

THE WEIGHTS AND MEASURES ACT, 1916

ANALYSIS.

PART I.—PRELIMINARY.

1. Short title.
2. Repeal.
3. Transfer of copies of standards.
4. Application of Act to railways and tramways.
5. Definitions.
 - “ Chief Inspector.”
 - “ Coal.”
 - “ Council.”
 - “ District Inspector.”
 - “ Driver.”
 - “ Government Inspector.”
 - “ Inspector.”
 - “ Measuring instrument.”
 - “ Minister.”
 - “ Municipality.”
 - “ Package.”
 - “ Public weighing instrument.”
 - “ Purchaser.”
 - “ Schedule.”
 - “ The Court.”
 - “ This Act ”
 - “ To stamp.”
 - “ Vehicle.”
 - “ Weighing instrument.”
 - “ Weighman.”
6. Chief Inspector to administer.
7. Constitution of districts.
8. Appointment by councils.
9. Bond of inspectors.

PART II.—STANDARDS AND UNITS.

10. Standards now in Treasury.
11. Standards in Schedule (2) to be provided.
12. Replacing standards lost, destroyed, defaced, or injured.
13. When standards cease to be standards.
14. New denominations of standards.
15. Departmental standards.
16. Local standards.
 - Their verification.
17. Periodical verification of local standards.
18. Penalty for falsifying standard.
19. Units of weight and measure.

PART III.—THE LAW OF WEIGHTS AND MEASURES.

20. Contracts and sales to be according to standard weights and measures.
 - Definition of “ trade.”
 - Sale to be by standards.
 - Foreign contracts and sales.

21. Articles to be sold by avoirdupois.
22. Weight of bushel.
23. Sale by net weight or measure.
 - Invoices and delivery notes.
 - Package of goods to have weight or measure printed thereon.
 - Exemptions.
 - Liquors.
 - Approximate weights and measures.
 - Postponement of operation of section.
24. Where net weight or measure is not correctly stated.
25. Provision for weighing or measuring.
26. False declaration as to measures, weights, &c.
27. Fraud in using weight or measure.

PART IV.—VERIFICATION AND STAMPING.

28. Verification and stamping.
29. Re-verification and re-stamping.
30. Penalty for using unstamped weights, &c.
31. Using defective or repaired weights, &c., until re-stamped.
32. Fees for verifying and stamping.

PART V.—SALE OF COAL AND FIREWOOD.

33. Sale to be by weight unless by consent of purchaser.
34. Written consent of purchaser to be produced.
35. Application of last two preceding sections.
36. Fraudulent sales.
37. Regulations.

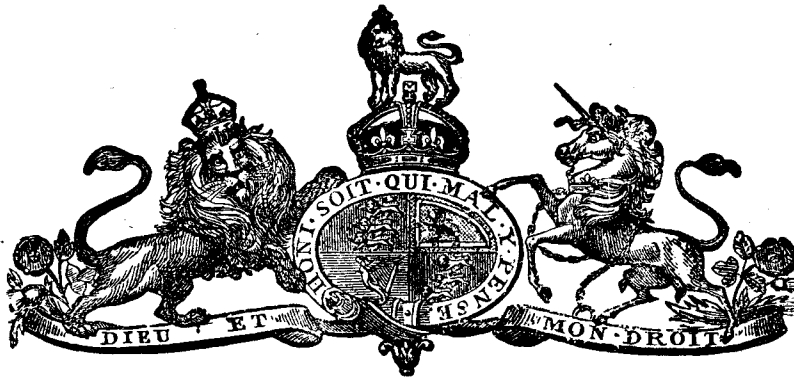
PART VI.—GENERAL AND SUPPLEMENTAL.

38. Inspection of weights, measures, and instruments.
 - Seizure.
39. Inspection of articles in packages.
40. Obstruction of inspector.
41. Forged stamp.
 - Weight, measure, or instrument with forged stamp.
 - False or unjust weight, measure, or instrument.
 - Increasing or diminishing stamped weight or measure.
 - Contract in reference to false weight or measure.
42. Penalties.

- 43. Forfeiture.
- 44. Imprisonment for fraud.
- 45. Recovery of penalties.
- 46. Convictions not to effect civil remedy.
- 47. This Act not to exempt person from indictment.
- 48. Evidence as to possession.
- 49. Proceedings against corporations.
- 50. Costs on failure of prosecution.
- 51. Costs on conviction.
- 52. Evidence of regulations.
- 53. Fees to be paid into Treasury.
- 54. Regulations.
 - Inspectors.
 - Local standards.
 - Tolerance of error.
 - Particulars of weights, measures, and instruments,

- What weights, measures, and instruments may be verified.
- Limitation of use of instruments.
- Testing, verification, and stamping.
- Marking on weights and measures.
- Fees for inspection.
- Classes of weights.
- Registration of owners, &c.
- Tare weights.
- Sale by measure of capacity.
- Exemptions.
- Method of marking.
- Fees received by district inspectors.
- Travelling expenses.
- General matters.
- Penalty.

T A S M A N I A.



1916.

ANNO SEPTIMO
GEORGII V. REGIS.
No. 13.

AN ACT to consolidate and amend the Law relating to Weights and Measures, and for other purposes. [8 December, 1916.]

A.D.
1916.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

*Amended -
11 Geo V. No. 38*

PART I.
PRELIMINARY.

Preliminary and Repeal.

1—(1) This Act may be cited as “The Weights and Measures Act, 1916,” and shall commence and take effect on and from a date to be fixed by Proclamation. Short title.

(2) This Act is divided into Parts, as follows:—

- Part I.—Preliminary. (Sections One to Nine.)
- Part II.—Standards and Units. (Sections Ten to Nineteen.)
- Part III.—The Law of Weights and Measures. (Sections Twenty to Twenty-seven.)
- Part IV.—Verification and Stamping. (Sections Twenty-eight to Thirty-two.)
- Part V.—Sale of Coal and Firewood. (Sections Thirty-three to Thirty-seven.)
- Part VI.—General and Supplemental. (Sections Thirty-eight to Fifty-four.)

Weights and Measures.

A.D. 1916.

Repeal.

2 The Acts specified in Schedule (1) are hereby repealed to the extent indicated in the schedule.

Transfer of copies of standards.

N.S.W., No. 10, 1915, s. 4.
Q., No. 19, 1906, s. 3.

3 All copies of standard weights and measures deposited with the town clerks of cities and other persons under any Act or enactment hereby repealed, shall be deemed to be "local standards" within the meaning of this Act, and with all books, papers, records, weights, measures, scales, and other things in the possession of any town clerk or other person under any such Act or enactment shall, at the request of the Chief Inspector, be handed over to such persons as he may appoint.

Application of Act to railways and tramways.
Cf. *Ibid.*, N.S.W., s. 5.
W.A. No. 50, 1915, s. 7.
Ibid., Q., s. 4.

4 This Act shall extend and apply to all weights, measures, and weighing instruments in use upon any State or other railway or tramway, or upon any station, pier, or wharf, jetty, or premises vested in or controlled by the Commissioner for Railways or other railway or tramway owner; and all such weights, measures, and weighing instruments shall from time to time be compared, adjusted, verified, and stamped under this Act by inspectors under this Act as hereinafter provided.

Definitions

Definitions.
Cf. *Ibid.*, N.S.W., s. 6.
Ibid., W.A., s. 4.
Ibid., Q., s. 2.

5 In this Act, unless the context or subject-matter otherwise indicates—

"Chief Inspector."

"Chief Inspector" means the Chief Inspector of Machinery for the State appointed for the time being under "The Inspection of Machinery Act, 1902." The expression includes an acting chief inspector of machinery:

"Coal."

"Coal" means all descriptions of coal, coke, and charcoal:

"Council."

"Council" means the municipal council of a municipality as defined:

"District Inspector."

"District Inspector" means any inspector appointed under Section Eight of this Act:

"Driver."

"Driver" means any person driving or in charge of a vehicle:

"Government Inspector."

"Government Inspector" means any assistant inspector of machinery appointed under "The Inspection of Machinery Act, 1902." The expression includes the Chief Inspector as defined:

"Inspector."

"Inspector" means any Government inspector as defined, or district inspector as defined:

"Measuring Instrument."

"Measuring Instrument" means any instrument or machine, other than standard measures of extension or capacity, used for measuring any article or any liquid:

"Minister."

"Minister" means the Minister of the Crown appointed, for the time being, by the Governor to control the administration of this Act:

"Municipality."

"Municipality" means a municipality proclaimed under "The Local Government Act, 1906." The expression includes a city:

"Owner"

"owner" means the (see 11 Geo. 4 no 38 s 3 (v))

are hereby declared to be the subject of the Crown, and 11 Geo 4 no 38 s 2.

Weights and Measures.

“Package” includes anything in or by which articles are cased, covered, enclosed, contained, or packed :	A D. 1916.
“Public weighing instrument” means any weighing instrument open for use by the public, or for the use of which a charge is made :	“Package.” “Public weighing instrument.”
“Purchaser” includes person purchasing as agent for any other person :	“Purchaser.”
“Schedule” means schedule to this Act :	“Schedule.”
“The Court” means the court in or before which the proceedings in question are had :	“The Court.”
“This Act” includes regulations made thereunder :	“This Act.”
“To stamp” means to stamp or otherwise mark in such a manner as to be, as far as practicable, indelible :	“To stamp.”
“Vehicle” means any description of vehicle upon wheels :	“Vehicle.”
“Weighing instrument” means weighbridge, weighing machine, scales, scale beam, balance, steelyard, or other instrument for weighing, and includes the weights belonging thereto :	“Weighing instrument.”
“Weighman” means the person in charge of a public weighing instrument.	“Weighman.”

Administration.

6—(1) Subject to the control of the Minister, this Act shall be administered by the Chief Inspector and inspectors. Chief Inspector to administer.
Cf. Q., No. 19, 1906, s. 6.

(2) Every inspector shall perform the duties imposed upon him by this Act under the general supervision and direction of the Chief Inspector.

(3) The Chief Inspector may from time to time make or cause to be made such inquiries and investigations as he thinks necessary for the effectual execution of his duties and the duties of inspectors.

(4) Whenever, by reason of the absence or illness of the Chief Inspector, or for other sufficient cause, it is expedient so to do, the Governor may appoint a person to act as the deputy of the Chief Inspector ; and during the term of his office such deputy shall have all the powers and authorities and shall perform all the duties of the Chief Inspector, and shall for the purposes of this Act be deemed in all respects to be the Chief Inspector.

7—(1) Subject to the provisions of Subsection (2) every municipality is hereby declared to be a district for the purposes of this Act. Constitution of districts.
Cf. *Ibid.*, Q., s. 5.

(2) The Governor may from time to time by Order-in-Council published in the “Gazette”—

i. Abolish any district, whether constituted by this Act or by Order-in-Council :

ii. Declare—

(a) Two or more municipalities ; or

(b) A municipality—

a district for the purposes of this Act.

repealed

Weights and Measures.

A.D. 1916.

Appointment by
councils.*Cf. Ibid., Q., s. 7.*

8—(1) When a municipality is a district for the purposes of this Act, the council thereof may, and when required by the Minister shall, appoint an inspector for such district.

Every such inspector shall be paid such remuneration as the council thinks fit.

(2) When Two or more municipalities are declared to be a district for the purposes of this Act, the councils thereof may, and when required by the Minister shall, join in the appointment of an inspector for such district, and in remunerating him.

(3) If a council does not appoint or join in appointing an inspector within Two months after it has been required so to do by the Minister, or after the occurrence of a vacancy in such office, the Minister may appoint such inspector, and fix the amount of his remuneration; the remuneration so fixed shall be a charge upon the fund of each council concerned, and shall be paid to the inspector by such council, and in default of payment may be recovered by him by action in any court of competent jurisdiction.

If such appointment is made by the Minister for Two or more councils, he shall also fix the proportion of remuneration to be paid by each council concerned. Every inspector appointed under this section shall be deemed to be assigned to the district in respect of which he has been appointed.

(4) For the purposes of this Act, the Governor may, by Order-in-Council, authorise or require any Two or more councils to act together, and may prescribe the mode of such joint action and of defraying the costs thereof. Every such Order-in-Council, upon publication in the "Gazette," shall have the same effect as if it were enacted in this Act.

Bond of
inspectors.*Ibid., Q., s. 8*

9 Every district inspector appointed under this Act shall forthwith enter into a bond to be sued upon in any court of record, in the sum of One hundred Pounds, for the safety of the stamps and local standards committed to his custody, and for their due restoration and surrender to such person or persons as may be appointed to receive them immediately on his removal from or other vacation of office.

PART II.

STANDARDS AND UNITS.

*Standards.*Standards now in
Treasury.*Ibid., N.S.W.,*

s. 12.

Ibid., Q., s. 6.

10 The weights and measures now deposited in the Treasury shall, respectively, until removed therefrom for the purpose of substituting standards to be provided in pursuance of the following sections, be standard weights and measures of this State.

Weights and Measures.

11 Specimens of weights and measures of the standard of the United Kingdom of Great Britain and Ireland, as described in Schedule (2) or such of them as the Governor may authorise to be provided, shall be provided by the Minister and deposited in the Treasury by the authority of the Governor; such weights and measures so deposited shall, subject to this Act, be standard weights and measures of this State.

A.D. 1916.

Standards in Schedule (2) to be provided.

Ibid., N.S.W., s. 13.*Ibid.*, W.A., s. 8.

12 If any standard weight or measure is lost, destroyed, defaced, or injured, another weight or measure of the same standard shall, with the approval of the Governor, be provided by the Minister in place of the one so lost, destroyed, defaced, or injured.

Replacing standards lost, destroyed, defaced, or injured.

Ibid., N.S.W., s. 14.*Ibid.*, W.A., s. 9.

Such weight or measure shall be deposited in the Treasury, and shall, subject to this Act, be a standard weight or measure of this State.

13 The Governor, by proclamation, may declare that any standard of this State shall cease to be such standard, and may revoke or alter any such proclamation.

When standards cease to be standards.

Ibid., N.S.W., s. 15.*Ibid.*, W.A., s. 10.

14 The Governor may cause such new denominations of standards as may appear to him to be required in addition to those hereinbefore in this Act mentioned to be provided and deposited in the Treasury, and may prescribe the fees for adjusting, testing, verifying, and stamping the same.

New denominations of standards.

Ibid., N.S.W., s. 16.*Ibid.*, W.A., s. 11.

Such new denominations of standards when proclaimed by the Governor in the "Gazette" shall be standard weights and measures of this State.

Departmental Standards.

15 The Minister shall provide copies of the standard weights and measures of this State. Such copies shall be verified as prescribed with the standards in the Treasury, and shall be known as the "departmental standards," and be deposited in the office of the Chief Inspector.

Departmental standards.

Ibid., N.S.W., s. 17.*Ibid.*, W.A., s. 12.

Departmental standards shall be renewed when necessary.

Local Standards.

16—(1) ^{City} Councils shall provide such copies of the departmental standards as may be necessary.

Local standards.

Ibid., N.S.W., s. 18.*Ibid.*, W.A., s. 13.

Each such copy, except where its size renders it impracticable, shall be legibly stamped with such letters and figures as are commonly used to signify the name or mark of the Sovereign, together with "S.W." for standard weight or "S.M." for standard measure, as the case may be, and the denomination of such weight or measure.

(2) Such copies shall be known as "local standards," and, after being verified as prescribed with the departmental standards, shall be transmitted to the district inspectors, and shall be safely and securely kept by them.

Their verification.

17 A local standard of weight shall not be deemed legal nor be used for the purposes of this Act unless it has been verified or re-verified within Ten years before the time at which it is used.

Periodical verification of local standards.

Ibid., N.S.W., s. 19.*Ibid.*, W.A., s. 14.

Weights and Measures.

A.D. 1916.

Penalty for falsifying standard.

Ibid., N.S.W., s. 20.*Ibid.*, W.A., s. 15.

Units of weight and measure.

Ibid., N.S.W., s. 21.*Ibid.*, W.A., s. 16.*Falsifying Standard.*

18 Any person who falsifies, injures, or destroys any standard shall be liable to a penalty not exceeding One hundred Pounds.

Units.

19 The units of weight and measure shall be those described in Schedule (3).

PART III.

THE LAW OF WEIGHTS AND MEASURES.

Sale of Goods.

Contracts and sales to be according to standard weights and measures.

Ibid., N.S.W., s. 22.*Ibid.*, W.A., s. 17.

20—(1) Every contract, bargain, sale, purchase, or dealing made or had in this State for any work, goods, wares, or merchandise, or other thing which has been or is to be done, sold, purchased, delivered, carried, or agreed for by weight or measure, shall be deemed to be made and had according to the standard weights or measures ascertained by this Act, or to some multiple or part thereof, and if not so made or had shall be void. All tolls or duties charged or collected according to weight or measure, shall be charged and collected according to one of the abovementioned standards, or to some multiple or part thereof.

Definition of "trade."

Such contract, bargain, sale, purchase, or dealing and collection of tolls or duties as is in this section mentioned is in this Act referred to under the term "trade."

Sale to be by standards.

(2) No person shall sell or buy by any denomination of weight or measure other than the standard weights or measures, or some multiple or part thereof.

Foreign contracts and sales.

(3) This section shall not apply to a contract, bargain, sale, purchase, or dealing in connection with the importation or export of goods, wares, or merchandise from or to a country where other than the standard weights or measures, ascertained by this Act, are used.

Articles to be sold by avoirdupois.

Ibid., N.S.W., s. 23.*Ibid.*, W.A., s. 18.

21—(1) All articles sold by weight shall be sold by avoirdupois weight, except that—

- i. Gold, silver, and articles made thereof, platinum, and other precious metals may be sold by the ounce troy, or by any decimal part of such ounce, or by pennyweights or grains :
- ii. Diamonds and other precious stones shall be sold by the metric carat, or by any decimal part of such carat : and
- iii. Drugs, when sold by retail, may be sold by apothecaries weight.

(2) All contracts, bargains, sales, and dealings in relation thereto shall be deemed to be made and had by such weights and, where so made or had, shall be valid.

Weight of bushel.

Ibid., N.S.W., s. 24.*Ibid.*, W.A., s. 19.

22 In any contract for the sale by the bushel of any articles mentioned in Schedule (5), the bushel shall be determined by weighing ; the weight equivalent to a bushel of any such article being that stated in the said schedule.

Weights and Measures.

23—(1) No person shall sell by retail any article by weight or measure, unless by net weight or measure. In the application of this subsection to farm produce, the sale by weight of an article of farm produce shall be deemed to be a sale thereof by retail in every case where the quantity thereof sold does not exceed Sixty pounds in weight.

A.D 1916.

Sale by net weight or measure.

(2) Every person delivering to any purchaser, at any place other than the premises of the seller, any article so sold, shall deliver an invoice or delivery note showing the net weight or measure of such article, provided that this shall not apply to bread, or to any article weighed or measured at the premises of the purchaser.

Invoices and delivery notes.

Ibid., N.S.W., s. 25.*Ibid.*, W.A., s. 20.

(3) No person shall sell or offer or expose for sale by retail any article enclosed in a package, unless the net weight or measure of the article is legibly written or printed upon the outside of the package, or upon a label firmly attached thereto. This subsection shall not apply to any article of food enclosed in a package which is subject to the provisions of Section Twenty-two of "The Food and Drugs Act, 1910."

Package of goods to have weight or measure printed thereon.

But this subsection shall not apply to articles weighed or measured, before or at the time of sale, in the presence of the purchaser.

(4) This section shall not apply to any article—

Exemptions.

i. Exempted by the regulations: or

ii. Exposed for sale or sold by weight in a package, if the weight of such article is subject to variation by reason of climatic influences, and the package bears a conspicuous label or inscription showing the words "Net weight when packed," together with such weight.

(5) In the case of any liquors paying excise or customs duties, the measures set forth in any Act dealing with such liquors shall be held to satisfy the requirements of this section in regard to measure.

Liquors.

(6) Weights and measures closely approximating those indicated on the invoice or delivery note, label or inscription will be allowed, when and as prescribed by regulations under this Act, either generally or with respect to particular articles

Approximate weights and measures.

(7) This section shall not take effect until the expiration of One year from the commencement of this Act.

Postponement of operation of section.

24 Where the net weight or measure of an article sold is stated in an invoice or delivery note, or is written or printed on a package enclosing the article, and such net weight or measure is not correctly so stated, written, or printed, the seller shall be guilty of an offence against this Act:

Where net weight or measure is not correctly stated.

Ibid., N.S.W., s. 26.*Ibid.* W.A., s. 21.

Provided that in any prosecution for a contravention of this section it shall be sufficient defence if the seller—

1. Produces from the person from whom he purchased such article a written guarantee that the weight or measure written or printed on the package is correct; and

Weights and Measures.

A.D. 1916.

ii. Proves that he sold such article in the same state as when purchased by him,
subject to the following conditions—

iii. That the person giving the guarantee must be resident in this State, or, if a company, must have a registered office in this State; and

iv. The guarantee must state the name and the place of business of the guarantor, and the name under which he trades

The form of guarantee under this section may be prescribed by regulation.

Any person who gives a guarantee which is false, shall in addition to the penalty for the sale of any articles in contravention of this Act, be guilty of an offence against this Act.

Provision for weighing or measuring.
Ibid., N.S.W., s. 27.
Ibid., W.A., s. 22.

25—(1) Where any person in a shop or other place, or in any vehicle, pack, basket, or other receptacle, offers or exposes for sale, by retail, by weight or measure, any article, he shall have in a convenient place, capable of being easily seen by the purchaser, a suitable weighing instrument or measure, with the necessary weights for weighing such article; and shall, at the request of a purchaser of any article sold by retail, by weight or measure, weigh or measure it in the presence of the purchaser.

(2) If the article is less than the due weight or measure, the person selling the same shall be guilty of an offence against this Act.

False declaration as to measures, weights, &c.
Ibid., N.S.W., s. 23.
Ibid., W.A., s. 23.

26 No person shall, by means of words, description, or other indication, direct or indirect, make any false declaration or statement, or wilfully mislead any person as to the number, quantity, measure, gauge, or weight of any articles sold or delivered by him, or sell or cause to be sold or delivered anything by weight or measure short of the quantity ordered or purchased.

Fraud in using weight or measure.
Ibid., N.S.W., s. 29.
Ibid., W.A., s. 24.

27 Where any fraud is wilfully committed in the using of any weight, measure, or weighing or measuring instrument, the person committing such fraud, and every person party to the fraud, shall be guilty of an offence against this Act, and the weight, measure, or instrument shall be seized.

PART IV.

VERIFICATION AND STAMPING.

Verification and stamping.
Ibid., N.S.W., s. 30.
Ibid., W.A., s. 25.

28—(1) Every weight, measure, and weighing or measuring instrument used for trade, not being a weight, measure, or instrument exempted by the regulations shall be stamped with a mark of verification in pursuance of this Act.

Weights and Measures.

(2) Provided that—

A.D. 1916.

- i. For the purposes of this section, a weight or measure duly verified and stamped in pursuance of any Act or enactment hereby repealed shall, if it is correct, be deemed, for the period of One year from the commencement of this Act, to be stamped with a mark of verification in pursuance of this Act: and
- ii. The operation of this section is suspended for One year from the commencement of this Act in the case of weighing and measuring instruments which, before such commencement, might lawfully have been used without being stamped as aforesaid, if the same are correct.

29—(1) Every weight, measure, and weighing or measuring instrument used for trade, not being a measure made of glass, shall be produced at the office of an inspector, and re-verified and stamped every Two years.

Re-verification and re-stamping. *Ibid.*, N.S.W., s. 31. *Ibid.*, W.A., s. 26.

(2) Provided that the Governor, by regulation, may exempt from the operation of this section, subject to such conditions as he may impose, any places named therein which are situated at a greater distance than Twenty miles from the office of an inspector.

new subp inserted
— see 11 Geo V. no 38 (p 8(2))

(3) Provided also that the Governor may make regulations for the more frequent re-verification and stamping of spring balances, computing scales, and weighbridges, and of weighing or measuring instruments for which a charge is made for use by the public, and of weighing instruments used at collieries.

~~Such regulations may require the owners of such weighing instruments to provide such stamped weights and such labour as the inspector considers necessary for the proper conduct of such verification.~~

repealed

(4) In the case of a weighing or measuring instrument which, by reason of its being fixed or of its being so heavy that it cannot conveniently be moved, it shall be a sufficient compliance with this section if arrangements are made to the satisfaction of an inspector for the re-verification and stamping of the instrument within the period prescribed.

29(a) facilitates receipt of weighing inst used for trade
29(b) balancing & stamping of weighing inst.

30 No person shall use, or have in his possession for use for trade, any weight, measure, or weighing or measuring instrument which is not stamped as required by this Act, or which is incorrect or unjust.

Penalty for using unstamped weights, &c. *Ibid.*, N.S.W., s. 32.

31 No person shall use for trade any weight, measure, or weighing or measuring instrument which has become defective in consequence of wear or accident, or has been mended or repaired, until the same has been re-stamped.

Ibid., W.A., s. 27. Using defective or repaired weights, &c., until re-stamped. *Ibid.*, N.S.W., s. 33. *Ibid.*, W.A., s. 28.

Any person mending or repairing such defective weight, measure, or instrument shall destroy any existing stamp thereon.

32 The fees for testing, verifying, or stamping weights, measures, and weighing or measuring instruments shall be those prescribed in Schedule (4).

Fees for verifying and stamping. *Ibid.*, N.S.W., s. 34. *Ibid.*, W.A., s. 29.

11 Geo V no 38 p 8

Weights and Measures.

A.D. 1916.

PART V.

SALE OF COAL AND FIREWOOD.

Sale to be by weight unless by consent of purchaser.

Ibid., N.S.W., s. 35.

Ibid., W.A., s. 30.

Written consent of purchaser to be produced.

Ibid., N.S.W., s. 36.

Ibid., W.A., s. 31.

Application of last two preceding sections.

Ibid., N.S.W., s. 37.

Ibid., W.A., s. 32.

Fraudulent sales.

Ibid., N.S.W., s. 38.

Ibid., W.A., s. 33.

Regulations.

Ibid., N.S.W., s. 39.

Ibid., W.A., s. 34

33 All coal and firewood shall be sold by weight: Provided that in the case of quantities exceeding Five hundredweights, if the written consent of the purchaser be obtained, it may be sold otherwise as agreed.

34 The driver of any vehicle conveying coal or firewood in quantities exceeding Five hundredweights, which the purchaser has agreed shall be sold otherwise than by weight, shall carry the purchaser's written consent to such sale, and shall produce it on demand to any inspector.

35 The last two preceding sections, so far as they relate to firewood, shall apply only to such districts or places as the Governor, by proclamation, may notify.

36 No person shall—

- i. Sell coal or firewood by description which is false as to the sort of coal or firewood sold: or
- ii. Sell or deliver wet coal or firewood with intent to defraud the purchaser as to the weight of coal or firewood sold or delivered: or
- iii. Sell or deliver coal or firewood short of the quantity purchased, or of the quantity purported to be sold or delivered: or
- iv. Make any false statement as to the weight of any coal or firewood: or
- v. Being in charge of a vehicle, wilfully make any false statement as to the tare weight of the vehicle, or wilfully do any act by which either the seller or purchaser of any coal or firewood is defrauded.

37 The Governor may make regulations for any of the subjects following:—

- i. The sale, weighing, and delivery of coal and firewood, and the provision and use of weighing instruments in connection therewith.
- ii. The issue by sellers, to drivers of vehicles conveying coal or firewood, of weight tickets, and the carrying and production of such tickets and delivery of same to purchasers:
- iii. The weighing of any vehicle conveying coal or firewood, or the load thereon, or any part of such load, on demand by a purchaser or an inspector:
- iv. Generally for other matters for carrying out the provisions of this Part:
- v. For imposing a penalty not exceeding Ten Pounds for any breach of any regulation.

Weights and Measures.

PART VI.

A.D. 1916.

GENERAL AND SUPPLEMENTAL.

*Inspection.***38**—(1) Any inspector may at all reasonable times—

- i. Enter any building or place, or stop and inspect any vehicle wherein or in connection with which weights, measures, or weighing or measuring instruments are used for trade :
- ii. Inspect any weights, measures, or weighing instruments in the possession of any person having a pack, basket, or other receptacle containing articles for sale : and
- iii. Examine and test such weights, measures, and weighing or measuring instruments.

Inspection of weights, measures, and instruments.
Ibid., N.S.W., s. 40.
Ibid., W.A., s. 35.

(2) Any weight, measure, or weighing or measuring instrument which is not stamped as required by this Act, or which is incorrect or unjust may be seized by an inspector.

Seizure.

39 Any inspector may at all reasonable times enter any building or place, and stop and inspect any vehicle, or inspect any pack, basket, or other receptacle, and any article therein kept or exposed for sale in a package, and weigh or measure the article or cause it to be weighed or measured in the presence of the person in charge of the same, and may seize any article in respect of which a contravention of this Act has been committed.

Inspection of articles in packages.
Ibid., N.S.W., s. 41.
Ibid., W.A., s. 36.

40 Any person who hinders or obstructs any inspector in the execution of his duty under this Act, or who does not, when requested by such inspector, produce all weights, measures, or weighing or measuring instruments in his possession for examination or testing, shall be guilty of an offence against this Act.

Obstruction of inspector.
Ibid., N.S.W., s. 42.
Ibid., W.A., s. 37.

*Unjust Weights, Measures, or Weighing Instruments.***41**—(1) No person shall—

- i. Forge or counterfeit or unlawfully have in his possession any stamp used for stamping under this Act or under any Act or enactment hereby repealed any weight, measure, or weighing or measuring instrument, or in any way alter or tamper with any weight, measure, or weighing or measuring instrument which has been so stamped, so as to cause it to weigh or measure unjustly :
- ii. Knowingly use, sell, dispose of, or expose for sale any weight, measure, or weighing or measuring instrument, with such forged or counterfeit stamp thereon, or any weight, measure or weighing or measuring instrument so altered or tampered with :
- iii. Wilfully or knowingly make, or sell, or cause to be made or sold, any weight, measure, or weighing or measuring instrument which is false or unjust :

Forged stamp.
Ibid., N.S.W., s. 43.
Ibid., W.A., s. 38.

Weight, measure or instrument, with forged stamp.

False, or unjust weight, measure, or instrument.

Weights and Measures.

A.D. 1916.

Increasing or
diminishing
stamped weight
or measure.Contract in
reference to false
weight or
measure.

Penalties.

Ibid., N.S.W.,
s. 44.*Ibid.*, W.A., s. 39.

Forfeiture.

Ibid., N.S.W.,
s. 45.*Ibid.*, W.A., s. 40.Imprisonment for
fraud.*Ibid.*, N.S.W.,
s. 46.*Ibid.*, W.A., s. 41.Recovery of
penalties.Conviction not to
affect civil
remedy.*Ibid.*, N.S.W.,
s. 48.*Ibid.*, W.A., s. 43.This Act not to
exempt person
from indictment.*Ibid.*, N.S.W.,
s. 49.*Ibid.*, W.A., s. 44.Evidence as to
possession.*Ibid.*, N.S.W.,
s. 50.*Ibid.*, W.A., s. 45.

iv. Increase or diminish any stamped weight or measure, or use, sell, dispose of, or expose for sale any such increased or diminished weight or measure: Provided that nothing herein shall apply to any person who increases or diminishes any stamped weight or measure when he adjusts the same to standard, and entirely obliterates the stamp thereon.

(2) Any bargain, sale, or contract made in reference to any false or unjust weight, measure, or weighing or measuring instrument shall be void.

Penalties.

42 Any person who contravenes or is guilty of an offence against this Act, for which no specific penalty is in this Act provided, shall on conviction in a summary way, be liable to a penalty not exceeding Twenty Pounds.

43 Any weights, measures, or weighing or measuring instruments in connection with which any contravention of or offence against this Act was committed may on conviction of any person guilty of such contravention or offence be forfeited to His Majesty, and may be disposed of as the presiding magistrate or justices direct.

44 Where a person is convicted of a Second or subsequent contravention of or offence against this Act, and the magistrate or justices by whom he is convicted are of opinion that such contravention or offence was committed with intent to defraud, he shall be liable, in addition to or in lieu of any penalty, to be imprisoned for a term not exceeding Three months.

Procedure.

45 All informations for offences against this Act, and all penalties and forfeitures under this Act may be heard, determined, imposed, recovered and enforced in a summary way by and before a police magistrate or any Two or more justices in the mode prescribed by "The Magistrates Summary Procedure Act."

46 No proceeding or conviction for any offence punishable under this Act shall prejudice any civil proceedings.

47 This Act shall not exempt any person from any information filed in the Supreme Court or any other proceeding for an offence which is punishable at common law or under some other Act, but so that no person be punished Twice for the same offence.

48 When any weight, measure, or weighing or measuring instrument is found in the possession of any person carrying on trade, or on any premises which, whether a building or in the open air, are used by any person for trade, such person shall be deemed for the purposes of this Act to have such weight, measure, or instrument in his possession for use for trade.

Weights and Measures.

49 Proceedings for a penalty for a contravention of this Act by a corporation or incorporated company may be taken against any person who is the manager or who acts in the management of such corporation or company, and such person shall be personally liable in such proceedings for such contravention.

A.D. 1916.

Proceedings
against
corporations.
Ibid., N.S.W.,
s. 51.

Ibid., W.A., s. 46.

Costs on failure
of prosecution.
Ibid., N.S.W.,
s. 52.

Ibid., W.A., s. 47.

50 If an information is laid by any person other than an inspector, and the proceedings are withdrawn or dismissed, the court may, if it thinks fit, order that the said person pay to the defendant such compensation for costs and loss of time as seems reasonable.

Costs on
conviction.

Ibid., N.S.W.,
s. 53.

Ibid., W.A., s. 48.

51 In any conviction under this Act, the court may order such payments as it thinks fit as compensation for loss of time or expense incurred in consequence of the offence of which defendant was convicted, or in connection with the proceedings to secure such conviction.

52 In any proceedings under this Act, any printed paper purporting to be regulations made by the Governor under this Act, and to be printed by the Government Printer, shall be evidence that the regulations in the words printed in such paper were duly made and published under this Act.

Evidence of
regulations.

Ibid., N.S.W.,
s. 54.

Ibid., W.A., s. 49.*Fees.*

53 All fees received by Government Inspectors in pursuance of this Act shall be accounted for by them, and paid into the Treasury and carried to the Consolidated Revenue Account. All fees received by a District Inspector in pursuance of this Act shall

Fees to be paid
into Treasury.

~~i. Where his district is a single municipality, be accounted for by him to the Treasurer of that municipality, and paid into the Municipal Fund thereof:~~

ii. ~~Where his district comprises two or more municipalities, be accounted for by him in the prescribed manner, and paid into the Municipal Funds of such municipalities in such proportions as may be prescribed.~~

Regulations.

54 The Governor may make regulations for any of the subjects following:—

Regulations.

i. The qualifications to be possessed or the examination to be passed by persons desirous of becoming inspectors; and the duties of inspectors:

Inspectors.

Ibid., N.S.W.,
s. 57.

Ibid., W.A., s. 51.

ii. The fixing of times and places for the submitting for verification and the verifying and stamping of weights, measures, and weighing or measuring instruments:

iii. The conditions for the supply, custody, care, and verification of departmental and local standards, and the certifying of such verification:

Local standards.

iv. The amount of error which may be tolerated in weights, measures, and weighing or measuring instruments:

Tolerance of
error.

Weights and Measures.

A.D. 1916.

Particulars of weights, measures, and instruments.

What weights, measures and instruments may be verified.

Limitation of use of instruments.

Testing, verification, and stamping.

Marking on weights and measures.

Fees for inspection.

Classes of weights.

Registration of owners, &c.

Tare weights.

Sale by measure of capacity.
Exemptions.
Method of marking.
Fees received by district inspectors.
Travelling expenses.
General matters.

Penalty.

- v. The shapes, dimensions and proportions to be required in weights, measures, and weighing or measuring instruments, and the materials of which they shall be made :
- vi. Defining and specifying what weights, measures, and weighing or measuring instruments shall, or shall not, be admitted to verification, and the tests to be applied to ascertain their accuracy and efficiency :
- vii. Limiting the purposes or trades for or in which certain weights, measures, weighing or measuring instruments may lawfully be used, and prescribing the class of weighing or measuring instruments which are to be used, either generally or in certain trades, and in particular in connection with the cultivation and picking of hops :
- viii. The testing, verifying, and stamping of weights, measures, and weighing or measuring instruments, and the adjusting of weights :
- ix. Prescribing the instruments for testing and verifying weights, measures, and weighing or measuring instruments :
- x. The marking on weights and measures of their several denominations, and on weighing and measuring instruments of their capacities and other markings. The obliteration of stamps on weights, measures, and weighing or measuring instruments found to be incorrect or not in accordance with these regulations :
- xi. The payment of the fees prescribed for the testing, verifying, adjusting, or stamping of weights, measures, and weighing or measuring instruments :
- xii. The classes of weights to be used on certain weighing instruments :
- xiii. The registration by owners or lessees of public weighing or measuring instruments, and the examination and licensing of weighmen, and generally for their supervision and control :
- xiv. The regulation of the taking of tare weights of any vehicle used for the conveyance of goods sold or carried by weight ; the issue and production of tickets showing such weight, or the weight of the loading on such vehicle, or the weight of the loading and the vehicle ; providing for such weighing by an inspector, and for preventing frauds in connection with goods conveyed on vehicles and sold or carried by weight :
- xv. Prohibiting the sale of certain goods by measure of capacity :
- xvi. Providing for exemptions in pursuance of this Act :
- xvii. The method of marking upon articles their weight or measure :
- xviii. The method of accounting for fees received by district inspectors, and the allocation thereof :
- xix. The payment of travelling expenses to inspectors :
- xx. Generally for other matters for carrying out the provisions of this Act which the Governor deems necessary or expedient :
- xxi. For imposing any penalty not exceeding Twenty Pounds for any breach of any regulation.

Weights and Measures.

SCHEDULES.

A.D. 1916.

(1)

Section 2.

Date and Number of Act.	Title of Act.	Extent of Repeal.
4 Wm. IV. No. 3 (1833)	An Act for establishing Standard Weights and Measures, and for preventing the use of such as are false and deficient	The whole Act.
58 Vict. No. 29 (1894)	"The Hobart Corporation Act, 1894"	Sections Eight to Fourteen, both inclusive
58 Vict. No. 30 (1894)	"The Launceston Corporation Act, 1894"	Sections One hundred and eighty-eight to One hundred and ninety-four, both inclusive
60 Vict. No. 30 (1896)	"The Sale of Bread Act, 1896"	Sections Eleven and Thirteen
60 Vict. No. 31 (1896)	"The Town Boards Act, 1896"	Para. XLIII. ("Weigh-bridges, &c.") of Section Two hundred and eighteen
6 Ed. VII. No. 31 (1906)	"The Local Government Act, 1906"	Para. V. ("Weighing Machines") of Subdivision (6) of Section Two hundred and five, and Paras. I. ("Public Machines") and II. ("Private Machines") of Subdivision (14) of Section Two hundred and five

(2)

STANDARDS.

Section 11.

WEIGHTS.

Avoirdupois.

56 lb., or $\frac{1}{2}$ cwt.	4 oz. or $\frac{1}{4}$ lb.
28 " or $\frac{1}{4}$ "	2 " "
14 " "	1 " "
7 " "	8 drams or $\frac{1}{2}$ oz.
4 " "	4 " or $\frac{1}{4}$ "
2 " "	2 " "
1 " "	1 dram
8 oz. or $\frac{1}{2}$ lb.	$\frac{1}{2}$ "

Weights and Measures.

A.D. 1916.

Decimal Grain (Avoirdupois).

4000 grains	3 grains
2000 "	2 "
1000 "	1 grain
500 "	.5 "
300 "	.3 "
200 "	.2 "
100 "	.1 "
50 "	.05 "
30 "	.03 "
20 "	.02 "
10 "	.01 "
5 "	

Troy.

500 ounces	.5 ounce
300 "	.3 "
200 "	.2 "
100 "	.1 "
50 "	.05 "
30 "	.03 "
20 "	.02 "
10 "	.01 "
5 "	.005 "
3 "	.003 "
2 "	.002 "
1 ounce	.001 "

Pennyweights and Grains (Troy).

240 grains, commonly called 10 pennyweights or $\frac{1}{2}$ -oz.	6 grains
120 " " 5 " " $\frac{1}{4}$ "	5 "
72 " " 3 " "	4 "
48 " " 2 " "	3 "
24 " " 1 " "	2 "
12 " " $\frac{1}{2}$ "	1 grain

Apothecaries'.

1 ounce	10 grains, or $\frac{1}{2}$ scruple
4 drachms, or $\frac{1}{2}$ ounce	6 "
2 " or $\frac{1}{4}$ ounce	5 "
1 "	4 "
2 scruples	3 "
$1\frac{1}{2}$ scruples or $\frac{1}{2}$ drachm	2 "
1 scruple	1 grain
	$\frac{1}{2}$ "

METRIC CARAT.

500 carats	10 carats	.2 carat
300 "	5 "	.1 "
200 "	3 "	.05 "
100 "	2 "	.03 "
50 "	1 carat	.02 "
30 "	.5 "	.01 "
20 "	.3 "	.005 "

MEASURE OF EXTENSION.

Yard, 2 feet, 1 foot, 1 inch.

Weights and Measures.

MEASURES OF CAPACITY.

A.D. 1916.

10 gallons	<i>Apothecaries' Measures.</i>
8 gallons or 1 bushel	40 fluid ounces to 1 ounce
5 "	16 fluid drachms to $\frac{1}{2}$ drachm
4 " or $\frac{1}{2}$ "	60 minims to 1 minim
3 "	
2 " or peck	
Gallon	
Half gallon	
Quart	
Pint	
Half pint	
Gill or $\frac{1}{4}$ -pint	
Half gill	
Quarter gill	

(3)

UNITS OF WEIGHT AND MEASURE.

Measures of Weight.

The standard pound shall be the legal standard measure of weight, and of measure having reference to weight, and shall be the only unit or standard measure of weight from which all other weights, and all measures having reference to weight, shall be ascertained. Section 19.

One-sixteenth part of the standard pound shall be an ounce, and one-sixteenth part of such ounce shall be a dram, and one seven-thousandth part of the standard pound shall be a grain.

A hundredweight shall consist of one hundred and twelve pounds, and a ton shall consist of twenty such hundredweights.

Provided that a ton of flour, bran, pollard, sharps, semolina, wheat-meal, or other milled product of wheat shall consist of 2000 pounds.

Four hundred and eighty grains shall be an ounce troy or apothecaries.

Measures of Capacity.

The unit or standard measure of capacity from which all other measures of capacity, as well for liquids as for dry goods, shall be derived, shall be the gallon, containing ten standard pounds weight of distilled water weighed in air against brass weights, with the water and air at the temperature of sixty-two degrees Fahrenheit's thermometer, and the barometer at thirty inches.

The quart shall be the fourth part of the gallon, and the pint shall be the eighth part of the gallon. Two gallons shall be a peck, and eight gallons shall be a bushel, and eight such bushels shall be a quarter.

Measures of Length.

The standard yard shall be the only unit or standard measure of extension, from which all other measures of extension, whether linear, superficial, or solid, shall be ascertained.

One-third of the standard yard shall be a foot, and the twelfth part of such foot shall be an inch, and the rod, pole, or perch in length shall be five such yards and a half and the chain shall contain twenty-two such yards, and the mile one thousand seven hundred and sixty such yards.

The rood of land shall contain one thousand two hundred and ten square yards, according to the standard yard, and the acre of land shall contain four thousand eight hundred and forty such square yards, being one hundred and sixty square rods, poles, or perches.

Weights and Measures.

A.D. 1916.

(4)

Section 32.

**FEES TO BE PAID FOR TESTING, VERIFYING, OR STAMPING
WEIGHTS AND MEASURES AND WEIGHING OR MEASURING
INSTRUMENTS.**

Weights.

<i>Avoirdupois.</i>		<i>Troy and Apothecaries'.</i>
56 lb.	6d. each	Over 100 oz. 1s. each
28 "	4d. "	100 to 10 oz. 6d. "
14 "	3d. "	5 oz. or under ... 3d. "
7 " to 1 lb.	2d. "	240 grains or under ... 3d. "
8 oz. or under	1d. "	Decimal grains, 3d. each weight.

Measures of Capacity.

10 gallons	1s. each
8 gallons or 1 bushel	1s. "
5 gallons	1s. "
4 gallons or $\frac{1}{2}$ -bushel	9d. "
3 gallons	9d. "
2 gallons or 1 peck	6d. "
1 gallon	4d. "
Half-gallon	3d. "
Quart or under	2d. "

Subdivided measures shall be charged for each subdivision at the rate prescribed for measures of similar capacity.

Apothecaries' measure, 6d. each.

Measures of Extension.

One yard, 2 feet, 1 foot, 1 inch ... 3d. each.

Weighing Instruments.

Weighbridge and crane weighing machines	£1 1s. each.
Weighing instruments (dormant)	15s. each.
Weighing machines, steelyards, balances, and spring scales, capacity 14 lb. and under	1s. each.
" " over 14 lb. to 1 cwt.	2s. "
" " over 1 cwt.	6d. for each additional cwt. or part thereof.
Computing scales, 10lb. and under	2s. 6d. each.
" " over 10 lb. to 150 lb.	5s. "
" " over 150 lb.	1s. for each additional cwt. or part thereof.

These fees include the stamping of one set of proportional weights where such are used; duplex sets to be charged half above fees.

One-half above fees to be chargeable for weights, measures, or weighing instruments tested and rejected as incorrect or otherwise unsuitable.

In the case of weighing instruments graduated in centals, read "100 lb." in place of "1 cwt."

For the testing for verification of weighing or measuring instruments at premises outside the inspector's office, owners shall provide cartage for necessary weights, and labour to handle same, and shall pay an additional mileage fee in accordance with the regulations.

97

Weights and Measures.

(5)

A.D. 1916.

Section 22

Article.	WEIGHTS FOR BUSHEL.	Weight.
Amber cane		60 lb.
Barley		50 "
Beans		60 "
Bran		20 "
Broom corn		50 "
Buckwheat		50 "
Clover, red or white		20 "
Grasses—couch, cocksfoot, paspalum, rib, rye		20 "
Hungarian millet		60 "
Imphee		60 "
Lucerne		20 "
Maize		56 "
Oats		40 "
Planter's friend		60 "
Peas		60 "
Pollard		20 "
Rye corn		60 "
Sorghum		60 "
Tares or vetches		60 "
Wheat		60 "

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