

No. 62.

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.

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MR. SMITH, (Durham.)

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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.

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, &c.

And it is hereby enacted, by the authority of the same, That the fourth and fifth sections of the Act of the 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 the 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 in 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 His late Majesty King George the Third, and intituled, 'An Act to establish the Winchester Measure, throughout this Province,'*"—shall be, and the same are hereby repealed.

Sections 4 and 5 of Act of U. C., 4 Geo. 4. c. 16, and Sections 1 and 2 of Act of U. C., 3 Vic., c. 17, repealed.

II. And be it enacted, That from and after the passing of this Act, the several Inspectors of Licences in Upper Canada shall have the charge of the standard Weights and Measures.—

Inspectors of Licences in U. C., to be also Inspector of Weights and Measures.—

They shall
take 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 5
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*) of 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 20
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 cor-
rect) all
Weights and
Measures sub-
mitted to him.

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 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
attend for that
purpose at
such times and
places as the
Magistrates in
Q. S. shall ap-
point.

IV. And be it enacted, That it shall be 40
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 be 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 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.

- V. And be it enacted, That it shall be
 10 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, 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
 20 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
 25 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 with costs before any
 30 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
 35 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
- Inspector may enter shops, &c. to examine Weights and Measures.
- Forfeiture of false or unstamped Weights and Measures.
- Further penalty.
- How recovered and applied.

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 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 Locality, until _____ months at least after a standard of weights and measures shall have 15 been received by the Inspector appointed therefor according to law.

Penalty on Inspector stamping Weights or Measures, 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 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 25 exceeding *five pounds* to be recovered and applied as aforesaid.

Fee to Inspector.

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 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.

With whom the standards shall be deposited, when there is more than one Inspector in a District.

Proviso.

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.

Notice of Inspector's attending to stamp, &c.

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 or arising under the provisions of this Act.

Present Inspectors to give over the standards in their possession to the Inspectors under this Act.

Penalty for refusal.

XII. And be it enacted, That whenever any Municipal body, now or hereafter to be

Municipal bodies appointing In-

spectors 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 5 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 in case of refusal or neglect to deliver such standards entire and complete, in addition to 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.

Action given for Standards not so delivered.

XIV. And be it enacted, That whenever any person shall be convicted under this Act before any Justice of the Peace, and the
 20 penalty which such person shall have been condemned to pay shall exceed currency, and such person shall think himself 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 thirty-eighth 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 Property.*"

Appeal to Q. S. given in certain cases on the conditions, &c. mentioned in Sect. 38, of 4 and 5 V. c. 26.