council may make regulations respecting the fees to be taken and received by the said Inspectors respectively, and by whom to be paid, and in what manner the same shall be paid, and from time to time, when they may deem it desirable

so to do, to rescind, alter, amend or add to any or all such regulations, and other regulations make.

3. Whenever any cask or vessel of such oil or fluid will not bear the fire-test of at least one hundred and ten degrees Fahrenheit, without giving off vapour that will ignite or explode on application thereto of a lighted match, the same shall be marked as aforesaid, and shall also be marked by the inspector thereof, "unsafe for illuminating purposes."

4. If any Inspector shall knowingly put false marks upon any such cask or vessel of such oils or fluids inspected by him, or be guilty of fraud, deceit or culpable negligence in inspecting such oils or fluids, he shall be guilty of a misdemeanor, and shall on conviction be imprisoned in the common gaol for the term of six months, or fined in a sum not exceeding five hundred dollars, at the discretion of the Court.

5. If any person shall without authority of law, place an inspection brand or mark upon any cask or package containing such oil or fluid, or shall knowingly use any such cask or package bearing the Inspector's brand or mark, without having the oil or fluid, contained therein inspected, or shall adulterate or mix such oil or fluid alter inspection, with intent to sell the same, or shall erase any brand or mark placed thereon by the Inspector before the oil or fluid is removed therefrom, he shall on conviction be imprisoned in the common gaol for the term of six months, or fined in a sum not exceeding five hundred dollars, in the discretion of the Court.

6. Every person and Corporation engaged in manufacturing within this Province any such petroleum or coal oil or burning fluid, or other oil or fluid analagous thereto, shall cause every cask or vessel thereof to be inspected and marked as aforesaid by a sworn Inspector, and if any agent or officer of any Corporation, or any other person whomsoever, shall manufacture and sell within this Province any such oil or burning fluid without first causing it to be inspected and marked as aforesaid, he shall be guilty of a misdemeanour, and shall on conviction be imprisoned in the common gaol the term of six months, or fined in a sum not exceeding five hundred dollars, at the discretion of the Court.

7. Every importer of Petroleum or coal oil or burning fluid, or other oils or fluids analagous thereto, or holder of any such oil or fluid which shall not have been duly inspected and marked as aforesaid, shall cause the same to be inspected and marked, or if he shall neglect so to do, shall be guilty of a misdemeanour, and shall on conviction be imprisoned in the common gaol for the term of six months, or fined in a sum not exceeding five hundred dollars, at the discretion of the Court.

8. No person whomsoever shall sell within this Province any petroleum or coal oil or burning fluid, or other oil or fluid analagous thereto, without first causing the contents of each cask or vessel thereof to be duly inspected, and each cask or vessel containing

the same to be marked as aforesaid, unless it has already been so inspected and marked within this Province, and if any person whomsoever shall sell any petroleum or coal oil or burning fluid, or other oil or fluid analagous thereto, that has not been so inspected and marked, or that has been so inspected and so marked as "unsafe for illuminating purposes," except for the purposes of manufacture or exportation, he shall be guilty of a misdemeanour, and shall on conviction be imprisoned in the common gaol for the term of six months, or fined in a sum not exceeding five hundred dollars, at the discretion of the Court.

9. The Mayor, Aldermen, Police Magistrate, Chief of Police, or any Policeman of any City or Town, or any one of them, or any Justice of the Peace, shall have the right at all times to examine any or all such petroleum or coal oil or burning fluid, or oil or fluid analagous thereto, kept in their respective Cities, Towns or Counties for sale, and to cause the same to be inspected, and it shall be their duty so to examine such oils and fluids, and cause them to be inspected in all cases where they shall be informed or believe any such oils or fluids are kept for sale in violation of the law; and if they shall find any person or persons keeping or selling any such oils or fluids in violation of the provisions of this Act, it shall be their duty to cause such persons to be prosecuted therefor; provided that the provisions of the seventh Section of this Act shall not be in force until the first day of August one thousand eight hundred and sixty seven, and also that the provisions of the third, fourth, fifth, sixth, eighth, and ninth Sections of this Act, shall not be in force until the first day of September one thousand eight hundred and sixty seven.