

*Laws of Her Majesty's Province of Upper Canada*, passed in the year 1848. Montreal: Stewart Derbshire & George Desbarats, 1848.

11 Victoria – Chapter 6

**An Act to continue and amend the Act for the Inspection of Flour and Meal, and to provide for the Inspection of Oatmeal. 23rd March, 1848.**

Whereas it is expedient to continue for a limited time, and amend the Act hereinafter mentioned: 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 the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to regulate the Inspection of Flour and Meal*, shall be and is hereby continued, and shall remain in force until the expiration of this Act, subject nevertheless to the amendments and provisions hereinafter made.

II. And be it enacted, That each Inspector of Flour and Meal, heretofore appointed under the authority of the said Act shall, by virtue of his appointment as such, be Inspector of Flour, Meal and Oatmeal, and shall be so styled from and after the passing of this Act; and any bond which he shall have given for the due performance of the duties of his office, shall be construed to have been conditioned and shall have the same effect in law as if it had been conditioned for the due performance of the duties of his office as Inspector of Flour, Meal and Oatmeal; but no such Inspector shall merely by reason of the passing of this Act, be held to require any re-appointment, or to give any new security, or to take any new oath of office, or to undergo any new examination; Provided always, that any person who shall, after the passing of this Act, be an applicant for the Office of Inspector Of Flour, Meal and Oatmeal, shall be subject to examination as to his qualifications for that office and his knowledge of the qualities of Oatmeal, and if he be appointed, then in the instrument appointing him, in his oath of office, and in the bond to be given by him, he shall be styled Inspector of Flour, Meal and Oatmeal, and proper changes shall be made accordingly in the wording of the said instrument, Oath and bond.

III. And be it enacted, That each Board of Examiners heretofore appointed under the authority of the said Act, shall be, without any new appointment, the Board of Examiners of applicants for the office of Inspector of Flour, Meal and Oatmeal, for the same place, and may require the attendance of persons of experience and practice in the manufacture and qualities of Oatmeal, to assist at any examination; and nothing herein contained shall be construed to require the members of such Board, or any of them, to take any new oath of office; but when any new Board or a new member of any now existing Board shall be appointed, proper changes shall be made in any instrument by which such appointment shall be made and in the oath of office.

IV. And be it enacted, That such Inspector of Flour, Meal and Oatmeal, shall and may appoint such Assistant Inspector or Inspectors of Oatmeal as he shall, from time to time, be required to appoint by the Board of Trade of the City for which such Inspector is appointed, and shall increase the number of Assistants when required by the said Board of Trade, in like manner and under like provisions as he is by the said Act bound to increase the number of Assistant Inspectors of Flour and Meal; and no person shall be appointed Assistant Inspector of Oatmeal until he shall have been examined and approved by the proper Board of Examiners, and skilful persons sitting with them; and each person so appointed shall, before entering upon the duties of his office, take an oath of office, and give security for the due performance of the said duties, in the manner and to the amount provided by the said Act with regard to the Assistant Inspector of Flour and Meal, making the proper changes in the words of the bond and of the oath; Provided always, that nothing herein contained shall prevent any person, if found duly qualified upon examination, from being at the same time Assistant Inspector of Flour, and Meal and of Oatmeal, and in such case proper changes shall be made accordingly in the words of the oath of office and of the bond; but if any person to be appointed Assistant Inspector of Oatmeal shall be at the time of such appointment an Assistant Inspector of Flour and Meal, it shall not be necessary that he enter into any new bond, but the bond he shall have already given as Assistant Inspector of Flour and Meal shall be construed to have and shall have the same effect in law as if it had been conditioned for the due performance of the duties of his office as Assistant Inspector of Flour and Meal and of Oatmeal.

V. And be it enacted, That it shall not be lawful to pack Oatmeal for sale otherwise than in barrels, such as Flour may be lawfully packed in under the said Act; and that the quantity of Oatmeal contained in each such barrel shall be two hundred and twenty-four pounds avoirdupoise; and that in branding or marking the different qualities or descriptions of oatmeal, the qualities shall be designated as follows, viz: that of very superior quality by the word "First,"—that of the next inferior quality, by the word "Second,"—that of the next inferior quality, by the word "Third,"—and that of the lowest quality, by the word "Unbrandable": and no Oatmeal shall be branded or marked as inspected except such as shall be in barrels of the description aforesaid, and containing neither more nor less than two hundred and twenty-four pounds avoirdupoise.

VI. And be it enacted, That for and notwithstanding any thing in the said Act, no Flour shall be branded or marked by any Inspector in this Province as "Extra Superfine" "Superfine," "Fine," "Fine Middling" or "Middling," unless it be equal in quality to Flour inspected at the City of New York in the United States of America, and bearing the like brand or mark of quality; and it shall be the duty of each Inspector of Flour and Meal in this Province, to procure proper samples of Flour of the several qualities aforesaid, inspected in New York, and to guide himself by such samples.

VII. And be it enacted, That for and notwithstanding any thing in the Twelfth Section or in any other part, of the said Act, each Inspector shall be entitled to receive of and from the person who shall have applied to him to inspect any Flour, Meal or Oatmeal, the sum of one penny currency and no more, exclusive of cooerage, for each and every barrel or half barrel inspected and branded or marked by him, or any of his Assistants; and such fee or allowance shall be paid by the owner or consignee of such Flour, Meal or Oatmeal before it shall be removed.

VIII. And be it enacted, That all the penalties and provisions of the said Act for preventing the contravention thereof, or for the punishment of persons contravening the same, and the enforcing of such penalty or punishment, shall apply to the contravention of this Act in similar cases; and the said Act shall, in so far as such construction shall not be repugnant to the provisions of this Act, be construed as if the said provisions formed part of the said Act, and as if the words "and Oatmeal" had been inserted in the said Act after the words "Flour and Meal" wherever they occur therein, and the words "or Oatmeal" after the words "Flour or Meal" wherever they occur therein.

IX. And for correcting a clerical error in the twenty-third section of the said Act, Be it enacted, That the penalty of two shillings, currency, shall be incurred for each and every barrel or half barrel of Flour or Meal, packed in this Province and delivered or offered for sale, inspection or exportation, in the manner mentioned in the said section, without such brands or marks as are in the said section mentioned, notwithstanding the insertion of the word "with," by error, instead of the word "without," in the concluding phrase of the said section.

X. Provided always and be it enacted, That nothing in this Act shall invalidate or in any way alter the true intent and meaning of any existing contracts for the purchase or sale of Flour, based on the standard of inspection heretofore established and in use in Québec and Montreal, and that the quality of all or any Flour so contracted for, purchased or sold, shall on the requisition of any parties interested in such contract, purchase or sale, be ascertained and tested by the Inspector according to the standard of inspection in use by him, immediately previous to this Act taking effect, and the said Inspector shall give a certificate of the quality of the said Flour according to the said standard, but shall nevertheless if required, brand on the barrels the quality of the Flour according to the standard of inspection now by this Act established.

XI. And be it enacted, That this Act shall be in force until the first day of January, one thousand eight hundred and fifty, and thence until the end of the then next Session of the Provincial Parliament, and no longer.