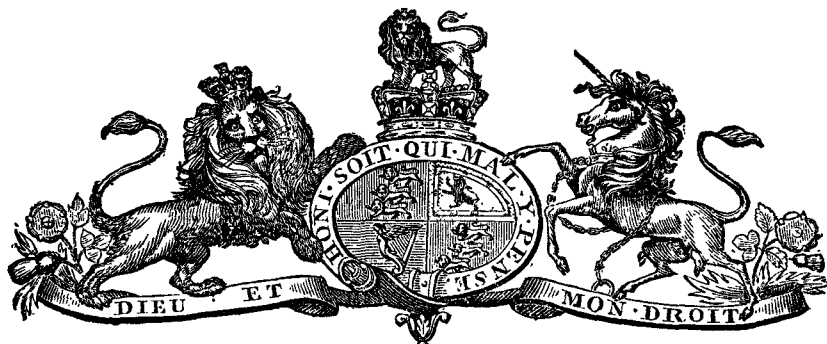


NEW ZEALAND.



ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. XXX.

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AN ACT to consolidate and amend the Laws relating Title.
to Weights and Measures. [16th October 1868.]

WHEREAS it is expedient to consolidate and amend the Laws Preamble.
relating to Weights and Measures and to make further provisions
against the use of fraudulent Weights and Measures and for the
establishment of Standards by which all other Weights and Measures
may be regulated and to prohibit the use of any other Weights and

Weights and Measures.

Measures than such as shall agree with such Standards And whereas the Weights and Measures mentioned in the first Schedule to this Act and now in the custody or under the control of the Colonial Secretary have been duly verified and stamped as agreeing with the Weights and Measures preserved in the Exchequer at Westminster and have been imported into the Colony of New Zealand and are kept as the Standard Weights and Measures of the Colony

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

Short Title.

1. The Short Title of this Act shall be "The Weights and Measures Act 1868" and it shall come into operation on the first day of January one thousand eight hundred and sixty-nine.

Ordinances repealed.

2. An Ordinance of the Governor and late Legislative Council of New Zealand in the tenth year of the reign of Her Majesty Queen Victoria in the seventh session of the said Council numbered ten intituled "An Ordinance for establishing Standard Weights and Measures and for the prevention of the use of such as are false and deficient" an Act of the General Assembly of New Zealand intituled "The Weights and Measures Ordinance Amendment Act 1861" and all Statutes made and passed by the respective Parliaments of England Great Britain and the United Kingdom of Great Britain and Ireland so far as the same relate to weights and measures and are in force in this Colony shall be and the same are hereby repealed and are hereinafter referred to as "the said repealed Ordinance and Act" Provided always that such repeal shall not affect any offence committed or any act proceeding or thing done or commenced against under or by virtue of the said repealed Act and Ordinance or either of them and provided also that every Province County Borough or District constituted or defined to be a district for the purposes of the said repealed Ordinance and Act or either of them shall be deemed to be a district constituted under and for the purposes of this Act until altered or abolished under this Act and every Inspector duly appointed for any Province County Borough or District under or by virtue of the said repealed Ordinance and Act or either of them shall be deemed to be an Inspector duly appointed for such Province County Borough or District under this Act until resignation or removal from office under this Act.

Appointments under repealed Ordinances confirmed.

Customary measures abolished.
5 and 6 Wm. IV.
c. 63 ss. 6 and 7.

Standards.

First Schedule.

3. The measures called severally the "Winchester Bushel" and the "Scotch Ell" and also the use of heaped measure shall be and the same are hereby respectively abolished.

4. The several weights and measures mentioned in the first Schedule hereto and such of the troy weights mentioned in the second Schedule hereto as follows that is to say—

One grain

One pennyweight weighing twenty-four grains

Twenty pennyweights weighing one ounce

Six ounces weighing half a pound

And twelve ounces weighing one pound

all which several weights and measures aforesaid are now in the custody or under the control of the said Colonial Secretary and have been duly verified and stamped as agreeing with the weights and measures preserved in the said Exchequer shall be standard weights and measures.

Additional standards.

5. The Colonial Secretary shall as soon as practicable after the passing of this Act obtain the measure and such of the troy weights as are not specially mentioned in the last preceding section and measures mentioned in the second Schedule hereto as are not mentioned in the first Schedule hereto duly verified as agreeing with the weights and

Second Schedule.

Weights and Measures.

measures preserved in the said Exchequer and may from time to time obtain one or more sets of all or any or either of such weights and measures as are mentioned in the first and second Schedules hereto duly verified as aforesaid and all such weights and measures in this section referred to when stamped and deposited as hereinafter mentioned shall be also "standard weights and measures."

6. All weights shall be derived computed and ascertained from the said standard weights and all measures of capacity shall be derived computed and ascertained from the said standard measures of capacity and all measures of extension whether lineal superficial or solid shall be derived computed and ascertained from the said standard measure of extension.

All computations to be from standards.

7. One sixteenth part of the standard pound avoirdupois shall be an ounce and one sixteenth part of such ounce shall be a dram and fourteen such pounds shall be a stone and eight such stones shall be a hundredweight and twenty such hundredweights shall be a ton.

Computations from the standard pound avoirdupois.
5 Geo. IV. c. 74 s. 4.

8. One twelfth part of the standard pound troy shall be an ounce and one twentieth part of such ounce shall be a pennyweight and one twenty-fourth part of such pennyweight shall be a grain.

Computations from the standard pound troy.
5 Geo. IV. c. 74 s. 4.

9. One fourth part of the standard gallon shall be a quart and one half part of such quart shall be a pint and one fourth part of such pint shall be a gill and two such gallons shall be a peck and eight such gallons shall be a bushel and eight such bushels shall be a quarter of corn or other dry goods.

Computations from the standard gallon.
Ib. s. 6.

10. One third part of the standard yard shall be a foot and the twelfth part of such foot shall be an inch and the pole or perch in length shall contain five such yards and one half-yard the furlong two hundred and twenty such yards and the mile one thousand seven hundred and sixty such yards and the rood of land shall contain one thousand two hundred and ten square yards according to the said standard yard and the acre of land shall contain four thousand eight hundred and forty square yards being one hundred and sixty square perches poles or rods.

Computations from the standard yard.
Ib. ss. 1 and 2.

11. All weights and measures provided as standard weights and measures after the passing of this Act shall be stamped or marked and the stamp or mark shall consist of the imperial crown with the word "STANDARD" underneath and a figure or fractional figure to indicate the denomination or contents of such weight or measure and such weights and measures shall be deposited in the office of the Colonial Secretary at Wellington and kept by or under the control of the said Colonial Secretary.

Standards to be stamped.

12. If any of the said standard weights or measures be lost destroyed defaced or otherwise injured so as to be unfit to be used as standards the Colonial Secretary shall provide another weight or measure of the like denomination with that so lost destroyed defaced or injured and such weight or measure so provided shall be adjusted and verified by comparison with the proper weight or measure preserved in the said Exchequer as aforesaid and when stamped or marked and deposited as hereinbefore mentioned shall become a standard weight or measure.

Replacing lost &c. standards.
Ordinance s. 5.

13. The Colonial Secretary shall cause to be made as often as the same may be required copies of the said standard weights and measures and such copies when verified and stamped as hereinafter mentioned shall for the purposes of this Act be deemed to be "authorized copies" of the said standard weights and measures respectively although such copies be not of the same shape or of the same metal or material as the said standard weights and measures and such copies shall be accepted as true by all Courts and persons.

Authorized copies to be provided.
Ib. s. 2.

Weights and Measures.

Authorized copies to be marked.

Ordinance s. 5.

14. Every authorized copy of the standard weights and measures before being issued as hereinafter mentioned shall be compared with the standard weights and measures and having been adjusted if necessary shall be stamped or marked and the stamp or mark shall consist of such letters and figures as are commonly used to signify Her Majesty's name or mark together with the letters S.W. or S.M. signifying standard weight or standard measure as the case may be and a figure or fractional figure to indicate the denomination or contents of such weight or measure.

Register.

5 and 6 Wm. IV.
c. 63 s. 5.

Third Schedule.

Proof of authorized copies.

15. The Colonial Secretary shall cause to be kept in his office a register of all authorized copies which shall have been issued under this Act which said register shall be in the form in the third Schedule hereto or to the like effect and proof that any weights or measures in the custody of any Inspector of Weights and Measures bear the said stamp or mark shall be sufficient evidence that such weights and measures are authorized copies of the standard weights and measures and that the same have been duly issued under this Act.

Issue of authorized copies.

16. It shall be lawful for the Colonial Secretary to issue to each of the inspectors hereinafter mentioned one or more sets of authorized copies of the standard weights and measures and good and sufficient stamps brands beams scales and books for the purposes of this Act and such authorized copies shall be deposited with and safely kept by each of such Inspectors at such place and in such building within the limits for which such Inspector has been appointed as the Governor shall direct.

Authorized copies to be deposited.

All copies to be periodically re-verified.

5 and 6 Wm. IV.
c. 63 s. 5.

Ordinance s. 4.

17. Every authorized copy of the said standard weights and measures respectively shall in every fifth year and at any time when the same are suspected to be defective or require to be repaired and at such other times as the Colonial Secretary directs be transmitted by the Inspector to the office of the Colonial Secretary at Wellington aforesaid for the purpose of being again compared as aforesaid and if not so transmitted they shall upon notice given in that behalf by the Colonial Secretary in the *Government Gazette* cease to be authorized copies and the date and cause of their so ceasing shall be entered in the register aforesaid and every authorized copy so transmitted shall if found or when made to agree with the standard weight or measure be re-issued unless the Colonial Secretary shall deem it unfit to be used for the purposes of this Act in which case it shall be forthwith destroyed.

Re-verified copies to be returned or destroyed.

Authorized copies lost &c.

18. If any of such authorized copies are lost destroyed defaced or otherwise injured so as to be unfit to be used as authorized copies the Colonial Secretary may provide in the manner hereinbefore mentioned other authorized copies instead thereof.

Inspectors.

Ordinance s. 16.

19. It shall be lawful for the Governor from time to time to appoint one Inspector of Weights and Measures for any Province County Borough or District or for each of two or more divisions of any Province County Borough or District the boundaries of which divisions shall be proclaimed from time to time in the *New Zealand Gazette* by the Governor and the Governor may from time to time remove any such Inspector and appoint another in the room of any Inspector so removed or who may die resign or discontinue his office and there shall be paid to every Inspector who may be so appointed such salary and such sums of money by way of travelling expenses during his tenure of office as such Inspector as the Governor may direct to be paid out of any moneys to be appropriated for that purpose by the General Assembly.

Disqualification of Inspectors.

Ib. s. 16.

20. No maker or seller or adjuster of weights or measures or person employed in making or selling or adjusting thereof or in the

Weights and Measures.

conveyance carriage purchase or sale of goods by weight or measure shall be appointed an Inspector of Weights and Measures under this Act nor shall any Inspector be directly or indirectly connected with the business of any adjuster of weights and measures.

5 and 6 Wm. IV.
c. 63 s. 23.

21. Every such Inspector as aforesaid shall give security to the satisfaction of the Governor or obtain the guarantee of some company as surety approved by the Governor for the due and punctual performance of the duties of his office and the due and punctual payment at such times as he may be lawfully directed of all fees received by him under the authority of this Act and the safe custody and faithful and lawful use of the weights measures stamps brands beams and scales and all other articles committed to his charge under this Act and their due restoration and surrender to such person and at such time as may be duly appointed in that behalf by the Governor and all bonds given under the said Ordinance by any Inspector confirmed in office by this Act shall remain in force till security be given under this Act.

Inspectors to give
security.

Ib.

Ordinance s. 17.

22. The Colonial Secretary may require any inspector to take the authorized copies of the weights and measures to any place within the limits for which such Inspector is appointed for the purpose of comparing weights and measures within such limits or to any place beyond such limits and not being within the limits of any other Province Borough County or District for which an Inspector is appointed for the purpose aforesaid and every person resident or carrying on business in any place to which the Inspector may be so required to take the said copies who may apply to such Inspector for a comparison of his weights or measures shall pay to such Inspector in addition to the fees by this Act made payable for the examination and comparison of such weights and measures such sum as the Governor shall by any general regulation fix and determine which regulation he is hereby authorized from time to time to make.

Inspectors to travel
with authorized
copies.

23. All persons who are desirous of adjusting any weights measures scales balances steelyards beams or other weighing machines shall have access to all such authorized copies deposited as aforesaid at such times as the Colonial Secretary shall from time to time for each place direct upon payment of the fees hereinafter mentioned and it shall be the duty of the Inspector in whose charge the said authorized copies shall be upon payment as aforesaid to compare with such authorized copies as aforesaid and stamp if found correct all such weights measures scales balances steelyards beams or other weighing machines as are brought to him for that purpose by any person keeping or using the same within the limits for which such Inspector is appointed and such Inspector shall demand and receive for every such comparison such fee or fees as set forth and fixed for that purpose in the fourth Schedule hereto.

Deposited copies to
be accessible for
comparison.

5 and 6 Wm. IV.
c. 63 s. 24.

24. Nothing hereinbefore contained shall extend to require any single weight or measure exceeding the greatest standard weight or measure deposited as aforesaid to be compared and stamped or to require any wicker measure or any glass or earthenware jug or drinking cup though represented as containing the amount of any standard measure or of any multiple thereof to be stamped.

Certain exceptions.

25. Every such Inspector shall keep a book wherein he shall enter in the form contained in the fifth Schedule to this Act minutes of all such comparisons together with the several other matters and particulars indicated or required by the said form and shall if required give under his hand a copy of such minute with a certificate indorsed thereon in the form or to the effect in the sixth Schedule hereto.

Inspectors to make
minutes of
comparisons.

Ib. s. 24.

Fifth Schedule.

Sixth Schedule.

26. All contracts bargains sales and dealings which are made or had after the passing of this Act for any work to be done or for any

Standard weights &c.
to be adopted.

Weights and Measures.

5 and 6 Geo. IV.
c. 74 s. 15.

goods wares or merchandise or other thing to be sold delivered done or agreed for by weight or measure shall be made and be deemed taken and construed to be made and had according to the standard weights and measures ascertained by this Act or some multiple or part thereof Provided that nothing herein contained shall operate to prevent the sale of flour and oatmeal by the ton of two thousand pounds avoirdupois.

Troy weight.

27. Gold silver platinum diamonds and other precious stones but no other articles shall be sold by troy weight.

Exceptions.

Ib. s. 10.

28. Nothing herein contained shall prevent the sale of drugs when sold by retail by apothecaries' weight nor the sale of any articles in any vessel where such vessel is not represented as containing any amount of standard weight or measure.

Coals coke &c. to be
sold by weight.
Ib. s. 59.
Dry goods to be
stricken.

29. Coals coke slack culm charcoal and cannel of every description shall be sold by weight and not by measure.

30. Except where it is otherwise allowed by this Act all dry goods wares and merchandise sold by measure shall be stricken with a round stick or roller straight and of the same diameter from end to end.

Unless incapable
of it.

31. All such dry goods wares and merchandise as from their size and shape are incapable of being stricken and from their nature and quality cannot be conveniently sold by weight may be sold by a standard bushel measure made round containing eight standard gallons filled in all parts as nearly to the level of the brim as the size shape and nature of the article so sold will admit.

Weights and
measures to have
contents marked.
5 and 6 Geo. IV.
s. 12.

32. All weights made after the passing of this Act shall have the exact weight contained therein marked on the top or side thereof in legible figures and letters and all measures of capacity and extension respectively made after the passing of this Act shall have their contents marked on the outside of such measures respectively in legible figures and letters.

And to be stamped.

33. No weights and measures whatsoever (except as herein excepted) shall be used unless they have been compared with one or more (as the case may require) of the authorized copies of the said standard weights and measures deposited under this Act or the said repealed Ordinance and Act and stamped accordingly Provided always that all weights and measures heretofore duly stamped under and by virtue of the said Ordinance and Act by this Act repealed or either of them shall be deemed to be duly stamped for the purposes of this Act.

Stamped weights &c.
may be used at any
place.
5 and 6 Wm. IV.
c. 63 s. 27.

34. No weight or measure duly stamped under this Act or the said repealed Ordinance and Act shall be liable to be re-stamped although such weight or measure be used in any other place than that at which the same was originally stamped but such weight or measure shall be considered as a legal weight or measure throughout New Zealand unless found to be defective or unjust.

Where no Inspector
appointed.

35. Any person who keeps or uses any weight measure beam scales balances steelyard or other weighing machine in any place for which there is no Inspector and who is desirous of adjusting the same shall have access to the authorized copies deposited nearest to such place and it shall be the duty of the Inspector in whose charge the said authorized copies shall be to compare and stamp any such weight measure beam scales balance steelyard or other weighing machine in the same manner upon the same terms and subject to the same penalties for failure neglect or refusal on the part of such Inspector as if such person kept or used the same within the limits for which such Inspector shall have been appointed.

Lead and pewter
weights prohibited.

36. No weight made of lead or pewter or of any mixture thereof respectively shall be stamped or used but nothing herein contained

Weights and Measures.

shall prevent the use of lead or pewter or any mixture thereof respectively in the manufacture of weights if they be wholly cased with brass copper or iron and legibly stamped or engraved with the word "CASED" or shall prevent the insertion of such a plug of lead or pewter into weights as shall be *bonâ fide* necessary for adjusting them or for affixing thereon the stamp or mark required by this Act.

5 and 6 Wm. IV.
c. 63 s. 13.
Ordinance s. 9.

37. All weights made of lead or pewter or of any mixture thereof and all weights and measures with forged or counterfeit stamps or marks thereon shall be seized by any Justice or by any Inspector of Weights and Measures and forfeited.

False weights &c. to
be forfeited.
Ib. 19.

38. Any person buying by any vessel represented as containing the quantity of any standard measure or of any multiple thereof is hereby authorized to require the contents of such vessel to be ascertained by comparison with a stamped measure to be provided by the person who shall sell or attempt to sell by such vessel and if such person shall refuse to make such comparison or if upon such comparison being made such vessel shall be found to be deficient in capacity the person who shall sell or attempt to sell by the same shall upon conviction be subject to the penalties and forfeitures by this Act imposed on persons using light or unjust weights or measures.

Buyers by reputed
standards may
require comparison.
Victorian Act, 1864,
s. 48.

39. Any Justice or any Inspector of Weights and Measures may at all reasonable times enter any shop store warehouse stall yard shed or place whatsoever within his jurisdiction wherein goods are exposed or kept for sale or are measured or weighed for conveyance or carriage and may there examine all weights measures scales balances steelyards beams or other weighing machines and compare and try the same with the authorized copies deposited under this Act or duplicates thereof and if upon such examination and comparison with the authorized copies it appear that the said weights or measures are light or otherwise unjust or that the said scales balances steelyards beams or other weighing machines are incorrect or imperfect the same respectively shall be forthwith seized and forfeited.

Justices and
Inspectors may
search for false
weights and
measures.

40. If any person falsify or otherwise wilfully or negligently injure any of the said standard weights and measures or any of the authorized copies thereof or any stamp or brand or other property issued under this Act or without being duly authorized in that behalf remove any of the same from the buildings where the same are deposited under this Act such person shall upon conviction forfeit and pay any sum not exceeding fifty pounds in addition to the cost of repairing or replacing such weight measure stamp or brand which costs shall be assessed by the adjudicating Justices.

Falsifying &c.
weights.

41. If any Inspector of Weights and Measures fail neglect or refuse to compare any weights measures scales balances steelyards beams or other weighing machines which are brought to him for that purpose by any person keeping or using the same within the limits for which he is appointed he shall on conviction forfeit and pay any sum not exceeding ten pounds.

Penalty for not
comparing weights
&c.

42. If any Inspector of Weights and Measures make adjust or sell any weight measure scales balance steelyard beam or other weighing machine or derive any profit commission or other remuneration from the making adjusting or selling thereof respectively he shall upon conviction forfeit and pay any sum not exceeding fifty pounds and shall thenceforward be incapable of holding any office under this Act.

Penalty for Inspector
selling weights.

43. If any Inspector of Weights and Measures or any other person legally authorized to stamp any weights or measures stamp any weight measure scales balance steelyard beam or other weighing machine without duly verifying the same with an authorized copy of the standard weights and measures or with the standard weights and

Penalty for
Inspector's breach
of duty.
5 and 6 Wm. IV.
c. 63 s. 29.

Weights and Measures.

measures as the case may be or if he without the authority of the Colonial Secretary remove any of the authorized copies aforesaid from the building in which the same are by direction of the Governor deposited or if he demand or receive for comparing or stamping any weight or measure any other or greater fee than is fixed in that behalf or be guilty of a breach of any duty imposed by this Act or otherwise misconduct himself in the execution of his office every such offender shall upon conviction forfeit a sum not exceeding twenty pounds for every such offence.

Inspectors acting
outside district.
5 and 6 Wm. IV.
c. 63 s 25.

44. If any Inspector except as hereinbefore mentioned compare or stamp any weight or measure of any person who does not keep or use the same within the limits of the place for which such Inspector is appointed or to which he is required to take the authorized copy of the weights and measures as aforesaid he shall for every such offence forfeit and pay any sum not exceeding ten pounds.

Penalty for false
weights &c.
Ib. s. 21.

45. If any person use or have in his possession any weight or measure other than those authorized by this Act or some aliquot part thereof or which has not been marked as aforesaid or which (not being in the possession of a seller of weights and measures for the purpose of sale only) has not been stamped as aforesaid except as hereinbefore excepted or which is found to be light or otherwise unjust or if any person use or have in his possession any false or imperfect scales balance steelyard beam or other weighing machine he shall on conviction forfeit any sum not exceeding ten pounds and any contract bargain or sale made by any such unstamped weights and measures or such false or imperfect scales balance steelyard beam or weighing machine shall be wholly null and void and every such light unjust or unstamped weight or measure or false or imperfect scales balance steelyard beam or weighing machine shall on being discovered by any Justice or Inspector of Weights and Measures be seized and on conviction of the person using or possessing the same shall be forfeited.

Penalty for use of
unlawful weights &c.
Ib. s. 21.

46. If any person sell any goods wares merchandises or other things by heaped measure or by any weight or measure not allowed for that purpose by this Act or sell any coals coke slack culm charcoal or cannel of any description by measure and not by weight he shall on conviction thereof forfeit and pay any sum not exceeding ten pounds and any contract bargain or sale made contrary hereto shall be wholly null and void.

Penalty for
obstructing Inspector
or not producing
weights.

47. If any person wilfully obstruct resist hinder or oppose any Inspector of Weights and Measures in the execution of his office or if any person selling conveying or carrying by weight or measure refuse to produce and deliver his weights measures scales balances steelyards beams or other weighing machines to such Inspector or to any Justice he shall on conviction forfeit and pay for every such offence any sum not exceeding ten pounds.

Penalty for counter-
feiting marks &c.
Ib. s. 30.

48. If any person make forge or counterfeit or cause or procure to be made forged or counterfeited or knowingly act or assist in the making forging or counterfeiting any stamp brand or mark used for the stamping or marking of any weights or measures under this Act such person shall on conviction forfeit for every such offence any sum not exceeding one hundred pounds and if any person knowingly sell utter dispose of or expose for sale any weight or measure with such forged or counterfeit stamp brand or mark thereon he shall on conviction forfeit for every such offence any sum not exceeding twenty pounds.

Weights and
measures forfeited
to be destroyed.

49. All weights measures balances steelyards beams or scales forfeited under this Act shall be so broken up as to prevent their being again used as such and shall then be sold.

Weights and Measures.

THE FOURTH SCHEDULE.

Fees.

For examining and comparing weights including stamping when necessary—

	If of Brass.		If of Iron.	
	s.	d.	s.	d.
Each half-hundredweight	0	9	0	6
Each quarter-hundredweight	0	6	0	4
Each stone	0	4	0	3
Each weight under one stone	0	2	0	1

For examining and comparing wooden measures including stamping when necessary—

	s.	d.
Each bushel	0	6
Each half-bushel	0	4
Each peck or measure less than one peck	0	2
Each yard	0	1

For examining and comparing metal measures including stamping when necessary—

	s.	d.
Each five gallons	1	0
Each four gallons	0	9
Each three gallons	0	6
Each two gallons	0	4
Each gallon and each measure less than one gallon	0	2

For examining and comparing balances beams steelyards and other weighing machines including stamping when necessary—

	s.	d.
Each half-hundredweight	0	6
Each additional half-hundredweight	0	3

THE FIFTH SCHEDULE.

FORM OF INSPECTOR'S BOOK FOR MINUTING COMPARISONS.

District of

No.	Owner of Weights and Measures.				Denomination of				Denomination.	Capacity.	When compared.	Fees paid.	Remarks.
	Surname alphabetically.	Christian Names.	Place of business.	What trade.	Weights.		Measures.						
					Avoirdupois.	Troy.	Capacity.	Extension.					

THE SIXTH SCHEDULE.

I HEREBY certify that the above is a true copy of the minute of comparison made by me on the day of 186 .

(Signed)

Inspector of Weights and Measures for

(Date) 186 .

WELLINGTON, NEW ZEALAND:

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