



ANNO QUADRAGESIMO OCTAVO ET QUADRAGESIMO
NONO

VICTORIÆ REGINÆ.

A.D. 1885.

No. 349.

An Act to consolidate and amend the Law relating to
Weights and Measures in the Province of
South Australia.

[*Assented to, December 11th, 1885.*]

WHEREAS it is expedient to consolidate and amend the law Preamble.
relating to weights and measures in the Province of South
Australia—Be it therefore Enacted by the Governor of the said
province, with the advice and consent of the Legislative Council
and House of Assembly of the said province, in this present Parlia-
ment assembled, as follows :

PRELIMINARY.

1. This Act may be cited as “The Weights and Measures Act, Short title.
1885.”

2. This Act shall not come into operation until the first day of Commencement.
January, one thousand eight hundred and eighty-six, which day is
hereinafter referred to as the commencement of this Act.

3. In this Act, unless the context otherwise requires: Definitions.

The expression “stamping” includes casting, engraving, etching,
branding, or otherwise marking in such manner as to be,
so far as practicable, indelible; and the expression “stamp”
and other expressions relating thereto shall be construed
accordingly :

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The expression "coin weight" means a weight used, or intended to be used, for weighing coin.

Parts.

4. This Act shall be divided into four Parts—

PART I.—Law of Weights and Measures:

PART II.—Administration:

PART III.—Miscellaneous:

PART IV.—Repeal.

PART I.

LAW OF WEIGHTS AND MEASURES.

Uniformity of Weights and Measures.

Uniformity of weights and measures.

5. The same weights and measures shall be used throughout the said province.

Standards of Measure and Weight.

Standards of measure and weight.

6. A yard measure and a platinum weight, more particularly described in the First Schedule to this Act, shall, so soon as practicable, be obtained by the Commissioner of Crown Lands and deposited in the office of the Surveyor-General, and placed in the custody of the said Commissioner, and shall, so soon as obtained, and after notice thereof shall have been published in the *Government Gazette* by the said Commissioner, be the standards of measure and weight for the Province of South Australia; and the said yard measure shall be the standard for determining the standard yard for the said province, and the said platinum weight shall be the standard for determining the standard pound for the said province.

Restoration of standards.

7. If at any time either of the above standards of measure and weight for the said province is lost, or in any manner destroyed, defaced, or otherwise injured, the Commissioner of Crown Lands shall, so soon as practicable, replace it by obtaining and depositing a similar new standard of measure or weight, as the case may require, in the said office of the Surveyor-General.

Government standards of measure and weight.

8. The Commissioner of Crown Lands shall, so soon as practicable, obtain the standards of measure and weight mentioned in the Second Schedule to this Act, and which shall be deposited in the said office of the Surveyor-General, and shall be derived from the standards for the said province, and which shall, after notice thereof be published in the *Government Gazette*, be the Government standards of measure and weight.

If at any time any of such Government standards is lost, or in any manner destroyed, defaced, or otherwise injured, the Commissioner of

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of Crown Lands shall, as soon as possible, replace it by obtaining and depositing in the said office of the Surveyor-General a similar new standard, which shall be verified by reference to one of the standards of the said province.

The Commissioner of Crown Lands shall from time to time cause such new denominations of standards, being either equivalent to or multiples or aliquot parts of the standards of weights and measures for the said province ascertained by this Act, or being equivalent to or multiples of each coin of the realm for the time being, as appear to him to be required, in addition to those mentioned in the Second Schedule to this Act, to be made and duly verified; and those new denominations of standards, when approved by the Governor, shall be standards in like manner as if they were mentioned in the said schedule.

It shall be lawful for the Governor to declare that a standard for the time being of any denomination, whether mentioned in the said schedule or approved by him, shall cease to be such a standard.

Such standards as are equivalent to or multiples of any coin of the realm for the time being shall be standard weights for determining the justness of the weight of and for weighing such coin.

9. The standards of measure and weight which are at the commencement of this Act legally in use by inspectors of weights and measures for the purpose of verification or inspection, and all copies of the standards for the said province which after the commencement of this Act are verified by the Commissioner of Crown Lands for the purpose of being used by inspectors of weights and measures under this Act as standards for the verification or inspection of weights and measures, shall be called local standards.

Local standards of measure and weight.

10. The present standard weights and measures for the said province deposited with the Surveyor-General, at his office, under Ordinance No. 7 of 1845, shall be and continue to be the standard weights and measures in use in the said province until the weights and measures mentioned in this Act shall be obtained by the Commissioner of Crown Lands, and notice thereof published in the *Government Gazette*. During such period all the provisions of this Act shall be read, construed, and have effect, so far as applicable, as if the present standard weights and measures so deposited with the Surveyor-General had been referred to therein in place of the new weights and measures required by this Act to be obtained by the Commissioner of Crown Lands.

Present standard weights and measures to be the standard weights and measures until new ones shall be obtained by the Commissioner of Crown Lands.

Measures of Length.

11. The straight line or distance marked as a yard, or purporting to be a yard, at a certain temperature, and under certain tests and conditions on the yard measure, to be procured in accordance with this Act, and described in the First Schedule to this Act, and by this Act declared to be the standard for determining the standard

Standard yard.

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standard yard measure shall be the legal standard measure of length, and shall be called the standard yard, and 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.

Linear measures
derived from standard
yard.

12. One-third part 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 contain five such yards and a half, and the chain shall contain twenty-two such yards, the furlong two hundred and twenty such yards, and the mile one thousand seven hundred and sixty such yards.

Superficial measures
derived from the
standard yard.

13. 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.

Measures of Weight and Capacity.

Standard pound.

14. The weight in vacuô of the platinum weight (mentioned in the First Schedule to this Act), and by this Act declared to be the standard for determining the standard pound, shall be the legal standard measure of weight, and of measure having reference to weight, and shall be called the standard pound, 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.

Weights derived from
standard pound.

15. 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 stone shall consist of fourteen standard pounds, and a hundred-weight shall consist of eight such stones, and a ton shall consist of twenty such hundredweights.

Four hundred and eighty grains shall be an ounce troy.

All the foregoing weights, except the ounce troy, shall be deemed to be avoirdupois weights.

Measures of capacity.

16. 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 the air at the temperature of sixty-two degrees of Fahrenheit's thermometer, and with the barometer at thirty inches.

The quart shall be one-fourth part of the gallon, and the pint shall be one-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, and thirty-six such bushels shall be a chaldron.

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17. A bushel for the sale of any of the following articles, namely, lime, fish, potatoes, fruit, or any other goods and things which (before the passing of an Ordinance in the sixth year of the reign of Her Majesty Queen Victoria, being No. 13 of 1843, and intituled "An Act for the establishment of standard weights and measures in the Province of South Australia, and for the prevention of the use of such as are false, and deficient," that is to say, the 18th day of February, 1843) were commonly sold by heaped measure, shall be a hollow cylinder having a plane base, the internal diameter of which shall be double the internal depth; and every measure used for the sale of any of the above-mentioned articles which is a multiple of a bushel, or is a half bushel or a peck, shall be made of the same shape and proportion as the above-mentioned bushel.

Measure of capacity for goods formerly sold by heaped measure.

18. In using measure of capacity, the same shall not be heaped, but either shall be stricken with a round stick or roller, straight, and of the same diameter from end to end, or, if the article sold cannot from its size or shape be conveniently stricken, shall be filled in all parts as nearly to the level of the brim as the size and shape of the article will admit.

Measure of capacity when used to be stricken or filled up.

Use of Standard Weights and Measures.

19. Every contract, bargain, sale, or dealing, made or had in the said province for any work, goods, wares, or merchandise or other thing which has been or is to be done, sold, delivered, carried, or agreed for by weight or measure, shall be deemed to be made and had according to one of 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; and all tolls and duties charged or collected according to weight or measure shall be charged and collected according to one of the standard weights or measures ascertained by this Act, or to some multiple or part thereof.

Trade contracts, sales, dealings, &c., to be in terms of standard weights or measures.

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

No local or customary measures, nor the use of the heaped measure, shall be lawful.

Any person who sells by any denomination of weight or measure other than one of the standard weights or measures, or some multiple or part thereof, shall be liable to a fine not exceeding Forty Shillings for every such sale.

This section shall not apply to any contract, bargain, sale, or dealing made or had by any person in the said province with any person carrying on business in any other country in the course of such business according to the legal weights and measures of such country.

20. All articles sold by weight shall be sold by avoirdupois weight, except that—
(1.) Gold

Sale by avoirdupois weight, with exception.

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- (1.) Gold and silver, and articles made thereof, including gold and silver thread, lace, or fringe, also platinum, diamonds, and other precious metals or stones, may be sold by the ounce troy, or by any decimal parts of such ounce; and all contracts, bargains, sales, and dealings in relation thereto shall be deemed to be made and had by such weight, and when so made or had shall be valid; and
- (2.) Drugs, when sold by retail, may be sold by apothecaries weight.

Every person who acts in contravention of this section shall be liable to a fine not exceeding Five Pounds.

Exception for sale of article in vessel not represented as being of standard or local measure.

21. Nothing in this Act shall prevent the sale, or subject a person to a fine under this Act for the sale of, an article in any vessel, where such vessel is not represented as containing any amount of standard measure, nor subject a person to a fine under this Act for the possession of a vessel, where it is shown that such vessel is not used nor intended for use as a measure.

Penalty on use or possession of unauthorised weight or measure.

22. Every person who uses or has in his possession for use for trade a weight or measure which is not of the denomination of some Government standard herein referred to shall be liable to a fine not exceeding Five Pounds, or, in the case of a second offence, Ten Pounds, and the weight or measure shall be liable to be forfeited.

Unjust Weights and Measures.

Penalty on use or possession of unjust measures, weights, balances, or weighing machines.

23. Every person who uses or has in his possession for use for trade any weight, measure, scale, balance, steelyard, or weighing machine which is false or unjust shall be liable to a fine not exceeding Five Pounds, or, in the case of a second offence, Ten Pounds; and any contract, bargain, sale, or dealing made by the same shall be void, and the weight, measure, scale, balance, or steelyard shall be liable to be forfeited.

Penalty for fraud in use of weight, measure, balance, &c.

24. Where any fraud is wilfully committed in the using of any weight, measure, scale, balance, steelyard, or weighing machine, the person committing such fraud, and every person party to the fraud, shall be liable to a fine not exceeding Five Pounds, or, in the case of a second offence, Ten Pounds, and the weight, measure, scale, balance, or steelyard shall be liable to be forfeited.

Penalty on sale of false weight, measure, balance, &c.

25. A person shall not wilfully or knowingly make or sell, or cause to be made or sold, any false or unjust weight, measure, scale, balance, steelyard, or weighing machine.

Every person who acts in contravention of this section shall be liable to a fine not exceeding Ten Pounds, or, in the case of a second offence, Fifty Pounds.

Stamping and Verification of Weights and Measures.

Stamping of weights

26. Every weight, except where the small size of the weight renders

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renders it impracticable, shall have the denomination of such weight stamped on the top or side thereof in legible figures and letters.

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and measures with denominations.

Every measure of capacity shall have the denomination thereof stamped on the outside of such measure in legible figures and letters.

A weight or measure not in conformity with this section shall not be stamped with such stamp or verification under this Act as is hereinafter mentioned.

27. Every measure and weight whatsoever used for trade shall be verified and stamped by an inspector with a stamp of verification under this Act.

Stamping of verification on measures and weights.

Every person who uses or has in his possession for use for trade any measure or weight not stamped as required by this section shall be liable to a fine not exceeding Five Pounds, or, in the case of a second offence, Ten Pounds, and shall be liable to forfeit the said measure or weight; and any contract, bargain, sale, or dealing made by such measure or weight shall be void.

28. A weight made of lead or pewter, or of any mixture thereof, shall not be stamped with a stamp of verification or used for trade, unless it be wholly and substantially cased with brass, copper, or iron, and legibly stamped or marked "cased."

Lead or pewter weights.

Provided that nothing in this section shall prevent the insertion into a weight of such a plug of lead or pewter as is *bonâ fide* necessary for the purpose of adjusting it and of affixing thereon the stamp of verification.

A person guilty of any offence against or disobedience to the provisions of this section shall be liable to a penalty not exceeding Five Pounds, or, in case of a second offence, Ten Pounds.

29. The Commissioner of Crown Lands shall cause to be verified and stamped every coin weight not less in weight than the weight of the lightest coin for the time being current, with a mark of verification under this Act, and otherwise the same shall not be deemed a just weight for determining the weight of gold and silver coin of the realm.

Stamping of verification on weights for coin.

Every person who uses any weight declared by this section not to be a just weight shall be liable to a fine not exceeding Fifty Pounds.

30. If any person forges or counterfeits any stamp used for the stamping under this Act of any measure or weight, or used before the commencement of this Act for the stamping of any measure or weight, under any enactment repealed by this Act, or wilfully increases or diminishes a weight so stamped, he shall be liable to a fine not exceeding Fifty Pounds.

Forgery, &c., of stamps on measures or weights.

Any person who knowingly uses, sells, utters, disposes of, or exposes for sale any measure or weight with such forged or counterfeit stamp thereon, or a weight so increased or diminished, shall be liable to a fine not exceeding Ten Pounds.

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All measures and weights with any such forged or counterfeit stamp shall be forfeited.

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ADMINISTRATION.

(a.) *Central.**Commissioner of Crown Lands.*

Powers and duties of Commissioner of Crown Lands as to standards of weights and measures, &c.

31. The Commissioner of Crown Lands shall have all such powers and perform all such duties relative to standards of measure and weight and to weights and measures as are by this Act vested in or imposed on him.

Custody and Verification of Standards and Copies.

Custody of standards to be with Commissioner of Crown Lands.

32. The standards of measure and weight, and all balances, apparatus, books, documents, and things used in connection therewith or relating thereto, shall, as soon as obtained by the Commissioner of Crown Lands, be in the custody of the Commissioner of Crown Lands.

The Commissioner of Crown Lands may, if he think advisable, from time to time cause the standards of measure and weight for the said province to be compared and verified by reference to the British imperial standards of measure and weight.

Custody of Government standards.

33. The Government standards of measure and weight to be made in pursuance of this Act, when obtained by the Commissioner of Crown Lands, shall be deposited at the office of the Surveyor-General, and be in the custody of the Commissioner of Crown Lands.

The Commissioner of Crown Lands shall cause the Government copies of the standards of measure and weight to be compared once at least in every twenty years with the standards of measure and weight for the said province.

Verification by Commissioner of Crown Lands of local standards.

34. The Commissioner of Crown Lands shall cause to be compared with the Government standards, and verified at such place as the said Commissioner in each case directs, all copies of any of those standards which are submitted for the purpose by any local authority, and have been used or are intended to be used as local standards; and, if he find the same fit for the purpose of being used by inspectors of weights and measures under this Act as standards for the verification and inspection of weights and measures, shall cause them to be stamped as verified or re-verified in such manner as to show the date of such verification or re-verification, and every such verification shall be evidenced by a certificate, and every such re-verification shall be evidenced by an indorsement upon the original certificate of verification, or by a new certificate of verification.

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Any such certificate or indorsement, if purporting to be signed (either before or after the passing of this Act) by the Commissioner of Crown Lands or such person as he shall appoint, shall be evidence of the verification or re-verification of the weights and measures therein referred to.

No fee shall be payable on the verification or re-verification of any local standard.

A record shall be kept by the Commissioner of Crown Lands of all local standards verified or re-verified.

35. The Commissioner of Crown Lands shall without fee cause all coin weights required by this Act to be verified to be compared with the standard weights for weighing coin, and, if found to be just, stamped with a mark approved of by him.

Verification and stamping of coin weights.

*(b.) Local Administration.**Local Standards.*

36. The Commissioner of Crown Lands shall issue to the local authority (mentioned in the Third Schedule to this Act) of every corporate city, town, and district council, on application, and upon payment of such fees as shall be fixed in that behalf by the Commissioner of Crown Lands, such local standards of measure and weight as such local authority deem requisite for the purposes of this Act, of all weights and measures in use in their city, town, or district, and good and sufficient stamps, brands, beams, scales, and books for the purposes of this Act, and such local authority shall fix the places at which such standards are to be deposited.

Commissioner to issue local standards to local authority.

The said local authority shall provide from time to time proper means for verifying weights and measures by comparison with the local standards of such authority and for stamping the weights and measures so verified.

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

Periodical verification of local standards.

A local standard of weight or measure which has become defective in consequence of any wear or accident, or has been mended, shall not be legal nor be used for the purpose of this Act until it has been re-verified by the Commissioner of Crown Lands.

It shall be lawful for the Governor from time to time to define the amount of error to be tolerated in local standards when verified or re-verified by the Commissioner of Crown Lands.

38. The local standards shall be produced by the person having the custody thereof, upon reasonable notice, at such reasonable time and place within the city, town, district, or place for which the same have

Production of local standards.

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have been provided as any person by writing under his hand requires, upon payment by the person requiring such production of the reasonable charges of producing the same.

Present local standards to be verified within one year.

39. All local standards of measure and weight in use and in force in the said province at the commencement of this Act, shall be verified under this Act within one year from the publication of notice in the *Government Gazette* that the weights and measures required to be obtained by the Commissioner of Crown Lands under this Act have been so obtained.

Local Verification and Inspection of Weights and Measures.

Appointment of inspectors of weights and measures.

40. Every local authority shall from time to time appoint a sufficient number of inspectors of weights and measures for safely keeping the local standards provided by such authority, and for the discharge of the other duties of inspectors under this Act; and, where they appoint more than one such inspector, shall allot to each inspector (subject to any arrangement made for a chief inspector or inspectors) a separate district, to be distinguished by some name, number, or mark; and the local authority may suspend or dismiss any inspector appointed by them or appoint additional inspectors, as occasion may require, and shall assign reasonable remuneration to each inspector for the performance of his duties.

A local authority may, if they think fit, appoint different persons to be inspectors for verification and for inspection respectively of weights and measures under this Act.

A maker, repairer, or seller of weights or measures, scales or balances, or a person employed in the making, repairing, or selling thereof, shall not be an inspector of weights and measures under this Act.

An inspector of weights and measures shall forthwith on his appointment enter into a bond to the Crown (to be sued for in any court of law) in the sum of Two Hundred Pounds for the due performance of the duties of his office, and for the due payment, at the times fixed by the local authority appointing him, of all fees received by him under this Act, and for the safety of the local standards and the stamps and appliances for verification committed to his charge, and for their due surrender immediately on his removal or other cessation from office to the person appointed by the local authority to receive them.

All inspectors duly appointed under any enactment at the commencement of this Act shall continue in office as if appointed in pursuance of this Act.

Verification and stamping by inspectors of weights and measures.

41. The local authority shall from time to time fix the times and places within their jurisdiction at which each inspector appointed by them is to attend for the purpose of the verification of weights and measures; and the inspector shall attend, with the local standards in his

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his custody, at each time and place fixed, and shall examine every measure or weight which is of the same denomination as one of such standards and is brought to him for the purpose of verification, and compare the same with that standard, and if he find the same correct shall stamp it with a stamp of verification in such manner as best to prevent fraud.

He shall also enter in a book kept by him minutes of every such verification, and give, if required, a certificate under his hand of every such stamping.

An inspector appointed by a local authority may enter a place within the district of an inspector appointed by any other local authority, and there verify and stamp the weights and measures of any person residing within his own district; but if he knowingly stamp a weight or measure of any person residing in the district of an inspector legally appointed by another local authority, he shall be liable to a fine not exceeding Twenty Shillings for every weight or measure which he so stamps.

42. Any person who keeps or uses any weight or measure in any place for which there is no inspector, and who is desirous of adjusting the same, shall have access to the local standards of measure and weight of the local authority nearest to such place; and it shall be the duty of the inspector in whose charge the said local standards shall be to compare and stamp any such weight or measure in the same manner, upon the same terms, and subject to the same penalties for breach of duty, or otherwise misconducting himself in the execution of his office, as if such person kept or used the same within the limits for which such inspector shall have been appointed.

Verification and stamping in places where there is no inspector.

43. A weight or measure duly stamped by an inspector under this Act shall be a legal weight or measure throughout the Province of South Australia, unless found to be false or unjust, and shall not be liable to be re-stamped because used in any place other than that in which it was originally stamped.

Validity of weights and measures stamped throughout the Province of South Australia.

44. Where a measure for liquids is constructed with a small window or transparent part through which the contents, whether to the brim or to any other index thereof, may be seen without impediment, such measure may be verified and stamped by inspectors under this Act, although such measure is made partly of metal and partly of glass or other transparent medium, and that whether such measure corresponds exactly to the Government standard, or whether it exceeds such standard, but has the capacity of such standard indicated by a level line drawn through the centre of the window or transparent part.

Power to stamp measures made partly of metal and partly of glass.

45. An inspector under this Act may take, in respect of the verification and stamping of weights and measures, such fees, not exceeding those specified in the Fourth Schedule to this Act, as the authority

Fees for comparison and stamping.

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authority appointing him from time to time fix, and shall at such times, not less often than once a quarter, as the said authority direct, account for and pay over to the town clerk or clerk, or such person as the said authority direct, all fees taken by him.

Where the Commissioner of Crown Lands, upon the application of any local authority, from time to time represents to the Governor that it would be expedient to alter the fees taken by the inspectors of such authority under this Act (whether specified in the said schedule or in any order previously made under this section), or for the purpose of adapting those fees to the local standards provided by such authority, to add to the said fees, it shall be lawful for the Governor from time to time to alter or add to the said fees.

Power to inspect measures, weights, scales, &c., and to enter shops, &c., for that purpose.

46. Every inspector under this Act authorised in writing under the hand of a Justice of the Peace, also every Justice of the Peace, may at all reasonable times, either in the daytime or at night, inspect all weights, measures, scales, balances, steelyards, and weighing machines within his jurisdiction which are used or in the possession of any person or on any premises for use for trade, and may compare every such weight and measure with some local standard, and may seize and detain any weight, measure, scale, balance, or steelyard which is liable to be forfeited in pursuance of this Act; and may for the purpose of such inspection enter any place, whether a building or in the open air, whether open or enclosed, where he has reasonable cause to believe that there is any weight, measure, scale, balance, steelyard, or weighing machine which he is authorised by this Act to inspect.

Any person who neglects or refuses to produce for such inspection all weights, measures, scales, balances, steelyards, and weighing machines in his possession or on his premises, or refuses to permit the justice or inspector to examine the same or any of them, or obstructs the entry of the Justice or inspector under this section, or who threatens or otherwise obstructs or hinders a Justice or inspector acting under this section, shall be liable to a fine not exceeding Five, or, in the case of a second offence, Ten Pounds.

Penalty on inspector for misconduct.

47. If an inspector under this Act stamps a weight or measure in contravention of any provision of this Act, or without duly verifying the same by comparison with a local standard, or is guilty of a breach of any duty imposed on him by this Act, or otherwise misconducts himself in the execution of his office, he shall be liable to a fine not exceeding Five Pounds for each offence.

Local Authorities.

Local authorities and local rate.

48. For the purposes of this Act “the local authority” and “the local rate” shall mean in each of the different areas mentioned in the first column of the Third Schedule to this Act the authority and the rate or fund mentioned in that schedule in connection with that area.

Expenses of local authority.

49. The expense of providing and re-verifying local standards, the

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the salaries of the inspectors, and all other expenses incurred by the local authority under this Act, shall be paid out of the local rate.

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50. Any two or more local authorities may combine, as regards either the whole or any part of the areas within their jurisdiction, for all or any of the purposes of this Act, upon such terms and in such manner as may be from time to time mutually agreed upon.

Power of local authorities to combine for purposes of Act.

An inspector appointed in pursuance of an agreement for such combination shall, subject to the terms of his appointment, have the same authority, jurisdiction, and duties as if he had been appointed by each of the authorities who are parties to such agreement.

51. Any local authority from time to time, with the approval of the Commissioner of Crown Lands, may make, and when made, revoke, alter, and add to, by-laws for regulating the comparison with the local standards of such authority, and the verification and stamping of weights and measures in use in their city, town, or district, and generally for regulating the duties under this Act of the inspectors appointed by the local authority or of any of those inspectors. Such by-laws may impose fines not exceeding Twenty Shillings for the breach of any by-law, to be recovered on summary conviction. The Commissioner of Crown Lands, before approving such by-laws, shall cause them to be published in such manner as he may think sufficient for giving notice thereof to all persons interested.

Power to local authority to make by-laws as to local verification, &c.

Legal Proceedings.

52. All offences under this Act may be prosecuted and all fines and forfeitures under this Act may be recovered on summary conviction before any two Justices of the Peace for the said province, or a Special Magistrate for the said province, under the provisions of and in manner provided by the Ordinance, No. 6 of 1850, intituled "An Ordinance to facilitate the performance of the Duties of Justices of the Peace out of Sessions with respect to summary convictions and orders," or of any Act hereafter in force relating to the duties of Justices of the Peace with respect to summary convictions, and orders, and all convictions and orders may be enforced as in the said Ordinance or in any other Act as aforesaid shall be provided.

Prosecution of offences and recovery of fines.

53. The following enactments shall apply to proceedings under this Act, that is to say:

Provisions as to summary proceedings.

- (1.) The description of any offence in the words of this Act, or in similar words, shall be sufficient in law: and
- (2.) Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany in the same section the description of the offence, may be proved by the defendant, but need not be specified or negatived, in the information or complaint, and, if so specified or negatived, no proof

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proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant: and

- (3.) A warrant of commitment shall not be held void by reason of any defect therein, if it be therein alleged that the offender has been convicted, and there is a good and valid conviction to sustain the same:
- (4.) All weights, measures, scales, balances, and steelyards forfeited under this Act shall be broken up, and the materials thereof may be sold or otherwise disposed of as the Justices or Special Magistrate direct, and the proceeds of such sale shall be applied in like manner as fines under this Act.

Limitation as to conviction for second offences.

54. A person shall not be liable to any increased penalty for a second offence under any section of this Act, unless that offence was committed after a conviction within five years previously for an offence under the same section.

Evidence as to possession.

55. Where any weight, measure, scale, balance, steelyard, or weighing machine is found in the possession of any person carrying on trade within the meaning of this Act, or on the premises of any person which, whether a building or in the open air, whether open or enclosed, are used for trade within the meaning of this Act, such person shall be deemed, for the purposes of this Act, until the contrary is proved, to have such weight, measure, scale, balance, steelyard, or weighing machine in his possession for use for trade

Appeal from conviction.

56. There shall be an appeal from any order or conviction of any Special Magistrate or Justices of the Peace, made under the provisions hereinbefore contained, or from any order of a Special Magistrate or Justices of the Peace dismissing any information laid under this Act, or for the payment of costs or otherwise, or from any conviction by a Special Magistrate or Justices of the Peace for any offence under this Act, which appeal shall be to the nearest Local Court of Full Jurisdiction, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, and any Act extending or amending the same, for appeals to Local Courts; but the Local Court aforesaid may make such order as to payment of cost of appeal as such Court shall think fit, although such cost may exceed Ten Pounds.

Local Court may state a case for the opinion of the Supreme Court.

57. The Local Court of Full Jurisdiction may, upon the hearing of any appeal under the last preceding section, state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases, and the Supreme Court shall make such order as to the costs of any such special case as to the said Court shall appear just. And any Special Magistrate or two or more Justices in the Local Court

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Court shall make an order in respect of the matters referred to the Supreme Court in conformity with the certificate of the said Supreme Court, or of any Judge thereof, which order of the Special Magistrate or Justices of the Peace or the Local Court shall be enforced in manner provided by this Act for the enforcement of orders of a Special Magistrate or Justices of the Peace.

PART II.

58. In an action for any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, tender of amends before the action is commenced may in lieu of or in addition to any other plea be pleaded, if the action was commenced after such tender, or is proceeded with after payment into Court of any money in satisfaction of the plaintiff's claim. If the action is commenced after such tender, or is proceeded with after such payment, and the plaintiff does not recover more than the sum tendered or paid respectively, the plaintiff shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to his costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs or any injunction in the action.

Provision as to action against person acting in execution of Act.

PART III.

PART III.

MISCELLANEOUS.

59. It shall be lawful for the Governor from time to time to make rules and regulations for the purposes of this Act, and to revoke and vary any such rules and regulations.

Rules and regulations.

All rules and regulations made under this Act shall be published in the *Government Gazette*, and shall be forthwith laid before both Houses of Parliament, and shall have full effect as part of this Act.

60. The schedules to this Act shall be construed and have effect as part of this Act.

Effect of schedules.

61. Where an enactment refers to any Act repealed by this Act, or to any enactment thereof, the same shall be construed to refer to this Act or to the corresponding enactment of this Act.

Construction of Acts referring to repealed enactments.

62. Nothing in this Act contained shall be construed to prevent the use of weighbridges in the weighing of hay, bark, and such other rough goods as are usually weighed in that manner, nor to prevent the use of steelyards in the weighing of goods not exposed for sale or not being sold in the ordinary course of trade.

Weighbridges may be used, and for weighing goods not exposed for sale steelyards may be used.

63. All

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PART III.

Weighbridges and steelyards to be subject to the provisions of this Act.

63. All weighbridges and steelyards shall be subject to the provisions of this Act for being examined and stamped or marked as just, and shall be subject to the like penalties and proceedings if found unjust as if the same were therein expressly included as balances and weights, except that no weighbridge shall be liable to seizure under any of the provisions of this Act.

Fine and forfeiture to be paid to local authority.

64. All fines and forfeitures for any offence against this Act shall be paid to the local authority having jurisdiction in the area where such offence was committed.

The Governor may remit the whole or any part of any fine, although the same may be appropriated to any local authority.

Power of Corporations and District Councils to make by-laws not to be affected by this Act.

65. Nothing in this Act contained shall be deemed to alter or affect the power of any Corporation or District Council to make, publish, alter, modify, amend, and repeal by-laws and regulations with respect to weighbridges, balances, weights, and measures, in accordance with the provisions of "The Municipal Corporations Act, 1880," and "The District Councils Act, 1876"; nor to repeal, alter, or affect any by-law or regulation valid and in force at the time of the passing of this Act.

Savings.

Saving as to models of gasholders.

66. Nothing in this Act shall affect the validity of the models of gasholders verified and deposited in the Surveyor-General's office, in Adelaide; in pursuance of "The Meters and Gas Act, 1881," and all the provisions of this Act with reference to the Government standards of weight and measure deposited with the Commissioner of Crown Lands, as aforesaid, shall, except where inconsistent with the provisions of the said "Meters and Gas Act, 1881," apply to such models and the provisions of this Act with reference to the defining the amount of errors to be tolerated in local standards when verified and re-verified, shall apply to defining the amount of errors to be tolerated in such copies of the said models of gasholders as are provided by the Commissioner of Crown Lands to any local authority under "The Meters and Gas Act, 1881."

PART IV.

PART IV.

REPEAL.

Repeal of Acts

67. The Acts mentioned in the Fifth Schedule to this Act are hereby repealed.

Provided that—

(1.) Every inspector appointed in pursuance of any enactment hereby repealed, or of any other enactment, shall continue in office as if he had been appointed in pursuance of this Act: and

(2.) All

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PART IV.

- (2.) All weights and measures duly marked as verified and duly stamped in pursuance of any enactment hereby repealed shall be as valid as if they had been duly marked as verified and stamped in pursuance of this Act, and all weights and measures which at the commencement of this Act may lawfully be used without being stamped with a stamp of verification or a stamp of their denomination, and which are required by this Act to be stamped with such a stamp, may, notwithstanding they are not so stamped, be used until the expiration of six months after the commencement of this Act, without being subject to be seized or forfeited, and without rendering the person using or having possession of the same subject to any fine.
- (3.) This repeal shall not affect—
- (a.) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed: nor
 - (b.) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed: nor
 - (c.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed: nor
 - (d.) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed: and
- (4.) This repeal shall not revive any enactment, right, office, privilege, matter, or thing not in force or existing at the commencement of this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WILLIAM C. F. ROBINSON, Governor.

SCHEDULES.

FIRST SCHEDULE.

Standards of weight and measure for the Province of South Australia.

Sections 6, 11, and 14

The following standards shall be constructed under the direction of the Commissioner of Crown Lands :—

The standard for determining the length of the standard yard for the province of South Australia, shall be a yard measure of such description and material as the Commissioner of Crown Lands shall think best suited to the requirements of this province ; and shall be procured in England, and compared with the British Imperial Standard Yard, deposited in the standards department of the Board of Trade, and certified as correct by the warden of the British standards ; and shall be marked with the normal temperature at which it is equal to the Imperial Standard Yard, and with the words " Standard Yard, Government of South Australia."

The standard for determining the weight of the standard pound for the Province of South Australia shall be of platinum, the form being that of a cylinder nearly 1·35in. in height, and 1·15in. in diameter, with a groove or channel round it, whose middle is about 0·34in. below the top of the cylinder, for insertion of the points of the ivory fork by which it is to be lifted ; the edges to be carefully rounded off, and such standard pound to be marked, P.S. S.A., 1lb.

SECOND SCHEDULE.

Government Standards.

Section 8.

Standards of the measures and weights following to be obtained by the Commissioner of Crown Lands, and to be in use under the direction of the Commissioner of Crown Lands :—

MEASURES OF LENGTH.	MEASURES OF CAPACITY.
Denomination of Standard.	Denomination of Standard.
<i>Measure of Length.</i>	<i>Measure of Capacity.</i>
100 feet.	Bushel.
66 feet or a chain of 100 links.	Half-bushel.
Rod, pole, or perch.	Peck.
10 feet.	
6 " or 2 yards.	Gallon.
5 "	Half-gallon.
4 "	Quart.
3 " or 1 yard.	Pint.
2 "	Half-pint.
1 foot.	Gill.

*The Weights and Measures Act.—1885.**Government Standards—continued.*

MEASURES OF LENGTH.	MEASURES OF CAPACITY.
Denomination of Standard.	Denomination of Standard.
<i>Measure of Length.</i> 1 inch divided in 12 duodecimal, 10 decimal, and 16 binary equal parts.	<i>Measure of Capacity.</i> Half-gill. Quarter-gill. <i>Measures Used in the Sale of Drugs.</i> Fluid ounces— 4, 3, 2, 1 Fluid drachms— 4, 3, 2, 1 Minims— 30, 20, 10, 5, 4, 3, 2, 1

Weights.

Denomination of Standard.	Denomination of Standard.
<i>Avoirdupois Weights.</i>	<i>Troy Bullion Weights.</i>
56 pounds.	500 ounces.
28 “	400 “
14 “	300 “
7 “	200 “
4 “	100 “
2 “	50 “
1 pound.	40 “
8 ounces.	30 “
4 “	20 “
2 “	10 “
1 ounce.	5 “
8 drams.	4 “
4 “	3 “
2 “	2 “
1 dram	1 ounce.
$\frac{1}{2}$ “	0.5 “
240 grains, commonly called 10 penny-weights.	0.4 “
120 grains, commonly called 5 penny-weights.	0.3 “
72 grains, commonly called 3 penny-weights.	0.2 “
48 grains, commonly called 2 penny-weights.	0.1 “
24 grains, commonly called 1 penny-weight.	0.05 “
	0.04 “
	0.03 “
	0.02 “
	0.01 “
	0.005 “
	0.004 “
	0.003 “
	0.002 “
	0.001 “

*The Weights and Measures Act.—1885.**Coin Weights.*

Denomination of Coin.	Standard Weight.
GOLD—	
Five pound	Grains. 616·37239
Two pound	246·54895
Sovereign	123·27447
Half-sovereign	61·53723
SILVER—	
Crown	436·36363
Halfcrown	218·18181
Florin	174·54545
Shilling	87·27272
Sixpence	43·63636
Groat or fourpence	29·09090
Threepence	21·81818
BRONZE—	
Penny	145·83333
Halfpenny	87·50000

THIRD SCHEDULE.

Local Authorities.

Section 48.

Area.	Local Authority.	Local Rate.
Corporate cities or towns.	The municipal corporation of such corporate city or town.	The general corporation rates.
District councils.	The district council acting for each district.	The general district council rates.

FOURTH SCHEDULE.

Fees of Inspectors.

Section 45.

The following fees shall be the maximum fees which, unless altered as authorised by this Act, may be taken by any inspector of weights and measures appointed under this Act:—

For comparing and stamping all brass weights, iron weights, or weights of other descriptions, Threepence for each weight so compared and stamped.

For comparing and stamping all measures of capacity of liquids made of copper or other metal, Threepence for each measure so compared and stamped.

FIFTH

The Weights and Measures Act.—1885.

FIFTH SCHEDULE.

Enactments Repealed.

Section 67.

Reference to Act.	Title or Short Title of Act.	Extent of Repeal.
No. 13 of the sixth year of the reign of Her Majesty Queen Victoria	An Act for Establishing Weights and Measures in the Province of South Australia, and for the Prevention of the Use of such as are False and Deficient	The whole.
No. 7 of 1845	An Ordinance to amend 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	The whole.
No. 16 of 1845	An Ordinance to Regulate the use of Weighbridges and Steelyards	The whole.