

ANNO SEXTO

GULIELMI IV. REGIS.

No. I.

An Act to regulate the making and sale of
Bread and to prevent the adulteration thereof
and of Meal and Flour. [23rd July, 1835.]

BAKERS.

WHEREAS it is expedient to regulate the making and sale of Preamble.
Bread and to prevent the adulteration thereof and of Meal and
Flour and frauds on the public in selling bread which is deficient of
its due weight Be it therefore enacted by His Excellency the Bread for sale to be
made of certain
ingredients only.
Governor of New South Wales with the advice of the Legislative
Council thereof That all bread made for sale or sold or exposed for sale
within the said Colony shall be made of flour or meal of wheat barley
rye oats buck-wheat Indian corn peas beans rice or potatoes or any of
them and with any common salt pure water eggs milk barm leaven
potato or other yeast and mixed in such proportions as may be
thought fit.

2. And be it further enacted That the several sorts of bread Bread to be well
made.
which shall be made for sale or sold or exposed for sale shall always
be well made and in their several and respective degrees according to
the quality of the meal or flour whereof the same ought to be made
and no alum or mixture in which alum shall be an ingredient or any Penalty for adultera-
tion.
other mixture or ingredient whatsoever other than and except as
hereinbefore mentioned shall be put into or in anywise used in making
bread for sale under any colour or pretence whatsoever on pain that
every person who shall knowingly offend in the premises shall on
conviction of every such offence forfeit and pay any sum not exceeding
ten pounds nor less than forty shillings.

3. And be it further enacted That all bread made for sale Bread to be sold in
loaves of certain
weights.
within the said Colony except as hereinafter excepted shall be made
into loaves weighing not less than one pound two pounds and four
pounds respectively according to the standard weight by law estab-
lished and which loaves shall be called and understood to be the "*One
pound loaf*" "*Two pounds loaf*" and "*Four pounds loaf*" and any
person who shall make for sale or sell or offer for sale bread of any
other denomination or size or shall sell or offer for sale any loaf
which shall be found deficient of its due weight when weighed in the
shop at the time it is sold or offered for sale and which shall have
been baked within twenty-four hours next preceding the time of
its being so sold or offered for sale the proof of which shall be on
the baker or seller thereof shall on conviction forfeit and pay for
every such offence any sum not less than forty shillings nor more
than five pounds Provided always That nothing herein contained shall French or any fancy
bread or rolls
excepted.
extend or be construed to extend to prevent any baker or seller of
bread from making or selling bread usually sold under the denomination
of French or fancy bread or rolls of such weight or size as he or she
shall think fit and without previously weighing the same.

Bakers.

"Standard Wheaten Bread."

4. And be it further enacted That from and after the commencement of this Act all bread made of the flour of wheat which flour without any mixture or division shall be the whole produce of the grain the bran or hull thereof only excepted and which shall weigh two-third parts of the weight of the wheat whereof it shall be made shall be called and understood to be "*Standard Wheaten Bread*."

"Household Wheaten Bread."

5. And be it further enacted That from and after the commencement of this Act all wheaten bread made for sale of any meal or flour of an inferior quality to the flour used for "*Standard Wheaten Bread*" as hereinbefore directed shall be called and understood to be "*Household Wheaten Bread*" and every loaf of such bread shall be marked with a large Roman H.

"Mixed Bread."

6. And be it further enacted That all bread made for sale wholly or partially of the meal or flour of any other sort of corn or grain than wheat or of the meal or flour of any peas beans or potatoes shall be called and understood to be "*Mixed Bread*" and every loaf of such bread shall be marked with a large Roman M.

Penalty for not marking household or mixed bread.

7. And be it further enacted That any person who shall make for sale or sell or expose for sale any such "*Household Wheaten Bread*" or any "*Mixed Bread*" without being respectively marked as hereinbefore is directed then and in every such case every person so offending shall on conviction forfeit and pay the sum of ten shillings for every pound weight of such bread which shall be so made for sale or sold or exposed for sale without being so marked as aforesaid.

Limitation as to baking on Sundays.

8. And be it further enacted That no person exercising or employed in the trade or calling of a baker shall on the Lord's Day commonly called Sunday or any part thereof make or bake any bread rolls or cakes of any sort or kind or shall on any part of the said day excepting before ten in the forenoon and between one and two in the afternoon on any pretence whatsoever sell or expose for sale any bread rolls or cakes of any sort or kind or bake or deliver or permit or suffer to be baked or delivered any meat pudding pie tart or victuals at any time after two of the clock in the afternoon of that day or in any other manner exercise the trade or calling of a baker or be engaged or employed in the business or occupation thereof save and except so far as may be necessary in setting and superintending the sponge to prepare the bread or dough for the following day's baking and no meat pudding pie tart or victuals shall be brought to or taken from any bake-house during the time of Divine Service and every person offending against any one of the foregoing regulations or making any sale or delivery hereby allowed between the hours aforesaid otherwise than in their bake-house or shop shall on conviction of every such offence within two days from the commission thereof forfeit and pay any sum not exceeding three pounds nor less than twenty shillings.

Bakers to provide in their shops scales and weights.

9. And be it further enacted That every baker or seller of bread shall cause to be fixed in some conspicuous part of his or her shop on or near the counter a correct beam and scales with proper weights or other sufficient balance for weighing loaves of bread of the regulated weights of one pound two pounds and four pounds respectively and any person who may purchase any such loaf of bread from any such baker or seller of bread may if he or she shall think proper require the same to be immediately weighed in his or her presence and any such baker or seller of bread who shall neglect to fix such beam and scales or to provide and keep for use such regulated weights or other sufficient balance or who shall refuse to weigh any loaf or loaves purchased in his or her shop in presence of the party requiring the same shall on conviction forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

Bakers.

10. And be it further enacted That every baker or seller of bread and every journeyman servant or other person employed by such baker or seller of bread who shall convey and carry out bread for sale in any cart or other carriage drawn by a horse or other animal shall be provided with and constantly carry in such cart or other carriage a correct beam and scales with proper weights or other sufficient balance for weighing loaves of bread of the regulated weights of one pound two pounds and four pounds respectively and any person who may purchase any such loaf of bread may if he or she shall think proper require the same to be weighed in his or her presence 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 in any such cart or other carriage as aforesaid without being provided with proper weights or other sufficient balance 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 any sum not exceeding five pounds nor less than one pound.

Bakers delivering by cart to be provided with scales and weights.

11. And be it further enacted That it shall be lawful for any Justice of the Peace whenever he may see fit and for any Examiner of Weights and Measures duly appointed under the provisions of the Act of the Governor and Council passed in the third year of the reign of His present Majesty intituled "*An Act for establishing Standard Weights and Measures and for preventing the use of such as are false and deficient*" when directed by any such Justice and for any Constable authorized by warrant under the hand of any such Justice at seasonable times in the day-time to enter into any house shop stall bake-house pastry-warehouse or out-house belonging to any baker or seller of bread to search for view weigh and try all such bread as shall be then and there found and shall have been baked within twenty-four hours next preceeding the time of being so searched for and tried and in case of dispute the proof of such bread not being baked within twenty-four hours shall lie upon such baker or seller and such bread shall be weighed in sets of four loaves of the same denomination or size or in any larger or smaller quantity as may be found most convenient and if on the weighing of such bread any deficiency shall be found in its due weight on the average of the whole weight of all the loaves of bread of the same denomination or size which shall be then and there found and which shall have been baked within twenty-four hours as aforesaid and which deficiency shall appear upon the view of any such Justice or be proved before any such Justice upon the oath of the party weighing the same then he or she so offending shall on conviction forfeit and pay the sum of five shillings for every ounce of bread which shall be so found deficient except as hereinafter excepted and any such Justice Examiner or Constable may seize all such loaves as shall be so found deficient and such Justice may dispose thereof as in his discretion he shall think fit except it shall be proved on behalf of the parties against whom such information shall be made by the oath of any respectable housekeeper that such deficiency wholly arose from some avoidable accident in baking or otherwise or was occasioned by or through some contrivance or confederacy to injure the party accused.

Bakers' shops may be searched for bread short of weight.

3 WIL. IV. No. 4.

Bread to be weighed within twenty four hours after baking.

Penalty for deficiency.

Loaves found deficient may be seized. Exception.

12. And be it further enacted That if any person shall put into any corn meal or flour which shall be ground dressed bolted or manufactured for sale either at the time of grinding dressing bolting or manufacturing the same or at any other time any ingredient or mixture whatever not being the real and genuine produce of the corn

Penalty for adulterating meal or flour or selling flour of one sort of corn as the flour of another.

Bakers.

or grain which shall be so ground or if any person shall knowingly sell or offer for sale either separately or mixed any meal or flour of one sort of corn or grain as 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 every person so offending shall on conviction forfeit and pay for every such offence any sum not exceeding twenty pounds nor less than five pounds provided that nothing herein contained shall apply to any ingredient article or material employed or used for cleansing or preserving such corn or grain from smut or other disease weevil or other insect or impurity so as that every such ingredient article or material so employed or used be carefully and effectually removed from such corn or grain before the same shall be ground.

Bakers' shops &c.
may be searched for
adulterated flour or
bread or ingredients
for adulterating the
same

13. And be it further enacted That it shall be lawful for any Justice of the Peace and also for any Constable authorized by any warrant under the hand of a Justice at seasonable times in the day-time to enter into any house mill shop stall bake-house bolting-house pastry-warehouse out-house 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 or examine whether any mixture or ingredient not the genuine produce of the grain 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 the purity of any meal or flour is or shall be in anywise adulterated or whether any mixture or ingredient other than is allowed by this Act shall have been mixed up with or put into any dough or bread in the possession of any baker or other person whereby any such dough or bread is or shall 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 upon any such search and examination 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 seem to 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 every such Justice of the Peace or Constable authorized as aforesaid to seize and take any meal flour dough or bread which shall be found in any such search and deemed to have been adulterated and all ingredients and mixtures which shall be found and 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 Constable authorized as aforesaid shall with all convenient speed after seizure be carried to the nearest resident Justice of the Peace and if any Justice who shall make any such seizure in pursuance of this Act or to whom any thing so seized under the authority of this Act shall be brought shall adjudge upon the evidence of any competent person or persons taken upon oath 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 Act 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 every such Justice of the Peace is hereby required to dispose of the same as he in his discretion shall from time to time think proper.

and any found seized.

and disposed of as the
Justice may adjudge.

Penalty on persons
in whose possession
ingredients for the

14. And be it further enacted That every miller mealman or baker in whose house mill shop stall bake-house bolting-hose pastry warehouse

Bakers.

warehouse out-house ground or possession any ingredient or mixture shall be found which shall after due examination be adjudged by any Justice of the Peace to have been deposited there for the purpose of being used in adulterating the purity or wholesomeness of any meal flour dough or bread shall on conviction forfeit and pay for every such offence any sum not exceeding forty shillings for the first offence five pounds for the second offence and ten pounds for every subsequent offence unless it shall be made to appear to the satisfaction of any such Justice that such ingredient or mixture was so deposited without the knowledge or privity of the party accused.

adulteration of bread shall be found.

15. Provided always and be it further enacted That if any person 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 shall be deemed to have been lodged with an intent to adulterate the purity or wholesomeness of any meal flour dough or bread or shall wilfully oppose or resist any such search being made or the carrying away any such 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 Act he or she so offending shall on conviction of every such offence forfeit and pay any sum not exceeding ten pounds.

Penalty for obstructing any search authorized by this Act.

16. And be it further enacted That all offences against this Act (not hereinbefore directed to be heard and determined by one Justice of the Peace) shall be heard and determined in a summary way by any two or more Justices of the Peace and all proceedings under this Act shall be had and prosecuted and all fines and penalties awarded and imposed shall go and be distributed and all persons aggrieved by any summary conviction under this Act for any penalty exceeding five pounds shall be entitled to appeal therefrom in the manner respectively provided by a certain Act of the said Governor and Council passed in the fifth year of the reign of His present Majesty intituled "*An Act to regulate summary proceedings before Justices of the Peace*" Provided always That no person shall be convicted for any offence under this Act unless the complaint be made with forty-eight hours next after the time the offence shall have been committed and that no conviction under this Act shall be removed by writ of *certiorari* or otherwise into the Supreme Court Provided also that all proceedings had under this Act and all offences against the same committed within the boundaries of the Town of Sydney shall be had heard and determined by the Justices appointed to execute the duties of Police Magistrates within the said town or any one or more of them as the case may require.

Jurisdiction of offences.

5 Wil. IV. No 22. Limiting the time of information.

Offences in Sydney to be heard before the Police Magistrates.

17. And be it further enacted That if any action or suit shall be commenced against any Justice of the Peace Constable or other person for any matter or thing done in pursuance of this Act the defendant in any such action or suit may plead the general issue and give this Act and the special matter in evidence at any trial thereupon and that the same was done in pursuance and by authority of this Act and if it shall appear so to have been done or if a verdict be recorded for the defendant or if the plaintiff shall be nonsuited or discontinue his or her action after the defendant shall have appeared or if judgment shall be given upon a verdict or demurrer against the plaintiff the defendant in every such action shall and may recover treble costs and have the like remedy for the same as any defendant hath in other cases by law for the recovery of costs.

General issue.

Treble costs.

18. And be it further enacted That this Act shall commence and take effect on the first day of September one thousand eight hundred and thirty-five.

Commencement of Act.