

Laws of Her Majesty's Province of Upper Canada, passed in the year 1849. Montreal: Stewart Derbyshire & George Desbarats, 1849.

12 Victoria – Chapter 54

**An Act to amend the Law relative to the Inspection of Weights and Measures in Lower-Canada.
30th May, 1849.**

Whereas the Laws now in force in Lower-Canada, with respect to the appointment and duties of Inspectors of Weights and Measures, are found to require amendment: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower-Canada, and, for the Government of Canada*, and it is hereby enacted by the authority of the same, That the third and eighth sections of the Act of the Legislature of Lower-Canada, passed in the thirty-ninth year of the Reign of King George the Third, and intituled, *An Act for the better regulating the Weights and Measures of the Province*,—and so much of the said Act as authorizes any other person than the Revenue District Inspectors hereinafter mentioned to perform the duty of regulating, adjusting, stamping and marking Beams, Weights and Measures in Lower-Canada, or as may be in any way inconsistent with, the provisions of this Act,—shall be, and the same are hereby repealed.

II. And be it enacted, That the Clerk of the Legislative Assembly for the time being shall have the custody of the standard Weights and Measures in the said Act directed to be kept in the custody of the Clerk of the Assembly of Lower-Canada, and shall perform all the duties by the said Act assigned to the officer last mentioned: and if any of the standard Weights or Measures or of the Beams or Scales in the said Act directed to be kept in the custody of the said Clerk shall he found wanting, the Governor of this Province may cause others to be imported or procured at the public cost, and placed in the custody of the Clerk of the Legislative Assembly for the purposes of the said Act and of this Act.

III. And be it enacted, That from and after the passing of this Act, the several Revenue District Inspectors in Lower-Canada shall within their respective Districts and by virtue of their office as District Inspectors, and without any other appointment, become and be Inspectors of Weights and Measures within the same, and shall have all the powers and perform all the duties assigned by the said Act to the persons appointed under it for regulating, adjusting, stamping and marking Beams, Weights and Measures, or assigned by this Act to Inspectors of Weights and Measures, and such duties shall be deemed part of their duties as District Inspectors, and any Bonds they may have given or give for the faithful performance of the duties of their office shall be held to extend to the duties hereby assigned to them.

IV. And be it enacted, That it shall be the duty of each Inspector, at all proper times when application shall be made to him for that purpose, carefully to examine all Beams and Scales or Weighing Machines of any kind, and to examine and compare any and all Weights and Measures

which shall be presented to him for that purpose within his District as such Inspector with the standard provided by law, and when found correct and just and of the true weight and measure, to mark, stamp or brand the same (if a measure, as near the two ends, top and bottom, as may be) with the stamp or brand to be provided for that purpose.

V. And be it enacted, That it shall be the duty of each and every such Inspector of Weights and Measures, upon such day or days, and in such place or places within their respective Districts, as shall be from time to time appointed by the Governor in Council, to attend with the stamps and copies of such standard Weights and Measures in his custody, to examine and compare, and stamp if found correct all such Beams, Scales and Weighing Machines Weights and Measures as shall be brought to him for that purpose, and such stamp shall bear such letters or device as the Governor in Council shall from time to time direct, and shall be held to be stamps used by persons appointed under the Act aforesaid, and the counterfeiting thereof shall be punishable under the said Act accordingly.

VI. And be it enacted, That it shall be lawful for every such Inspector, at all reasonable times, to enter any shop, store, warehouse, stall, yard or place whatsoever within his District, where any commodity shall be bought, sold, weighed, exposed or kept for sale, and there to examine all weights, measures, beams, scales, steel-yards or other weighing machines, and to compare and try the same with the copies of the standard Weights and Measures provided bylaw; and if upon such examination it shall appear that the same or any or either of them are unstamped or are false, light or otherwise unjust, the same shall be liable to be seized and forfeited, and the person or persons in whose possession the same shall be found, shall on conviction forfeit a sum not exceeding Two pounds for the first and Five pounds for every subsequent offence, which penalty together with all reasonable costs, shall be recoverable before any Justice of the Peace, on the oath of the Inspector or of any other credible witness, and shall, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, and such penalty when recovered shall belong to the Crown for the public uses of the Province, and shall be paid over to the Inspector, and by him accounted for in the same manner as other public monies coming into his hands by virtue of his office; and any person or persons who shall neglect or refuse to produce for such examination, when thereto required, all Weights, Measures, Beams, Scales, Steel-yards or other Weighing Machines, which shall be in his, her or their possession, or shall otherwise obstruct or hinder such examination, shall be liable to a like penalty, to be recovered and applied as aforesaid.

VII. And be it enacted, That if any Inspector shall stamp, brand or mark any weight or measure without having first duly compared and verified the same with and by the copies of the standard weights and measures provided by law for that purpose, or shall be guilty of a breach of any duty imposed upon him by this Act, he shall, on conviction, forfeit a sum not exceeding Five pounds, to be recovered and applied as aforesaid.

VIII. And be it enacted, That for every Weight, Beam or Scale, marked or stamped by any such Inspector, he shall be entitled to demand and receive Six pence, and for every Measure Four pence, and no more.

IX. And be it enacted, That every such Inspector shall give one month's notice in one or more newspapers of the District in which he is acting, (if any there be, there published, and if not, then in some adjoining District), from time to time, and at least once in each year, of the different days and places to be appointed as aforesaid, when and where he will attend with the stamps and copies of the standard Weights and Measures, to examine, compare and stamp all Beams, Scales and Weighing Machines, Weights and Measures made use of in buying or selling, if found correct.

X. And be it enacted, That every person appointed for regulating, adjusting, stamping and marking Beams, Weights and Measures, under the provisions of the Act hereinbefore mentioned and in part repealed, shall, on reasonable demand, hand over to the proper Inspector appointed under the provisions of this Act, all and every standard Weight and Measure, or copy thereof, and all and every balance, and all and every stamp, brand or other machine, in his custody as such Inspector, under penalty of Five pounds for every refusal, to be recovered and applied in the same manner as other penalties imposed or arising under the provisions of this Act, and any deficiency in such Weights and Measures required for supplying each and every District Inspector with a complete copy of such standards as aforesaid, shall be supplied by copies to be made at the public cost from the standards in the custody of the Clerk of the Legislative Assembly, and by him to be stamped and certified.

XI. And be it enacted, That whenever any District Inspector shall be removed from office or shall resign, it shall be the duty of the person so removed or resigning to deliver to his successor in office all the Beams and standard Weights and Measures, or copies thereof, and Stamps in his possession as such Inspector, and that in case of the death of such Inspector, his representatives shall in like manner deliver the same to his successor in office, and that in case of refusal or neglect to deliver such standards or copies entire and complete, in addition to the penalties hereinbefore provided, the successor in office may maintain an action on the case against the person or persons so refusing or neglecting, and recover double the value of such standards or other articles aforesaid as shall not have been delivered, and in every such action in which judgment shall be rendered for the Plaintiff, he shall recover double costs, and one moiety of the damages recovered in every such action shall be retained by the person recovering, and the other shall be applied in supplying such standards as may be required in his office.

XII. And be it enacted, That the penalties imposed by the Act hereinbefore cited and in part repealed, may be sued for and recovered in the manner hereinbefore provided with regard to any penalty imposed by this Act, before any one Justice of the Peace, who may condemn the offender to the imprisonment provided by the said Act for the offence, and may cause such penalty to be levied and the payment thereof enforced in the manner provided by this Act as to penalties hereby imposed; any thing in the said Act to the contrary notwithstanding.