

CHAPTER 263.

WEIGHTS AND MEASURES.

[No. II of 1851.]

[1st January, 1851.]

Short title.

1. This Ordinance may be cited as the Weights and Measures Ordinance.

Procuring and keeping models and copies of imperial standards of length, weight, and measure.

2.—(1) On the commencement of this Ordinance the Colonial Treasurer shall purchase or cause to be purchased for each of the counties of the colony, at the expense of the colony, a model and copy of each of the standards of length, weight, and measure, and of each of the parts and multiples thereof, mentioned in the Act of Parliament passed in the fifth year of his Majesty George the Fourth, chapter seventy-four, intituled An Act for ascertaining and establishing uniformity of weights and measures.

(2) The models and copies when so purchased shall be compared and verified with the models and copies deposited in his Majesty's Exchequer as mentioned in the aforesaid Act of Parliament in the manner therein mentioned and upon the payment of the fees at present payable upon the comparison and verification of weights and measures with the standards thereof.

(3) One set of those models and copies so compared, upon their arrival in the colony, shall be placed by the Colonial Treasurer for custody and inspection with a commissary of taxation of each of the counties of the colony to be appointed by the Governor and to be named the inspector of weights and measures for the county, and the models and copies shall be produced by the commissary of taxation, upon reasonable notice, at such time or times or place or places within the county as anyone may, by writing under his hand require, the person requiring the production paying the reasonable charges therefor.

Computation of superficial measure.

3. All superficial measure shall be computed and ascertained by the standard yard aforesaid, or by certain parts, multiples, or proportions thereof.

4. From and after the commencement of this Ordinance, all articles sold by weight shall be sold by avoirdupois weight, except gold, silver, platina, diamonds, or other precious stones, which may be sold by troy weight, and drugs which when sold by retail may be sold by apothecaries weight.

Articles to be sold by avoirdupois weight, with certain exceptions.

5. From and after the commencement of this Ordinance, the weight denominated a stone shall in all cases consist of fourteen standard pounds avoirdupois, and the weight denominated a hundred-weight shall consist of eight stones, and the weight denominated a ton shall consist of twenty hundred-weight :

Stone, hundred-weight, and ton :

Provided that nothing herein contained shall prevent any bargain, sale, or contract being made by any multiple or by some aliquot part, such as the half, the quarter, the eighth, or the sixteenth part of the pound weight.

Proviso.

6.—(1) From and after the commencement of this Ordinance, the standard measure of capacity, as well for liquids as for dry goods, shall be the imperial standard gallon mentioned and referred to in the Act of Parliament aforesaid and that imperial standard gallon shall be, and is hereby declared to be, the unit and only standard measure of capacity, from which all other measures to be used, as well for wine, beer, ale, spirits, and all sorts of liquids as for dry goods, shall be derived, computed, and ascertained.

Measure of capacity.

(2) All measures of capacity shall be taken in parts or multiples or certain proportions of the imperial standard gallon, and the quart shall be the fourth part of the standard gallon, the pint shall be one-eighth of the standard gallon, two gallons shall be a peck, eight gallons shall be a bushel, and eight bushels shall be a quarter of corn or other dry goods.

(3) Whenever it is necessary to convert the common wine gallons heretofore in use in the colony into imperial gallons, six wine gallons shall be held and be taken to be equal to five imperial gallons, and in the same proportion for any greater or lesser quantity.

7.—(1) Rice shall be sold only by weight or measure and notwithstanding anything in the fourteenth section of this Ordinance contained no special agreement may be made for the sale of rice by other than the standard weights and measures by this Ordinance provided.

Rice to be sold by standard weight or measure.

(2) Everyone who buys or sells rice by any weight or measure other than the standard weights and measures, or who in buying or selling rice uses any weight or measure other than that duly stamped under this Ordinance shall be guilty of an offence and be liable on summary conviction thereof to a penalty not exceeding fifty dollars.

Penalty.

Weights and measures to be stamped.

8. All weights made or imported after the commencement of this Ordinance of the weight of one pound avoirdupois or more shall have the number of pounds contained in each of those weights stamped or cast at or on the top or side thereof, in legible figures and letters; and all measures of capacity made or imported after the commencement of this Ordinance shall have their contents denominated, stamped, or marked, on the outside of those measures, in legible figures and letters.

Weights made of lead or pewter not to be stamped or used: Proviso.

9. To prevent frauds by the use of weights made of soft materials, no weight made of lead or pewter, or of any mixture thereof, shall be stamped or used :

Provided that nothing herein contained shall prevent the use of lead or pewter, or of any mixture thereof, in the manufacture of weights, if they are wholly and substantially cased with brass, copper, or iron, and legibly stamped or marked " cased," or shall prevent the insertion of any plug of lead or pewter into weights bonâ fide necessary for the purpose of adjusting them and affixing thereon the stamp hereinafter mentioned.

Stamps for inspectors, and use thereof :

10.—(1) The Colonial Treasurer shall at the public expense provide for the use of each inspector of weights and measures good and sufficient stamps for stamping or sealing weights and measures used or to be used in each and every county of the colony, and the stamps so provided shall be taken to be the stamps of the county for which they are provided.

(2) All weights and measures whatsoever, save as hereinafter excepted, used for buying and selling, or for the collecting of any tolls or duties, or for the making of charges on the conveyance of goods or merchandise, shall be examined and compared with one or more of the copies of the imperial standard weights and measures provided under the authority of this Ordinance, for the purpose of comparison by an inspector, who shall stamp, in such manuer

as best to prevent fraud, those weights and measures, when so examined and compared, if found to correspond with the copies.

(3) The fees for the examination, comparison, and stamping shall be according to the scale contained in the schedule to this Ordinance. Schedule:

(4) Everyone who uses any weight or measure other than those authorised by this Ordinance, or some aliquot part thereof as hereinbefore described, or which has not been so stamped as aforesaid save as hereinafter excepted, or which is found light or otherwise unjust, shall on conviction forfeit a sum not exceeding twenty-four dollars.

(5) Any contract, bargain, or sale, made by that weight or measure shall be wholly null and void.

(6) Every light or unjust weight and measure so used, on discovery by any inspector as aforesaid, shall be seized, and on conviction of the person so using or possessing it shall be forfeited, broken up, and sold, and the proceeds thereof shall be paid to the Colonial Treasurer for the public use of the colony :

Provided that nothing herein contained shall extend to require any single weight above fifty-six pounds to be inspected and stamped, that weight of fifty-six pounds being the greatest of the imperial standard weights deposited in the Exchequer, or to require to be stamped any wooden or wicker measure used in the sale of lime or other articles of the like nature, or any glass or earthenware jug or drinking cup, though represented as containing the amount of any imperial measure, or of any multiple thereof. Proviso.

(7) Anyone buying by a vessel so represented as containing the amount of an imperial measure, or of any multiple thereof, is hereby authorised to require the contents of that vessel to be ascertained by a comparison with a stamped measure, the stamped measure to be found and provided by the person who uses the wooden or wicker measure, glass, jug, or drinking cup aforesaid, and if the person who uses the last-mentioned measure or vessel refuses to make that comparison, or if, upon the comparison being made, the wooden or wicker measure, glass, jug, or drinking cup is found to be deficient in capacity, the person who uses it shall on conviction be subject to the forfeitures and penalties hereinbefore imposed on anyone using a light or unjust weight or measure.

Inspector of weights and measures to give security.

11. Every inspector of weights and measures shall on the commencement of this Ordinance enter into a bond or recognizance to the King in the sum of five hundred dollars for the due and punctual performance of his duties under this Ordinance and for a due and punctual return to the Colonial Treasurer, at the expiration of each and every month, of all fees received by him under the authority of this Ordinance, and for the safety of the stamps and copies of the imperial standard weights and measures committed to his charge, and for their due restoration and surrender to the person or persons appointed by the Governor to receive them.

Comparing and stamping weights and measures.

12.—(1) Every inspector of weights and measures shall examine, compare, and stamp if found correct, all weights and measures brought to him for that purpose, and shall also upon all measures and upon all weights of a quarter of a pound and upwards stamp a number or mark distinguishing the county in which he acts, and he shall keep a book wherein he shall enter minutes of all those comparisons and give if required a certificate under his hand of every stamping.

(2) Every inspector who knowingly stamps any weight or measure of anyone residing within the limits of a county or district other than his own, shall forfeit a sum not exceeding ten dollars for every weight or measure which he so stamps.

Entry and inspection of weights and measures.

13.—(1) Every magistrate, justice of the peace, member of the police force not below the rank of corporal, and commissary of taxation, may at all reasonable times enter any shop, store, warehouse, stall, yard, or place, whatsoever within the county to which he is appointed or in which he acts wherein goods are exposed or kept for sale, or are weighed for conveyance or carriage, and there examine all weights, measures, steelyards, or other weighing machines, and compare and try them with the copies of the imperial standard weights and measures required or authorised to be provided under this Ordinance.

(2) If, on the examination, it appears that the weights or measures are light and otherwise unjust, they shall be seized, forfeited, and dealt with as aforesaid, and the person or persons in whose possession they are shall on conviction forfeit a sum not exceeding twenty-four dollars.

(3) Everyone who has in his possession a steelyard or other weighing machine which on the examination is found incorrect or otherwise unjust, or who refuses or neglects to produce for the examination when thereto required all weights, measures, steelyards, or other weighing machines in his possession, or otherwise obstructs or hinders the examination, shall be liable to a like penalty.

14. From and after the commencement of this Ordinance all contracts, bargains, sales, and dealings made or had within any part of the colony for work to be done, or for goods, wares, merchandise, or other thing to be sold, delivered, done, or agreed for, by weight or measure, where no special agreement is made to the contrary, shall be deemed, taken, and construed to be made and had according to the standard weights and measures ascertained by this Ordinance; and whenever any special agreement is made with reference to any weight or measure established in the colony, the ratio or proportions which each of those weights or measures bears to any of the standard weights or measures shall be expressed, declared, and specified in that agreement, or otherwise the agreement shall be null and void.

Transactions to refer to standard weights and measures, unless contrary specified.

15. If an inspector or other person legally authorised to examine and stamp any weight or measure, stamps any weight or measure without duly verifying it by comparison with a copy of the imperial standard, or is guilty of a breach of any duty imposed upon him by this Ordinance, or otherwise misconducts himself in the execution of his office, he shall for each offence on conviction forfeit a sum not exceeding twenty-four dollars.

Neglect of duty by inspector of weights and measures.

Penalty.

16.—(1) Everyone who makes, forges, or counterfeits, or causes or procures to be made, forged, or counterfeited, or knowingly acts or assists in making, forging, or counterfeiting, any stamp or mark which is or may be used for stamping or marking any weight or measure under this Ordinance, shall for each offence on conviction forfeit a sum not less than forty-eight dollars and not more than two hundred and forty dollars.

Forgery of weight or measure.

(2) Everyone who knowingly sells, utters, disposes of, or exposes to sale any weight or measure with a forged or counterfeit stamp or mark thereon shall for each offence on conviction forfeit a sum not less than ten dollars and not more than forty-eight dollars.

(3) Every weight or measure with that forged or counterfeited stamp or mark shall be forfeited, broken up, and sold, and the proceeds thereof shall be paid to the Colonial Treasurer for the public use of the colony.

Publishing returns, denoting greater or less weight or measure than imperial weight or measure.

17. From and after the commencement of this Ordinance, if anyone prints, or if the clerk of a market or other person makes, any return, price list, or price current, in which the denomination of weights and measures quoted or referred to denotes or implies a greater or less weight or measure than is denoted or implied by the same denomination of the imperial weights and measures, under and according to the provisions of this Ordinance, that person or clerk of the market shall forfeit and pay a sum not exceeding five dollars for every copy of each return, price list, price current, journal, or other paper, which he publishes.

Appointment of district inspectors of weights and measures.

18. The Governor may appoint some fit and proper person to be an inspector of weights and measures for each fiscal district, and the provisions of this Ordinance shall, mutatis mutandis, apply to that inspector.

Procedure.

19. All offences against the provisions of this Ordinance shall be prosecuted in the manner provided by the Summary Jurisdiction Ordinances.

SCHEDULE.

(Section 10.)

TABLE OF FEES TO BE TAKEN BY INSPECTORS OF WEIGHTS AND MEASURES.

1. For examining, comparing, and stamping all weights within their respective jurisdictions:—

	\$	c.
1. Each weight, from half a hundred weight to a stone, both included	0	20
2. Each weight under a stone to a pound	0	12
3. Each set of weights of a pound and under	0	32
4. Each weighing machine and steelyard	0	48

2. For examining, comparing, and stamping all wooden measures within their respective jurisdictions:—

	\$	c.
1. Each bushel	0	8
2. Each half bushel	0	8
3. Each peck, and all under	0	8
4. Each yard	0	8

