

WEIGHTS
AND MEASURES.

Act No. 19, 1898.

An Act to consolidate the Laws relating to
Weights and Measures. [27th July, 1898.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

Preliminary.

1. This Act may be cited as the “Weights and Measures Act, 1898,” and is divided into parts, as follows :—

PART I.—*Preliminary*—s. 1-2.

PART II.—*Standard weights and measures and copies thereof*—ss. 3-7.

PART

Weights and Measures.

PART III.—*Inspectors*—ss. 8–13.

PART IV.—*Weights and measurers*—ss. 14–18.

PART V.—*Sale of goods*—ss. 19–22.

PART VI.—*Procedure*—ss. 23–25.

2. (1) The Acts mentioned in the First Schedule to this Act are to the extent therein expressed hereby repealed. Repeal.
First Schedule.

(2) All persons appointed under the Acts hereby repealed and holding office at the time of the passing of this Act shall be deemed to be appointed hereunder, and any bond or recognizance entered into under the Acts hereby repealed and in force at the time of the passing of this Act shall be deemed to be entered into under this Act as well as under the Acts hereby repealed. Officers under Acts
hereby repealed.

PART II.

Standard weights and measures and copies thereof.

3. (1) The weights and measures now deposited in the Treasury (a list whereof is contained in the Second Schedule hereto), and such other weights and measures of the standard of the United Kingdom of Great Britain and Ireland as may from time to time be deposited therein by the authority of the Governor, either in addition to such weights and measures or in substitution for the same, shall be there safely kept, and shall be the standard weights and measures of New South Wales for the time being. Certain weights in
the Treasury
declared to be
standard.
16 Vic. No. 34. s. 2.
Second Schedule.

(2) If any of the said standard weights and measures is lost, destroyed, or injured, another weight or measure shall be provided of the same size and weight or measure as the one so lost, destroyed, or injured, and if the Governor approves the same it shall be deposited in the Treasury, and shall thereupon be deemed to be a true and genuine weight or measure to all such intents and purposes as the weight or measure which was lost, destroyed, or injured. Lost standards to be
replaced.
Ibid. s. 5.

4. (1) The Governor may cause copies and models of the several weights and measures so deposited to be carefully made, and to be verified on oath before the Treasurer (who is hereby authorised to administer such oath), and if the Governor approves of the same he may cause a mark or stamp to be legibly impressed or engraven on each copy and each model, to show that it has been so verified and approved. Such mark or stamp shall consist of such letters and figures as are commonly used to signify Her 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. Copies of standards
to be made by order
of the Governor.
Ibid. s. 3.

(2)

Weights and Measures.

Lost copies to be replaced.
16 Vic. No. 34, s. 5.

(2) If any marked copy or model is lost, destroyed, or injured, another copy or model of the same size, weight, or measure shall be made, verified, approved, and marked, and put in the place of the copy or model so lost, destroyed, or injured, and shall thereupon be deemed a true copy and model for all purposes.

Copies of standards to be deposited with clerks of petty sessions.
Ibid. s. 3.

5. (1) A complete set of such marked copies and models shall be deposited with the clerk of each petty sessions appointed to be holden in New South Wales, and shall be by him safely and securely kept for the purpose of comparison, as hereinafter directed.

Penalty.

(2) Any such clerk who falsifies or otherwise wilfully injures any such copy or model so deposited with him shall, on conviction, forfeit the sum of fifty pounds, to be recovered and applied as hereinafter directed.

Copies already deposited.
Ibid. s. 4.

6. All copies and models already deposited with the said clerks under any like repealed enactment shall, until called in by the Governor, be deemed to be legal weights and measures for such purpose of comparison.

Persons to have access to copies ; and clerks to make comparisons.
Ibid. s. 6.

7. (1) If any person wishes to compare and adjust any weight or measure, and makes application to any clerk of petty sessions and pays the fee hereinafter mentioned, such clerk shall permit such person to have access at any reasonable time to the copies and models deposited with him, and shall compare every such weight or measure with the marked copy or model appropriate for such comparison.

Fee.

(2) For every such examination the clerk who makes the same shall be paid by the person who causes the same to be made the sum of threepence for every weight and measure so compared and no more.

Penalty.

(3) Any such clerk who neglects or refuses to compare any such weight or measure at any such reasonable time as he is thereunto required, shall, on conviction, forfeit the sum of ten pounds.

PART III.

Inspectors.

Inspectors to be appointed.
Ibid. s. 7.

8. The justices in petty sessions shall, as occasion may require, appoint one or more persons in their respective districts to be inspectors of weights and measures for the discharge of the duties hereinafter mentioned ; and the Governor shall cause to be delivered to each such inspector good and sufficient stamps for the stamping or sealing weights and measures used or to be used in the districts for which such inspectors are appointed, and a complete set of marked copies and models.

Inspectors to be provided with stamps.

Weights and Measures.

9. Every inspector appointed under this Act shall forthwith enter into a bond or recognizance to the Queen to be sued for in any court of record in the sum of two hundred pounds conditioned for—

Recognizance of inspectors.
16 Vic. No. 34, s. 16.

- (a) the due and punctual performance of the duties of his office ; and
- (b) the safety of the stamps and marked copies and models of the standard weights and measures committed to his charge ; and
- (c) the due restoration and surrender of such stamps and marked copies and models immediately on his removal or other cessation of office to such person as may be appointed to receive them by the justices of the petty sessions by which such inspector was appointed.

10. Every such inspector shall be entitled to fees according to the scale contained in the Third Schedule to this Act for every such examination, comparison, and stamping as is here required to be made by him.

Fees.
Ibid. s. 16.

11. Any inspector of weights and measures, or any other person legally authorised to examine and stamp any weights or measures, who—

Penalty.
Ibid. s. 16.

- (a) stamps any weight or measure without duly verifying the same by comparison with a copy of the standard ; or
- (b) is guilty of a breach of any duty imposed upon him by this Act ; or

(c) otherwise misconducts himself in the execution of his office, shall, upon conviction, forfeit a sum not exceeding five pounds.

12. (1) Any justice of the peace, or any inspector authorised in writing under the hand of any justice of the peace, may at all seasonable times enter any shop, store, house, warehouse, stall, yard, or place whatsoever wherein goods are kept or exposed for sale, or are weighed for purchase, conveyance, or carriage, and there may examine all weights, measures, and weighing machines, and compare and try the same with the copies of the standard weights and measures authorised to be provided under this Act.

Power to justices and inspectors to enter shops, &c., and examine balances, &c.
Ibid. s. 17.

(2) Any weight or measure or weighing machine discovered upon such examination to be light or incorrect or otherwise unjust shall be liable to seizure, and the person in whose possession the same is found shall upon conviction thereof forfeit a sum not exceeding five pounds, unless such weight is a troy weight, or such weighing-machine has been used or is such as is commonly used with troy weight, in which case he shall forfeit a sum not exceeding fifty pounds.

Penalties for having unjust weights, measures, or balances.

13. Whosoever—

- (a) wilfully obstructs, hinders, resists, or in anywise opposes any person hereby authorised and empowered to view and examine such balances, weights, and measures, in the execution of his office ; or,

Penalty on persons obstructing examiner in refusing to produce weights or measures for examination.

(b) *Ibid.* s. 18

Weights and Measures.

(b) being a person selling, or retailing, or purchasing, or charging by weight or measure, refuses to produce his balances, weights, or measures in order to be viewed or examined, shall on conviction forfeit a sum not exceeding five pounds or less than forty shillings.

PART IV.

Weights and measures.

All weights and measures to be examined by inspectors and stamped if correct.
16 Vic. No. 34, s. 8.

14. (1) The inspectors shall examine all weights and measures used for buying and selling, or for the collecting of any tolls or duties, or for the making of any charges in the conveyance of any goods or merchandise, and shall compare them with the marked copies and models appropriate for such comparison, and shall stamp in such a manner as best to prevent fraud such weights and measures as are found, when so examined and compared, to correspond with the said copies and models.

Exceptions.

(2) Provided always that nothing herein contained shall extend to require—

- (a) any single weight of above fifty-six pounds to be inspected and stamped; or,
- (b) 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, to be stamped; but,

if any person sells by any unstamped measure or vessel represented as containing the amounts of any Imperial measure, or of any multiple thereof, the buyer may require the capacity of such measure or vessel to be ascertained by a comparison with a stamped measure, such stamped measure to be found and provided by such seller. If the seller refuses to provide such stamped measure or vessel, or to make such comparison, or if, upon such comparison being made, such unstamped measure or vessel is found to be deficient in capacity, the seller shall on conviction forfeit a sum not exceeding five pounds.

Penalty.

Penalty for using weights and measures not authorised by Act, &c.
Ibid. s. 9.

15. (1) Whosoever uses—

- (a) any weight or measure other than such as has been compared and stamped under the provisions hereof; or,
 - (b) any weight or measure, other than those authorised by this Act, or an aliquot part or multiple thereof; or,
 - (c) any weight or measure found light, or otherwise unjust,
- shall, on conviction forfeit a sum not exceeding five pounds, except in the case of troy weight, in which case he shall forfeit a sum not exceeding fifty pounds.

(2)

Weights and Measures.

(2) Any contract, bargain, or sale made by any such weights or measures shall be wholly null and void, and every such light or unjust weight or measure shall on being discovered by any inspector be seized and shall be forfeited. Contracts to be void.

16. (1) All weights made after the passing of this Act of the weight of one pound avoirdupois or more shall have the number of pounds contained in every such weight stamped or cast on the top or side thereof in legible figures and letters. Contents of weights and measures to be stamped on them. 16 Vic. No. 34, s. 12.

(2) All measures of capacity made after the passing of this Act shall have their contents denominated, stamped, or marked on the outside of such measures in legible figures and letters.

17. No weight made of lead or pewter, or of any mixture thereof, shall be stamped or used : Weights made of lead or pewter not to be stamped. Ibid. s. 13.

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 such a plug of lead or pewter into weights as is bona fide necessary for the purpose of adjusting them and of affixing thereon the stamp hereinbefore mentioned.

18. (1) Whosoever—

- (a) makes, forges, or counterfeits, or causes or procures to be made, forged, or counterfeited ; or
- (b) knowingly acts or assists in the making, forging, or counterfeiting

Penalty for counterfeiting stamps on weights and measures. Ibid. s. 19.

any stamp or mark used for the stamping or marking of any weights or measures under this Act shall forfeit on conviction a sum not exceeding fifty or less than ten pounds.

(2) Whosoever knowingly sells, utters, disposes of, or exposes to sale, any weight or measure with such forged or counterfeit stamp or mark thereon shall forfeit on conviction a sum not exceeding ten pounds or less than forty shillings. Penalty for selling false weights and measures.

(3) All weights and measures with such forged or counterfeit stamps or marks shall be forfeited and broken up, and the proceeds thereof shall be disposed of in the manner hereinafter mentioned. False weights and measures to be destroyed.

Weights and Measures.

PART V.

Sale of goods.

All articles to be sold
by avoirdupois
except as herein
stated.

16 Vic. No. 34, s. 10.

19. All articles sold by weight shall be sold by avoirdupois weight, except—

- (a) gold, silver, platinum, diamonds, or other precious stones, which shall be sold by troy weight; and
- (b) drugs which, when sold by retail, may be sold by Apothecaries' weight.

The stone, hundred-
weight, and ten to be
of one standard.

Ibid. s. 11.

20. The weight denominated a stone shall in all cases consist of fourteen pounds standard weight avoirdupois; and the weight denominated one hundredweight shall consist of eight such stones; and the weight denominated a ton shall consist of twenty such hundredweight:

Provided that nothing herein contained shall prevent any bargain, sale, or contract from being made by any multiple or by some aliquot part of the pound weight.

Heaped measure,
unlawful.

Ibid. s. 14.

Penalty.

21. (1) Every bargain, sale, and contract made by the heaped measure shall be null and void.

(2) Whosoever sells any articles by the heaped measure shall, on conviction, forfeit a sum not exceeding forty shillings for every such sale.

Sale of certain kinds
of articles.

Ibid. s. 15.

22. (1) All such articles as from their size and shape are incapable of being stricken, and from their nature and quality may not conveniently be sold by weight, may be sold by a bushel measure, or by any multiple, or by some aliquot part (such as the half, the quarter, or the eighth part) thereof, filled in all parts as nearly to the level of the brim as the size and shape of the articles will permit, or may be sold by weight.

Capacity of
bushel measure.

(2) Such bushel measure shall be of the standard capacity of eight standard gallons, made round with a plain and even bottom, of the depth of nineteen inches and a half from outside to outside.

Proviso for sale of
certain kinds of
agricultural produce.

43 Vic. No. 18,

ss. 1, 2, 3.

Fourth Schedule.

(3) Every contract for the sale of maize, wheat, barley, oats, rye, peas, or beans at per bushel, unless it is a contract for maize in the cob or peas in the pod, shall be construed to be a contract for the number of pounds standard weight avoirdupois for each bushel as annexed to the several articles respectively in the Fourth Schedule hereto.

Weights and Measures.

PART VI.

Procedure.

23. (1) All offences against this Act may be heard and determined before any two or more justices of the peace in petty sessions. Adjudication of offences.
16 Vic. No. 34, s. 20.

(2) Upon a conviction for any such offence the justices shall order the penalty and forfeiture to be applied towards the payment of a reasonable recompense to the inspectors, and towards the other expenses of carrying this Act into execution, and the residue (if any) shall be paid to the consolidated revenue. Application of forfeitures.

(3) If any such penalty with costs is not forthwith paid, such justices or either of them shall, by warrant under hand and seal, commit such offender to gaol for any time not exceeding three months unless the penalty and costs are sooner paid. If penalties not paid offenders to be committed.

24. The justices of the peace before whom any offender is 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— Form of conviction.
Ibid. s. 21.

Be it remembered that on the _____ day of _____, one thousand eight hundred and _____, at _____ before us _____ and _____, esquires, justices of the peace in and for the said colony of _____, was duly 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 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.

25. (1) All actions for things done in execution of this Act or otherwise by any justice or inspector, or any constable or assistant to such justice or inspector, for effectually preventing the use of balances and such weights and measures otherwise than in accordance with the provisions hereof, shall be commenced within three months after the act committed or thing done and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action. Protection to justices, inspectors, and others acting in execution of this Act.
Ibid. s. 22.

Weights and Measures.

Tender of amends.

(2) No plaintiff shall recover in any such action if tender of sufficient amends is made by or on behalf of the defendant before such action brought, or if a sufficient sum of money is paid into Court by or on his behalf after such action brought, and before the said cause is set down for trial.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

Reference to Act.	Title.	Extent of Repeal.
16 Vic. No. 34..	An Act to amend the Laws relating to Weights and Measures.	The whole.
43 Vic. No. 18..	An Act to declare the Standard Weight of a Bushel of Maize, Wheat, Barley, Oats, Rye, Peas, and Beans.	The whole.

Section 3.

SECOND SCHEDULE.

Standard weights.

AVOIRDUPOIS.		TROY WEIGHTS.	
Fifty-six	pounds	Six	pounds
Twenty-eight	pounds	Three	pounds
Fourteen	pounds	Two	pounds
Seven	pounds	One	pound
Four	pounds	Six	ounces
Two	pounds	Three	ounces
One	pound	Two	ounces
One-half	pound	One	ounce
One-quarter	pound	Ten	pennyweights
Two	ounces	Five	pennyweights
One	ounce	Three	pennyweights
Eight	drachms	Two	pennyweights
Four	drachms	One	pennyweight
Two	drachms	Twelve	grains
One	drachm	Six	grains
		Three	grains
		Two	grains
		One	grain

Standard measures of length.

One yard
One foot
One inch

Standard measure of capacity.

One	bushel	One	quart
One-half	bushel	One	pint
One	peck	One-half	pint
One	gallon	One	gill
One-half	gallon	One-half	gill

THIRD

Weights and Measures.

THIRD SCHEDULE.

Section 10.

Fees to be taken by all inspectors of weights and measures under the authority of this Act.

For examining, comparing, and stamping all brass weights within their respective jurisdictions.

	s.	d.
Each half-hundredweight	0	9
Each quarter of a hundredweight	0	6
Each stone	0	4
Each weight under a stone to a pound inclusive	0	1
Each weight under a pound	0	0½
Each set of weights of a pound and under	0	2

For examining, comparing, and stamping all iron weights, or weights of other descriptions not made of brass, within their respective jurisdictions.

	s.	d.
Each half-hundredweight	0	3
Each quarter of a hundredweight	0	2
Each stone	0	1
Each weight under a stone	0	0½
Each set of weights of a pound and under	0	2

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

	s.	d.
Each bushel	0	3
Each half-bushel	0	2
Each peck, and all under	0	1
Each yard	0	0½

For examining, comparing, and stamping all measures of capacity of liquids made of copper, or other metal, within their respective jurisdictions.

	s.	d.
Each five-gallon	1	0
Each four-gallon	0	9
Each three-gallon	0	6
Each two-gallon	0	4
Each gallon	0	2
Each half-gallon	0	1
Each quarter and under	0	0½

FOURTH SCHEDULE.

Section 22:

Standard weight of a bushel of maize, wheat, barley, oats, rye, peas, and beans.

Maize	56 lb. to the bushel
Wheat	60 " "
Barley—	
Cape	50 " "
English	52 " "
Oats	40 " "
Rye	60 " "
Peas	60 " "
Beans	60 " "