

## No. IV.

### An Act for establishing Standard Weights and Measures and for preventing the use of such as are false and deficient. [24th August, 1832.]

Preamble.

WHEREAS it is necessary to provide against the use of fraudulent weights and measures in New South Wales and its Dependencies and for that purpose to establish certain standards by which all other weights and measures may be regulated and to prohibit the use of any other weights and measures than such as shall agree with such standards And whereas certain weights and measures of the standard now in force and in use in the United Kingdom of Great Britain and Ireland denominated imperial weights and measures (a Schedule whereof marked with the letter A is hereunto annexed) have been deposited in the Colonial Treasury in the Town of Sydney Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That the said several weights and measures

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now deposited in the Colonial Treasury in Sydney as aforesaid shall be there safely kept and shall be and they are hereby declared to be the standard weights and measures of New South Wales.

2. And be it further enacted That it shall be lawful for the Governor of the said Colony to cause copies and models of the several weights and measures so deposited in the Colonial Treasury in Sydney as aforesaid to be carefully made and upon every such weight or measure being verified upon oath before such Governor and approved of by him to cause a mark or stamp to be legibly impressed or engraven thereon to shew that the same hath been so verified and approved and such mark or stamp shall consist of such letters and figures as are commonly used to signify His Majesty's name or mark together with S. W. or S. M. signifying standard weight or standard measure as the case may be and the number of pounds or other denomination of such weight or measure and such copies or models after having been so verified approved and marked shall be deposited with the respective Clerks of the several and respective Petty Sessions appointed to be holden in the said Colony and shall be by them respectively safely and securely kept for the purpose of reference as hereinafter directed And if any such Clerk shall falsify or otherwise wilfully injure such copies or models so deposited with him as aforesaid he shall on conviction before any such Petty Sessions forfeit and pay for every such offence the sum of fifty pounds to be recovered and applied as hereinafter directed.

3. And be it further enacted That in case any of the said standard weights or measures or the copies or models thereof shall be lost destroyed defaced or otherwise injured another weight or measure shall be provided with the approbation of the Governor for the time being of the same size and weight or measure as the weight or measure so lost destroyed defaced or otherwise injured and the same shall thereupon be deemed to be a true and genuine weight or measure to all such and the like intents and purposes as the weight or measure which shall have been lost destroyed defaced or injured.

4. And be it further enacted That all persons who may be desirous of comparing and adjusting any weights and measures shall have access to all such copies and models of the standards so deposited as aforesaid at all reasonable times on the payment of such fee as is hereinafter mentioned and it shall be the duty of the respective Clerks of the several and respective Petty Sessions as aforesaid (such Clerks respectively having been first duly sworn before such Sessions well and faithfully to execute the trust reposed in them) to compare every such weight and measure as shall be brought before them respectively with such copies or models as aforesaid and for every such examination of any such weight or measure the Clerk who shall make the same shall be entitled to demand and receive of the person who shall cause the same to be made the sum of three-pence for every weight and measure so compared and no more And if any such Clerk shall fail neglect or refuse to compare any such weights and measures at all such reasonable times as he shall be thereunto required he shall on conviction before any such Petty Sessions forfeit and pay the sum of ten pounds to be recovered and applied as hereinafter directed.

5. And be it further enacted That as soon as conveniently may be after the commencement of this Act or Ordinance the Justices in their respective Petty Sessions and any single Justice of the Peace where there shall be no Petty Sessions appointed to be held shall and they are hereby respectively directed to appoint one or more person or persons in their respective districts who shall have power to examine the balances weights and measures within their respective districts and limits who shall be duly sworn well and faithfully to execute the office

Colonial Treasury  
Sydney declared to  
be standards.

Copies of such  
standards to be  
made by order of the  
Governor

and having been  
verified and marked

to be deposited with  
the Clerks of the  
several Petty Ses-  
sions.

Penalty if Clerk  
shall falsify or wil-  
fully injure such  
copies.

In case of standards  
or copies being lost  
others to be supplied.

Persons to have  
access to such copies  
at all reasonable  
times on payment of  
a fee.

Clerks to compare  
such weights and  
measures as shall be  
brought before them  
for that purpose.

Penalty if they  
should neglect or  
refuse.

Persons to be ap-  
pointed to examine  
balances weights  
and measures.

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office in him or them reposed by virtue of such appointment and of this Act or Ordinance which oath the said Justices or Justice are hereby respectively directed and empowered to administer.

Examiners when directed to visit shops &c. and seize false or deficient balances weights and measures.

6. And be it further enacted That it shall and may be lawful to and for the person or persons so to be appointed examiners as aforesaid and they are hereby required as often as such Justices in Petty Sessions respectively or single Justices where there shall be no Petty Sessions respectively shall direct in the day-time to enter into the shop house mill store out-house and other places near to such shop mill store or house and into the stall or standing-place of any person or persons within their respective districts or limits who shall sell by retail and by weight or measure any wares provisions goods or merchandise or any liquid or dry goods or other articles whatsoever and then and there to search for view and examine all balances and all weights and measures of length and capacity therein and to seize any false or unequal balance or balances and any weight or weights measure or measures not being according to the standards or the copies or models thereof as hereinbefore is mentioned which shall upon such search be found therein and to detain the same to be produced before the next Petty Sessions which shall be holden for the district or place within which any such balance weight or measure shall have been seized as aforesaid or in case there shall happen to be no Petty Sessions appointed within such district or place at the nearest place appointed for holding Petty Sessions and such Justices are hereby respectively authorized and required to enquire into hear and determine in a summary way all informations matters and things touching such seizures and the person or persons in whose shop house mill storehouse out-house premises stall or standing-place any such false or deficient balance or balances weight or weights measure or measures shall be found shall upon conviction thereof upon view or confession or upon the oath of one or more credible witness or witnesses forfeit all such false and deficient balances weights and measures which balances

And upon conviction false weights and measures to be destroyed and offender to forfeit not exceeding 40s. nor less than 5s.

weights and measures so forfeited shall be broken and otherwise disposed of as such Justices before whom such conviction shall have taken place shall order and direct and shall also forfeit and pay for every such false and deficient balance weight or measure any sum of money not exceeding the sum of forty shillings nor less than five shillings as the said Justices before whom any such person or persons shall be convicted as hereinafter mentioned shall in their discretion order and adjudge together with the costs and charges attending such conviction.

Penalty on persons obstructing examiners or refusing to produce balances weights or measures for examination.

7. And be it further enacted That if any person shall wilfully obstruct hinder resist or in anywise oppose any of the persons hereby authorized and empowered to view and examine such balances weights and measures in the execution of his office or if any person selling or retailing by weight or measure shall refuse to produce his or her balances weights or measures in order to be viewed or examined he or she who shall so offend shall for every such offence on being duly convicted on oath before any two or more Justices of the Peace forfeit and pay any sum not exceeding five pounds nor less than forty shillings as such Justices shall adjudge and such forfeiture or penalty shall be levied and recovered in the manner hereinafter directed.

No person to sell by any other than the standard weights and measures.

8. And be it further enacted That from and after the first day of March one thousand eight hundred and thirty-three it shall not be lawful for any person to bargain sell or deliver in payment barter or exchange any goods wares merchandise or other thing by any other weights or measures than by such as shall agree with the said standard weights and measures or the copies or models thereof as aforesaid (except as hereinafter excepted) upon pain of forfeiting for each and every

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every such offence the sum of forty shillings to be recovered and applied as hereinafter mentioned. Provided however that nothing hereinbefore contained shall apply to contracts or bargains for the sale exchange or delivery of any goods wares merchandise or other thing Not to apply to contracts made previously to commencement of Act. *bond fide* made and entered into before the said first day of March one thousand eight hundred and thirty-three but that all goods wares merchandise and other thing so contracted and bargained for as last aforesaid shall and may be sold and delivered according to the ratio or proportion which the weights or measures in use in the Colony at the time such contracts or bargains shall have been made shall bear to the standard weights and measures established by this Act or Ordinance.

9. And be it further enacted That in every sale barter or Standard for heaped measure. exchange of any goods or things which shall be contracted and agreed to be delivered by heaped measure the bushel measure which shall be used being of standard capacity as aforesaid shall be made round with a plain and even bottom and shall be nineteen inches and a half-inch from outside to outside of such standard measure and shall be heaped up in the form of a cone and such cone shall be equal in height to at least three-fourths of the depth of the said measure and the outside of the said measure shall be the extremity of the base of the cone and the measure of all fractional parts and multiples of a bushel shall also be made round and the diameters of such measure shall be at least double the depth thereof.

10. And be it further enacted That in every sale barter and For stricken measure. exchange of any goods or things which shall not be contracted or agreed to be delivered by heaped measure the measure shall not be heaped but shall be stricken with a round stick or roller straight and of the same diameter from end to end.

11. And be it further enacted That any two or more Justices Adjudication of offences. of the Peace in Petty Sessions assembled shall have power and authority to hear and determine in a summary way all offences against this Act or Ordinance and upon the conviction of any offender or Application of forfeitures. offenders the Justices before whom such conviction shall take place shall cause the amount of the forfeiture or forfeitures which shall be levied or paid by virtue of any such conviction to be applied towards the payment of a just and reasonable recompense and satisfaction of such person or persons as shall be appointed to examine balances weights and measures as hereinbefore directed and towards the other expenses of carrying this Act into execution and the residue (if any) shall go to the use of His Majesty His Heirs and Successors. And in case such penalties and forfeitures with the said costs and charges shall not be forthwith paid it shall be lawful for such If penalties be not paid offenders to be committed. Justices or either of them and they and he are and is hereby authorized and required by warrant under their or his hands and seals or hand and seal to commit such offender or offenders to the gaol or house of correction for any time not exceeding three calendar months unless the penalties costs and charges in which such offender or offenders shall be convicted shall be sooner paid.

12. And be it further enacted by the authority aforesaid That Form of conviction. the Justices of the Peace before whom any offender shall be convicted as aforesaid shall cause the conviction to be made out in the manner and form following or in any other form to the same effect (*mutatis mutandis*) that is to say—

BE it remembered That on the day of  
one thousand eight hundred and  
at and  
before us and  
the said Colony was duly  
convicted  
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convicted before us the said Justices for that he the said  
on the day of  
now last past at contrary to the form of  
the Act in Council in that case made and provided (*here state the  
offence*) and we the said Justices do declare and adjudge that the said  
hath for such offence forfeited the said  
balances (*weights or measures as the case may be*) and hath also  
forfeited the sum of of lawful British money  
to be applied as the said Act directs and the further sum of  
of like lawful money for the reasonable costs and charges  
attending this conviction.

Given under our hands and seals at on the  
day and year first above written.

Proceedings touching conviction not to be removed by *certiorari* or otherwise.

Act not to extend to His Majesty's Customs.

13. Provided also and be it further enacted That no proceedings to be had touching the conviction of any offender or offenders against this Act shall be removed by writ of *certiorari* or by any other writ or process whatsoever into any other of His Majesty's Courts within the Colony.

14. Provided always and be it further enacted That nothing in this Act or Ordinance contained shall be deemed or taken to apply to the weights and measures now used by His Majesty's Officers in the said Colony for ascertaining any rates or duties payable to His Majesty His Heirs and Successors upon the importation into the said Colony of any goods wares merchandise or other thing or upon spirits distilled therein unless His Majesty's pleasure shall be first had and signified to such effect And in case His Majesty's pleasure shall be so had and signified and as soon as conveniently may be thereafter it shall be lawful for the Governor of the said Colony for the time-being with the advice of the Executive Council to cause accurate tables to be prepared and published in order that the several rates and duties may be adjusted and made payable according to the respective standards of weight and measure established by this Act or Ordinance and that immediately from and after the publication of such tables the several rates and duties thereafter to be collected by His Majesty's said Officers shall be collected and taken according to the calculations in the tables to be prepared and published as aforesaid.

Nor to apply to the sale of medicines or precious metals or stones.

15. Provided always and be it further enacted That nothing in this Act or Ordinance contained shall be deemed or taken to extend or apply to the sale of medicines or precious metals or precious stones nor to the weights or measures *bonâ fide* used for the sale thereof and for no other purpose.

Commencement of Act.

16. And be it further enacted That this Act or Ordinance shall commence and take effect from and after the first day of March one thousand eight hundred and thirty-three.

*Scab in Sheep.*

## SCHEDULE A. REFERRED TO.

*LIST of Standard Weights and Measures deposited in the Colonial Treasury Sydney.*

## STANDARD WEIGHTS.

Fifty-six Pounds  
 Twenty-eight Pounds  
 Fourteen Pounds  
 Seven Pounds  
 Four Pounds  
 Two Pounds  
 One Pound  
 One-half Pound  
 One-quarter Pound  
 Two Ounces  
 One Ounce  
 Eight Drams  
 Four Drams  
 Two Drams  
 One Dram.

## STANDARD MEASURES OF LENGTH.

One Yard  
 One Foot  
 One Inch.

## STANDARD MEASURES OF CAPACITY.

One Bushel  
 One-half Bushel  
 One Peck  
 One Gallon  
 One-half Gallon  
 One Quart  
 One Pint  
 One-half Pint  
 One Gill  
 One-half Gill.