

No. 12.—1846.

AN ORDINANCE for Regulating the Sale of Bread.

(L. S.) HARRIS.

WHEREAS an Ordinance was passed in Council on the fourteenth day of August, one thousand eight hundred and thirty-five, entitled "An Ordinance to repeal certain Orders of Government now in force, for regulating the making and sale of bread within the town of Port of Spain and the suburbs thereof, and to establish other provisions and regulations relative thereto;" and whereas it is expedient to repeal the said Ordinance, save only and except so far as the same repeals any order of Government, laws, rules and regulations which relate to the making and selling of bread, and to make other provisions for regulating the making and selling of bread: Be it therefore enacted, by his Excellency the Governor and Commander-in-Chief in and over the said Island and its Dependencies, by and with the advice and consent of the Council of Government thereof, that the said recited Ordinance of the fourteenth day of August, one thousand eight hundred and thirty-five, and all orders of Government, laws, rules and regulations whatsoever, and by whatsoever authority enacted, which relate to the making and selling of bread shall be, and the same are hereby repealed.

Preamble—
recites Ordinance of 14th August, 1835, and repeals it and others. Orders, &c relating to the making and selling of bread.

2. And be it enacted, That it shall be lawful for any person or persons whomsoever, in the Island of Trinidad, to make, bake, sell, and expose for sale any bread made of flour or meal of wheat, barley, rye, oats, buckwheat, Indian corn, peas, beans, rice, or potatoes, or any of them, and with any common salt, sugar, pure water, eggs, milk, barm, leaven, potato, or other yeast, and mixed in such proportions as the makers or sellers of bread shall think fit, and with no other ingredient or matter whatsoever, subject to the regulations hereinafter contained; any law, usage, or custom to the contrary, in any wise, notwithstanding:

Bread may be made of the articles herein mentioned.

3. And be it enacted, That all bread sold in this Island shall be sold by the several bakers or sellers of bread respectively by weight; and in case any baker or seller

Bread to be sold by weight and not otherwise.

Penalty.

of bread in this Island shall sell or cause to be sold bread in any other manner than by weight, then and in such case every such baker or seller of bread shall, for every such offence, forfeit and pay any sum not exceeding forty shillings sterling, which the Justice or Justices, before whom such offender or offenders shall be convicted, shall order and direct: Provided always, that nothing in this Ordinance contained shall extend or be construed to extend to prevent or hinder any such baker or seller of bread from selling bread usually sold under the denomination of fancy bread or rolls otherwise than by weight.

Proviso for fancy bread and rolls.

Bakers to use avoirdupois weight.

4. And be it enacted, That the several bakers or sellers of bread respectively in this Island, in the sale of bread, shall use avoirdupois weight of sixteen ounces to the pound, and the several gradations of the same for any quantity less than one pound; and in case any such baker or seller of bread shall at any time use any other than the avoirdupois weight, and the several gradations of the same, he or she shall, for every such offence, forfeit and pay such sum not exceeding five pounds, nor less than forty shillings sterling, as the Magistrate or Magistrates, Justice or Justices, before whom such conviction shall take place, shall order and adjudge.

Penalty for using any other.

Bakers to provide beams, scales and weights, and to weigh bread.

5. And be it enacted, That every baker or seller of bread in this Island shall cause to be fixed in some conspicuous part of his or her shop, on or near the counter, a beam and scales, or other sufficient balance, with proper weights, in order that all bread there sold may from time to time be weighed in the presence of the purchaser or purchasers thereof, except as aforesaid; and in case any such baker or seller of bread shall neglect to fix such beam and scale, or other sufficient balance in manner aforesaid, or to provide and keep for use proper beams and scales, and proper weights or balance, or shall have or use any incorrect or false beam or scales or balance, or any false weight, not being of the weight it purports to be, then and in every such case he or she shall, for every such false beam and scales, or balance or false weight, forfeit and pay such sum not exceeding five pounds sterling, as the Justice or Justices, before whom such offender or offenders shall be convicted, shall order and direct; and such false beam or scales, or

Penalty for false beams, scales or weights.

balance, or false weight, shall be forfeited to our Lady the Queen, and shall be destroyed or broken up.

6. And be it enacted, That every baker or seller of bread in this Island, and every journeyman, servant, or other person employed by such baker or seller of bread, who shall convey or carry out bread for sale, shall be provided with and shall constantly carry a correct beam and scales, with proper weights or other sufficient balance, in order that all bread sold by every such baker or seller of bread, or by his or her journeyman, servant or other person, may from time to time be weighed in the presence of the purchaser or purchasers thereof, except as aforesaid, and in case any such baker or seller of bread, or his or her journeyman, servant or other person, shall at any time carry out or deliver any bread without being provided with such beam and scales, with proper weights or other sufficient balance, or who shall use or carry weights deficient in their due weight, or shall at any time refuse to weigh any bread purchased of him or her, or delivered by his or her journeyman, servant, or other person, in the presence of the person or persons purchasing or receiving the same, then and in every such case every such baker or seller of bread shall for every such offence forfeit and pay such sum not exceeding five pounds sterling, as the Magistrate or Magistrates, Justice or Justices, before whom such offender or offenders shall be convicted, shall order and direct.

Hucksters
and sellers of
bread to be
provided with
scales,
weights, &c.,
and to weigh
bread.

Penalty.

7. And be it enacted, That no baker or other person or persons who shall make bread for sale in this Island, nor any journeyman or other servant of any such baker or other person, shall at any time or times in the making of bread for sale in this Island use any mixture or ingredient whatsoever in the making of such bread other than and except as hereinbefore mentioned, on any account or under any colour or pretence whatsoever, upon pain that every such person, whether master or journeyman, servant or other person, who shall offend in the premises, and shall be convicted of any such offence, shall for every such offence forfeit and pay any sum not exceeding ten pounds nor less than five pounds sterling, and in default of payment thereof shall by warrant under the hands and seals of the Magistrate or

Adulterating
bread—
Penalty.

Magistrates, Justice or Justices, before whom such offender shall be convicted, be committed to the Royal Gaol there to remain for any time not exceeding two calendar months, with or without hard labour from the time of such commitment, unless the penalty shall be sooner paid, as any such Magistrate or Magistrates, Justice or Justices shall think fit and order, and it shall be lawful for the Magistrate or Magistrates, Justice or Justices, before whom any such offender or offenders shall be convicted, to cause the offender's name, place of abode, and offence, to be published in some newspaper which shall be printed or published in the Island, and to defray the expense of publishing the same out of the money to be forfeited as last mentioned, in case any shall be so forfeited, paid or recovered.

Adulterating
corn meal or
flour.

8. And be it enacted, That if any person shall put into or mix with any corn, meal, or flour, which shall be sold or offered for sale in the said Island, any ingredient, mixture or thing whatsoever, not being the real and genuine produce of the corn or grain which shall be so sold or offered for sale, or shall knowingly sell, offer, or expose for sale any meal or flour of one sort of corn or grain, as or for the meal or flour of any other sort of corn or grain, or any ingredient whatsoever, mixed with the meal or flour so sold or offered or exposed for sale, then and in every such case the person so offending shall, upon conviction thereof, forfeit and pay for every such offence such sum not exceeding twenty pounds, nor less than five pounds sterling, as the Magistrate or Magistrates, Justice or Justices, before whom any such offender shall be convicted, shall think fit, and order.

Penalty.

Bread made of
mixed meal or
other meal
than wheaten
to be marked.

9. And be it enacted, That every loaf of every sort of bread made of the meal or flour of any other grain than wheat, which shall be made for sale, or be sold, carried out, offered or exposed in any wise, to or for sale in the Island, shall be marked with a large Roman M; and that every person who shall make for sale, sell, offer or expose to or for sale any loaf of any sort of bread, which shall be made of the meal or flour of any other grain than wheat, which shall not be marked as hereinbefore directed, shall, for every time he or she shall so offend in the premises, and be thereof convicted, forfeit and pay such sum not exceeding ten shillings, nor less than

one shilling sterling, for every loaf of such bread which shall not be so marked, as the Magistrate or Magistrates, Justice or Justices, before whom such offender shall be convicted shall adjudge and determine. Penalty

10. And be it enacted, That it shall be lawful for any Magistrate or Magistrates, Justice or Justices of the Peace, within the limits of their respective jurisdiction, and also for any Peace Officer or Officers authorized by warrant, under the hand and seal or hands and seals of any such Magistrate or Magistrates, Justice or Justices, and which warrant any such Magistrate or Magistrates, Justice or Justices, is and are hereby empowered to grant at seasonable times in the day time, to enter into any house, mill, shop, stall, bake-house, bolting-house, pastry warehouse, outhouse or ground of or belonging to any miller, mealman or baker, or other person, who shall grind grain or dress or bolt meal or flour, or make bread for reward or sale, and to search and examine whether any mixture, ingredient, or thing not the genuine produce of the grain of which such meal or flour shall import or ought to be, shall have been mixed up with or put into any meal or flour in the possession of such miller, mealman or baker, either in the grinding of any grain at the mill, or in the dressing, bolting, or manufacturing thereof, whereby any meal or flour is or shall be in anywise adulterated, or whether any mixture or ingredient other than is allowed by this Ordinance, shall have been mixed up with or put into any dough or bread in the possession of any such baker or other person, whereby any such dough or bread is or may be in anywise adulterated, and also to search for any mixture or ingredient which may be intended to be used in or for any such adulteration or mixture, and if on any such search it shall appear that any such meal, flour, dough or bread so found, shall have been so adulterated by the person in whose possession it shall then be, or any mixture or ingredient shall be found, which shall have been deposited there in order to be used in the adulteration of meal, flour or bread, then and in every such case it shall be lawful for such Magistrate or Magistrates, Justice or Justices of the Peace, or Officer or Officers, authorized as aforesaid, respectively, within the limits of their respective jurisdictions, to seize and take any

Mills, bakeries &c., may be searched under Magistrates' warrant — if any adulterated bread, flour, &c., be found, to be disposed of as herein mentioned.

meal, flour, dough or bread, which shall be found in any such search, and shall be deemed to have been adulterated, and all ingredients and mixtures which shall be found and shall be deemed to have been used or intended to be used in or for any such adulteration as aforesaid; and such part thereof as shall be seized by any Peace Officer or Officers authorized as aforesaid, shall with all convenient speed after seizure, be carried to some Magistrate or Magistrates, Justice or Justices, within the limits of whose jurisdiction the same shall have been so seized; and if any Magistrate or Magistrates, Justice or Justices, who shall authorize any such seizure to be made in pursuance of this Ordinance, or to whom anything so seized under the authority of this Ordinance shall be brought, shall adjudge that any such meal, flour, dough or bread so seized, shall have been adulterated by any mixture or ingredient put therein other than is allowed by this Ordinance, or shall adjudge that any ingredient or mixture so found as aforesaid, shall have been deposited or kept where so found, for the purpose of adulterating meal, flour or bread, then and in any such case all such meal, flour, dough or bread so seized, shall be forfeited to Our Lady the Queen, and such Magistrate or Magistrates, Justice or Justices of the Peace, is and are hereby required, to dispose of the same as he or they in his or their discretion shall from time to time think proper.

11. And be it enacted, That every miller, mealman or baker, in whose house, mill, shop, stall, bake-house, bolting-house, pastry warehouse, outhouse, ground or possession, any ingredient or mixture shall be found, which shall, after due examination, be adjudged by any Magistrate or Magistrates, Justice or Justices of the Peace, to have been deposited there for the purpose of being used in adulterating meal, flour or bread, shall on being convicted of any such offence, forfeit and pay on every such conviction, any sum of money not exceeding ten pounds, nor less than two pounds sterling, for the first offence, five pounds for the second offence, and ten pounds for every subsequent offence; and in default of payment thereof, shall, by warrant under the hand and seal, or hands and seals of the Magistrate or Magistrates, Justice or Justices, before whom such offender shall be

Penalty for having on premises ingredients for adulterating meal or bread —for first offence—for second offence

convicted, be committed to the Royal Gaol for any term —for subsequent offence. not exceeding two calendar months, from the time of such commitment, with or without hard labour, unless such penalty shall be sooner paid, as any such Magistrate or Magistrates, Justice or Justices shall think fit and order; and it shall be lawful for the Magistrate or Magistrates, Justice or Justices, before whom any such offender shall be convicted, to cause the offender's name, place of abode and offence, to be published in some newspaper which shall be printed, published, or circulated in this Island; and to defray the expense of publishing the same out of the money to be forfeited, as last mentioned, if any shall be so forfeited, paid or recovered.

12. And be it enacted, That if any person or persons shall wilfully obstruct or hinder any such search as hereinbefore is authorized to be made, or the seizure of any meal, flour, dough, or bread, or of any ingredient or mixture which shall be found on any such search, and deemed to have been lodged with an intent to adulterate any meal, flour, dough, or bread, or shall wilfully oppose or resist any such search being made, or the carrying away any ingredient or mixture as aforesaid, or any meal, flour, dough, or bread which shall be seized as being adulterated, or as not being made pursuant to this Ordinance, he or she so doing or offending in any of the cases last aforesaid, shall for every such offence on being convicted thereof forfeit and pay such sum not exceeding ten pounds sterling, as the Magistrate or Magistrates, Justice or Justices, before whom such offender or offenders shall be convicted, shall order and direct. Penalty for obstructing search. Provided also, that if any person making, or who shall make bread for sale in this Island, shall at any time make complaint to any Magistrate or Magistrates, Justice or Justices of the Peace, within his or their jurisdiction, and make appear to him or them that any offence which such person shall have been charged with, and for which he or she shall have incurred and paid any penalty under this Ordinance, shall have been occasioned by or through the wilful act, neglect, or default of any journeyman or other servant employed by or under such person so making complaint, then and in any such case any such Magistrate or Magistrates, Offences occasioned by wilful act or neglect of any servant, &c., and proceedings thereupon. Penalty.

Justice or Justices may, and is, or are hereby required to issue out his or their warrant, under his or their hand and seal, or respective hands and seals, for bringing any such journeyman or servant before any such Magistrate or Magistrates, Justice or Justices, or any Magistrate or Justice of the Peace acting in and for the town, district, quarter, or place where the offender can be found, and on any such journeyman or servant being thereon apprehended and brought before any such Magistrate or Magistrates, Justice or Justices, he or they, within his or their respective jurisdictions, is and are hereby authorized and required to examine into the matter of such complaint, and on proof thereof to the satisfaction of any such Magistrate or Magistrates, Justice or Justices of the Peace who shall hear such complaint, then any such Magistrate or Magistrates, Justice or Justices, is and are hereby directed and authorized by any order under his or their hand, or respective hands, to adjudge and order any reasonable sum of money to be paid by any such journeyman or servant, to his or her master or mistress, as or by way of recompense to him or her for the money he or she shall have paid by reason of the wilful act, neglect, or default of any such journeyman or servant, and if any such journeyman or servant shall neglect or refuse on his or her conviction to make immediate payment of the sum of money which any such Magistrate or Magistrates, Justice or Justices shall order him or her to pay by reason of such his or her said wilful neglect or default, then any such Magistrate or Magistrates, Justice or Justices is or are hereby authorized and required by warrant under his or their hand and seal, or hands and seals, to cause such journeyman or servant to be apprehended and committed to the Royal Gaol, to be there kept to hard labour for any term not exceeding one calendar month nor less than ten days, as to such Magistrate or Magistrates, Justice or Justices shall seem reasonable, unless payment shall be made of the money ordered after such commitment, and before the expiration of the said term.

No miller, mealman, or baker to act as Justice of the Peace.

13. Provided always, and be it enacted, That no person who shall be concerned in the business of a miller, mealman or baker, corn-merchant or dealer in corn or flour, shall be capable of acting or shall be allowed to

act as a Magistrate or Justice of the Peace under this Ordinance, or in putting in execution any of the powers in or by this Ordinance granted; and if any miller, mealman or baker, corn-merchant or dealer in corn or flour shall presume so to do, he or they so offending in the premises shall for every such offence forfeit and pay Penalty. the sum of one hundred pounds sterling to any person or persons who will inform or sue for the same, to be recovered together with full costs of suit in the Supreme Civil Court, by action of debt, bill, plaint, or information.

14. And be it enacted, That it shall and may be lawful for the several bakers or sellers of bread to make and sell or offer for sale bread made of such weight or size as such bakers or sellers of bread shall think fit, any law or usage to the contrary notwithstanding. Bread may be made of any weight and size.

15. And be it enacted, That in case any person or persons shall resist or shall make forcible opposition against any person or persons employed in the due execution of this Ordinance, every such person offending therein shall, for every such offence, forfeit any sum not exceeding ten pounds sterling, at the discretion of the Magistrate or Magistrates, Justice or Justices of the Peace, before whom he or she shall be convicted of such offence. Penalty for opposing execution of this Ordinance.

16. And be it enacted, That if any person who shall take any oath or make any affirmation by this Ordinance, directed to be taken or made, shall wilfully forswear himself or herself or make any false affirmation, every such person on conviction thereof shall be subject and liable to the pains and penalties which persons convicted of wilful and corrupt perjury are subject and liable to. Penalty for false evidence.

17. And be it enacted, That every or any penalty imposed by this Ordinance, not exceeding the sum of twenty pounds sterling, shall and may be sued for by any person who will inform and sue for the same before any two Justices of the Peace of the town, place, or district in which the offence was committed, and on conviction of any such offender before any such Justices, either by confession of the offender or upon the evidence of any credible witness or witnesses, if the amount of such penalty and all costs are not paid forthwith or within such Recovery of penalties not exceeding £20 sterling.

time as shall be limited by such Justices for the payment thereof, it shall be lawful for the said Justices, or either of them, to commit the offender so convicted to the Royal Gaol, there to be kept, with or without hard labour, for any time not exceeding two calendar months, unless the penalty and costs be sooner paid.

Recovery of penalties exceeding £20 sterling.

18. And be it enacted, That every or any penalty imposed by this Ordinance which shall exceed the sum of twenty pounds sterling, shall and may be sued for and recovered together with full costs of suit by any person who will inform and sue for the same by action of debt or information in the Supreme Civil Court; and every issue of fact which shall be joined in any such action or information, shall be tried and determined by a jury.

Limitation of actions and informations.

19. Provided always, and be it enacted, That every action or information for any penalty imposed by this Ordinance, or for any offence committed against this Ordinance, shall be commenced within two calendar months after the offence committed, and not after.

Appropriation of penalties.

20. And be it enacted, That every penalty recovered under this Ordinance, after deducting therefrom all costs of suing for and recovering the same, shall be applied as follows, that is to say, one moiety thereof to our Lady the Queen for the use of the Colony, and the other moiety thereof to the person or persons not being a constable or constables, or other officer or officers of police who shall have informed or sued for and recovered the same: and if the person or persons who shall have informed or sued for and recovered such penalty shall be a constable or constables, or other officer or officers of police, then the entire amount of the penalty shall be paid to our Lady the Queen for the use of the Colony.

Commencement of Ordinance.

21. And be it enacted, That this Ordinance shall come into force and have effect from and immediately after the promulgation thereof.

Passed in Council this first day of September in the year of our Lord one thousand eight hundred and forty-six.

THOMAS F. JOHNSTON,
Clerk of Council.

The foregoing Ordinance was duly proclaimed in Port of Spain this twenty-eighth day of December, one thousand eight hundred and forty-six.

A. CLOGSTOUN, *Marshal.*