

Laws of Her Majesty's Province of United Canada, passed in the year 1856. Quebec: Stewart Derbishire and George Desbarts, 1856.

20 Victoria – Chapter 87

An Act for the Inspection of Flour, Indian Meal and Oatmeal. Assented to 1st July, 1856.

Whereas it is expedient to amend and to consolidate as amended, the several Acts regulating the inspection of Flour and Meal in this Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to regulate the Inspection of Flour and Meal*, and the Act passed in the eleventh year of Her Majesty's Reign, and intituled, *An Act to continue and amend the Act for the Inspection of Flour and Meal, and to provide for the Inspection of Oatmeal*, and the Act passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to amend and to continue as amended the Laws regulating the Inspection of Flour and Meal*, shall be and are hereby repealed: but the repeal thereof shall not revive any Act or provision of law repealed by the said Acts or any of them, but the same shall remain repealed.

II. Provided always, that nothing in this Act shall invalidate or in any way alter the true intent and meaning of any existing contract for the purchase or sale of Flour or Meal, based on the standard of inspection heretofore established and in use in Quebec, Montreal, Toronto, Kingston and Hamilton; and the quality of all or any Flour or Meal so contracted for, purchased or sold, shall, on the requisition of any party 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 such Flour or Meal according to the said standard, but shall, nevertheless if required, brand on the barrels the quality of the Flour or Meal according to the standard of inspection under this Act.

III. From and after the passing of this Act, it shall be lawful for the Board of Trade in the Cities of Quebec, Montreal, Toronto, Kingston and Hamilton, respectively, and for the Municipal Authorities, in other places where Inspectors may be required for the purposes of this Act, to appoint a Board 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, County or, City 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.”

IV. The Mayor of the said Cities of Quebec, Montreal, Toronto, Kingston and Hamilton, respectively, and the Mayor 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 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 of Kingston or 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 form used with regard to sureties from persons appointed to Offices of Trust in this Province, and shall 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.

V. The Bond or Suretyship which shall be given 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 six pence, currency, for each copy.

VI. Provided always, 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.

VII. 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, County or City 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, execute 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, Indian Meal or Oatmeal, or be connected in any such Trade, nor purchase any Flour, Indian Meal or Oatmeal 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 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.

VIII. Provided always, 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 he 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.

IX. 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 for the Inspection of Flour, Indian Meal and Oatmeal*; 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, Indian Meal or Oatmeal, 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 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.

X. 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.

XI. The Board of Trade of any City or place may examine into any complaints made against any Inspector or Assistant Inspector of Flour and Meal thereat, for neglect or improper performance of his duties, and if they shall decide that such complaints are well founded and that such Inspector or Assistant Inspector ought to be removed from office, they may notify such decision to the Mayor or other Head of the Municipality, who shall thereupon remove such Inspector or Assistant Inspector from his office, and shall appoint another in his stead, upon the requisition of the said Board, as provided in Section four of this Act.

XII. 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, consignee or possessor thereof, and to ascertain the respective qualities and conditions thereof, by boring the head of each barrel or half barrel, and proving 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.

XIII. 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, for each and every time he shall fail in so doing.

XIV. Each Inspector shall provide and have a sufficient number of iron or other metal brands, for the use of himself and his 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, 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 one penny 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 and 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, and the tare and net weight, are branded or marked legibly thereon: Provided also, 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, unless an express stipulation shall have been made at the time of the sale or of the agreement 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.

XV. It shall be the duty of the Inspector or Assistant Inspector, 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 person 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, and all damages which the buyer or seller of such Flour or Meal may have suffered in consequence of such neglect.

XVI. 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 branded, or inspected and marked, otherwise than is required by this Act.

XVII. 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, then, 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, County or City, 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 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, with all damages.

XVIII. 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 sunrise and sunset, 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.

XIX. 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 authorized, 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, authorize 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.

XX. 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 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.

XXI. 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.

XXII. 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, or act as agent for any party for the sale or purchase of any Flour or Meal, 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.

XXIII. 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 words "Fancy Superfine," — that of the third quality by the words "Superfine" — that of the fourth quality by the words "Superfine Number two," — that of the fifth quality by the words "Fine" — that of the sixth quality by the words "Fine Middlings" — that of the seventh quality by the words "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 Pollards; 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 mark "Kiln D;" and in branding or marking the different qualities of Rye Flour, Indian Meal, or Oatmeal, the words "Rye Flour" — "Indian Meal" — or "Oatmeal" shall be plainly branded or marked on each and every barrel and half barrel, to designate the Grain from which the same is made; — and the qualities shall be designated as follows, viz: that of a superior quality of Rye Flour by the word "Superfine," and that of the second quality by the word "Fine," — that of the Superfine qualities of Indian Meal or Oatmeal by the word "First," — that of the second quality by the word "Second," — that of the third quality by the word "Third."

XXIV. Each Inspector of Flour and Meal shall, at his own expense, provide sufficient Samples of each of the qualities hereinbefore mentioned of Flour and Meal, such samples to be approved by the Board of Trade for the City or place for which the Inspector is appointed; and such Samples shall be renewed as often as may be requisite, by the inspector, at his cost, and shall be kept by the Secretary of the said Board of Trade for the time being, to be referred to as occasion may require, and shall be the Standards by which the Inspector shall be governed in establishing the several qualities of Flour and Meal.

XXV. Every half barrel of Flour shall contain ninety-eight pounds net, and every barrel of Flour shall contain one hundred and ninety-six pounds net; every half barrel Rye Flour shall contain ninety-eight pounds net, and every barrel of Rye Flour shall contain one hundred and ninety-six pounds net; every half barrel Indian Meal shall contain ninety-eight pounds net, and every barrel of Indian Meal shall contain one hundred and ninety-six pounds net; every half barrel of Oatmeal shall contain one hundred and twelve pounds net, and every barrel of Oatmeal shall contain two hundred and twenty-four pounds net; And it shall be the duty of the Packer or Manufacturer, to brand, paint or mark the initials of his Christian Name, and also to brand, paint or mark his surname at full length, and the name of his mill or 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, under a penalty of Two Shillings, currency, for each and every barrel or half barrel offered for sale or Inspection, with regard to which the requirements of this section shall not have been complied with.

XXVI. 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, elm or other hardwood 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.

XXVII. Each Inspector shall on Monday in each and every week, make out, sign and transmit to the Secretary of the Board of Trade, for the city or place for which he shall be appointed, a statement of the quantity and quality of all Flour and Meal inspected or re-inspected by him or his Assistants during the next preceding week, and of all Flour or Meal by him or them weighed during such week and found deficient in weight, or in respect of which the tare shall have been falsely marked, stating also the Brand and manufacturers' names.

XXVIII. 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 Inspector's 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 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 an 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 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.

XXIX. All and every fines, penalties and forfeitures imposed by this Act, not exceeding ten pounds, currency, shall, except when it is otherwise hereinbefore provided, be recoverable by any Inspector 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 place, 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 any such Inspector or other person, by bill, plaint, information or civil action, in a Recorder's Court or in any other 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 Inspector or other 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.

XXX. 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 be non-suit or discontinue his or their action after the Defendant or Defendants shall 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.

XXXI. Nothing in this Act shall be construed to oblige any person to cause any Flour or Meal to be inspected, but if inspected, it shall be subject to the provisions of this Act, and shall not be marked or branded as inspected unless the said provisions have been in all respects complied with, as regard such Flour or Meal and the barrels or half barrels in which it is contained.

XXXII. The word "Meal," whenever it occurs in this Act, shall be construed to mean Indian Meal and Oatmeal.

XXXIII. The foregoing enactments of this Act shall have force and effect upon, from and after the first day of August, in the year of our Lord, one thousand eight hundred and fifty-six, and not before.