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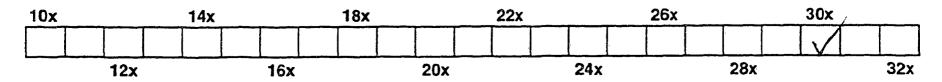
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2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

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

Received and Read a first time, Tuesday, 6th February, 1849.

Second Reading, Monday, 19th February, 1849.

MR. SMITH, (Durham.)

RILL.

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

WHEREAS the Laws now in force in Preamble. Upper Canada, with respect to the appointment and duties of Inspectors of Weights and Measures, are found to require 5 amendment; Be it therefore enacted, &c.

And it is hereby enacted, by the authority of the same, That the fourth and fifth sections Sections 4 and of the Act of the Legislature of Upper C., 4 Geo. 4. Canada, passed in the fourth year of the c. 16, and Sections of His Majesty King George the tions I and 2 10 Reign of His Majesty King George the of Act of U. Fourth, and intituled, "An Act to repeal an C., 3 Vic., c. 17, repealed. " Act passed in the thirty-second year of His " Majesty's Reign, intituled ' An Act to esta-"' blish the Winchester Measure, and a Stan-15" dard for other Weights and Measures " ' thro ighout this Province," and to appropri-" ale a sum of money for the purpose of obtain-"ing a Standard for Weights and Measures in "this Province," and the first and second sec-20 tions 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 His late " Majesty King George the Third, and inti-25" tuled, 'An Act to establish the Winchester "'Measure, throughout this Province,"shall be, and the same are hereby repealed.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 Inspectors of the passing of this Act, the several Inspectic, to be also 30 tors of Licences in Upper Canada shall Impector of have the charge of the standard Weights and Weights and Measures.—

They shall uke an oath of office.

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 :-

The oath.

"I, A. B., do hereby promise and swear 10 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) and that I will honestly and faith- 15 fully 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 10 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."

Inspector to inspect (and mark if correct) ull Weights and Measures sub-

III. And be it enacted, That it shall be 25 the duty of each Inspector, at all proper times when application shall be made to him for that purpose, carefully to examine mitted to him. and compare any and all Weights and Measures which shall be presented to him for 30 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, 35 top and bottom, as may be with the stamp or brand heretofore provided or to be provided for that purpose.

Inspector to purpose at wint.

IV. And be it enacted, That it shall be attend for that the duty of each and every such Inspector 40 such times and of Weights and Measures, once in each year places as the Magistrates in or oftener, upon such day or days, and in Q.S. shall ap- such place or places within their respective Districts or Divisions, as shall by the Magis-

trates 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 Mea-5 sures 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.

V. And be it enacted, That it shall be inspector may 10 lawful for every such Inspector at all reason- enter shops, able times to enter any shop, store, ware- Weights and house, stall, yard or place whatsoever within Measures. his District or Division, where any commodity shall be bought, sold, weighed, exposed or 15 kept for sale, 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 Forfeiture 20 examination it shall appear that the said of false or unstamped weights or measures or any or either of them Weights and are unstamped or are light or otherwise un- Measures. just, the same shall be liable to be seized and forfeited, and the person or persons in Further pen-25 whose possession the same shall be found, altyshall on conviction forfeit a sum not exceeding two pounds for the first and five pounds for every subsequent offence, which How recoverpenalty together with all reasonable costs, ed and ap-30 shall be recoverable with costs 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 35 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 when recovered 40 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; 45 and any person or persons who shall have

in his, her or their possession a steelyard 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 5 when thereto required, all weights, measures. 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 10 to be recovered and applied as aforesaid: Provided always, that no such penalty shall be incurred in any Division, District or Lucamonths at least after a lity, until standard of weights and measures shall have 15 been received by the Inspector appointed therefor according to law.

Proviso.

Penalty on Inspector stamping Weights or Negsures, without due examination. VI. And be it enacted, That if any Inspector shall stamp, brand or mark any weight or measure without having first duly com-20 pared 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 25 exceeding five pounds to be recovered and applied as aforesaid.

Fee to Inspec-

VII. And be it enacted, That for every weight or measure marked or stamped by any such Inspector, he shall be entitled 30 to demand and receive six pence and no more.

Sect. 7, of 4 Geo. 4. c. 16, revived. VIII. And be it enacted, That the seventh section of the Act hereinbefore first above mentioned be and the same is hereby revived, 35 and shall be in force as if herein repeated and re-enacted.

Recital.

IX. And whereas provision by law is now made for procuring one sett of standard weights and measures only for each of the several 40 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 With whom all such cases and in case of any division the standards shall be depo-5 hereafter to be made, the standard Weights sited, when and Measures for such Districts respectively there is more in the one Inshall be lodged for safe custody with such spector in a Inspector as the Magistrates in Quarter Ses-District. sions assembled may direct, for the use 10 however of the several Inspectors within such Districts respectively: Provided always, Proviso. that in the exercise of the various duties and functions imposed by this Act, every such Inspector shall be confined to his own Divi-15 sion.

X. And be it enacted, That every such Notice of In-Inspector shall give one month's notice in spector's attending to one or more newspapers of the District or stamp, &c. Division in which he is acting, from time to 20 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 25 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 In- Present Inspector of Weights and Measures appointed give over the 30 under the provisions of the Acts hereinbefore standards in mentioned and in part repealed, shall on sion to the Inreasonable demand, hand over to the proper spectors under Inspector appointed under the provisons of this Act, all and every standard weight and 35 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 Penalty for refusal, to be recovered and applied in the refusal. 40 same manner as other penalties imposed or

arising under the provisions of this Act.

XII. And be it enacted, That whenever Municipal any Municipal body, now or hereafter to be bodies appointing Inspectors may have copies of standards adjusted by the District Inspector. 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 10 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 15 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 20 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 25 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 30 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.

Fees for stamping the same.

Duties and powers of District Inspector to be transferred to the Inspector for the Municipality.

Standards to be delivered over to successors in office.

XIII. And be it enacted, That whenever 35 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, 40 to deliver to his successor in office all the beams 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 45

the same to his successor in office, and that Action given in case of refusal or neglect to deliver such for Standards not so deliverstandards entire and complete, in addition to ed. the penalties hereinbefore provided, the suc-5 cessor 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 10 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 15 supplying such Standards as may be required in his office.

XIV. And be it enacted, That whenever Appeal to Q. any person shall be convicted under this Act S. given in before any Justice of the Peace, and the on the condi-20 penalty which such person shall have been tions, &c. condemned to pay shall exceed currency, and such person shall think him- and 5 V. c. 26. self aggrieved by such conviction and condemnation, such person may appeal to the 25 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 30 to the like provisions as are provided with regard to appeals from convictions before Justices of the Peace, in and by the thirtyeighth section of the Act passed in the session held in the fourth and fifth years of Her 35 Majesty's Reign, and intituled, "An Act for "consolidating and amending the Laws in this " Province relative to malicious injuries to Pro-,' derty."

cortain cases Sect. 38, of 4