



CANADIAN REVENUE NEWSLETTER

A publication of the Canadian Revenue Study Group of BNAPS

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REVENUE GROUP MEETING

Approximately 25 members and guests met at BNAPEX '95 on August 31st. The session began with the Treasurer's Report presented by Bill Rockett. Following his presentation, Rockett nominated Fritz Angst as his successor in the positions of Chairman and Treasurer of the Revenue Study Group. The attending members unanimously elected Angst to the positions. Chris Ryan was then elected to the position of Newsletter Editor.

After the administrative details were concluded, Chris Ryan presented a new design of the orange excise liquor stamp. Ryan commented that this stamp has been in use on Canadian whisky for several months and that the use of it (or of the older design) now appears to be optional. Several brands of Canadian whisky no longer bear any form of excise stamp.

Fritz Angst brought the group's attention to the use of separate tobacco excise duty stamps and tear-strips for each province. These serve to indicate the payment of both federal and provincial taxes. A distinctive colour is used in each province — yellow in Ontario, red in Alberta, light blue in British Columbia, *et cetera*. Angst suggested that members could accumulate the stamps and tear-strips of their home province to trade with their fellow collectors.

Angst then passed around a photocopy of the unique weights and measures stamp described elsewhere in this Newsletter. Members expressed great interest in the stamp with the general opinion being that the stamp was a specimen.

Due to technical difficulties, Nick Sheklian's presentation on the law stamps of British Columbia did not occur. In its place, Chris Ryan distributed copies of the first two parts of his series on the Canadian weights and measures inspection service and revenue stamps. Ryan then gave the assembled members a verbal synopsis of the paper with emphasis on the difficulties experienced by the Dominion government in implementing the service. He described how this had led to the 1879 reorganization of the inspection service and the 1880/81 use of the red, non-denominated weights and measures stamp. A question and answer period followed Ryan's presentation.

The meeting ended with Dick Johnson's summary of his forthcoming article on the perforation varieties of the Third Issue bill stamps and the early perforating machines used by North American bank note companies. — C.D.R.

REVENUE EXHIBITS AT BNAPEX '95

Three member of the Revenue Study Group — Joachim Hosang, Harry Lussey, and Bill Rockett — exhibited portions of their collections at BNAPEX '95.

Joachim Hosang received a Silver-Bronze Award for his exhibit of a wide variety of scarce hunting stamps from Alberta, British Columbia, Manitoba, Saskatchewan, and the Northwest Territories. The majority of the stamps were attached to appropriate licences. Hosang has expressed an interest in hearing from any member with similar material for sale or trade. He may be contacted at: Hauptstrasse 50, D-38387 Soellingen, Germany.

Harry Lussey received a Gold Award and the ARA Award for his exhibit of Third Issue bill stamps. The highlights of his exhibit were: examples of the different printing papers used, several large blocks, numerous stamps with bank CDS cancels from February of 1868, and a document dated February 7th, 1868, bearing five of the 3¢ N.S. overprinted bill stamps. The latter is the earliest known usage of the N.S. bill stamps.

Lussey also received a Vermeil Award for his exhibit of Alberta law stamps. This exhibit included all three issues of these stamps with a comprehensive plating of the different printings of the First Issue.

Bill Rockett received a Vermeil Award for his exhibit of the federal war and excise tax stamps. Rockett's presentation included many interesting multiples, usages, cancels, and precancels. The exhibit represented a virtually complete collection of the multitude of varieties found in these issues. — C.D.R.

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LOW NUMBERED FWM 33 DISCOVERED

By Fritz Angst

Often you find things you are looking for. But every so often things find you even if you aren't looking for them. Such was the case for me when searching through a mixed and rather ratty lot of federal inspection stamps for I came across a full gum copy of FWM 33, the red denominationless weights and measures stamp, bearing serial number 00131. The serial numbers were 3½ mm high, dark blue, and of the same shape and style as serial numbers on other weights and measures stamps. The stamp had been cancelled with a black ink manuscript "x" in the fashion similar to other so called "specimen" cancels of the period.

This extremely low number caught my eye. For years, the generally accepted notion was that the serial numbers of the FWM 33 stamp ran only from 15001 to 20000. For example, see page 8 of Edward Zaluski's *Canadian Revenues: Volume 2*. Zaluski admits that he does not know why the numbering apparently started at 15000.

The only previously reported example of an FWM 33 with a serial number below 15000 came from the February 1983 Maresch sale of Fred Jarrett's collection. That stamp bears a serial number of 00008 in a 5 mm high lighter blue colour, but the shape and style of the digits are unlike those found on serial numbers of any of the British American Bank Note Company prepared revenues of the period.

As is apparent from the illustration, this FWM 33 is imperforate on the left side suggesting that it could have come from the left hand margin of the sheet. Although examples of FWM 33 in the 15000 to 20000 range were printed in sheets of 55 stamps arranged 11 wide by 5 high, there is no evidence to support the assertion that lower numbered stamps were similarly arranged. In fact, the imperforated left side of the 00131 stamp is fully consistent with sheets arranged in rows of 10 horizontally in this fashion:

1.....10
11.....20
et cetera
131.....140

What may have happened to all of the rest of the lower numbered FWM 33s remains a mystery. Perhaps there are more of them out there; they just haven't found you yet.

THE EDITOR NOTES...

— Next issue will contain the second half of Zaluski's article on the Alberta hunting stamps.

— Members may submit ADLETS for publication in the Newsletter.



(Editor's Note: The ragged appearance of the left side of the stamp in the illustration is due to it having been taken from a Fax.)

ONE FRAME EXHIBIT AT BNAPEX '95

The Revenue Study Group's one frame exhibit won second place in the voting at Edmonton (paid a C\$ 25.00 prize). Thanks to all revenueurs who stuffed the ballot box. Don't know who won. — F.P.A.

A THANK YOU

The Revenue Group would like to thank Nick Sheklian for his efforts in preparing a presentation on the B.C. law stamps for the meeting at BNAPEX '95. We regret that circumstances prevented its use. — F.P.A.

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A SELECTIVE HISTORY OF THE INSPECTION OF WEIGHTS AND MEASURES IN CANADA

Christopher D. Ryan

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This work is intended to be an open-ended serial. Additional parts will be added at various future times as frequently as effort, available information, and whim will allow. Parts 3 and 4 are in preparation and will appear in the near future.

PART 1: Pre-Confederation to 1875.

This first part details the history of the independent provincial weights and measures inspection services that operated prior to the introduction of the post-Confederation federal system with its adhesive revenue stamps. The inspection services of New France, Quebec, Lower Canada, Nova Scotia, Prince Edward Island, New Brunswick, Upper Canada, and British Columbia will be discussed in turn. All of these individual provincial services remained in place after Confederation and were not eliminated until the 1875 implementation of the first Weights and Measures Act of the newly-formed federal government.

Newfoundland was not included in this part due to its late (1949) entry into Confederation.

New France / Quebec / Lower Canada

The inspection of weights and measures in what is now Canada began in 1730 in the Colony of New France. A July 22nd ordinance by the Intendant required all merchants and retailers in Montreal to submit their weights and measures to a local official for inspection. French standards were used to verify the items presented.[1] In 1732 the inspection requirements were extended to residents of the town of Quebec.[2]

Following the British conquest of New France and the establishment of the Province of Quebec, a new ordinance decreed that, as of October 10th, 1764, all weights and measures used in the province were to be of "*the Standard of the Exchequer of England*." The ordinance also established a new inspection system which closely resembled that established in Nova Scotia in 1758. Under this scheme any resident of a town who used weights and measures in the sale of any commodity was required to have his measuring devices verified by the local "*clerk of the market*." The fee for the service was two pence. Clerks were also empowered to visit vendors every three months to ensure that only accurate and verified apparatus were in use and to verify any new items.[3]

However, despite the official adoption of the British standards the existing French units remained in use and were granted official sanction. An example occurred in 1765 when another ordinance defined the dimensions of a "cord" of wood in terms of both French and English measures. In French feet a cord was to have measured 8ft. x 4ft. x 2ft. 6in. while in English units a cord was given as 8ft. 6½in. x 4ft. 3½in. x 2ft. 8in.[4] These numbers suggest that the supposedly superseded French units in fact served as the standard for a cord in spite of the 1764 law. Further with respect to the retention of the French units is a 1785 ordinance which decreed that land grants made prior to the British conquest

would continue to be measured in French units.[5]

An indication of the extent to which French units retained a dominant position is given by a 1799 statute. This law stated that the French *minot* was the provincial standard for the measurement of dry goods by volume. The English bushel was permitted only when a contract specified the use of this unit. With respect to the volume of liquid goods the 1799 statute decreed that the English "Wine" gallon was the standard.[6] This dual use of French and English standards for dry and liquid goods respectively is also reflected in a 1795 amendment to the Customs Tariff in which the duties on spirits and other liquids are set on a gallon-basis whereas salt is subjected to an additional duty of four pence per *minot*.[7]

The retention of the French units no doubt stemmed from the sympathetic attitudes of the first British Governors and the June 1774 passage of the **Quebec Act** by the British Parliament.[8,9] This statute, effective May 1st, 1775, permitted the province to use the old French civil law in place of English civil law and guaranteed the civil and religious rights of the province's Roman-Catholic citizens. While this Act made no mention of weights and measures it did specify that the French inhabitants of the province were permitted to "*hold and enjoy their property and possessions, together with all customs and usages relative thereto*." [9] This provision can be readily interpreted to permit the continued use of the French units.

The Province of Quebec was divided into the separate provinces of Upper and Lower Canada in 1791. Unlike Upper Canada which immediately (1792) passed a new law, Lower Canada did not enact new weights and measures legislation until 1799. This new statute transferred the inspection duties of the clerks to regional inspectors. A single inspector was appointed by the province for each of the three new inspection districts — Montreal, Three Rivers, and Quebec. The Act also required all individuals who sold, exchanged, or bartered goods to have their weights, measures and scales verified by the new inspectors prior to September 1st, 1800.[6]

Unlike the rest of British North America, Lower Canada imposed a scale of inspection fees rather than a single, fixed fee. The scale was:

Weights of 4 pounds or less	1 penny
over 4 pounds	2 pence
Measures of Length	1 penny
Measures of Liquids	2 pence
Half Bushels or Half Minots	6 pence
Bushels or Minots	1 shilling
Beams or Scales	6 pence

Beams or Scales with a set of
small weights used to weigh gold 1 shilling 3 pence

Once verified, the weights and measures were to be sealed and marked with the initials of the reigning monarch as well as the letter of the inspection district, namely "M" for Montreal, "R" for Three Rivers, and "Q" for Quebec.[6]

Responsibility for inspections was transferred to the provincial revenue officers on May 30th, 1849. This event occurred simultaneously in Upper and Lower Canada which had been united since 1841 under a single government. The 1849 Act also simplified the fee structure to six pence for *"every weight, beam or scale"* and four pence for *"every measure."*[10]

Unlike the situation in Upper Canada where municipalities assumed jurisdiction in 1853, the responsibility for the inspection of weights and measures in Lower Canada remained with the revenue inspectors until 1875.[11]

Nova Scotia

The inspection of weights and measures in the Province of Nova Scotia began in 1758. The standards were those used in England and responsibility for the inspection was given to municipal officials. The significant portions of the initiating Act read:

All weights and measures used in this province, shall be according to the standard of the Exchequer of England: And that the Treasurer of the province, as soon as may be, procure a sett of measures, long, liquid, and dry, and a sett of brass weights and scales, and that until such weights and measures arrive, the weights at His Majesty's ordnance store shall be standard. And the Clerks of the Market for each town, shall procure therefrom a sett of weights according to such standard, which shall remain with them as assay weight, and shall be marked with the letters GII: R:...

Every inhabitant of each town respectively, making use of weights and measures in the sale of any commodity, shall, in one week after public notice given by such clerks respectively, bring or cause to bring be brought, their weights and measures to be assayed, for each of which assay he shall have two pence for his trouble and no more, and the said clerk shall cause such weights and measures to be branded or stamp with the initial letter of the town where such assay shall be made...

The said clerks shall, and are hereby impowered, to inspect all weights and measures, and for that purpose one in three months, or oftener if they see cause, shall visit every inhabitant selling publicly by weights and measures...[12]

A 1759 law added scales to the list of items subject to inspection. This Act also extended the authority of the municipal clerks to ships docked or at anchor in harbours. With the exception of hay, the use of *"steelyard"* scales was now prohibited in the weighing of any commodity.[13]

Almost one hundred years passed before changes were made to Nova Scotia's weights and measures inspection service. An 1851 Act deleted the provision that required commercial users of weights and measures to bring them to the municipal clerks for inspection. This Act also made the inspections a free service. The new statute simply stated:

The clerks of the market, or the town clerk, may enter all stores, shops, and places of business, and all vessels within their respective districts, and may examine every weighing apparatus and all weights and measures therein.[14]

This new system evidently proved to be unsatisfactory as the provisions of the former legislation were revived in 1855 and remained in effect until the advent of the Dominion legislation on July 1st, 1875.[15]

Cape Breton Island was severed from Nova Scotia in 1784 and run as a separate colony until it was reattached in 1820.[16] In 1787 Cape Breton enacted its own weights and measures law.[17] The inspection provisions of this ordinance were, except for a three pence fee, identical to the then existing Nova Scotia statute.

Prince Edward Island

The next province to enact inspection legislation was Prince Edward Island in 1779. The first such Act was, in part, an interim measure made necessary by the reportedly *"great frauds"* being committed daily *"because no Standards for Weights and Measures"* had been *"hitherto established."*[18] This Act decreed that, pending the acquisition of the standards required for proper inspection:

.....that every Inhabitant of this Island making use of Weights and Measures in the Sale of any Commodity, shall, before the Sitting of the General Assembly in June next, bring or cause to be brought, their Weights and Measures to the nearest Justice of the Peace, to be by him assayed in the best Manner he can, in the mean time, till the Brass Weights and Measures to be Commissioned by the Treasurer do arrive. And the said Justice of the Peace may and is hereby impowered and required to prove the same, by any other the best Weights and Measures he may have access to, and upon his being satisfied, the Weights and Measures so brought to him, to be proved, are just, to grant Certificates of their being so, and to brand or otherwise mark the same, so as he may be able to know and distinguish the same again...[18]

No fee was to be charged by the Justices for this service.

Following the arrival of the standards the inspection duties were to be transferred to the *"Clerk of the Market"* in Charlottetown. This clerk was authorized to charge six pence for every measure and one shilling six pence for every set of weights verified as correct.[18]

However, the official standards did not arrive until 1819.[19] In the intervening time the 1779 Act was allowed to expire. This was in keeping with the Act's provision which gave that the law was to be in force only *"until the first day of July One Thousand Seven Hundred and Eighty One and from thence to the end of the then next Session of the General Assembly and no longer."*[18] The end of the applicable session — the first session of the fourth General Assembly — occurred in April of 1785.[20]

In 1795 the inspection legislation was revived. Unlike the 1779 Act, no time limit was placed on the 1795 law. In this new statute the provision for interim inspections by Justices was repeated almost verbatim. However, the law now decreed that — upon the arrival of the official standards — the Lieutenant-Governor was to appoint an *"Assayer"* for each of the three

counties in the province. Within one month of the appointment all retail users of weights and measures in Queen County were required to bring their apparatus to the assayer for verification. Every verified weight or measure was to be branded or marked with the initials of the reigning monarch. A certificate was to be issued to the owner of the items so verified. Following the replication of the standards the same requirements were to take effect in each of the other two counties. The prescribed fee was six pence per item verified as correct.[21]

Subsequent to these initial inspections, the assayers were authorized to make periodic visits to retailers to ensure that only inspected equipment was in use. However, no provision was made in the Act to require the submission of new weights and measures for inspection after the initial 1819 sweep. This was not corrected until 1833.[18,20]

An 1841 amendment allowed for the appointment of municipal assayers in addition to those assigned to the counties. These municipal assayers were to be appointed only at the request of the inhabitants of the settlement with the cost of the necessary standards to be paid for by those making the request. The 1841 amendment also set the fee for the inspection of two bushel measures at 1½ shillings.[22]

In 1846 beams, scales, and other weighing machines were made subject to inspection. However, no fee was prescribed for this service.[23]

In 1851 the Act was extended to grain-grinding and wool-carding mills. The provision regarding scales took effect immediately and six months was given for all mills in the province to acquire regulation weights of 1, 2, 7, 14, 28, and 56 pounds.[24]

Prince Edward Island's dual use of County and Municipal inspectors was unique in British North America. Due to this province's late entry into Confederation in 1873, its system of weights and measures and its inspection service remained in effect for a full year longer than those of the other provinces. The Island was not made subject to the new federal legislation until July 1st of 1876.[25]

New Brunswick

New Brunswick was severed from Nova Scotia in 1784 and enacted separate inspection legislation in 1786.[26] As in Nova Scotia, the local authorities were made responsible for the inspections. The differences were:

1. The inspectors were to verify only weights and measures that were brought to them and were not authorized to visit businesses to ensure verification.
2. While the use of unjust weights and measures was an offense, the inspection of all such apparatus was left to the discretion of their owners or users.
3. Periodic re-verifications were not required.
4. The inspection fee of one penny was payable only for items verified as correct. In Nova Scotia all inspections were subject to a fee.

In 1853 the Act was completely rewritten in the same manner

as Nova Scotia's 1851 revision. The New Brunswick Act now made no mention of users bringing their weights and measures to the inspectors for verification and provided only that:

The Clerk of the Market or of the Town, may enter all places of business, and all ships and vessels, in their respective districts, in the day time, and examine all weighing apparatus, and all weights and measures therein; any person refusing admittance to them, or obstructing the examination, shall forfeit a sum not exceeding ten pounds.[27]

For this service no fee was prescribed and no provision was made for periodic re-inspections. These procedures remained in effect until supplanted by the first Dominion inspection legislation.

Upper Canada

Upper Canada was carved out of the late Province of Quebec in 1791 and in 1792 instituted its own inspection system with the passage of "*An Act to Establish the Winchester Measure, and a Standard for other Weights and Measures throughout this Province.*"[28] This statute decreed that, as of May 1st, 1793:

There shall be one just Beam or Balance, one certain Weight and Measure, and one Yard, according to the Standard of His Majesty's Exchequer in England, used throughout this Province; and whoever shall keep any other Weight, Measure or Yard, whereby any Corn, Grain, or other thing is bought or sold, shall forfeit for every offense Two Pounds...[28]

An important implication of this law is the elimination of the French units which had been in use in the now defunct Province of Quebec.

Despite the all encompassing decree of the Upper Canada statute with respect to the standards of weights and measures the actual inspection of such items was very limited in its application. The only items subject to routine inspection were bushels, half-bushels, "*or other measures*" used in the sale or purchase grain or other dry goods. For this purpose an inspector for each district was to be appointed by the local "*Magistrate in Quarter Sessions.*" These inspectors were to "*mark and seal*" the measures "*with the letters and figures G.III.R. and receive for the same the sum of four pence...*"[28] This last part implies that only items verified as correct were subject to the fee. This was made explicit in later Acts.[29,31]

It was not until 1823 that inspection requirements were extended to "*any and all weights and measures.*" The 1823 Act also authorized the purchase of the first set of official standards for the use of the inspectors.[29]

The procedures in use with respect to the actual inspection placed the onus upon the user of the weights and/or measures to obtain the requisite verification. No such details were given in the 1792 Act but the 1823 Act specified:

.....The duty of which Inspector it be at all proper times, when application to him for that purpose shall be made, carefully to examine and compare any all Weights and Measures which shall be presented to him for that purpose...[29]

This was amended in 1840 to permit the placement by inspectors of notices in local newspapers of *"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..."*[30] The Act of 1849 specified that these visits to each location were to occur only once or twice in a year.[31]

The Act of 1849 also transferred the responsibility for the inspections to the provincial *"Inspectors of Licences"* (the forerunners of Inland Revenue Collectors.) However, authority was also given to cities, and incorporated villages to appoint their own inspectors. These municipal inspectors supplanted the provincial inspectors within the bounds of their respective municipalities.[31]

The day-to-day administration of the inspection service was completely transferred to municipal authorities on May 30th, 1855. The enabling statute specified that:

From and after the passing of this Act, the Municipal Council of each County and City, in Upper Canada, shall have power to appoint, from time to time, one or more Inspectors of Weights and Measures for such Municipality.[32]

The provincial inspectors were to remain in office until a municipal counterpart could be appointed.

This system of municipal inspectors remained in effect until replaced by the dominion-wide inspection service of the new federal government.

British Columbia

The last province to provide for the inspection of weights and measures was British Columbia. This was achieved by a March 1867 ordinance which stated:

It shall be lawful for the Governor from time to time and at any time hereafter, to appoint such persons as he may think fit to be Inspectors of Weights and Measures within the said Colony, for the whole or for any definite District or portions of the said Colony, and to revoke any such appointments and make new appointments in lieu thereof.

It shall be the duty of every such Inspector, at such times and places and in such manner as the Governor shall from time to time in that behalf direct, to stamp all Weights and Measures brought to him for that purpose, and for every Weight and Measure so stamped, such Inspector shall be entitled to receive the sum of Twenty Cents.

Every such Inspector as aforesaid may, at all reasonable times, enter into any Shop, Store, Warehouse, or Place within the District in which he has authority to act, where any goods, commodities, or other articles are bought, sold, or exchanged, or exposed or kept for sale, or weighed for conveyance or carriage, and examine and prove all Weights, Measures, Steelyards, Balances, or other Weighing Machines, and may also seize all Weights, Measures, Steelyards, Balances, and other Weighing Machines so then and there found to be false and untrue, as things forfeited to the use of Her Majesty.[33]

Unlike Nova Scotia, New Brunswick, and Upper Canada who used inspectors appointed by municipal or other local authorities, British Columbia followed Prince Edward Island's and Lower

Canada's lead in reserving this duty for the provincial government.

Prior to the amalgamation of the Colony of British Columbia with the Colony of Vancouver Island the legislature of the latter had made two attempts — one in 1865, the second in 1866 — to establish an inspection service.[34] The report of a debate in the Legislative Council suggests that one reason for the failure of the 1866 attempt was resistance to the imposition of Imperial Standards. While no official standards had yet been established in the colony, American units were in common use by merchants and businesses.[35] These units included the pre-1826 English standards known as the Wine Gallon and the Winchester Bushel.

The key features of the pre-dominion, provincial systems of weights and measures were:

— The use of the Wine Gallon (231 cubic inches) for liquids and the Winchester Bushel (2150.42 cubic inches) for dry substances.[36] The exception to this was British Columbia which had adopted the Imperial Gallon (277.25 cubic inches) and Imperial Bushel (2218 cubic inches).[33,36]

— The use of weights in multiples of 7 pounds, specifically 7, 14, 28, and 56 pounds.[36] The use of standard weights in multiples of 5 or 10 pounds began in 1859 in Upper and Lower Canada. Nova Scotia and New Brunswick followed in 1864 and 1866 respectively.[37]

The traditional denominations of weights, namely 7 pounds and multiples thereof, originated with the use of the British or "long" ton of 2240 pounds. The standard subdivision of this ton was the "hundredweight" of 112 pounds. Thus, the 56, 28, 14, and 7 pound weights corresponded to 1/2, 1/4, 1/8, and 1/16 of this "hundredweight".[36,38] The later conversions to weights of multiples of 5 or 10 pounds were a result of the adoption of the "short" ton of 2000 pounds with its corresponding "hundredweight" of 100 pounds.[37]

With respect to the verification of the weights and measures, the laws required only commercial users to submit their equipment for inspection. None of the statutes required manufacturers of, or dealers in, the measuring apparatus to have their goods verified prior to, or consequent upon, a sale.

In half of the provinces, inspectors were existing municipal officials or were specially appointed by municipalities. In all of the provinces the fee charged, if one was charged, was very low. With the exception of Nova Scotia, the fees were payable only when the items were verified and marked as correct. In Nova Scotia fees were charged for both accepted and rejected items.

None of the provincial Acts designated the fees received by inspectors as forming part of the provincial revenues. This implies that such monies remained with the inspecting officers as partial or full remuneration for their work. Further in this regard, the Nova Scotia Acts read: *"...for each of which assay the clerk shall have two pence for his trouble."*[39] This clearly indicates that the custom in that province was for the inspector to keep the fees for himself.

Finally, none of the provinces used adhesive revenue stamps as a means of validating certificates, or indicating the amount of fees paid, or accounting for the fees collected.

All of these various provincial provisions, circumstances, and customs remained in place after Confederation in 1867. They were not overturned and replaced until 1875 when the new Dominion of Canada proclaimed its first Weights and Measures Act.[40]