

7-1845



ANNO SEXTO

# VICTORIÆ REGINÆ.

No. 13.

*By His Excellency GEORGE GREY Esquire Governor and Commander-in-Chief of Her Majesty's Province of South Australia and its Dependencies and Vice-Admiral of the same by and with the Advice and consent of the Legislative Council.*

*AN ACT for Establishing Standard Weights and Measures in the Province of South Australia and for the Prevention of the Use of such as are False and Deficient.*

**W**HEREAS it is necessary to provide against the use of Preamble.  
fraudulent weights and measures in the Province of South Australia 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 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 Surveyor-General's office in Adelaide:

BE IT THEREFORE ENACTED BY HIS EXCELLENCY GEORGE GREY Certain weights and measures in the Colonial Treasury declared to be standard.  
Esquire Governor and Commander-in-Chief of Her Majesty's Province of South Australia and its dependencies and Vice-Admiral of the same by and with the advice and consent of the Legislative Council That the several weights and measures now deposited in the Surveyor-General's office in Adelaide as aforesaid shall be therein safely kept and shall be and they are hereby declared to be the standard weights and measures of the Province of South Australia.

II. And be it further enacted that it shall be lawful for the Governor of the said Province to cause copies and models of the Copies of such standards to be made by order of the Governor.  
several

To be deposited with persons appointed for that purpose.

several weights and measures so deposited in the Surveyor-General's office in Adelaide 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 show 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 Her Majesty's name 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 such persons as the Governor may appoint for that purpose and shall by them respectively be safely and securely kept for the purpose of reference as hereinafter directed and such persons appointed as aforesaid shall at least once in every five years bring and present or forward all such copies and models so deposited to the said Surveyor-General's office to be compared and verified as aforesaid and unless such copies and models be so from time to time verified the same shall be insufficient for conviction on charges of use of false weights and measures and if any person shall falsify or 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.

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.

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 Governor for the time being of the same size and weight or measure as the weight or measure so lost destroyed or 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.

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

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 standard so deposited as aforesaid at all reasonable times on the payment of such fees as are hereinafter mentioned and it shall be the duty of the respective persons appointed by the Governor as aforesaid for the safe and secure keeping of such copies or models of the standard weights and measures for the purposes of reference 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 and measures the person authorised as aforesaid 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 threepence for every weight or measure so compared

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

compared and no more and if any person authorised as aforesaid shall 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 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.

Penalty if they shall neglect or refuse.

V. And be it further enacted that the respective persons appointed by the Governor as aforesaid for the safe and secure keeping of approved copies and models shall on every weight and measure by them compared and found true affix a proper mark and stamp to be in that behalf appointed by the Governor and they and all persons acting in the execution of this Act shall observe and conform to the following regulations namely first that no weight or measure be stamped or marked unless it express the same denomination of weight or measure as one of the standards second that no unstamped and unmarked weight or measure shall be legal for the purposes of sale or any other commercial transaction excepting glass vessels earthenware vessels and casks third that every iron weight have only one leaden plug for adjustment as little larger on the surface than the appointed stamp or mark as may be practically necessary to receive its impression fourth that every weight be distinctly marked with words or figures denoting the value of the weight which it professes to represent fifth that every measure of capacity made of wood or metal be distinctly marked with words or figures denoting the value of the capacity which it professes to represent and sixth that every false weight weighing machine or measure in the possession of any tradesman or other person shall render him liable to a separate penalty.

Regulations to be observed by parties acting in the execution of this Act.

VI. And whereas the use of weights made of soft materials affords facility to fraud be it therefore enacted that no weights made of lead or pewter or of any mixture thereof shall be stamped or used: Provided always that nothing herein contained shall prevent the use of lead or pewter or of any mixture thereof in the manufacture of weights if they be 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 shall be *bona fide* necessary for the purpose of adjusting them or of fixing thereon the stamps herein mentioned.

Weights made of lead or pewter not to be stamped.

VII. And be it further enacted that it shall be lawful for the Governor to appoint one or more fit person or persons who shall have power to examine balances weights and measures within the Province of South Australia and 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 which oath any Justice of the Peace is hereby empowered to administer.

Governor may appoint persons to examine balances weights and measures.

VIII. And be it enacted that no maker of or seller of weights

or weights and measures

to be appointed in-  
 spector or examiner of  
 weights and measures.

Inspector to enter into  
 recognizances.

Examiners to visit  
 shops, &c., and seize  
 illegal balances,  
 weights, or measures.

And upon conviction  
 false weights and mea-  
 sures to be destroyed.

And offenders to for-  
 feit not exceeding £10  
 nor less than 5s. for  
 false or deficient  
 weight, &c.

or measures or persons employed in the making or selling thereof shall be appointed an inspector or examiner of weights and measures under the provisions of this Act and that every inspector and examiner shall forthwith enter into a bond or recognizance before any of Her Majesty's Justices of the Peace to the Queen in the sum of One Hundred Pounds sterling for the due and punctual performance of the duties of his office and for the safety of the stamps and copies of the Imperial standard weights and measures committed to his charge and for their due restoration and surrender to such persons as may be appointed to receive them by the Governor or other person or persons by whom he may have been appointed in manner aforesaid immediately on his removal or other cessation from office.

IX. And be it further enacted that it shall and may be lawful to and for the person or persons appointed examiners as aforesaid to enter in the daytime any shop house mill store or out-house or other place 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 into the cart wheelbarrow or basket of any hawker or vendor of any such articles 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 standard or the copies or models thereof and not being stamped or marked as hereinbefore is mentioned which shall upon such search be found therein and to detain the same to be produced before any two or more Justices of the Peace and such Justices are hereby authorised 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 house shop mill store out-house premises stall or standing place cart wheelbarrow or basket any such false or deficient unstamped or unmarked 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 unstamped or unmarked balances weights and measures which balances weights and measures so forfeited shall be broken or 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 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.

Penalties on persons  
 obstructing examiners

X. And be it further enacted that if any person shall wilfully obstruct

obstruct hinder resist or in anywise oppose any of the persons hereby authorised and empowered to view and examine such balances weights and measures in the execution of his office or if any persons 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 Twenty Pounds nor less than Forty Shillings as such Justices shall adjudge and such forfeiture or penalty shall be levied recovered and applied in the manner hereinafter directed.

or refusing to produce balances weights or measures for examination.

XI. And be it further enacted that 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 or measures or the copies or models thereof as aforesaid (except as hereinafter excepted) nor so to bargain sell or deliver by any steelyard or spring balance or by any unstamped or unmarked weight or measure 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 merchandise or other things *bonâ fide* made and entered into before the commencement of this Act but that all goods wares merchandise 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 and 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.

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

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

XII. And be it further enacted that in every sale barter or exchange of any goods or things by measure (except as hereinafter mentioned) the measure shall be stricken off with a round stick straight and of the same diameter from end to end.

Standard for stricken measure.

XIII. And whereas the heaped measure is liable to considerable variation be it therefore enacted that the use of the heaped measure shall be abolished and all bargains sales and contracts which shall be made after the commencement of this Act by the heaped measure shall be null and void and every person who shall sell any articles by the heaped measure shall on conviction be liable to a penalty not exceeding Forty Shillings for any such sale.

Heaped measure abolished.

XIV. And whereas some articles heretofore sold by heaped measure are from their size and shape incapable of being stricken and from their nature and quality may not conveniently be sold by weight be it therefore enacted that all such articles may henceforth be sold by a bushel measure or by any multiple or by some aliquot part filled in all parts as nearly to the level of the brim as the size and

Articles heretofore sold by heaped measure.

and shape of the articles sold will admit: Provided always that nothing herein contained shall prevent the sale by weight of any article heretofore sold by heaped measure.

Adjudication of offences.

XV. 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 and 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 Her Majesty Her heirs and successors for the public uses of the Province and support of the Government thereof.

If penalties be not paid offenders to be committed.

XVI. And be it further enacted that in case such penalties and forfeitures with the costs and charges shall not be forthwith paid it shall be lawful for such Justices or either of them and they and him are and is hereby authorised 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.

Form of conviction.

XVII. And be it further enacted by the authority aforesaid that the Justices of the Peace before whom any offender shall be convicted as aforesaid may 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 \_\_\_\_\_ Esquires Justices of the Peace in and for the said \_\_\_\_\_ of \_\_\_\_\_ was duly convicted before us the said Justices for that he the said \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ now last past at \_\_\_\_\_ (here state the offence) contrary to the form of the Act of Council in that case made and provided 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.

XVIII. Provided also and be it further enacted that no proceedings to be had touching the conviction of any offender or offenders against

against this Act shall be removed by a writ of *certiorari*, or by any other writ or process whatsoever into any other of Her Majesty's Courts within the Province.

XIX. Provided always and be it further enacted that nothing in this Act 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 and 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.

XX. Provided always and be it further enacted that nothing in this Act contained shall be deemed or taken to apply to the weights and measures now used by Her Majesty's Officers in the said Province for ascertaining any rates or duties payable to Her Majesty Her heirs and successors upon the importation into the said Province of any goods wares merchandise or other thing or upon spirits distilled therein unless Her 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 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 and that immediately from and after the publication of such tables the several rates and duties thereafter to be collected by Her Majesty's said Officers shall be collected and taken according to the calculations in the tables to be prepared and published as aforesaid.

Act not to extend to Her Majesty's Customs.

XXI. And be it enacted that every enactment and provision and every by-law order and regulation whereby power may have been given to any person or body corporate or politic for or concerning the regulation of weights and measures other than the persons appointed under and acting in the execution of this Act shall be and the same are hereby repealed.

Repeal of all other provisions as to weights and measures.

XXII. And be it further enacted that this Act shall commence and take effect from and after the passing thereof so far as regards the deposit of standards the verification of copies and models and the appointment of persons for carrying this Act into execution and in all other respects the said Act shall commence and take effect from and after a day being two months from and after the first notification in the *South Australian Government Gazette* of the appointment of any such person.

Commencement of Act.

G. GREY,  
Governor, South Australia.

Passed the Legislative Council this Eighteenth }  
day of February One Thousand Eight }  
Hundred and Forty-three.

A. M. MUNDY,  
Clerk of Council.

SCHEDULE

SCHEDULE REFERRED TO.

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A

List of Standard Weights and Measures deposited in the Surveyor-General's Office, Adelaide:—

STANDARD WEIGHTS.

Fifty-six pounds  
Twenty-eight pounds  
Fourteen pounds  
Seven pounds  
Four pounds  
Two pounds  
One pound  
Eight ounces  
Four ounces  
Two ounces  
One ounce  
Eight drams  
Four drams  
Two drams  
One dram.

STANDARD MEASURES OF CAPACITY.

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

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Standard—Measuring Rod