



**ANNO QUARTO
GULIELMI IV. REGIS.**

No. 3.

*AN ACT for establishing Standard Weights and Measures,
and for preventing the use of such as are False and De-
ficient.*

WHEREAS it is necessary to provide against the use of fraudulent weights and measures in Van Diemen's Land 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 or 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 Hobart-town—Be it therefore enacted by His Excellency the Lieutenant Governor of Van Diemen's Land with the advice of the Legislative Council thereof that the said several weights and measures now deposited in the Colonial Treasury in Hobart-town as aforesaid shall be therein safely kept and shall be and they are hereby declared to be the standard weights and measures of Van Diemen's Land.

II.—AND be it further enacted that it shall be lawful for the Lieutenant Governor of the said colony to cause copies and models of the several weights and measures so deposited in the Colonial Treasury in Hobart-town as aforesaid to be carefully made and upon every such weight or measure being verified upon oath before such Lieutenant 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

Preamble.

Certain weights and measures in the Colonial Treasury declared to be standard.

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

And having been verified and marked.

or mark together with SW or SM 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 at the police offices and shall be by them respectively safely and securely kept for the purpose of reference as hereinafter directed. And if any person shall falsify or otherwise wilfully injure such copies or models so deposited as aforesaid he or she shall on conviction before two or more Justices of the Peace forfeit and pay for every such offence the sum of Fifty Pounds to be recovered and applied as hereinafter directed.

III.—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 Lieutenant 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.

IV.—AND be it further enacted that all persons who may be desirous of comparing or adjusting any weights or measures shall have access to all such copies or models of the standards so deposited as aforesaid at all seasonable times on the payment of such fees as are hereinafter mentioned and it shall be the duty of the respective clerks aforesaid to compare every such weight or measure as shall be brought before them respectively with such copies or models as aforesaid and for every such examination of any such weights or measures the clerks 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 or measure so compared and no more. And if any such clerk shall neglect or refuse to compare any such weights or measures at all such reasonable times as he shall be thereunto required he shall on conviction before two or more Justices of the Peace if to the said Justices it shall seem fit forfeit and pay a sum not exceeding ten pounds nor less than ten shillings to be recovered and applied as hereinafter directed.

V.—AND be it further enacted that as soon as conveniently may be after the commencement of this Act or Ordinance the Lieutenant Governor shall appoint one or more fit person or persons in the respective police districts who shall have power to examine the balances weights and measures within the same who shall be duly sworn well and faithfully to execute the office in him or them reposed by virtue of such appointment and of this Act or Ordinance which oath any Justice of the Peace is hereby empowered to administer.

VI.—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 to enter in the day time any shop house mill store out-house or 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 merchandize or any liquid or dry goods or other articles what-

To be deposited with the respective clerks at the several police offices.

Penalty of fifty pounds if any person shall falsify or wilfully 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.

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 appointed to examine balances weights and measures.

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

soever 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 at the nearest police office before any two or more Justices of the Peace and such Justices are hereby authorized and required to inquire 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 store-house 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 oath of one or more credible witness or witnesses forfeit all such false or deficient balances weights and measures which balances 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 or deficient balance weight or measure any sum of money not exceeding the sum of ten pounds 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.

VII.—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 ten 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.

VIII.—AND be it further enacted that from and after the first day of January one thousand eight hundred and thirty-four it shall not be lawful for any person to bargain sell or deliver in payment barter or exchange any goods wares merchandize or other thing by any other weights or measures than by such as shall agree with the said standard weights or measures or the copies or models thereof as aforesaid (except as hereinafter excepted). upon pain of forfeiting for each and 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 merchandize or other thing bona fide made and entered into before the said first day of January one thousand eight hundred and thirty-four but that all goods wares merchandize and other things 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 the use of 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.

And upon conviction false weights and measures to be destroyed.

And offender to forfeit not exceeding 10l. nor less than 5s.

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

No person to sell by any other than the standard weight and measure.

Not to apply to contracts made previously to commencement of Act.

Standard for heaped measure

IX.—AND be it further enacted that in every sale barter or 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.

For stricken measure.

X.—AND be it further enacted that in every sale barter or 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 off with a round stick or roller straight and of the same diameter from end to end.

Adjudication of offences.

XI.—AND be it further enacted that any two or more Justices of the Peace shall have power and authority to hear and determine in a summary way all offences against this Act or Ordinance and shall upon the conviction of any offender or 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 one moiety to the person who shall sue for the same and the other moiety to the Colonial Treasurer for the use of the Male and Female Orphan Schools. And in case such penalties and forfeitures with the said costs and charges shall not be forthwith paid it shall be lawful for such 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.

Application of forfeitures.

If penalties be not paid offenders to be committed.

Form of conviction.

XII.—AND be it further enacted by the authority aforesaid that 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 _____
 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 of 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.

XIII.—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.

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

XIV.—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 bona fide used for the sale thereof and for no other purpose.

Not to apply to the sale
of medicines or precious
metals or stones.

XV.—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 merchandize or other thing or upon spirits distilled therein unless His Majesty's pleasure shall be first 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 accordingly to the calculations in the tables to be prepared and published as aforesaid.

Act not to extend to His Majesty's Customs.

XVI.—AND be it further enacted that this Act or ordinance shall commence and take effect from and after the first day of January one thousand eight hundred and thirty-four.

Commencement of Act.

GEORGE ARTHUR.

Passed the Legislative Council
this twenty-seventh day of Sep-
tember one thousand eight hun-
dred and thirty-three.

ADAM TURNBULL,
Clerk of the Council.

(122)

SCHEDULE A. REFERRED TO.

List of Standard Weights and Measures deposited in the Colonial
Treasury, Hobart Town.

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 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
One half peck
One quarter peck.