



No. 167.

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1st Session, 6th Parliament, 20 Victoriae, 1858.

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**B I L L .**

An Act to provide for the Inspection of  
Sole Leather.

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Received and read 1st time, Friday, 14th  
May, 1858.

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Mr. Sol. Genl. ROSE.

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S. Derbishire & G. Desbarats, Queen's Printer.

## An Act to provide for the Inspection of Sole Leather.

**W**HEREAS it is expedient to provide for the Inspection of Sole Leather in this Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada; enacts as follows :

Preamble.

5 I. It shall be lawful for the Boards of Trade of the Cities of Montreal and Toronto each to appoint a Board of Examiners of Applicants for the office of Inspector of Sole Leather; and from time to time to remove such Examiners and appoint others in their stead; and each of such Board of Examiners shall consist  
10 of five persons of experience and practice in the manufacture, or acquainted with the qualities of Leather; and such Examiners shall, before acting as such, severally take and subscribe the oath contained in the Form A. to this Act annexed.

Examiners of applicants for the office of Inspector to be appointed.

15 II. It shall be lawful for the Governor in Council, upon the receipt of any requisition signed by not less than twenty persons engaged in the manufacture or consumption of Sole Leather in any incorporated City, or Town in this Province setting forth the necessity of the appointment of an Inspector of Sole Leather in such City or Town, to nominate and appoint an Inspector of  
20 Sole Leather for the said City or Town, and from time to time to remove the said Inspector and appoint another in his stead; but no person shall be appointed an Inspector of Sole Leather who shall not, previous to his appointment, have passed an examination before one of the said Boards of Examiners; and obtained  
25 a certificate as to his fitness, character and capacity.

Inspectors to be appointed on requisition.

From among persons who have passed examination.

III. Every Inspector before acting as such 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 *dollars*, to be approved by the Chief-Municipal Officer  
30 of the City or Town for which he shall have been appointed, in a Bond to be executed to Her Majesty, Her Heirs, Her Successors, and such Bond shall avail to the Crown, and to all persons whomsoever who shall or may be aggrieved by any breach of the conditions thereof; and every Inspector before acting  
35 as such shall take and subscribe the following Oath before the Chief-Municipal Officer of the City for which he shall be appointed, who is hereby required to administer the same :

Inspectors to give security and to be sworn.

“ I, A. B., do solemnly swear that I will faithfully, truly and  
“ impartially, to the best of my judgment, skill, and understand-  
40 ing, do and perform the office and duty of an Inspector of  
“ Sole Leather. and that I will not directly or indirectly, by my-

Oath of Inspector.

“ self, or by any other person or persons whomsoever, trade or  
 “ deal in Leather, or be connected in any such trade, nor pur-  
 “ chase any Leather of any description, otherwise than for the  
 “ use of my family, during the time I shall continue such Ins-  
 “ pector. So held me God.”

5

Inspector may  
 appoint As-  
 sistants.

IV. Any such Inspector of Sole Leather shall and may ap-  
 point one or as many more Assistants as he may from time to  
 time require, or be required to appoint by the Board of Trade of  
 the City, for which he is appointed, for the acts of which Assis- 10  
 tant or Assistants he shall be and is hereby declared to be re-  
 sponsible, and each such Assistant shall take and subscribe the  
 following Oath before the Mayor, or Chief Municipal Officer of  
 the City or Town for which he shall be appointed, who is here-  
 by required to administer the same :

Oath of As-  
 sistant.

“ I, A. B., do swear that I will diligently, faithfully and im- 15  
 “ partially, perform the duties of the office of Assistant to the  
 “ Inspector of Sole Leather for \_\_\_\_\_, and that I  
 “ will not directly or indirectly, myself or by any other person  
 “ or persons whomsoever, trade or deal in Leather, or be con-  
 “ nected in any such trade, nor purchase any Leather of any 20  
 “ description, otherwise than for the use of my family, during  
 “ the time that I shall continue such Assistant Inspector. So  
 “ help me God.”

Oath to be re-  
 corded :

V. Every Oath taken and every Bond made or executed by  
 any such Inspector, and every Oath taken by any such Assis- 25  
 tant Inspector, shall be recorded at the office of the Chief Muni-  
 cipal Officer of the place for which such Inspector or Assistant  
 Inspector shall be appointed ; and every person shall be entitled  
 to have communication and copy of any such Oath or Bond, 30  
 upon payment to the Treasurer of the Municipality of *twenty*  
*cents*, for every communication, and *fifty cents*, for each  
 copy.

Fees for copy,  
 &c.

Assistant to  
 be paid by  
 Inspector.

VI. Every such Assistant Inspector shall respectively be paid  
 by, and shall hold his office at the pleasure of the Inspector,  
 and may be removed or re-installed, or others may be appointed 30  
 in his stead by such Inspector.

Inspector  
 must inspect  
 on applica-  
 tion.

VII. Every Inspector or Assistant Inspector so nominated and  
 appointed, may examine and inspect any side or piece of Lea-  
 ther on application being made to him for that purpose by the pro-  
 prietor or possessor thereof, and ascertain the respective weight, 40  
 qualities and conditions thereof.

Where inspec-  
 tion may  
 be made—as  
 to charges.

VIII. 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 Inspector shall 45  
 be appointed, respectively, at the option of the proprietor or

possessor of such Leather, and when such Inspection shall be made at the store of the said Inspector, there shall be no charge for storage till twenty-four hours after the Leather has been inspected, but all trouble and expense attendant upon the loading, unloading and moving the said Leather shall be at the cost of the person at whose request the said Leather has been inspected.

IX. Each Inspector or Assistant Inspector, shall provide and have a sufficient number of brands or marking instruments, wherewith he shall brand or mark, or cause to be branded or marked immediately after inspection, on each side or piece of Leather, the name of the place of inspection, as the case may be, and the initials of the name of the Inspector, with the name or kind of the Leather and the weight and quality thereof as hereinafter directed; and on each side or piece which may be found to be of a damaged or unmerchantable quality, the Inspector or Assistant Inspector shall brand or cause to be branded the word "Rejected" or "Damaged" in letters as large as those upon the rest of the brand or inspection mark.

How inspected leather is to be marked.

Damaged leather is to be marked as such.

X. All brand marks shall be neat and legible, and shall be made within a space not exceeding two inches long by one inch and a half broad at one end of the leather.

Brand marks.

XI. Every kind of sole leather shall be divided as to its quality into three classes, to be known as number one, number two, and number three; and such leather as is ordinarily distinguished among dealers by its comparative weight, shall also be divided into three classes, to be known as *heavy*, *middling*, and *light* weight; every piece or side of leather under fourteen pounds weight shall be considered *light*, every piece or side of leather of fourteen pounds weight and under twenty pounds weight shall be considered *middling*, and every piece or side of leather of twenty pounds weight and over shall be considered *heavy* or *over weight*.

Classification of sole leather.

XII. Leather of the first, second or third quality shall be marked or branded respectively by the figures 1, 2 or 3.

Qualities to be marked.

XIII. The brand or mark to be used by every Inspector or Assistant Inspector of Leather, may be affixed by stamping, or by any other process rendering such brand or mark indelible, and every such brand or mark, so far as circumstances will permit, shall be in the form B to this Act annexed, or to the like effect.

How the mark or brand shall be affixed.

XIV. For every side or piece of sole leather so inspected every Inspector shall be entitled to demand and receive from the party requiring the inspection of the same, the sum of *two cents*.

Remuneration.

Disputes between owners of leather and Inspectors, how to be settled.

**XV.** If any dispute arise between an Inspector and the proprietor or possessor of any leather inspected by him or his assistant, with regard to the weight, quality or condition thereof, or relating in any respect to the same, upon application by either of the parties, to any Justice of the Peace at the place at which such Inspector shall reside, the said Justice of the Peace shall issue a summons to three persons of skill and integrity, one to be named by the Inspector, another by the proprietor or possessor of the leather, and the third by the Justice of the Peace, requiring the said three persons immediately to examine the said leather, and report under oath their opinion in writing of the weight, quality and condition thereof, and their decision, or that of the majority of them made shall be final and conclusive, whether approving or disapproving the judgment of the Inspector, who shall immediately attend and conform thereto, and brand or mark or cause to be branded or marked such leather, of the weight, quality or condition directed by the decision aforesaid; and if the opinion of the Inspector be thereby confirmed, the reasonable costs and charges of re-examination as ascertained and awarded by the said Justice of the Peace, shall be paid by the said proprietor or possessor of the leather, or if otherwise by the Inspector; Provided always that no Inspector shall be liable for costs or damages for any deficiency or excess in the weight of such leather, unless such deficiency or excess in the weight exceed five per cent of the whole weight of the said leather.

Proviso.

Boards of Trade to examine into complaints against Inspector.

**XVI.** The Board of Trade of any City or Town may examine into any complaints made against any Inspector for neglect or improper performance of his duties, and if they shall decide that such complaints are well founded, and that such Inspector ought to be removed from office, they may notify such decision to the Governor in Council, who shall thereupon remove such Inspector from his office and appoint another in his stead, as provided in section one of this Act.

Penalty on Inspector for refusing or neglecting to inspect.

**XVII.** Any Inspector or Assistant Inspector so-nominated or appointed who shall refuse or neglect, on application to him personally made, or by writing left at his dwelling house, store, office or warehouse on any lawful day between sunrise and sun set, by any proprietor or possessor of Leather, (such Inspector or Assistant Inspector not being at the time of such application employed in inspecting leather,) 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, on the oath of one credible witness, other than the informer, the sum of *twenty dollars* over and above all the damages occasioned by such refusal or neglect to the party complaining.

Inspectors not to deal in leather.

**XVIII.** No Inspector or Assistant Inspector shall directly or indirectly trade or deal in Leather, or be concerned in any such

trade, or purchase any Leather of any description, otherwise than for the use of his own family, under the penalty of ten pounds currency, for each and every such offence, and of being immediately removed from the office, and of being disqualified from holding such office in future.

XIX. Any person who shall with fraudulent intentions, efface or cause to be effaced from any side or piece of Leather having undergone inspection, all or any of the Inspector's marks, or shall counterfeit any such mark or marks, or impress  
 10 or brand any mark purporting to be the mark of the Inspector, either with the proper marking tools of such Inspector, or with counterfeit representations thereof on any side or piece of Leather, or (not being an Inspector, appointed under this Act) shall brand or mark any Leather with the Inspector's mark or any  
 15 part thereof or shall connive at or be privy to any fraudulent evasions of the provisions of this Act, shall, for every such offence respectively, incur a penalty of *forty dollars*; and any Inspector who shall inspect or brand or mark any  
 20 Leather 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 Leather by others, shall for each such offence incur a penalty of *forty dollars*, and be immediately removed from his office, and be disqualified from holding such office in  
 25 future.

Penalty for effacing or imitating Inspector's marks.

And on Inspectors lending out their brands.

XX. All penalties imposed by this Act, shall be recoverable by the Inspector or by any other person suing for the same, in a summary way before any Justice of the Peace, and the moiety of all fines (except as hereinbefore otherwise applied) shall be  
 30 paid to the Treasurer of the City, Town, or Place where the offence was committed, for the public uses of the Corporation thereof, and the other moiety shall belong to and be paid to the person who shall sue for the same: Provided always that if an  
 35 whole penalty shall belong to the Corporation for the uses aforesaid.

Recovery and application of penalties.

Proviso.

XXI. No suit or prosecution for any pecuniary penalty incurred under this Act, for any offence against its provisions shall be commenced after the expiration of *six months* after the  
 40 commission of the offence.

Limitation of suits.

XXII. Nothing in this Act shall be construed to oblige any person to cause any Sole Leather 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 regards such Leather.

Inspection not compulsory.

## FORM A.

Oath of Examiners.

“ I, A. B., do solemnly swear, that I will not directly or indirectly, personally or by means of any person 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 affectation and to the best of my understanding: So help me God.”

## FORM B.

Montreal,

1858.

No. 1.—Good.

18½

J. B.

Ins.

## FORM B.

Toronto,

1858.

No. 2.—Rejected.

14¾

J. B.

Ins.

## FORM B.

Quebec,

1859.

No. 3.—Damaged.

17

J. B.

Ins.