

## No. X.

AN ORDINANCE for establishing Standard Weights and Measures, and for the prevention of the use of such as are false and deficient. [26th October, 1846.]

WEIGHTS AND  
MEASURES.

**W**HEREAS it is necessary to provide against the use of fraudulent weights and measures in the Colony of New Zealand, 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 is hereunto annexed), are about to be imported into the Colony for the purposes of this Ordinance: Preamble.

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

### I.—STANDARDS TO BE ESTABLISHED.

1. The several standard weights and measures so to be imported as aforesaid shall be deposited in some convenient place to be appointed by the Governor, to be therein safely kept, and shall be and are hereby declared to be the standard weights and measures of the Colony of New Zealand. Standard weights and measures established.

2. It shall be lawful for His Excellency the Governor to cause copies and models of the several weights and measures so to be deposited as aforesaid to be carefully made, and upon every such copy or model being verified upon oath before such Governor and approved of by him, to cause a stamp or mark 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 S.W. or S.M., signifying standard weight or standard measure as the case may be, and the weight or measure of such copy or model. Copies and models to be made.

*Weights and Measures.***And deposited.**

**3.** Such copies or models, after having been so verified approved and marked, shall be deposited with such persons as the Governor shall for that purpose appoint, and shall by them respectively be safely kept for the purpose of reference as hereinafter directed.

**And verified every five years.**

**4.** Such persons as aforesaid shall at least once in every five years bring and present or forward all such copies and models to be compared and verified with the standard weights and measures so to be deposited 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.

**If destroyed to be replaced.**

**5.** In case any of the said standard weights or measures or of 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, of the same weight or measure as the weight or measure so lost destroyed defaced or otherwise injured, and the same shall thereupon be deemed to be a true and genuine weight or measure to all such and the like intents and purposes as the weight or measure which shall have been lost destroyed defaced or injured.

**To be accessible to the public for comparison.**

**6.** Any person who may be desirous of comparing or adjusting any weights or measures shall have access to all such copies or models so to be deposited as aforesaid, at all reasonable times, on payment of such fees as are hereinafter mentioned; and it shall be the duty of the respective persons to be appointed by the Governor as aforesaid for the safe 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.

**Fee for comparing.**

**7.** For every such examination of any such weights and measures the person authorized 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 and no more.

**Weights &c. brought to be compared to be stamped under certain regulations.**

**8.** Every person to be appointed by the Governor as aforesaid, for the safe keeping of approved copies and models, shall on every weight and measure by him compared and found true affix a proper mark or stamp to be in that behalf appointed by the Governor, and such person and all other persons acting in the execution of this Ordinance shall observe and conform to the following regulations, namely :—

**Regulations.**

1. No weight and measure shall be stamped or marked unless it express the same denomination of weight or measure as one of the standards.

2. 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.

3. Every iron weight shall 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.

4. Every weight shall be distinctly marked with words or figures denoting the value of the weight which it professes to represent.

5. Every measure of capacity or length made of wood or metal shall be distinctly marked with words or figures denoting the capacity or length which it professes to represent.

5. Every false weight weighing-machine or measure in the possession

*Weights and Measures.*

possession of any tradesman or other person shall render him liable to a separate penalty.

9. And whereas the use of weights made of soft materials affords facility to fraud, 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 be legibly stamped or marked "Cased," or shall prevent the insertion of such a plug of lead or pewter into weights as shall be *bonâ fide* necessary for the purpose of adjusting them or of fixing thereon the stamps hereinbefore mentioned.

Weights not to be made of lead or pewter.

II.—TRUE AND STAMPED WEIGHTS, ETC., ONLY TO BE USED.

10. 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 steel-yard or spring-balance or by any unstamped or unmarked weight or measure: Provided always that nothing herein contained shall apply to contracts or bargains for the sale exchange or delivery of any goods wares merchandise or other things *bonâ fide* entered into before this Ordinance shall come into operation, but that all goods wares merchandise and other things so contracted and bargained for as last aforesaid may be sold and delivered according to the ratio or proportion which the weights and measures in use in the Colony at the time such contracts or bargains shall have been made shall bear to the standard weights and measures established by this Ordinance.

Goods not to be sold by false or unstamped weights &c.

11. 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.

Goods sold by measures to be stricken off.

12. And whereas the heaped measure is liable to considerable variation: Be it therefore enacted, That the heaped measure shall be abolished, and all bargains sales and contracts which shall be made by the heaped measure after this Ordinance shall come into operation shall be null and void.

The heaped measure abolished.

13. 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 fitted in all parts as nearly to the level of the brim as the size and shape of the article sold will admit: Provided that nothing herein contained shall prevent the sale by weight of any article heretofore sold by heaped measure.

Articles heretofore sold by heaped measures how to be sold.

14. Provided always that nothing herein contained shall be deemed or taken to extend or apply to the sale of medicines or precious metals, precious stones, or to the weights and measures *bonâ fide* used for the sale thereof and for no other purpose.

Ordinance not to apply to sale of medicines &c.

15. And be it further enacted, That nothing in this Ordinance contained shall be deemed or taken to apply to the weights and measures now used by Her Majesty's officers in this Colony for ascertaining any rates or duties payable to Her Majesty, her heirs and successors, upon the importation into the said Colony of any goods wares merchandise or other thing, or upon spirits distilled therein, unless

Nor to Her Majesty's Customs.

*Weights and Measures.*

unless Her Majesty's pleasure shall be first heard and signified; and as soon as conveniently may be thereafter, it shall be lawful for the Governor 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 to be established by this Ordinance; and immediately upon 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 so to be prepared and published as aforesaid.

## III.—INSPECTORS.

Inspectors to be appointed.

16. It shall be lawful for the Governor to appoint fit persons who shall have power to examine balances weights and measures within the Colony. Every such person shall upon his appointment take an oath well and faithfully to execute the office in him reposed by virtue of such appointment, which oath any Justice of the Peace is hereby empowered to administer: Provided always that no maker of or seller of weights or measures, or person employed in the making or selling thereof, shall be appointed an Inspector of Weights and Measures under the provisions of this Ordinance.

Inspectors to enter into bond.

17. Every Inspector shall upon his appointment forthwith give security to the satisfaction of the Governor for the due and punctual performance of the duties of his office, and for the safety of the stamps and copies of the 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.

Power to Inspectors to enter into shops &c.

18. It shall be lawful for such Inspector to enter in the day time any shop house mill store out-house or other places near to such shop house mill store or out-house, and to enter into or inspect the stall or standing-place of any person or persons within his district 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 false and unstamped weights, &c.

19. It shall also be lawful for such Inspector to seize any false balance and any false or unstamped weights or measures, not being according to the standards or the copies or models thereof and not being stamped or marked as hereinbefore provided, which shall be found upon any such search as aforesaid, and to detain the same to be produced before any two or more Justices of the Peace; and such Justices are hereby authorized and required to inquire into hear and determine in a summary way all informations matters and things touching such seizures or in any wise relating thereto.

## IV.—PENALTIES.

For injuring copies &c.

20. If any person shall falsify or wilfully injure any copy or model so to be deposited as aforesaid, every such offender shall forfeit and pay for every such offence the sum of fifty pounds.

For refusing to compare weights.

21. If any person to be appointed as aforesaid for the safe keeping of such copies or models shall neglect or refuse to compare any weights or measures at all such reasonable times as he shall be thereunto required, every person so offending shall, if to the convicting Justices

*Weights and Measures.*

Justices it shall seem fit, forfeit and pay any sum not exceeding ten pounds nor less than ten shillings.

**22.** Every person in whose house shop mill or store out-house premises stall or standing-place cart wheelbarrow or basket any false or deficient balance or any unstamped or unmarked weight or measure shall be found upon any such search as aforesaid, shall forfeit and pay for every such balance weight or measure any sum not exceeding ten pounds nor less than five shillings, as to the convicting Justices shall seem meet. And all such false or deficient unstamped or unmarked weights and measures shall upon the conviction of any such person be forfeited, and shall be broken or otherwise disposed of as such Justices shall direct.

For having in possession false or unstamped weights.

**23.** If any person shall wilfully obstruct hinder resist or in any wise oppose any person appointed under the authority hereof to view and examine such balances weights and measures in the execution of his office, or if any person selling or retailing by weight or measure shall refuse to produce his balances weights or measures in order to be viewed or examined, every person so offending shall for every such offence forfeit and pay any sum not exceeding twenty pounds nor less than forty shillings as the convicting Justices shall adjudge.

For obstructing Inspectors.

**24.** If any person shall bargain sell or deliver in payment barter or exchange any goods wares or 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 herein excepted), or shall so bargain sell or deliver by any steel-yard or spring-balance, or by any unstamped or unmarked weight or measure, every person so offending shall for every such offence forfeit and pay the sum of forty shillings.

For selling by false or unstamped weights &c.

**25.** If any person shall sell any articles by the heaped measure, he shall forfeit and pay for every such sale any sum not exceeding forty shillings.

For selling by heaped measure.

**26.** The penalties hereby imposed shall be recovered in a summary way before any two Justices of the Peace, who shall cause one moiety of every penalty which shall be paid by virtue of any such conviction to be awarded to the person who shall sue for the same.

Penalties how to be recovered and applied.

**27.** It shall be lawful for His Excellency the Governor from time to time, by Proclamation, to appoint and define the towns or districts to which the operation of this Ordinance shall extend, and from time to time in like manner to alter their limits and to revoke such Proclamation as to him shall seem meet; and the provisions of this Ordinance shall not be construed to apply in any respect whatever to any town or district not appointed and defined by His Excellency the Governor in the manner aforesaid.

Governor to appoint and define towns &c.

**28.** Nothing in this Ordinance contained shall be construed to prevent the use of weigh-bridges in the weighing of hay bark and such other rough goods as are usually weighed in that manner, nor to prevent the use of steel-yards in the weighing of goods not exposed for sale in the ordinary course of trade: Provided that no such steel-yard be used within the limits of any town which shall be brought under the operation of this Ordinance.

Weigh-bridges and steel-yards may be used &c.

**29.** This Ordinance shall come into operation from and immediately 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 Ordinance into execution, and in all other respects the said Ordinance shall come into operation on a day being two calendar months from and after the first notification in the New Zealand Government *Gazette* of the appointment of any such person.

Commencement of Ordinance.

---

*Fees on Crown Grants.*


---

**Interpretation.**

**30.** For the purposes of this Ordinance, the word "Governor" shall be taken to include the Lieutenant-Governor or the Officer Administering the Government of the Colony for the time being.

---

**SCHEDULE.**


---

LIST OF STANDARD WEIGHTS AND MEASURES TO BE DEPOSITED AS HEREINBEFORE PROVIDED.

STANDARD WEIGHTS.		STANDARD MEASURES OF CAPACITY.	
Fifty-six pounds.	Four ounces.	One bushel.	One half gallon.
Twenty-eight pounds.	Two ounces.	One half bushel	One quart.
Fourteen pounds.	One ounce.	One peck.	One pint.
Seven pounds.	Eight drams.	One half peck.	One half pint.
Four pounds.	Four drams.	One quarter peck.	One gill.
Two pounds.	Two drams.	One gallon.	One half gill.
One pound.	One dram.		
Eight ounces.			

Standard Measuring Rod.

---