

No. 46.

2nd Session, 7th Parliament, 26 Viet, 1868

BILL.

**An Act to provide for the inspection of
Wheat and other Grain.**

Received and read, 1st time, Friday, 27th
February, 1868.

Second Reading, Monday, 2nd March, 1868.

Hon. Mr. Rose.

QUEBEC :

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An Act respecting the Inspection of Wheat and other Grain.

WHEREAS it is expedient to provide for the Inspection of Wheat Preamble.
and other Grains in this Province; therefore,

Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

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BOARDS OF EXAMINERS.

1. On or as soon as may be after the *Tenth* day of *April*, and before the *Twenty-fifth* day of the same month in each year, or in the present year, 1863, at any time after the passing of this Act, the Council of the Board of Trade, for each of the cities of Quebec, Montreal, Toronto, Kingston and Hamilton, and of any other city in and for which there may then be a Board of Trade, shall appoint five skilful persons, resident in or in the immediate vicinity of the city for which they are appointed, to constitute the Board of Examiners of applicants for the office of Inspector or Assistant Inspector of Grain, for the year or period commencing on the First day of May then next, (or in the present year on the day of their appointment,) and ending on the Thirtieth day of April in the then next year; and each Examiner shall, before acting as such, take the following oath of office before the President or Vice-President of the Board of Trade, for the place for which he is appointed:

20 "I, A. B., do swear that I will, well and truly, in all things, act as Examiner of applicants for the office of Inspector, or Assistant Inspector, and as Arbitrator, under the Act respecting the Inspection of Wheat and other Grain, without partiality, favor or affection, and to the best of my knowledge and understanding: So help me God."

52 Which oath shall remain in the office and custody of the Secretary of the Board of Trade.

Appointment of Examiners.

To take an oath of office

The oath.

Where to be kept.

2. Any three of such Examiners shall form a quorum of the Board, and may do any act which the Board could legally do.

Quorum.

3. The said Examiners shall not be removable by the Council of the Board of Trade by which they are appointed; but in case of vacancy by the death or removal of any Examiner beyond the immediate vicinity of the city for which he is appointed, the Council of the Board of Trade may appoint another in his stead, to hold office until the Thirtieth day of April then next; and the person so appointed shall take the oath of office before the President or the Vice-President of the Board of Trade, and such oath shall remain in the office and custody of the Secretary, as aforesaid.

Examiners not removable. Vacancies how filled.

4. The Board of Examiners, or a quorum thereof, shall examine all applicants for the office of Inspector or Assistant Inspector of Grain, and shall recommend to the Council of the Board of Trade as eligible for appointment, those only whom they consider perfectly qualified for the

Examination of candidates

office of Inspector or Assistant Inspector of Grain, as the case may be, distinguishing for which of the said offices they consider the applicant so qualified.

APPOINTMENT OF INSPECTORS AND ASSISTANTS.

Appointment of Inspector. 5. The Council of the Board of Trade for each such city aforesaid, shall appoint an Inspector of Grain for such city, from among those certified to them by the Board of Examiners as qualified for the office. 5

Inspector to be sworn. 6. Every Inspector, before he acts as such, shall take and subscribe an oath before the President or Vice-President of the Board of Trade, in the words following: 10

The oath. "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 Inspector of Grain; and that I will not directly or indirectly, by myself, or by any other person or persons whomsoever, trade or deal in Wheat, or any other Grain, or be connected in any such trade during the time I shall continue such Inspector; So help me God." 15

Where to be kept. And the said oath shall remain in the office and custody of the Secretary of the Board of Trade.

Inspector to give security. 7. Before any Inspector shall act as such, he shall furnish two good and sufficient sureties, each of whom shall be bound, jointly and severally with such Inspector, for the due performance of the duties of his office, in the sum of Fifteen Hundred Dollars; and such sureties shall be subject to approval by the President of the Board of Trade, to whom the penalty of the bond shall be made payable; and in whose hands the bond shall remain, and shall avail to all persons aggrieved by any breach of the conditions thereof. 20 25

Appointment of Assistants. 8. Each Inspector shall appoint one or as many more Assistants as the Council of the Board of Trade may from time to time direct, for the acts of which Assistants he shall be responsible; and all acts done by an Assistant Inspector shall be held to be the acts of the Inspector who appointed him; but each such Assistant must, before his appointment, have been examined and approved by the Board of Examiners, and shall take and subscribe to the same form of oath as the Chief Inspector, before the President or Vice-President of the Board of Trade, and such oath shall remain in the office and custody of the Secretary of the Board of Trade. 30 35

How paid, removed, &c. 9. The Assistant Inspectors shall be paid by the Inspector, and shall hold their office at his pleasure; and no such Inspector shall allow any person to act for him about the duties of his office, except his sworn Assistant or Assistants appointed as aforesaid. 40

Oaths and bonds to be open to the public. 10. Every oath of office taken and bond given under this Act, shall be kept open to public inspection, and every person shall be entitled to have communication, or to have a copy of any such oath or bond, upon payment of cents for such communication, and cents for any such copy. 45

Removal of Inspectors. 11. The Council of the Board of Trade may remove any inspector and appoint another, if it be satisfactorily shown to such Council that the duties of the office are not properly performed.

Inspectors not to deal in Grain. 12. Every Inspector, or Assistant Inspector, who directly or indirectly trades or deals in Wheat or any other Grain, shall be forthwith removed from office. 50

STANDARDS OF QUALITY.

13. The following shall be the standards of Wheat and other Grain:—

Wheat.

- No. 1 *White Winter*—Shall be sound, plump, and free from admixture of other Grain. Qualities of
Wheat.
- 5 No. 2 *White Winter*—Shall be sound and good, but less free from other Grain than No. 1.
- No. 1 *Red Winter*—Shall be sound, plump, and free from admixture of other Grain.
- 10 No. 2 *Red Winter*—Shall be sound and good, but less free from other Grain than No. 1.
- Extra Spring*—Shall be sound, plump, and free from admixture of other Grain, and weigh not less than 61 lbs. per Imperial bushel.
- No. 1 *Spring*—Shall be sound, free from admixture of other Grain, and weigh not less than 59 lbs. per Imperial bushel, and shall consist of two grades—No. 1 bright, and No. 1.
- 15 No. 2 *Spring*—Shall be sound, but less free from other grain than No. 1, and its weight shall not be less than 57 lbs. per Imperial bushel.
- 20 All unsound, damp, or very dirty Wheat of whatever kind, shall be classed “Rejected.”

Peas.

Peas.

- No. 1—Shall be clean and sound.
- No. 2—Shall be sound, but too dirty for No. 1.
- 25 All unsound, damp, or very dirty Peas shall be classed “Rejected.”

Corn.

Corn.

Pure White—Pure Yellow—Mixed, or Rejected—Shall be classed according to its quality.

Oats

Oats:

- 30 No. 1—Shall be clean and sound.
- No. 2—Shall be sound, but too dirty for No. 1.
- All unsound, damp, or very dirty Oats shall be classed as “Rejected.”

Rye.

Rye.

- No. 1—Shall be sound and well cleaned.
- 35 No. 2—Shall be such as is too dirty to be classed as No. 1.

Barley.

Barley.

- No. 1—Shall be plump in the berry, well cleaned and sound.
- No. 2—Shall be sound and clean.
- All unsound, damp, or very dirty Barley shall be classed as “Rejected.”
- 40 14. Wheat, or other Grain, shall be measured as follows for ascertaining whether it is of standard weight—that is to say, the bushel, half-bushel, or quarter of a bushel, shall be placed on a flat floor, and filled with a scoop large enough to fill it at one time, and shall be struck with a roller 2½ inches in diameter. Mode of mea-
suring wheat
and other
grain.

DUTIES OF INSPECTORS.

- Inspecting.** **15.** The duty of Inspector shall be to determine and certify the quality of all Wheat or other Grain submitted to him for Inspection, in conformity to the standards hereinbefore prescribed.
- Providing samples as standards.** **16.** Each Inspector of Grain shall, at his own expense, provide 5 sufficient samples of each of the qualities of the different kinds of Grain, of which the standard is hereinbefore fixed; such samples to be approved by the Board of Examiners, and to be renewed as often as may be required by the said Board; and the same shall be deposited with the Secretary of the Board of Trade, and kept by him as standard samples, 10 by which the Inspectors shall be governed in establishing the several qualities of Wheat and other Grain.
- How kept.**
- Renewing sample** **17.** The standard weight of each kind of Grain shall be fixed and unchangeable; and when the samples aforesaid are renewed, the color of the new samples shall be as near that of the original samples as possible. 15
- Inspector's office.** **18.** The Inspector shall provide himself with an office in some place in the city for which he is appointed, convenient for the trade, and shall keep a record of all his Inspection, which shall be open to the public.
- Fees to Inspectors.** **19.** For such Inspection, the person who required the inspection thereof shall pay to the Inspector the fees payable for the service 20 performed under the Tariff made by the Board of Examiners, as hereinafter provided, and then in force.
- Bill of Inspection.** **20.** As soon as any Wheat or other Grain is inspected, a bill of Inspection (with a certificate to the shipper when required) shall be furnished by the Inspector or assistant Inspector, without fee or reward, specifying the quantity and quality ascertained by inspection, and the charges thereon, with the name of the store, vessel, or number of the car wherein the Wheat or other Grain was when inspected. 25
- Weekly report of Inspector.** **21.** The Inspector shall, on Monday in every week, make out, sign, and transmit to the Secretary of the Board of Trade of the city for 30 which he is appointed, a statement of the quantity and quality of all Wheat and other Grain, inspected or re-inspected by him, or his assistant, during the next preceding week.

FEES, DISPUTES, AND MISCELLANEOUS PROVISIONS.

- Tariff of fees to be made. Examiners to be arbitrators in disputes.** **22.** The Board of Examiners, or a quorum thereof, shall make a 35 Tariff of the Inspector's fees for the several services which may be required of them, and may from time to time, as circumstances may require, re-model and alter such Tariff;—And the said Board shall be a Board of Arbitrators to decide all disputes arising between an Inspector and any party employing him, regarding the quality and condition of any 40 Wheat or other Grain submitted to him for Inspection.
- Proceedings in case of dispute as to quality.** **23.** If any dispute arises between the Inspector or Assistant Inspectors and the owner or possessor of Wheat, or other Grain, with regard to the quality or condition thereof, then, upon application by either of the parties to the Secretary of the Board of Trade, the said Secretary shall 45 forthwith summon a meeting of the Board of Examiners, who shall immediately examine such Wheat or other Grain, and report their opinion of the quality and condition thereof, and their determination, made in writing, shall be final and conclusive: The parties against whom the
- Costs.**

Arbitrators decide shall pay all charges incurred about the arbitration, and the Arbitrators shall fix the amount of such charges, and the Inspector shall, in his Bill of Inspection and certificate, conform to the decisions of the Board of Arbitration.

- 5 **24.** Nothing in this Act shall oblige any person to cause any Wheat or other Grain to be inspected; but if inspected, it shall be subject to the provisions of this Act. **inspection not to be compulsory.**