

trary to the directions thereof, such action or suit shall be commenced within six calendar 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 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, then the Judgment shall be for the defendant or defendants, and if the plaintiff shall be non-suited or discontinue his action after the defendant or defendants shall have appeared, or if Judgment shall be given against the plaintiff, the defendant or defendants shall and may recover treble costs and have the like remedy for the same as defendants have in other cases by law.

Treble costs.

Act. to commence 1st. Jan. 1842.

XXVIII. And be it enacted, that the foregoing enactments of this Act shall have force and effect upon, from and after the first day of January, in the year of our Lord one thousand eight hundred and forty two and not before.

To cease 1st. Jan. 1843.

XXIX. And be it enacted, this Act shall continue in force until the first day of January, in the year of our Lord one thousand eight hundred and forty eight, and to the end of the next Session of the Provincial Parliament, and no longer.

C A P. LXXXIX.

An Act to regulate the Inspection of Flour and Meal.

18th September, 1841.—Presented for Her Majesty's Assent and reserved "for the signification of Her Majesty's pleasure thereon."

19th March, 1842.—The Royal Assent signified by the Proclamation of His Excellency SIR CHARLES BAGOT, Governor General.

Preamble.

WHEREAS it is expedient, that the regulations now in force in the different Sections of the Province with regard to the packing and Inspection of flour and Indian Meal, should be repealed, and one uniform Law enacted for the whole Province, and that the Inspection of the articles aforesaid, intended for exportation, shall cease to be compulsory and be left optional with the parties interested: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to Re-unite the Provinces of Upper and Lower Canada and for the Government of Canada*, and it is hereby enacted by the authority of the same, that from and after the passing of this Act, a certain Ordinance of the Legislative Council of the Province of Quebec, passed in the twenty-fifth year of the Reign of His late Majesty King George the Third, and 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

Indian Meal, and to provide for ascertaining the quality of Biscuit in future, and a certain Act of the Legislature of Lower Canada, 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 of the same Legislature, passed in the fifty eighth year of the Reign of His late 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 of the said Legislature, passed in the second year of the Reign of His Majesty King George the Fourth, intituled An Act to provide for the better Inspection of Flour, and a certain Ordinance of the Governor and Special Council of Lower Canada, passed in the second year of the Reign of Her present Majesty, and 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 a certain Act of the Legislature of the Province of Upper Canada passed in the forty first year of the Reign of His Majesty King George the Third, intituled An Act to authorize the Governor, Lieutenant Governor or Person administering the Government, to appoint Inspectors of Flour, Pot and Pearl Ashes within this Province, and a certain other Act of the said Legislature, passed in the sixtieth year of the Reign of His Majesty King George the Third, intituled An Act to amend and extend the provisions of an Act passed in the forty first year of His Majesty's Reign, intituled 'An Act to authorize the Governor, Lieutenant Governor or Person administering the Government to appoint Inspectors of Flour, Pot and Pearl Ashes within this Province, and all other Acts or parts of Acts or Laws in force within this Province, or any part thereof, and relating in any manner to the packing, branding, inspecting or exportation of Flour and Indian Meal, or to the appointment, powers or remuneration of the Inspectors thereof, shall be and each of them, and every part thereof, is and are hereby repealed, and all and every the powers vested by them or any of them or under any authority conferred by them or any of them, in any person or persons whomsoever shall cease and determine.

Certain Acts
repealed.

II. And be it enacted, that from and after the passing of this Act, it shall be lawful for the Board of Trade in the Cities of Quebec, Montreal and Toronto and in the Town of Kingston, respectively, and for the municipal authorities in other places where Inspectors may be required for the purposes of this Act, to appoint a Board

Boards of
Examiners.

of

of Examiners of applicants for the Office of Inspector of Flour and Meal, and from time to time to remove such Examiners and appoint others in their stead ; and such Board of Examiners shall in the Cities of Quebec and Montreal, respectively, consist of five, and in other places of three fit, proper and skilful persons resident in the place or in the immediate vicinity of the place, for which they are respectively, to act ; and such Examiners shall before acting as such, severally take and subscribe the following Oath, before any one of Her Majesty's Justices assigned to keep the Peace, within the District, in which such Examiners are respectively to act ; and such Justice is hereby required and authorized to administer the same, " 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 as 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."

Oath.

Inspector of
Flour and
Meal:

III. And be it enacted, that the Mayor of the said Cities of Quebec, Montreal and Toronto, or of the Town of Kingston, respectively, and the Warden or Chief Municipal Officer of any other place as aforesaid, for the time being shall and may from time to time, by an instrument under his hand and the Seal of the Corporation, nominate and appoint an Inspector of Flour and Meal, for each of the said Cities and Towns and other places, as aforesaid, and may from time to time remove any such Inspector and appoint another in his stead ; but no person shall be appointed as such Inspector who shall not previously to his appointment as such have undergone an examination before the Board of Examiners of the place for which he is to be appointed, as to fitness, character and capacity, in the manner hereinafter provided ; nor shall any person be appointed an Inspector of Flour and Meal unless approved of and recommended as such by such Board of Examiners, or a majority of them, pursuant to such examination ; nor in any place in which there shall be a Board of Trade, except on the requisition of such Board, with which the Mayor or Chief Municipal Officer shall be bound to comply, and before any Inspector shall act as such, he shall furnish two good and sufficient sureties, jointly and severally with himself for the due performance of the duties of his office, in the sum of five hundred pounds, currency, if such Inspector be appointed for the City of Quebec or for the City of Montreal, and in the sum of two hundred and fifty pounds currency, if such Inspector be appointed for the City of Toronto or for the Towns of Kingston and Hamilton, or for any other place for which an Inspector may be appointed, and such sureties shall be approved by the Mayor or other Chief Municipal Officer by whom the Inspector shall have been appointed, in whose keeping the Bond shall remain ; and the Bond shall be executed to Her Majesty, Her Heirs and Successors in the forms used with regard to sureties from persons appointed to Offices of Trust in this Province, and shall avail

Examination :

Sureties.

avail to the Crown and to all persons whomsoever who shall or may be aggrieved by any breach of the Conditions thereof; 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 enacted, that the Bond or suretyship which shall be made or executed by any Inspector by virtue of this Act, shall be made and kept at the Office of the Clerk of the Corporation of the City, Town or Place for which such Inspector shall be appointed, and every person shall be entitled to have communication and copy of any such Bond or suretyship at such Clerk's Office, upon payment of one shilling, currency, for every communication and two shillings and sixpence, currency, for each copy.

Bond to be open to public inspection.

V. Provided always and be it enacted, that the Board of Examiners to be constituted as aforesaid, shall be and they are hereby authorized 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 authorized to permit any other person or persons to be also present at such 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 then under examination touching and respecting his knowledge as to quality, manufacture or other matters relating to or connected with the Inspection of Flour and Meal.

Examiners may call in the aid of experienced persons.

VI. And be it enacted, that each person examined, approved and recommended as aforesaid, shall if appointed an Inspector of Flour and Meal, as aforesaid, before he shall act as such, take and subscribe an Oath before any one Justice assigned to keep the Peace within the District in which he shall be appointed, (which Justice is hereby required and authorized to administer the same) in the words following, to wit: "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 connected 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 Clerk of the Corporation for the City, Town, or place where the same shall be taken; and for recording such Oath and for a Certificate thereof, the Clerk shall

Inspector's Oath.

be

be entitled to demand and have the sum of two shillings and six pence, currency, and no more, and shall give communication or copy of the original to any person who shall apply for the same, on payment of one shilling, currency, for every such communication, and two shillings and six pence, currency, for each copy.

Inspectors
already ap-
pointed.

VII. Provided always and be it enacted, that any person who, at the time this act shall come into force, shall hold the Office of Inspector of Flour and Meal for any place in this Province, shall on his application to that effect immediately after the said time, be reappointed as Inspector under this Act by the Mayor or Chief Municipal Officer of the place in which he shall have acted as Inspector, without any new examination or any intervention of the Board of Trade, any thing in the foregoing sections of this Act, to the contrary notwithstanding; but shall after such reappointment be removable and shall give security and shall be bound by all the other provisions of this Act, in the same manner as other Inspectors appointed under the authority thereof.

Assistant
Inspectors.

VIII. And be it enacted, that the said Inspector of Flour and Meal for the City of Quebec, and the Inspector for the City of Montreal, shall and may appoint one or as many more Assistants as he shall from time to time be required to appoint by the Board of Trade of the City, for which he is appointed, for the acts of which Assistants he shall be and is hereby declared to be responsible; which number of Assistants he shall be bound to increase from time to time on a requisition in writing to that effect from the said Board, and each such Assistant shall be subject to the approval of the said Board of Examiners and skilful persons sitting with them in the manner hereinbefore provided with regard to Inspectors, and shall before entering upon the duties of his office, furnish two good and sufficient sureties to Her Majesty, in the sum of two hundred and fifty pounds, currency, for the due performance of his duties, by a Bond to be taken, made, recorded, kept and delivered in the manner provided with regard to the Bond given by Inspectors, and shall take and subscribe the following Oath, before the Mayor of the City, for which he shall be appointed, who is hereby required to administer the same. "I, A. B. do swear that I will diligently, faithfully and impartially, perform the duties of the office of Assistant to the Inspector of Flour and Meal for the City of _____ according to the true intent and meaning of the Act of the Legislature of this Province, intituled *An Act to regulate the inspection of Flour and Meal*, and that I will not directly or indirectly, personally or by means of any person or persons in my behalf receive any fee, reward, or gratuity whatever by reason of my office of Assistant to the said Inspector, (except my salary from the said Inspector) and that I will not directly or indirectly trade in the articles of Flour or Meal, or be in any manner concerned in the purchase or sale of Flour or Meal, except so far as may be necessary, for the use of myself and family: So help me God," and such Bond and Oath as aforesaid, shall be open

Oath.

open to inspection, and copies may be had thereof, on the same terms and conditions as are hereinbefore provided with regard to the Bond given and the Oath taken by the Inspector.

IX. And be it enacted, that the said Assistants shall respectively be paid by, and shall hold their offices at the pleasure of the Inspector, and may be removed or reinstated, or others may be appointed in their stead by such Inspector.

Payment of
Inspectors.

X. And be it enacted, that the said Inspectors and Assistant Inspectors so to be nominated and appointed, are severally hereby authorized and required to examine and inspect each and every barrel and half barrel of Flour and Meal, on application being made for that purpose by the proprietor or possessor thereof, and to ascertain the respective qualities and conditions thereof, by boring the head of each barrel or half barrel 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 gauge or bore of such instrument for that purpose, and after inspecting such Flour or Meal, the said Inspectors or Assistant Inspectors, respectively, shall plug, or cause to be plugged the hole bored in each barrel or half barrel for inspection: Provided always, that such inspection may be made either at the Store, Shop or Warehouse of such Inspector, which he is hereby required to keep in a convenient situation for that purpose, or at some Store within the limits of the place for which the Inspectors shall be appointed, respectively, at the option of the Proprietor or Possessor of such Flour or Meal.

Inspection of
Flour and
Meal Barrels.

XI. And be it enacted, that each and every Inspector or Assistant Inspector, shall, if required, deliver to the owner of any Flour or Meal or to his authorized agent all Flour or Meal which such Inspector or Assistant Inspector may have taken from any barrel or half barrel of such Flour or Meal with the instrument used for the purpose of inspection, under the penalty of five pounds, currency.

Flour, &c.
taken to be
restored.

XII. And be it enacted that each Inspector shall provide and have a sufficient number of iron or other metal brands, for the use of themselves and their Assistants, wherewith they shall respectively brand or cause to be branded, immediately after inspection, on each and every barrel or half barrel of Flour or Meal, the words "Quebec" "Montreal" "Toronto" "Kingston" "Hamilton" or the name of any other place 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 hereinafter directed; and on each and every barrel or half barrel of Flour or Meal, which may on inspection be found sour, without any other damage or unmerchantable quality, the Inspector or Assistant Inspector, shall brand or cause to be branded the word "sour" in letters as large as those upon the rest of the brand or mark

Brands.

in addition to the brand or mark designating the quality; and in all cases where Flour or Meal shall be found to be of unsound or unmerchantable quality arising from other causes such Inspector or Assistant Inspector shall brand or cause the same to be branded with the word "Rejected" at full length, and in plain legible characters in addition to the brand or mark designating the quality; and in all cases where the quality of the Flour or Meal inspected may appear to be inferior to the brand or other mark of the manufacturer, and not to be properly designated by the brand or mark, it shall be the duty of the Inspector or Assistant Inspector, and he is hereby authorized and required to erase and correct the same; and the Inspector or Assistant Inspector, shall also brand or mark on each barrel of Flour or half barrel of Flour or Meal so inspected by him, the month and year in which they were inspected, with the quality of the Flour or Meal so inspected and examined; and for such inspection and branding or marking, the Inspector shall be entitled to receive of and from the person who may have applied to him to inspect the same, for each and every barrel and half barrel, respectively, of Flour or Meal, so inspected and branded or marked, the sum of two pence, currency, exclusive of cooerage; and such fee or allowance shall be paid by the owner or Consignee of such Flour and Meal before it shall be removed; and as soon as any Flour or Meal shall be inspected a certificate or Bill of inspection shall be furnished by the Inspector or Assistant Inspector without fee or reward, specifying neatly and legibly the quantity and quality ascertained by inspection, and the charges thereof, and the owner's or manufacturer's mark or marks thereon; and if any Inspector or Assistant Inspector, shall knowingly and wilfully give an untrue and incorrect certificate of the quantity or quality of any Flour or Meal by him inspected, or shall give such certificate without a personal examination and inspection of such Flour or Meal he shall forfeit and pay a penalty of twenty pounds, currency, for each offence, and be dismissed from his office and be disqualified from ever after following the same: Provided always, that no Flour or Meal which shall have been so branded, marked or inspected in one month or year, and re-inspected and examined in another, shall bear any other brand or mark of the year and month than that originally affixed to it: and all the said brands and other marks shall be branded or marked on one head of the barrel or half barrel: Provided always, that it shall be the duty of the Inspector or Assistant Inspector, respectively, to examine each or every barrel of Flour or Meal offered for inspection, and in no case to brand or mark the same, unless the name of the manufacturer or packer, the place of packing, and quality of the Flour and Meal, the tare and net weight are branded or marked legibly thereon: Provided always, that in all cases where any Flour or Meal shall have been sold subject to inspection the person applying to the Inspector shall be entitled to reimbursement of the price of inspection from the vendor, if such applicant be not himself the vendor, or unless an express stipulation shall have been made at the time of the sale or of the agreement

to

to submit to inspection : and such agreement to submit to inspection shall imply a warranty as well that the Flour or Meal is of the quality for which it is sold as that all the requirements of this Act have been complied with as to such Flour or Meal and the barrels or half barrels in which it is contained.

XIII. And be it enacted, that it shall be the duty of the Inspector or Assistant Inspector at the request of the buyer or seller of any Flour or Meal or of any person interested therein, to ascertain by examination the weight of all the casks which he may suspect not to contain the full weight required by this Act, 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 or Meal to be inspected so as to contain the weight of Flour or Meal required by this Act and shall, when required, certify the expense thereby incurred ; 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 Act ; shall for every such neglect or refusal forfeit the sum of twenty pounds, currency.

Inspector's
duty.

XIV. And be it enacted, that all the said brand marks shall be neat and legible and it shall be the duty of each of the said Inspectors of Flour and Meal, to govern himself so far as may be possible by one uniform standard of quality for each description of Flour and Meal, and to brand or mark, within a space not exceeding fourteen inches long by eight inches broad, on every Barrel and half Barrel of Flour and Meal inspected by them all brands and marks required by this Act under a penalty of five pounds, currency, for each barrel or half barrel inspected and not branded, or inspected and marked otherwise than is required by this Act.

Uniform
standard of
quality.

XV. And be it enacted, that if any dispute shall arise between any Inspector appointed under this Act, and the proprietor or possessor of any Flour or Meal by him inspected, with regard to the quality or condition thereof, or relating in any respect to the same, upon application by either of the parties in difference to any one of Her Majesty's Justices assigned to keep the Peace within the District in which such Inspector or Assistant Inspector shall 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 or Meal, and the third by the Justice of the Peace (who failing the attendance of either of the parties in difference is hereby authorized and required to name for him) requiring the said three persons immediately to examine the said Flour and Meal, and report their opinion of the quality and condition thereof under Oath, (which Oath the said Justice is hereby authorized and required to administer) and their determination, or that of a majority of them, made in writing shall be final

Appeal from
Inspector's de-
cision.

final and conclusive, whether approving or disapproving the judgment of the Inspector or Assistant Inspector, who shall immediately attend and conform himself thereto, and brand or paint or cause to be branded or painted each and every barrel or half 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 re-examination being ascertained and awarded by the said Justice of the Peace, shall be paid by the said proprietor or possessor of the Flour or Meal, and if otherwise by the Inspector.

Costs of reference.

Neglect of duty by Inspector.

XVI. And be it enacted, that any Inspector or Assistant Inspector so nominated or appointed, who shall refuse or neglect on application to him made personally or by writing, left at his Dwelling House, Store, Office or Warehouse on any lawful day between sun rise and sun set by any proprietor or possessor of Flour or Meal (such Inspector or Assistant 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, currency, over and above all the damages occasioned by such refusal or neglect to the party complaining.

Penalty.

Adulteration of Flour or Meal:

XVII. And be it enacted, that if, upon the inspection of any barrel or half 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, currency; but no prosecution suit or action for the recovery of any such penalty 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 the Corporation of the place.

Seizure:

£20 penalty:

Forfeiture of Flour &c. to Corporation.

Deficient measure.

XVIII. And be it enacted, that every manufacturer or packer of Flour or Meal, who shall undermark the tare of any barrel or half barrel or shall put therein a less quantity of Flour or Meal than is branded thereon shall incur a penalty

penalty of twenty shillings, currency, for every barrel or half barrel so undermarked or deficient. 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 or packer, and which happened after the packing of the barrel or half barrel.

Penalty, 20 shillings.

XIX. And be it enacted, that if any person shall knowingly offer for sale any barrel or half barrel 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 twenty shillings, currency, for every cask so undermarked or deficient, without prejudice to the Civil remedy of any party aggrieved for such other damage as he shall in that behalf sustain.

Offering for sale deficient measure.

XX. And be it enacted, that no Inspector or Assistant Inspector to be appointed in pursuance of this Act, 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, currency, for each and every offence, and of being immediately removed from the office, and of being disqualified from holding such office in future.

Inspectors not to trade in flour &c.

XXI. And be it enacted, that in branding or marking 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" that of the second quality by the word "superfine" that of the third quality by the word "Fine" that of the fourth quality by the word "Fine middling" that of the fifth quality by the word "Middling" that of the sixth quality by the word "Ship stuff" or "Pollards" and the quality called *Farine entière* by the letters E. N. T., by which latter description of Flour shall be understood the whole produce of the wheat when ground excepting the coarse Bran and Pollard; and when the wheat from which Flour of any of the qualities had been manufactured was previously kiln dried the same shall be branded or marked by the Packer on each and every barrel or half 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 each barrel in which Indian Meal shall be so packed shall contain one hundred and sixty eight pounds avoirdupois 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.

Brands to be used.

XXII. And be it enacted, that it shall not hereafter be lawful within this Province to pack flour in barrels for sale of any other than the following weight namely

Weight of barrels, and half barrels.

ly half barrels containing ninety eight pounds net, or barrels containing one hundred and ninety six pounds net, avoirdupois weight, under the penalty of two shillings for each and every barrel or half barrel offered for sale or inspection or exported, and with regard to which the requirements of this section have not been complied with.

Branding
instruments.

XXIII. And be it enacted, that from and after the passing of this Act each and every manufacturer and packer of Flour and Meal in this Province shall provide himself with iron or metal brands or other instruments or materials by which he shall brand, paint or mark, or cause to be branded, painted or marked the initials of his christian name, and his surname at full length, and the place of packing; the quality and weight of the Flour or Meal therein contained, and the tare of the cask on one end of each, and every barrel or half barrel of Flour or Meal packed for sale in a plain and distinguishable manner before delivery thereof under the penalty of two shillings for each and every barrel or half barrel of Flour or Meal packed in this Province and so delivered or offered for sale, inspection or exportation with such brands or marks.

Materials of
barrels.

XXIV. And be it enacted, that all Flour to be hereafter packed in this Province for sale, shall be packed in good and strong barrels or half barrels of seasoned oak or ash timber, and made as nearly straight as may be, and the staves of such barrels shall be of the length of twenty seven inches from croe to croe, and of half barrels of the length of twenty two inches from croe to croe with heads of the same; the diameter of the heads of the barrels shall be from sixteen and a half inches to seventeen inches, and of half barrels from thirteen and a half to fourteen inches, and such barrels and half barrels shall be well seasoned and bound with at least ten wooden hoops, of which three shall be at each end, with a lining hoop within the chimes, the whole well secured by nails, under the penalty of two shillings for each and every cask offered for sale or exported, which shall not be one of the foregoing description of barrels or half barrels.

Effacing
brands or using
counterfeit
brands;

XXV. And be it enacted, that if any manufacturer or packer of Flour or Meal, or any person or persons whomsoever shall with a fraudulent view or intention efface, or cause to be effaced or obliterated from any barrel or half barrel of Flour or Meal having undergone inspection, all or any of the Inspectors marks, or shall counterfeit any such mark or marks, or impress or brand any mark or marks, purporting to be the mark or marks of the Inspector or of any manufacturer or packer, either with the proper marking Tools of such Inspector, manufacturer or packer, or with counterfeit representations thereof on any barrel or half barrel of Flour or Meal, or shall empty, or partially empty any barrel or half barrel of Flour or Meal marked after inspection, in order to put into the same barrel

or

or half barrel other Flour or Meal, or shall use for the purpose of packing any Flour or Meal any old barrel or half barrel, without destroying the old brand marks before offering the same for sale, or (not being an Inspector or Assistant Inspector, appointed under this Act) shall brand or mark any Flour or Meal with the Inspector's marks, and if any person in the employ of any manufacturer or packer of Flour or Meal shall hire or loan out the marks of his employer to any person whatsoever or shall connive at or be privy to any fraudulent evasion of the provisions of this Act, such person or persons so offending shall for every such offence, respectively, incur a penalty of fifty pounds, currency, and any Inspector or Assistant Inspector who shall inspect or brand, or mark any Flour or Meal out of the limits for which he shall be appointed, or shall hire out his marks to any person whatsoever, or shall connive at or be privy to any fraudulent evasion of inspection of Flour or Meal, by others, shall for each such offence incur a penalty of fifty pounds, currency.

And other
Frauds.

XXVI. And be it enacted, that all and fines, penalties and forfeitures, imposed by this Act not exceeding ten pounds, currency, shall, except when it is otherwise hereinbefore provided, 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 ordinary or other Sessions, 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 ten pounds, currency, they may be sued for and recovered by bill, plaint, information or civil action in any Court of competent jurisdiction, and be levied by execution as in case of debt, and the moiety of all such fines (except such as may be hereinbefore otherwise applied) when recovered, shall immediately be paid into the hands of the Treasurer of the City, Town or Place for the public uses of the Corporation thereof, and the other moiety shall belong to and be paid to the person who shall sue for the same: Provided always that if any Officer of such Corporation be the prosecutor the whole penalty shall belong to the Corporation for the uses aforesaid.

Penalties,
how recover-
ble.

XXVII. And be it enacted, 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 Act, 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 Act 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, he non suit or discontinue his or their action after the Defendant or Defendants shall have

Limitation of
actions.

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.

Commence-
ment of Act
1st. Jan. 1842.

XXVIII. And be it enacted, that the foregoing enactments of this Act shall have force and effect upon, from and after the first day of January, in the year of our Lord one thousand eight hundred and forty two and not before.

Termination
of Act 1st. Jan.
1848.

XXIX. And be it enacted, that this Act shall continue in force until the first day of January, one thousand eight hundred and forty eight and from thence until the end of the then next ensuing Session of the Provincial Legislature and no longer.

C A P. X C.

An Act to Incorporate the Montreal Board of Trade.

18th September, 1841.—Presented for Her Majesty's Assent and reserved "for the signification of Her Majesty's pleasure thereon."

19th March, 1842.—The Royal Assent signified by the Proclamation of His Excellency SIR CHARLES BAGOT, Governor General.

Preamble.

WHEREAS John Thomas Brondgeest, Thomas Cringan, Robert Armour, John M. Tobin, James Logan, and others hereinafter named, Merchants, resident and carrying on trade in the City of Montreal, have by their Petition to the Legislature, represented that they have associated themselves together for some time past for the purpose of promoting such measures as they might upon due consideration deem calculated to advance and render prosperous the lawful trade and commerce of this Province and of the said City of Montreal more especially, and have further represented that having already experienced the good effects of their said association, and being convinced that the advantages arising from it would be greatly extended and increased if they and their associates and successors were incorporated, and if certain powers were conferred on them, they pray the Legislature so to incorporate them, and grant them such powers: and whereas it is expedient to grant the prayer of their said Petition; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled *An Act to Re-unite the Provinces of Upper and Lower Canada and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the said J. T. Brondgeest, Thomas Cringan, Robert Armour, John M. Tobin, James Logan, with the Honorable Peter McGill, the Honorable Austin Cuillier, the Honorable Adam Ferrie, J. B. Greenshield, James Henderson,