

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires: Cover title page is bound in as last page in book but filmed as first page on fiche.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /
Ce document est filmé au taux de réduction indiqué ci-dessous.

10x		14x		18x		22x		26x		30x	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	12x		16x		20x		24x		28x		32x

No. 127.

5th Session, 8th Parliament, 63 Victoria, 1900

BILL.

**An Act to provide for the Marking and
Inspection of Packages containing
Apples and Pears for Export.**

First reading, March 29, 1900.

MR. FISHER.

OTTAWA

Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1900

An Act to provide for the Marking and Inspection of
Packages containing Apples and Pears for Export.

HER Majesty, by and with the advice and consent of the
Senate and House of Commons of Canada, enacts as
follows:—

1. This Act may be cited as *The Apple and Pear Marks Act*, Short title.
5 1900.
2. This Act shall come into operation on the first day of Commence-
ment of Act.
July, 1900.
3. Every person who, by himself or through the agency of Marks by
packer of
apples and
pears for
export.
another person, packs apples or pears in a closed package,
10 intended for export, shall cause the package to be marked in
a plain and indelible manner before it is taken from the pre-
mises where it is packed,—
(a.) with the initials of the Christian name and the full sur-
name and address of the packer;
15 (b.) with the size of the fruit in inches;
(c.) with the name of the variety, and
(d.) with a designation of the grade of the fruit.
4. No person shall sell, offer, expose or have in his posses- Name of
packer and
size of fruit to
be marked.
20 sion for sale any apples or pears packed in a closed package
and intended for export unless (a) the name and address of
the packer and (b) the diameter in inches (or fractions thereof)
across the core of the apples or pears, as the case may be, are
marked upon the package in a plain and indelible manner.
5. No person shall sell, offer, expose or have in his posses- Grade
"A No. 1
Canadian."
25 sion for sale any apples or pears packed in a closed package
and intended for export upon which is marked the grade
"A No. 1 Canadian," or any similar designation, unless such
fruit consists of well-grown specimens of one variety, sound, of
nearly uniform size, of good colour for the variety, of normal
30 shape and not less than ninety per cent free from scab, worm
holes, bruises and other defects, and properly packed.
6. No person shall sell, offer, expose or have in his posses- Grade "No. 1
Canadian."
35 sion for sale any apples or pears packed in a closed package
and intended for export upon which is marked the grade
"No. 1 Canadian," or any similar designation, unless such fruit
consists of specimens of one variety, sound, of fairly uniform
size and not less than eighty per cent free from scab, worm
holes, bruises and other defects, and properly packed

Grade "No. 2 Canadian." **7.** No person shall sell, offer, expose or have in his possession for sale any apples or pears packed in a closed package and intended for export which are disqualified from being marked "A No. 1 Canadian" or "No. 1 Canadian," unless such package is marked "No. 2 Canadian" in a plain and indelible manner. 5

False marking of packages. **8.** No person shall sell, offer, expose or have in his possession for sale any apples or pears packed in a closed package and intended for export upon which is marked any designation of size, grade or variety which falsely represents such fruit; 10 and it shall be considered a false representation when more than ten per cent of such fruit are substantially smaller in size than, or inferior in grade to, or different in variety from the marks on such package.

Penalty for violation of Act. **9.** Every person who, by himself or through the agency of 15 another person, violates any of the provisions of this Act shall, for each offence, upon summary conviction, be liable to a fine not exceeding one dollar and not less than fifty cents for each package which is packed, sold, offered, exposed or had in possession for sale contrary to the provisions of this Act, to- 20 gether with the costs of prosecution, and in default of payment of such fine and costs, shall be liable to imprisonment, with or without hard labour, for a term not exceeding one month, unless such fine and the costs of enforcing it are sooner paid.

Inspector's duty as to false marks. **10.** Whenever any apples or pears packed in a closed pack- 25 age are found to be falsely marked, any inspector charged with the enforcement of this Act may efface such false marks and mark the words "falsely marked" in a plain and indelible manner on such package.

Tampering with marks. **11.** Every person who wilfully alters, effaces or obliterates 30 wholly or partially, or causes to be altered, effaced or obliterated, any inspector's marks on any package which has undergone inspection, shall incur a penalty of forty dollars.

Who shall be liable. **12.** The person on whose behalf any apples or pears are packed, sold, offered or had in possession for sale, contrary to 35 the provisions of the foregoing sections of this Act, shall be *primâ facie* liable for the violation of this Act.

Right to make examination of packages. **13.** It shall be lawful for any person charged with the enforcement of this Act to enter upon any premises to make an examination of any packages of apples or pears suspected of 40 being falsely marked in violation of the provisions of this Act, whether such packages are on the premises of the owner, or on other premises, or in the possession of a railway or steamship company; and any person who obstructs or refuses to permit the making of any such examination, shall, upon sum- 45 mary conviction, be liable to a penalty not exceeding five hundred dollars and not less than twenty-five dollars, together with the costs of prosecution, and in default of payment of such penalty and costs, shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, un- 50 less the said penalty and costs of enforcing it are sooner paid.

14. In any complaint, information or conviction under this Act, the matter complained of may be declared, and shall be held, to have arisen, within the meaning of Part LVIII of *The Criminal Code*, 1892, at the place where the apples or pears were packed, sold, offered, exposed or had in possession for sale. Procedure.
1892, c. 29.

15. No appeal shall lie from any conviction under this Act except to a superior, county, circuit or district court, or the court of the sessions of the peace having jurisdiction where the conviction was had; and such appeal shall be brought, notice of appeal in writing given, recognizance entered into, or deposit made within ten days after the date of conviction; and such trial shall be heard, tried, adjudicated upon and decided, without the intervention of a jury, at such time and place as the court or judge hearing the trial appoints, within thirty days from the date of conviction, unless the said court or judge extends the time for hearing and decision beyond such thirty days; and in all other respects not provided for in this Act, the procedure under Part LVIII of *The Criminal Code*, 1892, shall, so far as applicable, apply. Appeal.
1892, c. 29.

16. Any pecuniary penalty imposed under this Act shall, when recovered, be payable one half to the informant or complainant, and the other half to Her Majesty. Application
of penalties.

17. The Governor in Council may make such regulations as he considers necessary in order to secure the efficient operation of this Act; and the regulations so made shall be in force from the date of their publication in *The Canada Gazette*, or from such other date as is specified in the proclamation in that behalf. Regulations
by Governor
in Council.