

No. 78.

1st Session, 8th Parliament, 27th Victoria, 1868.

BILL.

An Act to regulate the inspection of Hides
and Skins.

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September, 1868.

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1868.

Mr. A. M. SMITH,
(Toronto.)

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BILL.

No. 78.]

[1863.—2nd Sess.

An Act to provide for the inspection of Hides and Skins.

WHEREAS it is expedient to provide for the inspection of hides and skins in this Province; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

BOARDS OF EXAMINERS.

1. On, or as soon as may be after, the first day of January, 1864, and before the twenty-fifth day of the same month in each year (or in the present year, one thousand eight hundred and sixty-three, at any time after the passing of this Act,) the Council of the Board of Trade for each of the cities of Québec, Montreal, Kingston, Toronto, Hamilton and London, and of any other city in and for which there may then be a Board of Trade, shall appoint three 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 Hides and Skins for the year or period commencing on the first day of January then next (or in the present year on the day of their appointment), and ending on the first day of January 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:
- “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 Hides and Skins, without partiality, favor or affection, and to the best of my knowledge and understanding: So help me God.”
- Which oath shall remain in the office and custody of the Secretary of the Board of Trade.

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

3. The Board of Examiners, or a quorum thereof, shall examine all applicants for the office of Inspector or Assistant Inspector of Hides and Skins, and shall recommend to the Council of the Board of Trade, as eligible for appointment those only whom they consider perfectly qualified for the office of Inspector or Assistant Inspector of Hides and Skins, as the case may be, distinguishing for which of the said offices they consider the applicants so qualified.

APPOINTMENT OF INSPECTORS AND ASSISTANTS.

4. The Council of the Board of Trade for each such City as aforesaid, shall appoint an Inspector of Hides and Skins for such City, from among those certified to them by the Board of Examiners as qualified for the Office.

5. Each 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:

His oath of office.

"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 Hides and Skins, and that I will not, directly or indirectly, by myself or by any other person or persons whomsoever, trade or deal in Hides or Skins, or be connected in any such trade during the time I shall continue such Inspector. So help me God."

And the said oath shall remain in the office and custody of the Secretary of the Board of Trade.

Security to be furnished by.

6. 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 five 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 the bond shall remain in the office of the Board of Trade, and shall avail to all persons aggrieved by any breach of the conditions thereof.

Inspector may appoint assistants.

7. Each Inspector may 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 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.

Pay and duties of assistants.

8. 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.

Oaths, Bonds, &c., open to inspection.

9. 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 *twenty-five cents* for such communication, and ten cents for every such copy.

Removal of Inspector.

10. 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.

Penalty on Inspectors dealing in Hides, &c.

11. Every Inspector, or Assistant Inspector, who directly or indirectly trades or deals in Hides or Skins shall be forthwith removed from office.

How inspection shall be conducted.

12. Every Inspector or Assistant Inspector, shall examine and inspect, any hides or skins on application being made to him for that purpose by the proprietor or possessor thereof, and ascertain the respective weights, qualities and conditions thereof.

MODE OF INSPECTION.

13. Such inspection shall be made either at the store or warehouse of such Inspector, which he is hereby required to keep in a convenient situation for that purpose in the city or town for which he is appointed Inspector, or at the store or warehouse of the owner thereof: No charge for storage shall be made until twenty-four hours after such inspection; but all trouble and expense attendant upon the loading, unloading or moving such hides or skins shall be borne, and paid by the party at whose request the same have been inspected.

Where it shall take place.

14. Each Inspector or Assistant Inspector shall provide, and have a sufficient number of brands, stamps, or marking instruments, with which he shall brand, stamp or mark, or cause to be branded, stamped, or marked immediately after inspection on each skin or hide, the initial name of the place of inspection; and the initials of the name of the Inspector, with the quality of the hide or skin so inspected by him.

Branding or marking instruments.

15. All brand or stamp marks shall be neat and legible and shall be made at one end of the hide or skin within a space not less than two inches long by one and one and a half inch broad.

How skins shall be marked.

16. The hides or skins so inspected shall be divided, as to quality, into four classes; to be known as number *one*, number *two*, number *three*, and number *four*: number one representing the *first* or best quality, number two representing the *second* quality, number three representing the *third* quality, and number four representing the damaged and rejected articles.

Classification of qualities.

17. Hides or skins shall, after inspection, be marked or branded respectively, with the figures 1, 2, 3, or 4, according to the hides or skins so inspected.

Skins to be marked accordingly.

18. The brand or mark may be fixed or attached to the hide or skin by stamping, or by any other process that may render such brand or mark indelible. Each brand or stamp shall have the initials of the City or Town where inspection is made, and the initials of the Inspector's name, and the weight of the hide or skin, as also the figure denoting the quality; and may be in the form following:

Mark to be indelible.

1. W. 112.
T. J. B. I.

2. W. 90.
T. J. B. I.

Form of marks.

The figure 1, representing first quality, W. 112, weight, T., Toronto, J. B., I., initials of Inspector's name and office.
The figure 2 designating second quality.

3. W. 60.
T. J. B. I.

4. W. 20.
T. J. B. I.

The figure 3 designating third quality.
The figure 4 designating a damaged or rejected article.

OFFENCES AND PENALTIES, &c.

Incorrect
certificates.

19. If any Inspector or Assistant Inspector, knowingly and wilfully, gives, to any bill of inspection, an untrue and incorrect certificate of the weight or quality of any hide or skin by him inspected, or gives such bill without a personal examination and inspection of such hide and skin, he shall incur a penalty of not more than *eighty dollars* for each offence, and be dismissed from his office, and be disqualified from ever after holding the same. 5

Neglect of
duty by
Inspector.

20. Every Inspector or Assistant Inspector who refuses or neglects 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 sun-set, by any owner or possessor of hides or skins (such Inspector or Assistant Inspector not being at the time of such application employed in inspecting hides or skins elsewhere), forthwith, or within two hours thereafter, to proceed to such inspection, shall, for every such neglect or refusal, incur a penalty of *twenty dollars*, recoverable by the person so applying before any one Justice of the Peace, or the oath of one credible witness other than such prosecutor; and shall be also liable for all the damages occasioned by such refusal or neglect to the party complaining. 10 15

Effacing
Inspector's
marks, &c.

21. Any person who, with fraudulent intention, effaces or causes to be effaced from any hide or skin (having undergone inspection), all or any of the Inspector's marks, or counterfeits or alters any such marks, or impresses or brands any mark purporting to be the mark of the Inspector, either with the proper marking tools of such Inspector, or with counterfeits, representatives thereof, on any hide or skin, or who (no being an Inspector) brands or marks any hide or skin with the Inspector's mark or any part thereof, or connives at or is privy to any fraudulent erasions of this Act, shall, for every such offence, respectively, incur a penalty of not less than *eighty dollars*. And any Inspector who inspects, or brands, or marks any hide or skin out of the limits for which he is appointed, or hires out his marks to any person whatsoever, or connives at, or is privy to any fraudulent evasion or inspection of hides and skins by others, shall for each and every such offence incur a penalty of not less than *eighty dollars*, and be removed from, and disqualified from holding such office forever thereafter. 20 25 30 35

Inspector
acting beyond
limits.

Recovery of
penalties.

22. Every penalty and forfeiture imposed by this Act, not exceeding forty dollars, may, except when it is otherwise herein provided, be recoverable by any Inspector of hides and skins, or by any other person suing for the same, in a summary way before any two Justices of the Peace for the place, in their ordinary or other Sessions, and shall, in default of payment, be levied by warrant of distress to be issued by such Justices against the goods and chattels of the offender. 40

In case
penalty
exceeds \$10.

23. Where such penalty or forfeiture exceeds forty dollars, it 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, having jurisdiction in civil cases to the amount, and may be levied by execution as in case of debt. 45

Application
of penalties.

24. The moiety of all such penalties [except such as may be therein otherwise applied] when recovered, shall forthwith 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 50

same, unless he be an Officer of the Corporation, in which case the whole penalty shall belong to the Corporation for the uses aforesaid.

25. If any action or suit, not otherwise provided for, be brought against any person for anything done in pursuance of this Act, or 5 contrary to the provisions thereof, it must be commenced within six months next after the matter or thing done or omitted to be done, and not afterwards; and the defendant therein, may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereon; and if afterwards judgment is given for the defendant, or 10 the plaintiff be non-suit or discontinue his action after the defendant has appeared, then such defendant shall have treble costs against such plaintiff, and the like remedy for the same as any defendant hath in other cases to recover costs at law. Limitation of actions, &c.

FEES, DISPUTES, AND MISCELLANEOUS PROVISIONS.

26. The Board of Trade, or a quorum thereof, shall make a Tariff 15 of the Inspectors' fees for the several services which may be required of them, and may from time to time, as circumstances may require, remodel and alter such Tariff; and the Board of Examiners shall be a Board of Arbitrators to decide all disputes arising between an Inspector and any party employing him, regarding the quality and condition 20 of any hides or skins submitted to him for inspection. Tariff of fees.

27. If any dispute arises between the Inspector or Assistant Inspectors and the owner or possessor of hides or skins, 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 25 forthwith summon a meeting of the Board of Examiners, who shall immediately examine such hides or skins, 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 Arbitrators decide shall pay all charges incurred about the arbitration, and the 30 Arbitrators shall fix the amount of such charges, and the Inspector shall, in his Bill of inspection and certificates, conform to the decisions of the Board of Arbitration. In case of disputes.

28. Nothing in this Act shall oblige any person to cause any hide or skin 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, 35 unless the said provisions have been in all respects complied with, with respect to such hides and skins. Inspection not obligatory.