

shall also issue their Warrant to such Sheriff, commanding him to summon a Jury to appear and be on a day and at a place in such Warrant to be mentioned, (the most convenient that may be) to inquire of and ascertain the compensation which ought to be made for the purchase, possession or use, of such piece of ground, accordingly as the same may be required for the public service, in fee or for a limited period, to the several persons interested therein, and to whom the same ought to be paid; and the Sheriff shall have power to administer an oath to the Jury, to render a true verdict on the question submitted to them according to the evidence; and also to administer an oath to all Witnesses produced before such Jury; and the verdict of such Jury shall be certified by such Sheriff to the Governor of this Province, in order that proper compensation and the reasonable expenses of such Sheriff in summoning the Jury, and also of their attendance, may be paid to the persons severally entitled thereto, out of any funds at the disposal of Her Majesty, granted and made applicable to such purpose by the Imperial Parliament of the United Kingdom of Great Britain and Ireland: *Provided always* that no such piece of ground shall be so taken for the public service without the consent of the owner or owners thereof, unless the necessity for the same shall be first certified by the Commander of Her Majesty's Forces in this Province, or unless the enemy shall have actually invaded this Province, when such piece of ground shall be taken.

One to summon a Jury;

To ascertain proper compensation to the owner;

Sheriff may administer oaths;

Verdict to be certified to Governor;

Expenses, how paid;

No ground to be taken without consent of owner, unless the necessity for same be first certified by Commander of Forces, or in case of invasion.

CHAP. XVII.

AN ACT to alter and amend an Act passed in the thirty-second year of the reign of His late Majesty King George the Third, entitled, "An Act to establish the Winchester Measure throughout this Province."

[Passed 10th February, 1840.]

WHEREAS by the seventh clause of an Act passed in the fourth year of the reign of His late Gracious Majesty George the Fourth, entitled, "An Act to repeal an Act passed in the thirty-second year of His Majesty's reign, entitled, 'An Act to establish the Winchester Measure, and a standard for other Weights and Measures throughout this Province, and to appropriate a sum of money for the purpose of obtaining a standard for Weights and Measures for this Province,'" it is enacted that one half of the said penalty so forfeited as aforesaid, shall be paid to the Informer or Informers, and the other half to His Majesty's Receiver-General, to be applied and appropriated towards the Civil Government of this Province, and to be accounted for to His Majesty through the Lords Commissioners

Preamble.

of His Treasury: *And whereas* for carrying into effect the intentions of the said Act, it is necessary that the Inspector of Weights and Measures for each of the Districts of the Province should attend certain public places in each of the several Districts of the said Province, with the Stamps and copies of the standard Weights and Measures in his custody, by which Weights and Measures used in buying and selling may be examined, compared and stamped: *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall be lawful for the Inspectors of Weights and Measures in the several Districts in this Province, and they are hereby required so to do, to publish in one or more newspapers of the District in which they are acting, from time to time, the different places and times in their Districts where and when they shall attend with the Stamps and copies of the Standard Weights and Measures in their custody, to examine, compare, and Stamp if found correct, all Weights and Measures made use of in buying or selling.

Inspectors of Weights and Measures to give public notice;

Of the place and time where they will attend with the standards.

Part of the 7th section 4 Geo. 4, chap. 16, repealed.

II. *And be it further enacted by the authority aforesaid*, That so much of the seventh Section of the said Act as enacts that the one half of the penalty so forfeited shall be paid to the Informer or Informers, be and the same is hereby repealed.

Inspector's information on oath to be prima facie evidence sufficient for a conviction.

III. *And be it further enacted by the authority aforesaid*, That the information of the Inspector upon oath, shall in future be considered *prima facie* sufficient evidence for a conviction, in not complying with the other requisitions and provisions of the said Act.

CHAP. XVIII.

AN ACT to regulate the Weight of Salt.

[Passed 10th February, 1840.]

Preamble.

WHEREAS by an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, "An Act further to regu-