

*Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1853.* Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1853.

16 Victoria – Chapter 30

**An Act regulating Weights and Measures. Passed 3rd May 1853.**

- | Section.  | Section.   |
|---|--|
| 1. Uniformity in Weights and Measures to be secured.  | 10. Those officers may enter places of business, and ships and vessels, to examine.                          |
| 2. All articles to be sold by avoirdupois weight, except certain articles which are sold to be troy weight.       | 11. Weights of soft metals disallowed.   |
| 3. The English lineal yard to be the unit of length.  | 12. Imperfect weights and measures, and weighing instruments, to be seized; penalties declared.              |
| 4. The measure of liquids to be the old English wine gallon.  | 13. Officers appointed by Common Council of Saint John to have same powers as Market Clerks and Town Clerks. |
| 5. The measure of dry capacity to be the Winchester bushel.   | 14. Use of the heaped measure abolished.   |
| 6. Complete sets of weights and measures to be procured by Lieutenant Governor.                                   | 15. The standard bushel of grains, seeds and roots, to be of certain weights respectively.                   |
| 7. Such weights and measures to be deposited in the Office of the Provincial Secretary.                           | 16. Coals to be sold by the ton of two thousand two hundred and forty pounds avoirdupois.                    |
| 8. Clerks of the Peace to procure duplicates.   | 17. Recovery of penalties.   |
| 9. Clerks of Markets and Town Clerks to keep sets of weights and measures, duly proved and stamped, as standards. | 18. Repeal of former Acts and parts of Acts.   |
|   | 19. Time when this Act shall come into operation.  |

Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, as follows:—

1. To secure uniformity in Weights and Measures, the following shall hereafter be the Weights and Measures to be used in this Province.
2. All articles sold by weight shall be sold by the English avoirdupois weight, with the following exceptions:—gold, silver, platina, diamonds and other precious stones, and drugs or compounds thereof when sold under a medical formula or prescription, which shall be sold by English troy weight.
3. The English lineal yard shall be the unit of length, and all lineal and superficial measures founded thereon shall be regulated thereby.

4. The measure for all liquids shall be the old English wine gallon of two hundred and thirty one cubic inches.
5. The measure of dry capacity shall be the measure formerly used in England and known as the Winchester bushel, containing two thousand one hundred and fifty cubic inches and forty two hundredths of a cubic inch.
6. A complete set of the foregoing weights and measures, with their necessary subdivisions, in suitable metals, shall be procured by His Excellency the Lieutenant Governor at the public expense, and be properly verified; thereafter they shall constitute the authorised public standards by which all weights and measures shall be tried, proved and stamped, as provided by this Act.
7. Such authorised public standard weights and measures so proved and verified, shall be deposited in the Office of the Provincial Secretary at Fredericton, and the Provincial Secretary shall cause duplicates thereof to be made sufficient for the use of each County in the Province.
8. The Clerk of the Peace for each County shall procure from the Provincial Secretary, at the expense of his County, a complete set of the duplicate weights and measures aforesaid, which shall be tried and proved by the standards by some competent person acting under the authority of His Excellency the Lieutenant Governor in Council, and shall be stamped with a stamp to be kept by the Provincial Secretary for that purpose.
9. The Clerks of the Market, and in places where no such officers are appointed the Town Clerk, shall keep a complete set of weights and measures, which after being duly proved, shall be marked or stamped by the Clerk of the Peace with the figure of a Crown and the letters N. B. and shall then be used as standards.
10. The Clerk of the Market or the Town Clerk may enter all stores, shops and places of business, and all ships or vessels within their respective districts, in the day time, and examine every weighing apparatus and all weights and measures therein.
11. Weights made of lead, pewter, or other soft metal, or on which the same appears externally, shall not be stamped or used.
12. All imperfect weights and measures, and every imperfect instrument or machine for weighing, shall be seized by the Clerk of the Market or Town Clerk as forfeited; and the person in whose possession the same may be found shall forfeit a sum not exceeding ten pounds; and any person refusing admittance to either of those officers, or obstructing them in making the examination hereby directed, shall forfeit a like penalty.
13. In the City of Saint John, the officer appointed for that purpose by the Common Council, shall have the like powers and authority with respect to weights and measures as are hereby given to Clerks of the Market and Town Clerks.

14. The use of the heaped Measure is hereby abolished, and all sales or contracts for sales by the heaped measure, made after this Act comes into operation, shall be null and void.

15. The standard bushel of Wheat, Indian Corn, Barley, Buckwheat, Rye, Oats, and all other grains; Potatoes, and all other edible roots, shall respectively be taken to be of the following weight in pounds avoirdupois:—

Of clean Wheat, or Indian Corn, sixty pounds;

Of clean Barley, or Buckwheat, fifty pounds;

Of clean Rye grain, Summer or Winter, fifty six pounds;

Of clean Oats, thirty six pounds;

Of clean Timothy Seed, forty pounds;

Of all other grains, fifty six pounds;

Of Potatoes and all other edible Roots, fifty six pounds.

16. Coals shall be sold by weight and not by measure, by the ton of two thousand two hundred and forty pounds avoirdupois, and its usual subdivisions.

17. Penalties imposed by this Act may be recovered by summary proceedings before any two Justices of the Peace, and when recovered shall be equally divided, one half to the party prosecuting for the same, and the other half to the Commissioners of the Poor for the County, or the Overseers of the Poor for the Parish where the offence was committed.

18. After this Act comes into operation, an Act made and passed in the twenty sixth year of the Reign of His late Majesty George the Third, intituled *An Act for regulating Weights and Measures*, and all other Acts and parts of Acts repugnant to this Act, shall be and the same are hereby repealed, save and except so far as relates to any contract now in existence.

19. This Act shall not come into operation until the first day of October in the year of our Lord one thousand eight hundred and fifty three; and all contracts or bargains for any work to be done, or any thing to be sold or delivered thereafter, by weight or measure, shall be deemed and taken to be made according to the weights and measures hereby declared and authorised, and by none other.