



No. 129.

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4th Session, 8th Parliament, 29th Vic., 1865.

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**BILL.**

An Act concerning the Inspection of  
and Pearl Ashes.

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Received and read, 1st time, Monday, 14th  
August, 1865.  
Second reading, Tuesday, 15th August  
1865.

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Hon. Mr. ROSE.

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QUEBEC:

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## An Act respecting the Inspection of Pot and Pearl Ashes.

**W**HEREAS the Board of Trade of the City of Montreal have, by their petition represented that the interests of the trade would be promoted by certain alterations and amendments being made to the Act regulating the Inspection of Pot and Pearl Ashes, chapter forty-nine of the Consolidated Statutes of Canada: and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The ninth section of the said Act shall be and it is hereby repealed, and the following substituted therefor:—

Con. Stat.  
Can. cap. 49  
s. 9 repealed.

“9. Whenever a vacancy occurs in the office of Inspector of Pot and Pearl Ashes for the Cities of Quebec, Montreal, Kingston or Toronto, by the death, resignation or removal of such Inspector, it shall be the duty of the Board of Trade of the city where such vacancy occurs, to advertise in one or more of the newspapers of such city, the fact of such vacancy, and to notify all applicants for the said office to send in their applications to such Board, on a day to be named in such advertisement, and thereupon the Council shall refer to the Board of Examiners the applications of all such applicants as are not, in the opinion of the Board, unfitted for the office of Inspector; and thereupon the said Examiners, on a day to be appointed by them, not later than ten days from the time of receiving such applications and reference, shall cause the several applicants to appear before them, and shall then examine them as provided by this said Act, and the name of the applicant who shall, in the opinion of the Board of Examiners or of the majority of them, be the most competent to fill the office of Inspector, shall be returned by the Board of Trade, but if it should appear that two or more of such applicants are of equal capacity and skill and one of such applicants shall be an Assistant Inspector, then the name of such Assistant Inspector, other things being equal, shall be returned to the Board of Trade for the said office, and thereupon the person so named shall be appointed to the office of Inspector as provided by the third section of this Act.”

New section:  
provision for  
filling vacancies  
in office  
of Inspector.

2. The provisions of the twelfth section of the said Act, shall be applicable only to places other than the Cities of Quebec, Montreal, Kingston and Toronto, and if any dispute arises between the Inspector or Assistant Inspector of Pot and Pearl Ashes for any of the said cities and the proprietor or possessor of any Pot or Pearl Ashes, with regard to the quality thereof, within sixty days from the time the said Ashes were inspected, then upon application by either of the parties to such dispute, to the Secretary of the Board of Trade for the city where the dispute has arisen, the said Secretary shall forthwith summon a meeting of the Board of Examiners for the said city, who, or not less than three of them,

Application  
of sec. 12  
limited.

In cases of dispute between Inspector and owner shall immediately examine and inspect such Pot or Pearl Ashes, according to the provisions of the said Act, and report in writing to the Board of Trade for such city, their opinion upon the matter in dispute, and such opinion, signed by them or by a majority of them, shall be final, conclusive, and binding upon the parties, and the Inspector or the Assistant Inspector shall immediately attend and conform himself thereto, and brand every barrel of Pot or Pearl Ashes respecting which the dispute has occurred of the quality, indicated by such opinion, according to the provisions of the said Act, and such Board of Examiners may, if they deem fit so to do, previous to making such examination, call in the aid and assistance of one or more persons of experience and practice to advise with them upon the matter in dispute, but such persons shall have no voice in the decision thereof. 5 10

Costs of re-examination. 3. If the opinion of the Inspector or Assistant Inspector be thereby confirmed the reasonable costs and charges of a re-examination according to the rates allowed by the Board of Trade for the city shall be taxed by the Secretary of the Board of Trade and paid by the proprietor or possessor of such Pot or Pearl Ashes, and if otherwise by the Inspector with all damages. 15

Tariff of fees for re-examination. 4. The Council of the Board of Trade for each of the said cities shall, from time to time, make a tariff of the fees and charges to be allowed for such re-examination and all services and matters connected therewith, and may also establish rules and regulations for the government of the Board of Examiners. 20

Liability of Inspector for City of Montreal. 5. The paragraph following is added to the nineteenth section of 25 the said Act, and shall be read as sub-section two of the said section :—  
If the Inspector of the City of Montreal shall suffer the Policies of Insurance mentioned in the said Act to expire without renewing the same, or if he shall fail or neglect for an unreasonable length of time to provide suitable and convenient buildings for inspection or storage, 30 he shall incur a penalty not exceeding four hundred dollars and be forever thereafter disqualified from holding office as such Inspector.

Removal from office of Inspectors or their assistants. 6. The Board of Trade of any city or place may examine into any complaints made against any Inspector or Assistant Inspector of Ashes for such city or place, for neglect or improper performance of his duties, 35 and if they decide that such complaints are well founded, and that such Inspector or Assistant Inspector ought to be removed from office, they may, in the case of any Inspector, notify such decision to the Mayor or other head of the Municipality, who shall thereupon remove such Inspector from his office, and shall, upon the requisition of the said Board, 40 appoint another in his stead—or in the case of any Assistant Inspector, they may notify such decision to the Inspector or Joint Inspector, who shall remove such Assistant Inspector from office, and upon the requisition of the said Board appoint another in his stead.