

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

12 Victoria – Chapter 85

An Act to amend the several Laws therein mentioned, relative to the appointment and duties of Inspectors of Weights and Measures, in Upper Canada. 25th April, 1849.

Whereas the Laws now in force in Upper 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, *Art Act to re-unite the Provinces of Upper and Power Canada and for the government of Canada*, and it is hereby enacted by the authority of the same, That the fourth, fifth and seventh sections of the Act of Legislature of Upper Canada, passed in the fourth year of the Reign of His Majesty King George the Fourth, and intituled, *An Act to repeal an Act passed in thirty-second year of His Majesty's Reign, intituled, 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,—*and the first and second sections of the Act of the said Legislature, passed in the third year of Her Majesty's Reign, and intituled, *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, intituled, An Act to establish the Winchester Measure, throughout this Province,—*shall be, and the same are hereby repealed.

II. And be it enacted, That from and after the passing of this Act, the several Inspectors of Licenses in Upper Canada shall have the charge of the Standard Weights and Measures within their respective Districts or Divisions, and be Inspectors of Weights and Measures, within the same: Provided always, that each and every the Inspector or Inspectors so appointed or to be appointed as aforesaid, before or immediately upon entering upon the duties of his office, shall take and subscribe to the following oath in open Quarter Sessions:

"I. A. B., do hereby promise and swear that I will carefully preserve all such Weights and Measures as shall be given me in charge or for my use as Inspector, as a Standard for the District (or Division, as the case may be) of _____ and that I will honestly and faithfully discharge the duties of Inspector of Weights and Measures, for such District (or Division) pursuant to the true intent and meaning of the several laws in force in Upper Canada, according to the best of my abilities and knowledge, and deliver them over to my successor in office, duly appointed for that purpose, when required so to do. So help me God."

III. 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 and compare any and all Weights and Measures which shall be presented to him for that purpose, within his District or Division as such Inspector, with the Standard provided by law, and when found 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 heretofore provided or to be provided for that purpose, or with the initials of the name of the then reigning Sovereign.

IV. And be it enacted, That it shall be the duty of each and every such Inspector of Weights and Measures, once in each year or oftener, upon such day or days, and in such place or places within their respective Districts or Divisions, as shall by the Magistrates in Quarter Sessions, at least once and not oftener than twice in each year, be named and appointed, 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 Weights and Measures as shall be brought to him for that purpose, and that every Storekeeper, Shopkeeper, Miller, Distiller, Butcher, Broker, Huckster or other trading person, Wharfinger or Forwarder in any District or place in Upper Canada who shall two months after the appointment of an Inspector therefor, use any Weight or Measure which has not been duly stamped according to Law, or which shall be found light or otherwise unjust, shall, on conviction, forfeit a sum of not more than five nor less than two pounds, to be recovered under the provisions of the fifth section of this Act; And every such light or unjust Weight and Measure so used shall on being discovered, by any Inspector so appointed, or to be appointed as aforesaid, be seized, and on conviction of the person using the same, shall be forfeited, and the same be broken up by the Inspector.

V. 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 or Division, where any commodity shall be bought, sold or exchanged, weighed, exposed or kept For sale, or shall be weighed for conveyance or carriage, and there to examine all Weights, measures, Steel-yards or other Weighing Machines, and to compare and try the same with the copies of the Standard Weights and Measures provided by Law; and if upon such examination it shall appear that the said Weights or Measures or any or either of them are unstamped or are 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 in default of distress such offender shall be committed to the Common Gaol of the District wherein such conviction shall take place for a term not exceeding one month; and such penalty, and all other penalties imposed by this Act, 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 moneys coming into his hands by virtue of his office; and any person or persons who shall have in his, her or their possession a Steel-yard or other Weighing Machine which shall on such examination be found incorrect or otherwise unjust, or who shall neglect or refuse to produce for such examination when thereto required, all Weights, Measures, Steel-yards or other Weighing Machines, which shall he 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: Provided always, that no such penalty shall be incurred

in any Division, District or Locality, until two months at least after a Standard of Weights and Measures shall have been received by the Inspector appointed therefor according to law.

VI. And be it enacted, That if any person or persons shall make, forge or counterfeit or cause or procure to be made, forged or counterfeited, or knowingly act or assist in the making, forging or counterfeiting any stamp or mark now used, or which may hereafter be legally used for the stamping or making of any Weights or Measures in any District or place in Upper Canada, each such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to be fined and imprisoned in the Common Gaol of the District where the conviction shall take place, provided such fine shall not exceed twenty pounds, and that such imprisonment shall not exceed three calendar months; and if any person shall knowingly sell, alter, dispose of or expose to sale any Weight or Measure, with such forged or counterfeit stamp or mark thereon, every person so offending shall, for every such offence, forfeit, on conviction, a sum not exceeding ten pounds, or less than forty shillings, to be recovered under the provisions of the fifth section of this Act; and that all Weights and Measures with such forged or counterfeited stamps or marks shall be forfeited, and the same be broken up by the Inspector.

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 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 or Measure marked or stamped by any such Inspector, he shall be entitled to demand and receive six pence, and no more.

IX. And whereas provision by Law is now made for procuring one set of Standard Weights and Measures only for each of the several Districts in Upper Canada; and whereas in several of such Districts a Division has been made for revenue or other purposes, and an Inspector appointed for each of such Divisions: Be it therefore enacted, That in all such cases and in case of any Division hereafter to be made, the Standard Weights and Measures for such Districts respectively shall be lodged for safe custody with such Inspector as the Magistrates in Quarter Sessions assembled may direct, for the use however of the several Inspectors within such Districts respectively: Provided always, that in the exercise of the various duties and functions imposed by this Act, every such Inspector shall be confined to his own Division.

X. And be it enacted, That every such Inspector shall give one month's notice in one or more newspapers of the District or Division in which he is acting, from time to time, and at least once in each year, of the different days and places to be appointed as aforesaid by the Magistrates in Quarter Sessions, when and where he will attend with the stamps and copies of the Standard Weights and Measures, to examine, compare and stamp all Weights and Measures made use of in buying or selling, if found correct.

XI. And be it enacted, That every Inspector of Weights and Measures appointed under the provisions of the Acts 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, and all and every balance, and all and every stamp, brand or other machine, or copy thereof, 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 arising under the provisions of this Act.

XII. And be it enacted, That whenever any Municipal Body, now or hereafter to be formed in or for any City, Town or Incorporated Village in Upper Canada, shall appoint an Inspector of Weights and Measures for such City, Town or Incorporated Village, every such Inspector may apply to the Inspector appointed or to be appointed under the previous provisions of this Act, for the District, Division or County, within which such City, Town or Incorporated Village shall be situate, to adjust a copy of any of the Standard Weights and Measures for the use of such City, Town or Incorporated Village, by the Standard Weights and Measures in possession of or used by such Inspector; and upon producing to such Inspector such Weights and Measures as shall be required for such City, Town or Incorporated Village, it shall be the duty of the said Inspector carefully to compare and adjust, and to seal, stamp or mark the same as provided by law; and that the Inspector, for so doing, shall be entitled to the same fees or charges as for the like services in other cases: Provided always, that whenever any such Municipal Body shall have appointed an Inspector of Weights and Measures, and obtained such copies of the Standard Weights and Measures for the use of any such City, Town or Incorporated Village, the powers, duties and liabilities of the Inspectors appointed or to be appointed under the previous provisions of this Act, as to such City, Town or Incorporated Village, shall cease, and thenceforth devolve upon and be exercised by the Inspector thereof.

XIII. And be it enacted, That whenever any Inspector of Weights and Measures shall be removed from office, or shall resign or remove from the place for which he shall have been appointed, it shall be the duty of the person so removed, resigning or removing, to deliver to his successor in office all the beams, stamps and Standard Weights and Measures 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 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 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.

XIV. And be it enacted, That whenever any person shall be convicted under this Act, before any Justice of the Peace, and the penalty which such person shall have been condemned to pay shall exceed forty shillings currency, and such person shall think himself aggrieved by such conviction and condemnation, such person may appeal to the next Court of General Quarter Sessions of the

Peace which shall be holden not less than twelve days after the day of such conviction, in like manner, and on the like conditions, and with the like effect, and subject to the like provisions as are provided with regard to appeals from conviction before Justices of the Peace, in and by the thirty-third and thirty-fourth sections of the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act for consolidating and amending the Statutes in this Province relative to offences against the person.*