**BREAD ACT FURTHER AMENDMENT BILL 1908**

**Legislative Council, 25 August 1908, pages 217-8**

Second reading

**The COMMISSIONER of CROWN LANDS**, in moving the second reading, said this was a short Bill to regulate the weight of bread, and to guarantee to every person who bought a 2 lb. loaf that he received 2 Ib. in weight. The reason for it was that the Corporation found in some instances, not many, that short weight bread had been sold. They wanted to put it beyond doubt that every person who purchased bread got - the full weight. Everybody would recognise the importance of that. (Mr. Denny—“Could you not include it in the Food and Drugs Bill?”) No, it was a question of weight and not of impurity. They had a Bread Act passed in 1891, but it did not quite cover the ground the amending Bill did. The Adelaide Corporation had occasion to summon a baker named Linn on December 19. They lost the case on the appeal of the defendant to the Supreme Court. The report of the solicitors to the City Corporation was as follows:—“Adelaide Corporation v. Linn. The information herein was laid on December 19 last under bylaw No. 3, section 2, against Linn (an employee of a baker at Knightsbridge for carrying about for sale or delivery in a vehicle in the City of Adelaide a quantity of bread, 12 loaves of which, taken by the City Inspector indiscriminately from the quantity of bread found in such vehicles, were when weighed in sets of two or more loaves less (by 9 1/2 oz.) than 24 lb. avoirdupois weight. The charge, which was heard at the Adelaide Police Court on January 14 last, was fully proved, and resulted in the Police Magistrate ordering the defendant to pay a fine of *£* 1 and costs. The principal objections taken by the defendant’s counsel were that the bylaw was repugnant to the Bread Acts, and was, moreover, unreasonable. The defendant appealed to the Local Court of Adelaide, and the appeal was heard by His Honor Mr. Justice Homburg on February 6 last. Defendant’s counsel raised the same objections to the validity of the bylaw as he urged in the Police Court. The Judge, after considerable argument, reserved his decision, and intimated he would confer with His Honor the Chief Justice as to the effect of the judgment of the latter in the appeal eases from the Port Adelaide Police Court in respect of a somewhat similar bylaw of the Port Adelaide Corporation. On the 6th. instant His Honor Mr. Justice Homburg gave his judgment in favour of the defendant, and quashed the conviction with costs. Although he held that the bylaw was not repugnant to the Bread Acts yet he ruled it was invalid on three grounds (none of which had been raised by the defendant’s counsel). 1. That the bylaw was unreasonable and oppressive because it imposes a fine not exceeding £10 on the driver of a cart or which on nonpayment of a fine subjects him not only to 14 days imprisonment, as was ordered in this ease, but to three months’ imprisonment because his employer has started him off to deliver a quantity of bread which the master has not weighed, and which I feel sure the driver would not be allowed by his employer to weigh and reject.- 2. That th3 bylaw was also oppressive and unreasonable “to impose a penalty of £10 on the maker of bread because 12 or more loaves are found in his bakehouse which are—not of the weight mentioned in the bylaw, and to subject him to the risk of having his bread seized when it is obvious that the baker to send out only full-weight bread must of necessity retain that portion which is short in weight. 3. That the bylaw was invalid because the provisions of section 314 of The Corporations Act, 1890, did not authorize the corporation to seize and forfeit the goods of the offender in addition to the imposition of a pecuniary penalty. The Judge formally adjourned the case for one month, and gave us liberty to apply for a special case. If we do apply for a special case in order that we may have his judgment reviewed by the Full Court it does not follow that he will grant one. His Honor the Chief Justice must have thought that the Port Adelaide Corporation bylaw was valid because he upheld the conviction against the master baker in the Port Adelaide Corporation appeal cases. His Honor Mr. Justice Homburg’s decision in Linn’s Case, in our opinion, is in conflict with the Chief Justice’s decision in the Port Adelaide Corporation case. We are of opinion that the bylaw is valid, and with all due respect to His Honor Mr. Justice Homburg we will adhere to that opinion until the Full Court decides to the contrary. It must, however, be always borne in mind that the power given by the corporation to make a bylaw dealing with bread is limited (see page 87 of The Corporations Act. 1890), which simply says:—‘For regulating and enforcing the sale of bread by weight The following courses are open:—-1. An amendment of the Corporations Act giving full power to corporations to make bylaws dealing with the subject matter involved in these proceedings. 2. An amendment of the Bread Acts dealing with the subject matter. 3. An appeal to the Full Court, provided the Judge will grant a special case. ” There was no need to dwell on the necessity for introducing the Bill. It would inflict no hardship on anyone, and would be an advantage to the honest bakers.

On the motion of the Hon. V. L. SOLOMON the debate was adjourned until August 25.