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1st Session, 8th Parliament, 27th Victoria, 1863.

# BILL.

An Act to regulate the inspection of Hides and Skins.

Received and read, first time, Monday, 7th September, 1868. Second reading, Wednesday, 9th September, 1868.

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

## QUEBEC:

PRINTED FOR THE CONTRACTORS BY HUNTER, ROBE & LEMIEUX, ST. URBULE ST.

# **BILL.**

## No. 78.7

#### [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 Preamble. 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, Appointment and before the twenty-fifth day of the same month in each year (or in of Boards of the present year, one thousand eight hundred and sixty-three, at any Examiners. time after the passing of this Act,) the Council of the Board of Trade

- 5 for each of the cities of Quebec, 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 In-
- 10 spector 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 Januarý in the theu next year ; and each Examiner shall, before acting as such, take the following Oath of Office before the President or Vice-
- as such, take the following Oath of Office before the President or Vice-Oath of office. 15 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 20 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, Quorum. and may do any act which the Board could legally do.

- 52 3. The Board of Examiners, or a quorum thereof, shall examine all Their duties. 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,
- 30 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, Appointment 35 shall appoint an Inspector of Hides and Skins for such City, from among of Inspector those certified to them by the Board of Examiners as qualified for the Trade. 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 5 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

**6.** Before any Inspector shall act as such, he shall furnish two good furnished by. and sufficient sureties, each of whom shall be bound jointly and severally with such Inspector, for the due performance of the duties of his 15 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. 20

Insuector 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 appoint-25 ment, 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 30 of Trade.

Pay and duties of assistants.

S. 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.

**9.** Every oath of office taken and bond given under this Act shall **85**. Caths, Bonds, be kept open to public inspection, and every person shall be entitled to &c., open to inspection. 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.

10. The Council of the Board of Trade may remove any Inspector 40-Removal of Inspector. and appoint another, if it be satisfactorily shown to such Council that the duties of the office are not properly performed.

Penalty on 11. Every Inspector, or Assistant Inspector, who directly or indirect-Inspectors ly trades or deals in Hides or Skins shall be forthwith removed from dealing in Hides, &c. office. 45

#### MODE OF INSPECTION.

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.

10

1

13. Such inspection shall be made either at the store or warehouse Where it shall of such Inspector, which he is hereby required to keep in a convenient take place. 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

5 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.

14. Each Inspector or Assistant Inspector shall provide, and have Branding or 10 a sufficient number of brands, stamps, or marking instruments, where-marking with 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.

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

16. The hides or skins so inspected shall be divided, as to quality, Classificainto four classes; to be known as number one, number two, number tion of quali-20 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.

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

18. The brand or mark may be fixed or attached to the hide or skin Mark to be by stamping, or by any other process that may render such brand or indelible. mark indelible. Each brand or stamp shall have the initials of the City

mark indelible. Each brand or stamp shall have the initials of the City 30 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:

1. W. 112.	<b>2.</b> ₩. 99.
T. J. B. I.	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.

85 The figure 2 designating second quality.

3. ₩. 60 <b>.</b>	<b>4.</b> ₩. 20.
T. J. B. I.	T. J. B. L.

The figure 8 designating third quality.

The figure 4 designating a damaged or rejected article.

### OFFENCES AND PENALTIES, &C.

Incorrect cortificates.

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 5 each offence, and be dismissed from his office, and be disqualified from ever after holding the same.

Neglect of duty by Los ector.

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 sun-10 rise 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, recover-15 able by the person so applying before any one Justice of the Peace, on the oath of one credible witness other than such prosecutor; and shall he also liable for all the damages occasioned by such refusal or neglect to the party complaining.

21. Any person who, with fraudulent intention, effaces or causes to 20 Effacing be effaced from any hide or skin (having undergone inspection), all or Inspector's any of the Inspector's marks, or counterfeits or altors any such marks, marks, &c. 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 25 (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 evasions of this Act, shall, for every such offence, respectively, incur a penality of not less than eighty dollars. And any Inspector who inspects, or brands, or marks any hide or skin out of the 30 Inspector acting beyond limits for which he is appointed, or hires out his marks to any person limits. 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 35 from, and disqualified from holding such office forever thereafter.

22. Every penalty and forfeiture imposed by this Act, not exceed-Recovery of ing forty dollars, may, except when it is otherwise herein provided, penalties. 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, 40 in default of payment, be levied by warrant of distress to be issued by such Justices against the goods and chattels of the offender.

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

24. The moiety of all such penalties [except such as may be therein otherwise applied] when recovered, shall forthwith be paid into of penalties. the hands of the Treasurer of the city, town or place, for the public 50 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

In case penalty exceeds \$10.

Application

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 Limitation against any person for anything done in pursuance of this Act, or actions, and 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

FEES, DISPUTES, AND MISCELLANEOUS PROVISIONS.

26. The Board of Trade, or a quorum thereof, shall make a Tariff Tariff of Sees. 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.

other cases to recover costs at law.

27. If any dispute arises between the Inspector or Assistant Inspec- In case of • tors and the owner or possessor of hides or skins, with regard to the dispute 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 determinaton 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 inpection and certificates, conform to the decisions of the Board of Arbitration.

28. Nothing in this Act shall oblige any person to cause any hide Inspection or skin to be inspected; but if inspected, it shall be subject to the pro-not obliga-35 visions of this Act, and shall not be marked or branded as inspected, tory. unless the said provisions have been in all respects complied with, with respect to such hides and skins.